

Steuben County Council  
May 12, 2015  
Minutes

The Steuben County Council met in special session on Tuesday, May 12, 2015 at 9:00 AM. The meeting was held at the Steuben Community Center Building, 317 S Wayne Street, Suite 2H, Angola, Indiana. Present were, Richard Shipe, Jim Getz, Dan Caruso, Wil Howard, Ken Shelton, Linda Hansen and Ruth Beer. Auditor Kim Koomler and Deputy Auditor, Hickey were also present.

President Richard Shipe called the meeting to order.

Brett Hays, Community Corrections Director came before the county council to request approval to add a new full-time position to the county health insurance liability exposure. Hays stated that he has budgeted for the position of administrative assistant in his 2015/2016 Community Corrections Budget. Hays explained the reason he needs another person is to help cover the phones and the front desk. At this time, Community Corrections/Work Release only has one administrative assistant and when that person is off work, there is no one to cover the phones and front window except for the confinement officers which takes them away from their regular duties. Hays stated that the work release population is steadily increasing as well. Hays said his project income budget will be able to support the position and will pay for all related expenses. The position is being paid for from a State funded budget therefore the county will not have any expense other than possible exposure to our insurance. Linda Hansen made a motion to allow for the position to be added. Jim Getz seconded and the motion carried with seven (7) ayes.

Kayleen Hart came before the county council to introduce Janelle Meyer, the new Conservation Resource Officer for the Soil & Water Conservation District.

Richard Shipe read by title Ordinance No. 866, An Ordinance Amending the County of Steuben, Indiana Personnel Policies Handbook.

**ORDINANCE NO. 866**

**STEUBEN COUNTY COUNCIL**

**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 COUNCIL OF STEUBEN COUNTY, INDIANA THAT:**

The County of Steuben, Indiana Personnel Policies Handbook adopted on April 9, 2013 is amended this 12<sup>th</sup> day of May, 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 ½) times the amount of hours worked in excess of forty (40) hours in a workweek. Overtime compensatory time is based on actual hours worked.

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-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. 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 ½) 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.

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### **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.*

## **REVISED PAGE 45:**

## **4.5 SICK LEAVE**

Paid sick leave can be used in minimum increments of one half ( $\frac{1}{2}$ ) day.

**Steuben County Council  
STEUBEN COUNTY, INDIANA**

Richard Shipe  
Jim Getz  
Wil Howard  
Linda Hansen

Ruth Beer  
Dan Caruso  
Ken Shelton  
Attest: Kim Koomler, Auditor

Dan Caruso moved to approve Ordinance No. 866, Linda Hansen seconded and the motion carried with seven (7) ayes.

May 12, 2015 Yes Votes: 7 No Votes: 0  
Attest: \_\_\_\_\_  
Kim Koomler, County Auditor

Dan Caruso moved to approve the Auditor/Treasurer monthly comparison report dated April 30, 2015. Wil Howard seconded and the motion carried with seven (7) ayes.

Ruth Beer made the motion to approve April Council Meeting Minutes, Jim Getz seconded. The minutes were approved with a vote of six (6) ayes and one (1) abstained (Dan Caruso).

David Koenig, Steuben County Economic Development Corporation, was present update council on the status of the land purchase for the Enterprise Center. Koenig brought 16 Letters of Support for the Enterprise Center Project, from local businesses and governmental entities and elected officials and Trine University, Ivy Tech and not for profit organizations. In as a direct result of the Enterprise Center Project, Koenig informed council that he had recently completed application to a national competition for The America's Best Communities Contest which is sponsored by Frontier, DISH, The Weather Channel and Pro Bank. The City of Angola and the Town of Fremont have been identified as quarter finalists and we are in the running for one of three grand prizes. Koenig stated that the enterprise center project was the focus of the application. We went from being one of 350 communities to 50 communities in the running. The winners won't be announced until 2017 but it is worth fighting for. The EDC has also submitted application to the State of Indiana for grant funds of approximately \$50,000.00 and if awarded the money will be used in concert with the commitment by the City of Angola and the tourism bureau and the county. This will be the first step to make the facility

