

STEBEN COUNTY BOARD OF COMMISSIONERS MEETING  
April 20, 2015

The Steuben County Commissioners met at 8:30 a.m. on Monday, April 20, 2015, in the Commissioners' Room of the Steuben Community Center. Present this day were Commissioners Ronald L. Smith, James Crowl and Lynne Liechty. Also present were Ruth Beer, County Council Vice President, Donald Stuckey, County Attorney and Kim Koomler, Steuben County Auditor.

James Crowl made a motion to approve the claims submitted for payment this day totaling \$164,814.51. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Lynne Liechty made a motion to approve the Commissioners' Meeting minutes from the meeting held April 6, 2015. James Crowl seconded that motion and the motion carried with three (3) ayes.

The Commissioners signed the minutes from the March 16, 2015, Commissioners' Meeting, which were approved at the previous meeting.

Al Knisely, Courthouse Maintenance came to the Commissioners with Proposals from Koorsen Fire & Safety for Fire Extinguisher Cabinets for the Courthouse and the Annex. James Crowl stated that he believes there are some Fire Extinguishers that are in need of cabinets at the Highway Barn and directed Mr. Knisely to contact Koorsen for a proposal on those as well. James Crowl made a motion to approve the proposals from Koorsen, in the amount of \$1,870.00 to be paid from Cum. Cap. 1138-000-4000.15. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Rick Meyers, Annex Maintenance, came to the Commissioners with two (2) proposals to remove and replace the heaters in the Ambulance Bays. Lynne Liechty made a motion to accept the proposal from Armstrong's Heating and Air Conditioning, in the amount of \$5,700.00, to be paid from Cum. Cap. 1138-000-4000.15. James Crowl seconded that motion and the motion carried with three (3) ayes.

Jessica Christen, Steuben County Literacy Coalition, submitted a request to use the Multi-Purpose Room on April 30, 2015, from 12:00 p.m. to 4:00 p.m. for a Job & Career Fair. James Crowl made a motion to allow the Literacy Coalition to use the Multi-Purpose Room on April 30, 2015, free of charge. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Eric Ditmars, County Park Superintendent, submitted a Memorandum of Agreement for trash removal and mowing at the Clear Lake County Park for approval. The Memorandum of Agreement included a \$65.00 charge for each time the Clear Lake Park is mowed and a \$115.00 per month for trash and debris removal for May through September. Lynne Liechty made a motion to approve that request, James Crowl seconded that motion and the motion carried with three (3) ayes.

Kim Koomler, Auditor, submitted an Ordinance #865, an Ordinance Amending the County of Steuben, Indiana Personnel Policies Handbook. The revised pages are 17-18 and pertain to Overtime, Compensatory Time, Emergency Closing, Sick Leave and Personal Leave. Lynne Liechty made a motion to approve Ordinance 865. James Crowl seconded that motion and the motion carried with three (3) ayes.

**ORDINANCE NO. 865**

**STEBEN COUNTY BOARD OF COMMISSIONERS**

**AN ORDINANCE AMENDING THE COUNTY OF STEUBEN, INDIANA  
PERSONNEL POLICIES HANDBOOK**

WHEREAS the County of Steuben, Indiana is an Equal Opportunity Employer, and

WHEREAS it is the intent of Steuben County, Indiana to comply with applicable Federal and State of Indiana employment laws and regulations,

WHEREAS the County of Steuben, Indiana provides Steuben County employees with information and established terms and conditions of employment and employee benefits, and

WHEREAS it is necessary to amend the County Personnel Policy from time-to-time.

**NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED BY THE COUNTY OF STEUBEN, INDIANA BOARD OF COMMISSIONERS THAT:**

The County of Steuben, Indiana Personnel Policies Handbook adopted on April 9, 2013 is amended this 20<sup>th</sup> day of April, 2015 as specified below. The attached policy sections of the personnel policy statements (noted by **gray highlight**) are hereby removed from the personnel policy. Additionally, the amended and new policy statements (noted by **yellow highlight**) are hereby adopted and shall be in full force and effect on and after adoption; and shall supersede existing oral or written personnel policies and procedures.

