

REGULAR SESSION RUSH COUNTY BOARD OF COMMISSIONERS DECEMBER 10, 2018

The Rush County Board of Commissioners met in regular session Monday, December 10, 2018 with Commissioners Paul Wilkinson, Mark Bacon, and Bruce Levi, and Jodi Harr, Auditor in attendance and Leigh Morning, County Attorney.

Paul Wilkinson called the meeting to order at 9:00 a.m. with the Pledge to the flag.

Minutes of the November 26, 2018 regular meeting were reviewed. Mark Bacon made the motion to approve the minutes. Bruce Levi seconded. Motion carried.

CLAIMS

Auditor, Jodi Harr, presented the biweekly claims docket for December 10, 2018 in the amount of \$100,989.71. Mark Bacon made the motion to approve the claims as presented. Bruce Levi seconded. Motion carried.

Payroll ending December 14, 2018 in the amount of \$180,077.36 was presented. Bruce Levi made the motion to approve payroll. Mark Bacon seconded. Motion carried.

Requisition #22 for Jail Construction claims to be paid from the jail bond proceeds in the amount of \$1,395,311.76 were presented for approval. Mark Bacon made the motion to approve. Bruce Levi seconded. Motion carried.

The interest payment on the jail bonds is due December 31, 2018. The amount is \$240,721.88. Bruce Levi made the motion for First Financial to make the interest payment out of the jail bond account. Mark Bacon seconded. Motion carried.

NEW JAIL CONSTRUCTION

John Painter from CCI was present to answer any questions on the following three requested change orders:

1. Change Order 1600-006 Banta Electrical Contractors Inc. to relocate the chiller and the electrical transformer at the courthouse as per the revised detail 2 on sheet E 1.0 A in response to RFI088. This will result in a negative change in the amount of \$543.66. Mark Bacon made the motion to approve Change Order 1600-006. Bruce Levi seconded. Motion carried.
2. Change Order 1520-0002 Greiner Brothers Inc. to relocate the chiller and the electrical transformer at the Courthouse as per revised detail 2 sheet E 1.0 A in response to RFI 066. Include cost for additional chilled water piping and insulation. This will result in an additional charge of \$7,757.00. This change will give Vectren room to access their equipment in the same area as the chiller. This cost does not include the additional fencing needed to fence in the chiller. Bruce Levi made the motion to approve change order 1520-0002. Mark Bacon seconded. Motion carried.
3. Change Order 0280/0620-003 to J.C. Ripberger Construction Corp to add door 1007 into video visitation, revise the door height from 6'4" to 7'4". The new frame height will be

7'4". Delete \$50.00 from quote noted since freight cost included for original frame that was manufactured, but not shipped. This results in an additional charge of \$459.00. The door height change was because all of the other doors are 7'. This will make them all uniform. This is the door into the visitation space from the main lobby. The original size of this door was due to an error by the project architect. Bacon does not feel like the county should have to pay for an error by the architect. John Painter said it will be four to six weeks before they will be ready for this change. Bruce Levi made the motion to approve change order 0280/0620-003 with the request that County Attorney Leigh Morning contact project architect DLZ regarding who will pay the additional cost. Mark Bacon seconded. Motion carried.

Painter noted that the framing of the exterior walls will be starting today.

E911

County Attorney Leigh Morning presented an Interlocal Agreement between Rush County and City of Rushville for the County to pay \$102,726 for City E911 Dispatchers. The agreement has been approved by the City of Rushville Council. The Rush County Council did approve this expense in the E911 2019 Budget. The payment will be made ½ in July and ½ in December. Mark Bacon made the motion to approve the Interlocal Agreement. Bruce Levi seconded. Motion carried.

IVD CONTRACT

Rush County Clerk Angela Buckley presented two contracts from Malcon Malinowski Consulting. The contracts are for Malcon to do the monthly Title IVD consulting services and filing of reports with the State of Indiana. These contracts do not require the Title VI contract statements per County Attorney Leigh Morning.

The contract for the Clerk is \$750.00 per month and will be paid from the Clerk IVD fund. Bruce Levi made the motion to approve. Mark Bacon seconded. Motion carried.

The contract for the Prosecutor is \$750.00 per month and will be paid from the Clerk IVD fund. Mark Bacon made the motion to approve the contract. Bruce Levi seconded. Motion carried.

RECORDER

Rush County Recorder Kevin Spilman presented his annual contracts with his software vendor CCI. These contracts do not require the Title VI contract statements per County Attorney Morning. These contracts are paid for from the Recorder Perpetuation Fund. The five year lease has been removed from the invoice. Bruce Levi made the motion to approve the Microfilm Services Agreement, Maintenance Agreement and Disaster Recovery Services Agreement. Mark Bacon seconded. Motion carried.