appealing and construct usable space within the buildings. EDC and partners are also planning fund raising activities that will be ongoing over the next 6 to 12 months. Total project costs would be in the range of 1.4 to 1.6 million dollars. The reason I am here today is to request \$100,000.00 from the Steuben County Major Moves Fund to combine with the grant funds to purchase the building. Pending applications have also been submitted to the Cole foundation, NIPSCO Foundation, DECO Foundation, Steuben County Community Foundation, USDA Rural Development Foundation and a community wide fund raising campaign is in the works. Once we have control of the property we will be able to assure potential supporters that this is a real project and we are moving forward with our plans. Richard Shipe advised council that the commissioners have approved the request for \$100,000.00 of Major Moves Funds. Dan Caruso moved to approve. Jim Getz seconded. The motion passed with seven (7) ayes.

Kevin Diehl and Karen Brenneman, Miller Poultry submitted Form CF-1/PP compliance with statement of benefits personal property for Pine Manor, Inc. Dan Caruso moved to approve the compliance statement authorizing President Shipe sign the document, Wil Howard seconded and the motion carried with seven (7) ayes.

David Koenig, SC Economic Development Commission presented an application for a 10-year tax abatement for Pine Manor/Miller Poultry, Inc. Kevin Diehl and Karen Brenneman were present to request approval of Form SB-1 Real & Personal Property Abatement and answer questions regarding the application and the Miller Poultry expansion project. The expansion includes \$9,000,000 in building improvements and \$4,150,000 in personal property manufacturing equipment. Mr. Koenig asked for county council to consider approval of the tax abatement. Ruth Beer moved to approve the SB-1/Real Property and Personal Property Tax Abatement for Pine Manor, Inc. (dba Miller Poultry) authorizing President Shipe to sign the documents. Jim Getz seconded and the motion carried with seven (7) ayes.

Linda Hansen made a motion to approve Resolution No. 05-2015-03 approving the deduction from assessed valuation for Pine Manor, Inc. (dba Miller Poultry) authorizing President Richard Shipe to sign the document. Wil Howard seconded and the motion carried with seven (7) ayes.

#### **RESOLUTION NO. 05-2015-03**

#### **A RESOLUTION BY THE STEUBEN COUNTY COUNCIL APPROVING THE DEDUCTION FROM ASSESSED VALUATION FOR A TAXPAYER LOCATED WITHIN AN ECONOMIC REVITALIZATION AREA UNDER INDIANA CODE 6-1.1-12.1-2.5**

**WHEREAS**, the Steuben County Council desires to stimulate investment and job growth within its jurisdiction through prudent and proper use of Indiana Code 6-1.1-12.1, including granting deductions from assessed value for taxpayers whose investment results in the retention and/or creation of employment opportunities in Steuben County; and

**WHEREAS**, the Steuben County Council has received an application for phased-in liability of new property taxes resulting from a taxpayer located within an Economic Revitalization Area (Pine Manor, Inc. (dba: Miller Poultry)) including an estimate of investment in new or improved real property and new tangible business personal property; and

**WHEREAS**, the Steuben County Council has received an estimate of the benefits to result from those investments from the taxpayer (Pine Manor, Inc. (dba: Miller Poultry)), including but limited to the retention of employment opportunities and creation of new employment opportunities within Steuben County; and

**WHEREAS**, the Steuben County Council finds that the proposed investment and jobs are:

- 1) The number of jobs projected to be retained and/or created are reasonable;
- 2) The estimated salaries of jobs to be created and/or retained are reasonable;
- 3) The overall project will increase the tax base and assist in the rehabilitation of the ERA; and
- 4) The totality of the benefits is sufficient to justify the deduction.

**NOW THEREFORE BE IT RESOLVED** by the Steuben County Council that the taxpayer (Pine Manor, Inc. (dba: Miller Poultry)) is approved for a deduction from assessed value as described below:

- New or improved real property estimated at \$9,000,000 for a ten year schedule (100%, 95%, 80%, 65%, 50%, 40%, 30%, 20%, 10%, and 5%)
- New tangible business personal property estimated at \$4,150,000 for a ten year schedule (100%, 90%, 80%, 70%, 60%, 50%, 40%, 30%, 20%, and 10%)

**BE IT FURTHER RESOLVED** by the Steuben County Council that the deduction from assessed valuation approved herein is subject to the taxpayer (Pine Manor, Inc. (dba: Miller Poultry)) submitting annual compliance forms for the Council review and approval.