**REVISED Page 2**

**1.4 PERSONNEL ADVISORY COMMITTEE**

The Steuben County Personnel Advisory Committee is established to oversee maintenance of the job classification

system and to monitor and review personnel policies. The committee serves in an advisory capacity and makes recommendations concerning matters such as:

1. Reviewing employee complaints in connection with the problem resolution procedure in the Steuben County Personnel Policies Handbook and providing advisory recommendations as warranted.
2. Monitoring personnel policies and procedures and making recommendations for revisions, modifications, additions, and deletions as deemed necessary.
3. The Personnel Advisory Committee shall review all standard operating procedures adopted by any department.

The committee shall have five (5) voting members as follows:

1. County Auditor - Payroll Administrator
2. Highway Department Head, Appointed by the County Commissioners for the purpose of serving on the personnel advisory committee.
3. County Council Person
4. County Commissioner
5. Department Head/Employee with (76) Hour Work Schedule Appointed by the County Commissioners.

### REVISED Pages 17-18

#### **3.4 OVERTIME COMPENSATION AND COMPENSATORY TIME**

Each County employee holds a position that is designated as either NON-EXEMPT, EXEMPT, or EXCLUDED from Federal and State wage and hour laws.

Employees holding NON-EXEMPT positions, whether hourly or salaried, are entitled to overtime pay or compensatory time off under the specific provisions of Federal and State laws. For purposes of calculation of overtime, sick leave, compensatory time, personal days, bereavement and vacation time shall not be calculated as time worked; holidays shall count as hours worked for purposes of calculating overtime.

*Exception: Employees working seventy-six (76) hours in a two (2) week period who shall count vacation time as hours worked.*

In the event of an emergency when an employee is required to return to work, the employee shall be eligible for compensatory time for each hour of work.

Calculating compensatory time is based on actual hours worked, except that paid holidays and vacation shall count as hours worked. Paid sick leave, personal time, bereavement leave and paid compensatory time off shall not count as hours worked.

Employees holding EXEMPT positions are excluded from specific provisions of federal and state wage and hour laws and are not entitled to overtime compensation or compensatory time off.

Employees holding EXEMPT positions are excluded from specific provisions of Federal and State wage and hour laws, and are not entitled to Fair Labor Standards Act (FLSA) overtime compensation or compensatory time off under specific provisions of Federal and State laws. Exempt employees must maintain time keeping records to satisfy Indiana statutes governing public employers. To be considered exempt, a position must comply with federal regulations and laws regarding exempt status.

EXCLUDED employees are specifically excluded from coverage under Federal and state wage and hour laws (e.g. elected officials).

Non-Exempt employees who are legally eligible for overtime, and actually perform work over forty (40) hours during a workweek, are eligible for overtime.

Overtime shall be worked, when in the opinion of Steuben County, it is necessary. Steuben County reserves the right to withhold overtime work from employees who are absent from work during their regularly scheduled workweek of period.

All changes in payroll salaries, hourly wage rates, withholdings and deductions, shall be forwarded to the Auditor's Office no later than fourteen (14) days prior to any such changes and must be in accordance with County Council requirement.

A list of Steuben County position titles and Fair Labor Standards Act (FLSA) Non-Exempt, Exempt, or Excluded status is adopted by reference and attached to the personnel policies handbook.

##### **3.4.1 Overtime**

In the event that an elected official/department head requires a non-exempt employee to work overtime, such employee shall be granted overtime compensation in the form of monetary reimbursement at the rate of one and

one-half (1 1/2) times the amount of hours worked in excess of forty (40) hours in a workweek. Overtime monetary reimbursement or compensatory time is based on actual hours worked.

Calculating overtime pay is based on actual hours worked, except that paid holidays and vacation shall count as hours worked. Paid sick leave, personal time, bereavement leave and paid compensatory time off shall not count as hours worked.