CHERRY STREET EXTENSION

Rush County ECDC requested the Commissioners sign a letter of support of the Cherry Street Extension Project FAST ACT Transportation Grant Fund Application. The letter will be signed by the County Commissioner Chairman and County Highway Superintendent. The grant covers 200 N from Cherry Street extension to SR 3. Bruce Levi made the motion for the letter to be signed. Mark Bacon seconded. Motion carried.

HEALTH DEPARTMENT

Julia Apple was present to report that the Health Department Supervisor Nurse is on sick leave. The Health Department is requesting that she be allowed to work from home. HR Manager Tony Personett stated as long as she was working on non-confidential information he did not see a problem with it. Due to past incidences, the Commissioners turned to County Attorney Leigh Morning for her advice. She asked how the employees time was going to be tracked, who was going to monitor the work and does she have a letter from her doctor stating she can work from home. The Commissioners asked Apple who would do the work if they denied the request. Apple commented it would have to be absorbed by the staff who is available. Wilkinson asked that a plan be developed addressing these concerns before they act on this request.

EMA

EMA Director Chuck Kemker reported EMS providers had a meeting to discuss the format of the monthly reports.

He also reported that testing has started for the new radio testing. Auditor Jodi Harr reminded him that the expense for this project cannot be encumbered a second year.

ANNUAL BIDS

At 9:30 the Commissioners opened advertised annual bids.

- Sheriff 2019 Fuel Bids – There were no bids submitted.
- Highway 2019 Fuel Bids – One bid received from Harvest Land.
 - 87 E10 gas bid for \$2.01053 per gallon
 - B5% premium diesel bid for \$2.57704 per gallon add .02 for winter blend.
 - Fixed price at the pump
 - Bruce Levi made the motion to accept the bid from Harvest Land. Mark Bacon seconded. Motion carried.
- Community Crossing Grant Project to repave Henderson Road from US 52 to 400 N, 400 W from 400 N to 450 N, and 400 @ 500 N to 750 N.
 - E & B Paving \$631,625.82
 - Baumgartner & Co Asphalt Services \$712,008.00
 - Crim & Sons \$574,976.00 – no e-verify or affirmative statements included.
 - Dave OMara \$579,133.36
 - Upon the recommendation of Highway Superintendent Jerry Sitton, Bruce Levi made the motion to take all bids under advisement until the December 21, 2018

commissioner meeting. This will give them time to make sure all required documents are included in the bids. Mark Bacon seconded. Motion carried.

- 2019 Highway Material Bids
 - Crushed Gravel
 - CGS
 - Number 9's -\$12.35
 - Number 11's - \$12.35
 - Number 12's - \$11.00
 - Sand \$4.00
 - Shelby Materials
 - Sand \$3.25 picked up
 - Irving Materials
 - Number 9's - \$9.85
 - Number 11's - \$9.80
 - Number 12's - \$9.80
 - Sand \$5.40
 - Bruce Levi made the motion to accept all bids giving permission to use whichever supplier is in the geographical area of the project. Mark Bacon seconded. Motion carried.
 - Crushed Stone
 - Rush County Stone
 - Washed White 9's - limestone \$8.50
 - Washed White 11's - limestone \$10.50
 - Brown 11's - \$10.25
 - Derbyshire
 - Washed White 9's - \$11.35
 - Washed White 11's - \$12.65
 - St. Paul Stone
 - Washed White 9's - \$11.35
 - Washed White 11's - \$12.65
 - Brown 11's - \$7.95
 - Bruce Levi made the motion to accept all bids. Mark Bacon seconded. Motion carried.
 - Liquid Asphalt
 - Asphalt Materials
 - RS-2, AE-90 - \$1.79
 - AE-150, AE-200 - \$2.00
 - CM-90 - \$2.9779 - Job site delivery only
 - CM-150, CM-200 - \$2.9945 Job site delivery only
 - CM 300 - \$3.2445 Job site delivery only
 - Marathon

- RS-2, AE-90 - \$1.729
 - AE-150, AE-200 - \$1.829
 - Terry Industries
 - RS-2, AE-90 - \$1.97
 - AE-150 - \$2.17
- Mark Bacon made the motion to accept the bid from Asphalt Materials. Discussion was held regarding whether to accept one bid of the supplier who can supply all or accept multiple bids and use the less expensive bid for product available from them. Sitton stated that if you split up the bid, you will need another storage tank and wondered if Asphalt Materials would increase the cost of the CM products if they did not get the entire bid. Morning looked at the bid and noted the Asphalt Materials bid says all prices are firm. The motion died for a lack of a second.
- Mark Bacon made a new motion to take all of these bids under advisement until the December 21, 2018 Commissioner meeting. Bruce Levi seconded. Motion carried.
- 2000 Ton Hot Mix
 - Crim & Sons
 - #9 Surface - \$65.75
 - #9 Binder - \$65.75
 - Dave Omara
 - #9 Surface - \$94.00
 - #9 Binder - \$94.00
- Bruce Levi made the motion to accept the bid of Crim & Sons. Mark Bacon seconded. Motion carried.