All overtime must be approved by the supervisor and recorded on the payroll schedule. Meal periods do not count toward overtime compensation and compensatory time.

### **3.4.2 Compensatory Time**

In lieu of overtime, an employee, subject to the limitations in the Fair Labor Standards Act (FLSA), may receive FLSA compensatory time at the rate of one and one-half (1 1/2) times the amount of hours worked in excess of forty (40) hours in a workweek. Overtime compensatory time is based on actual hours worked.

It is the policy of the County that non-exempt employees are eligible for compensatory time in lieu of overtime monetary payment.

#### **A. Non-FLSA Compensatory Time:**

Non-exempt employees will receive Non-FLSA compensatory time on an hour-for-hour basis for additional approved hours worked up to forty (40) in a normal work week.

#### **B. FLSA Compensatory Time:**

FLSA compensatory time is used in place of monetary reimbursement. Non-exempt employees will receive FLSA compensatory time at the rate of one and one half (1 1/2) hours for all time worked over forty (40) in a normal work week.

Calculating overtime compensatory time is based on actual hours worked, except that paid holidays and vacation shall count as hours worked. Paid sick leave, personal time, bereavement leave and paid compensatory time off shall not count as hours worked.

Use of compensatory time must be determined in advance of submission of the payroll.

**REVISED Page 23:**

### **3.17 EMERGENCY CLOSING**

In the event of an emergency when an employee is required to return to work, the employee shall be eligible for compensatory time for each hour of work.

**REVISED Page 25:**

Paid time off for vacations will not be counted as hours worked for the purposes of calculating overtime.

*Exception: Employees working seventy-six (76) hours in a two (2) week period who shall count vacation time as hours worked.*

### **4.5 SICK LEAVE**

Paid sick leave can be used in minimum increments of one half (1/2) day, except when used for intermittent FMLA when the minimum increment may be one (1) hour.

**REVISED PAGE 51:**

### **4.15 PERSONAL LEAVE**

Personal leave can be used in minimum increments of one half (1/2) day, except when used for intermittent FMLA when the minimum increment may be one (1) hour.

BOARD OF COMMISSIONERS  
STEUBEN COUNTY, INDIANA

Ronald Smith  
James Crowl  
Lynne Liechty

Attest: Kim Koomler, Auditor

Donna Thrasher, MSD, submitted a request to use the Community Center Parking Lot on May 2, 2015, for Valet Parking for Prom. James Crowl made a motion to allow the MSD to use the Community Center Parking Lot on May 2, 2015. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

A Steuben County Employee submitted a letter regarding insurance not covering bone density tests. The Commissioners requested that more investigation be done on this issue and be brought back at the next meeting.

Jeff Bassett, Business Impressions, submitted two lease agreements for Community Corrections. One was for a printer in the amount of \$118.87 and the other was for a Xerox Workcentre in the amount of \$59.17. James

Crowl made a motion to approve the equipment leases. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Chris Emerick, Steuben County Sheriff's Department, submitted a request to use the old YIP House for a mock crime scene on April 23, 2015. James Crowl stated that Probation and Community Corrections currently use the old YIP House for training and/or classes. The Commissioners directed Chris Emerick to check with Probation and Community Corrections to verify that there are no other activities scheduled for that day.

Breann Fink, Steuben County Literacy Coalition, submitted a request to use the Steuben County Community Center Auditorium the weeks of July 27, 2015 and August 3, 2015, from approximately 8:00 a.m. – 12:00 p.m., for a Drama Camp. Ms. Fink stated that there will be approximately 20-50 children per week, with proper supervision. She also stated that since the camp ends at lunch time, there will be no food in the auditorium. Lynne Liechty made a motion to allow the Literacy Coalition to use the Steuben County Community Center, free of charge, during the weeks of July 27 and August 3, 2015. James Crowl seconded that motion and the motion carried with three (3) ayes.

Ronald Smith addressed the email communication he received from Michael Marturello concerning the open door law and emails. Ronald Smith stated that everyone should be aware that all communication as a public official is examinable by the public, etc. Mr. Marturello stated that is the way that he was interpreting it as well. Ronald Smith said that at the Indiana Association of County Commissioners two (2) years ago, there was a seminar on this issue, and the association wanted them all to know that the emails are subject to review.

Colleen Holman, Farmer's Market, came to the Commissioners to inform them that the Farmer's Market and the Carnegie Public Library are joining together to make cookbooks to celebrate the library's 100 year anniversary. Ms. Holman requested that a sign be posted in the Steuben County Community Center for approximately 2-3 months, informing the public of the anniversary and that cookbooks are available at a cost of \$10.00 per book. Ms. Holman said that the recipes came from vendors of the Farmer's Market and the ladies of the Carnegie Public Library. She will have the books at her Farmer's Market stand, a couple other vendors may have them and they will also be for sale at the library. James Crowl made a motion to have Ms. Holman work with Gary Fair, Building Manager, to find a place for the sign. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Colleen Holman reported that they will not be able to accept SNAP at the Farmer's Market this year. She stated that the State funded her for two (2) years so they could have a POS device, an iPhone and iPhone app. Ms. Holman said that the Farmer's Market does not have the money to purchase all of that. She said that the total cost for all of those items was close to \$1,000.00. Ms. Holman stated that last year at the end of the season they took approximately \$1,500.00 worth of SNAP at the Farmer's Market.

Dr. Wilson, MSD, came to the Commissioners to discuss the ownership of the MSD Tower. Dr. Wilson stated that currently MSD pays \$2,950.00 rent per month. He stated that he's aware that the repairs to the MSD Tower are probably costing the County more than the rental income that is received and that the rooftop HVAC units need replaced, the parking lot needs resurfaced, the lobby entrance roof is leaking and there are also windows that are leaking.

James Crowl stated that he would be receptive to selling the MSD Tower back to MSD only if County Council is okay with it and Lynne Liechty agreed with that as well.

Dr. Wilson said that the MSD Board is open to the idea and they are also open to paying 50% of the replacement of the HVAC system, if they are to obtain title to the MSD Tower.

Ronald Smith requested that Dr. Wilson take the purchase request, along with the 50% contribution to the HVAC replacement, to County Council.

James Crowl made a motion to enable Gary Fair to begin the process of replacing the MSD HVAC system and the agreement terms will then be negotiated with MSD afterwards. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Jennifer Sharkey, County Engineer, introduced Cory Staley from BF&S, the construction inspector on the Bike Trail project. Mr. Staley stated that Frontier is out of the way and all the lines have been lowered, but there are a few splices that are being finished this week. He stated that the contractor is planning on coming in on May 1 and mid-may construction should be in full swing. Jennifer Sharkey stated that she will be getting information out to the public regarding the new HAWK signal since it will be a new type of crossing device for this area.

Ms. Sharkey stated that they had the pre-construction meeting last Friday for the 200 N/200 W signal project. Currently, the start date is scheduled for June 1 with a completion date of mid to late August.

Jennifer Sharkey stated that she had a meeting with INDOT on Maple Street last week regarding the Lurecraft driveway. She stated that there are some complications with trying to get semi-truck traffic to that facility as it is set up right now. Ms. Sharkey reported that with the line of sight right of way there will be a fence that is required by INDOT and the turning movements of the semi-trucks would not make it into the dock. Ms. Sharkey said that she is slightly concerned as that limits the use of the facility as-is and modifications would have to be made to her building to relocate the docking areas. Ms. Sharkey stated that she came up with some alternatives and INDOT was not receptive.

Ms. Sharkey updated the Commissioners on the Lake James bridge lighting. She said that the lithium battery has a life span of 10 years and the warranty is 5 years; however, replacement for one battery is almost \$2,000.00.

Jennifer Sharkey said that all the road striping from last year has been completed.