EMPLOYEE WAGE SCALE

HR Director Tony Personett presented Ordinance 2018-5 An Ordinance Adopting a Wage Scale for Rush County, Indiana. This ordinance wage scale for positions classified as COMOT I, COMOT II, COMOT III and PAT. It is effective November 13, 2018 for new employees and January 1, 2020 for current employees. No employee will take a pay cut as a result of the wage scale. Their pay will be frozen until increases in the wage scale catch up to their salary. Levi asked what type of complaints Personett is receiving from employees. The biggest complaint he is hearing is that they are losing their current twenty six days off per year but employees comment they understand why. This ordinance does not affect highway laborers, sheriff deputies and correction officers. Personett has talked to most department heads. Some employees have come to him to ask questions. He has paperwork prepared to deliver to each employee and discuss one on one how these changes affect them and the benefits they receive. Wilkinson commented the county needs to move in this direction. Levi wants to make sure they have addressed all concerns. Bacon believes the Commissioners have

to look out for how we are spending tax payer dollars. Bacon made the motion to approve Ordinance 2018-5 adopting the wage scale. Levi seconded. Motion carried.

AT 10:30 LEVI MADE THE MOTION TO RECESS THE COMMISSIONER UNTIL AFTER THE DRAINAGE BOARD HEARING.

AT 11:45 COMMISSIONER WILKINSON RECONVENED THE REGULAR COMMISSIONER MEETING.

EMPLOYEE VACATION POLICY

Personett presented Ordinance 2018-4 An Ordinance Amending Ordinance 2009-7, An Ordinance Adopting The County of Rush, Indiana Personnel Policies Handbook. This ordinance will change the hours worked by Courthouse employees and will put all county employees on the same vacation policy. Sheriff employees currently get six weeks of vacation at their maximum. The new policy only gives them five weeks. Sheriff Cowan commented if you truly want to make all employees on the same policy then all employees should work forty hours a week. Wilkinson commented they want to make the policies as equal as possible; however, there are going to be differences. Each employee makes a choice as to whether they want to work these jobs. Different jobs will have different responsibilities. Sitton noted that his current employees will be grandfathered in to the current policy; however, he has a new employee that knows what current employees have but yet he is starting with a lessor vacation policy. He believes it will affect his ability to get quality employees in the future. Wilkinson stated the new policy is going to make some employees unhappy. Levi asked how is this effecting pay within the departments. Right now the wage scale at the highway and sheriff departments only affect the COMOT and PAT positions. Sheriff Cowan presented a proposed pay scale for the sheriff deputies at the 2019 budget hearings but it was denied by the County Council. Levi commended Personett for all of the hours he has spent on these policy changes.

Tom Monka asked how this is going to affect board members who are going to be required to be paid by payroll beginning January 1, 2019. This makes them part time employees. Wilkinson commented this is a separate issue and requested to finish addressing the topic at hand.

Mark Bacon made the motion to approve Ordinance 2018-4 as presented. Bruce Levi seconded. Motion carried.

HANDICAP PARKING

Personett and Sitton received a complaint regarding the handicap parking spaces around the courthouse. There is not a designated handicap van parking space. The parking spaces are not wide enough to accommodate a van. Sitton presented recommendations that were made from the ADA study that was done by ADA Consultants of Indiana, LLC. Regarding parking and exterior routes. Handicap Ramp signs should be posted at the bottom of each entrance steps not at the top of the steps. It also noted the slope is too high on the ramp. The county should have ADA improvements budgeted every year. We currently do not do this and we

should. Conversation was held on moving the handicap sidewalk to Main Street. The individual would park on E. First Street and proceed west on the sidewalk to Main Street, go North on Main Street and then continue East on the sidewalk from Main Street to the handicap entrance of the courthouse. It is believed that would eliminate the need for the ramp. Levi recommended that they continue to look at a solution for this but do go ahead and get the parking spaces painted including a van accessible space. Wilkinson noted it is expected to start the ADA courthouse updates in 2020.