Ms. Sharkey advised the Commissioners that the current insurance on employee's tools has a coverage of \$5,000.00, but with the two (2) mechanics at the Highway Department their tools are worth much more than that. She stated that the insurance company told her to increase the coverage to \$100,000.00, it would cost an additional \$750.00 a year. Ms. Sharkey stated that the tools would only be covered at the Highway barn, not at the employee's residence. James Crowl made a motion to increase the employee tool coverage to \$100,000.00. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Jennifer Sharkey gave the Commissioners a hand out on upcoming road work for this summer. Ms. Sharkey stated that they would like to do the crack sealing in house so money could be saved; however, the equipment would have to be rented. Emmett Heller stated that the Highway Department can do it close to 20% less than what the subcontractor can do it for. Mr. Heller also stated that he would like to hire two (2) part-time workers for the summer road work.

Emmett Heller stated that any road that is going to be worked on will get birmed. Mr. Heller reported that he's getting ready to start birming the gravel roads on the north side of the county. He also said that LaGrange County uses a piece of equipment called a retriever for their birming, it rolls in the birm and seems to work really well. Emmett Heller stated that he's doing more research on that equipment.

Jennifer Sharkey went through the list of roads that the Highway Department plans to repair and the type of treatment they plan on using for each road.

Ms. Sharkey stated that currently there are \$743,220.00 appropriated for road work this year. The cost of the roads that need attention with the different applications is about \$1.65 million. Ms. Sharkey stated that leaves a shortfall of about \$910,000.00 for the needed road work. She stated that she wants to discuss additional funding that is necessary to get the scheduled work completed. Ms. Sharkey said that if they were able to complete all the roads on the list, the County would be able to recover 68% of the roadway network this summer.

Jennifer Sharkey said for the pug mix the Highway Department is able to make it at \$33.00 a ton versus buying it from a local asphalt plant for \$45.00 a ton. She stated the same goes for the cold patch, the Highway Department can make it for \$50.00 a ton versus buying it at \$68.50 a ton. Ms. Sharkey said the hot mix asphalt and the paver milling machines are contracted out.

Jennifer Sharkey acknowledged that she does not believe that Council is moving forward with the LOHUT so she is asking the Commissioners for consideration of additional monies from Major Moves for roadway work. Ms. Sharkey stated that she's asking for the Commissioners to consider the additional appropriation of \$910,000.00 from Major Moves for roadwork and for the opportunity to hire part time laborers in the amount of \$12,175.00 from the MVH fund.

James Crowl asked if this was approved, could all of the anticipated work be done this year. Ms. Sharkey stated that they have been working to get everything lined up, the pug mix is being made next week, crews are prepared to do birming in the near future and the materials have been ordered or vendors contacted regarding the materials that are needed. Ms. Sharkey stated that she understands that it is an aggressive schedule but the department has been preparing and some patching has been done already.

Emmett Heller stated that due to manure trucks traveling CR 550 E, the road is being torn up and the Highway Department is receiving calls of bad spots in the road. The Department has been out patching the spots; however, they continue to use that road and it gets torn up again. James Crowl stated that between Ohio and Indiana's Department of Natural Resources, Environmental Sciences, something needs to be done. Both states have turned a blind eye and are at blame for this. Emmett Heller stated that there were also concerns about 1000 East. Mr. Heller stated that has gotten better and the residents have called and thanked them. James Crowl stated that the manure is still sitting there in piles and the runoff is going into the streams.

Lynne Liechty made a motion to approve the additional \$910,000.00 from Major Moves, contingent upon paying as the project unfolds incase all the scheduled work isn't completed. Kim Koomler, Auditor, stated that they would have to look into the possibility of doing it that way. She also stated that typically things can't be rolled forward without a new appropriation. Kim Koomler suggested doing the project in phases if there's a way to plan which parts would be done within the next three (3) to four (4) months, then the next phase could be scheduled and then hold the remainder until 2016 because money cannot be encumbered without having a written contract in place. Since it is internal work, it does not qualify for an encumbrance at the end of the year.

James Crowl made a motion to give the Highway Department the right to hire the two (2) new part-time employees for summer help and that the decision regarding the allocation of money be made at the next meeting on May 4. Kim Koomler stated that she needs to advertise before then and she needs to have a number now as Wednesday is the deadline. Ronald Smith stated that he suggests \$700,000.00 from Major Moves.

James Crowl clarified his motion, to give the Highway Department the right to hire the (2) new part-time employees for summer help, approve a request for an additional to council for \$700,000.00 from Major Moves and when more funds are needed, they can come back and ask for more. Lynne Liechty seconded that motion. Kim

Koomler stated that an additional appropriation would need to be requested in MVH. The motion carried with three (3) ayes.

Donald Stuckey, County Attorney, asked Jennifer Sharkey what her input was on the SR 127 lights. Ms. Sharkey stated that she would not recommend removing them as that would be an additional cost to remove them. She said that if the Commissioners wish to not have those lights serviced, that service can be terminated. Ms. Sharkey stated that she recommends keeping the lights operable for the night time vision, but only if there is funding for the maintenance. James Crowl stated that he wants an estimated cost on the maintenance. Ms. Sharkey said she thought there was an estimate from INDOT in the amount of \$7.00 a month for each light and there was another cost per month as well. Ms. Sharkey stated that the County does not have a bucket truck tall enough to change the lights. Ms. Sharkey said that she believes there are ten (10) lights. Mike Marturello, Herald Republican, stated that there are actually nine (9) lights.

Ronald Smith stated that if the County starts to light areas, others will want lights as well. James Crowl stated that he's had people contact him regarding the bridge at Lake James and they are wondering why their area can't be lit as well. Donald Stuckey stated that he assumed the State would remove those lights at their own cost. James Crowl requested more research be done on that to find out for sure.

Brett Hays, Community Corrections and Lee David, CAVA, came to the Commissioners to request approval to apply for the TANF Grant. Mr. Hays stated that this grant is from the State for poverty stricken families. He stated that it's an opportunity for Steuben and LaGrange Counties. It would entail CAVA, through their Family Ties Program, to provide services to those individuals and Community Corrections would be there to help if needed.

Lee David, CAVA Director, stated that the Safe Havens Grant is now gone and they are funneling the money through this grant because it would cover the cost. She stated that participants would have to be 250% below the poverty line to meet the TANF Grant requirements. Ms. David went through the different services, along with the supervised visitation and safe exchange in both Steuben and LaGrange County. She stated that CAVA would offer employment preparation including resume building, appropriate attire and skills assessment. Ms. David stated that the whole purpose of the TANF Grant is to get people off of TANF. She stated that Family Ties will offer group therapy, family therapy, individual therapy, addictions recovery, relapse prevention and safe exchange.

Lynne Liechty made a motion to give Brett Hays and Lee David permission to move forward with obtaining the TANF Grant. James Crowl seconded that motion and the motion carried with three (3) ayes.

Brett Hays also came to the Commissioners with two (2) quotes for pest removal at Community Corrections. James Crowl made a motion to accept the quote from Terminix in the amount of \$297.00, with a monthly service charge of \$98.00. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Brett Hays also requested permission to purchase a filing cabinet from Staples in the amount of \$842.95. Lynne Liechty made a motion to allow Mr. Hayes to purchase the filing cabinet from Staples in the amount of \$842.95. James Crowl seconded that motion and the motion carried with three (3) ayes.

The Commissioners received the following correspondence: Maria Davis re: Public Concerts; AIC re: AIC Newsletter; IACC re: Legislative update week 15; NACo re: Washington Watch; Schneider Corp re: Beacon's New Design; API re: America's LNG Opportunity.

STEBEN COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Ronald L. Smith, President, South District

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James A. Crowl, Vice President, Middle District

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Lynne A. Liechty, North District

Attest: \_\_\_\_\_  
Kim Koomler, Steuben County Auditor

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