2019 PUBLIC OFFICIAL BONDS

There was a question regarding of whether the county should be paying for the bond for the prosecutor investigator. Since the position is a contract, is the county liable to pay for the bond. Auditor Jodi Harr explained that this contract is being reviewed during 2019 to determine if this should remain as a contract or should the position be a county employee. After discussion Levi made the motion to approve the following officials bonds: Clerk Angela Buckley, Auditor Jodi Harr, Treasurer Cindra Humphrey, Coroner Ron Jarman, Surveyor Marvin Rees, Prosecutor Investigator Catherine Custer, Deputy Treasurer Melissa Fizer, Soil and Water Office Manager Joyce Durbin Miller, and Deputy Treasurer Susan Spaeth. Bacon seconded. Motion carried.

2019 APPOINTMENTS

- Alcoholic Beverage Board – Michael Daubenspeck wishes to maintain the appointment. Bruce Levi made the motion to reappoint Daubenspeck. Mark Bacon seconded. Motion carried.
- County Attorney – Leigh Morning wishes to maintain her appointment. Mark Bacon made the motion to reappoint Leigh Morning. Bruce Levi seconded. Motion carried.
- Veterans Service Officer – Bruce Levi made the motion to appoint Dannon Todd. Mark Bacon seconded. Motion carried.
- Hospital Board – John Byrne wishes to maintain his appointment. Mark Bacon made the motion to reappoint John Byrne. Bruce Levi seconded. Motion carried.
- Highway Superintendent – Jerry Sitton wishes to maintain his appointment. Bruce Levi made the motion to reappoint Jerry Sitton. Mark Bacon seconded. Motion carried.
- EMA Director – Chuck Kemker wishes to maintain his appointment. Mark Bacon made the motion to reappoint Chuck Kemker. Bruce Levi seconded. Motion carried. Bacon noted he appreciates all of the work Kemker does for Rush County.
- E911 Board – Ron Jarman wishes to maintain his appointment. Mark Bacon made the motion to reappoint Ron Jarman. Bruce Levi seconded. Motion carried.
- Public Defender Board – Jason Clemmons wishes to maintain his appointment. Mark Bacon made the motion to reappoint Jason Clemmons. Bruce Levi seconded. Motion carried.

- Board of Tax Review – Cathy Dean and Dale Gardner wish to maintain their appointments. Bruce Levi made the motion to reappoint Dean and Gardner. Mark Bacon seconded. Motion carried.

HIGHWAY

Highway Superintendent Jerry Sitton presented the November Highway Financial Report. He did do an investment with Local Road and Street funds because the interest is higher at Trust Indian then First Financial Bank.

Sitton presented a contract for the Community Crossing Grant. The State of Indiana will pay 75% of the contract up to \$582,585. Since the bids came in lower than expected, they should pay the full 75%. Bruce Levi made the motion to accept the contract. Mark Bacon seconded. Motion carried.

Levi asked the plaque on the Moscow Covered Bridge mention Kennedy as the original builder. Sitton responded that it does.

RANDY GLOVER

County Attorney Leigh Morning reported that she received an email from Randy Glover requesting that the county pay his attorney fees related to his wrongful arrest in the amount of \$800.00. The total amount that will be due him is \$1,200.00. She contacted his attorney to get a copy of the invoice. Levi commented the county is at fault so we should pay the expense. He made the motion to pay the \$1,200.00 once we receive the signed release and W-9 tax form from Mr. Glover. Mark Bacon seconded. Motion carried.

SHERIFF

Sheriff Jim Cowan reported there are currently sixty three inmates housed at the jail. There has been a couple of plumbing issues. QPH has been there to look at it.

Wilkinson stated he appreciates the power point presentations with the statistics of the sheriff and jail departments. Commissioner Bacon commented to newly elected Sheriff Allen Rice that he likes the format of the report and would like to see Rice continue them. Rice will get with Cowan regarding the format of the report.

Bacon asked Rice if he has his employees in place for January 1, 2019. Rice responded that the Chief Deputy Sheriff will be Terry Drake. Deputy Sliger would go to Lieutenant. Effective January 26, 2019 Chris Plough will replace Richard Gosser as the Jail Commander.

Sheriff Elect Rice informed the Commissioners that he would like to keep his current K9 responsibilities as Sheriff. He likes the opportunity to get to work her during the day. He stated it would be difficult to retrain her to a new handler. Bacon commented he is not aware of any other county sheriff that has K9 responsibilities. Rice would like to try this and if it does not work he will try something else.

Rice commented that he attended Sheriff School last week. It was very useful but he was given a great deal of information all at one time. It was a good experience to network with other county sheriffs. The information he received will be very useful.

The next regular meeting will be Friday, December 21, 2018.

Bruce Levi made the motion to adjourn. Mark Bacon seconded. Motion carried.

/Paul Wilkinson/
Paul Wilkinson Chairman

/Mark Bacon/
Mark Bacon

/Bruce Levi/
Bruce Levi

ATTEST:

/Jodi Harr/
Jodi Harr, Auditor