**BE IT RESOVED THIS 12<sup>TH</sup> DAY OF MAY, 2015.**

**Approved: President, Richard Shipe**

**Attest by: Kim Koomler, Steuben County Auditor**

Jeremy Musser, Prosecuting Attorney/Child Support submitted a request for an additional appropriation of \$3,500.00. Musser's request gave council the option to appropriate to his Co General Title IVD Fund or Prosecutor's IVD Incentive Aft Oct 99 Fund. Linda Hansen made a motion to approve the additional fund in the Prosecutor's IVD Incentive Fund #8897. Jim Getz seconded and the motion carried with seven (7) ayes.

Appropriate: \$3,500.00 to: Prosecutor's IVD Incentive Fund 8897-000-1000.41 Pt Time Help

Ronald Smith, Commissioners submitted a request to appropriate funds received from the sale of the mobile home that the Sheriff was using as his task force command center vehicle. The Sheriff sold the mobile home at on-line auction. At a previous county commissioner meeting the sheriff requested that he take possession of the EMS Ambulance that Vicki Meeks is de-commissioning. Meeks had originally planned to trade the old ambulance this year. Instead, the commissioner's approved the Sheriff to take possession of the old ambulance and the amount he received from the sale of the mobile home will be placed in their budget in order to apply to the new one. This request is for bookkeeping purposes. Ruth Beer made a motion to approve the additional appropriation. Ken Shelton seconded and the motion carried with seven (7) ayes. Appropriate \$5,500.00 to: 1000-068-4000.12 Vehicles

Emmett Heller, Highway Superintendent & Jennifer Sharkey Engineer were present to request the following additional appropriations. Linda Hansen moved to approve \$18,175.00 in additional funds to the Highway MVH Budget. Ken Shelton seconded and the motion carried with seven (7) ayes.

\$ 6,000.00	to:	1176-533-1000.15 Mechanic
\$12,175.00	to:	1176-531-1000.00 Highway Temporary Help(new)

Dan Caruso moved to approve \$700,000.00 in Major Move's funds to repair roads. Ruth Beer seconded and the motion carried with seven (7) ayes.

\$700,000.00	to:	1172-000-3000.01 Rd Repair/Const/Equip
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Emmett Heller, Highway Superintendent & Jennifer Sharkey Highway Engineer submitted the following transfer requests within the Highway MVH Budget. Jim Getz moved to approve the transfers, Ruth Beer seconded and the motion carries with seven (7) ayes.

\$1,000.00	from:	1176-531-1000.11 Equipment Operator
	to:	1176-533-1000.15 Mechanics
\$2,000.00	from:	1176-531-1000.12 Laborers
	to:	1176-533-1000.15 Mechanics
\$20,000.00	from:	1176-531-1000.11 Equipment Operator
	to:	1176-531-1000.13 Truck Drivers

Gary LeTourneau, Communications - Statewide 911submitted a transfer request of \$25,582.00 within the Statewide 911 Budget. Linda Hansen moved to approve the transfers. Ken Shelton seconded and the motion carried with seven (7) ayes.

\$ 5,582.00	from:	1222-000-1000.40 Overtime
\$20,000.00	from:	1222-000-1000.22 Group Insurance
	to:	1222-000-1000.41 Extra Help

Hugh Taylor, Public Defender, submitted the following transfer request. Jim Getz made the motion to approve the transfer. Wil Howard seconded and the motion carried with seven (7) ayes.

\$ 500.00	from:	1000-271-1000.30 Investigator
	to:	1000-271-3000.13 Postage

Mr. Tom Leedy, President of the DEKKO Foundation and co-chair of the Regional Development Authority Steering Committee came before council today to answer questions about the Regional Cities Initiative and to propose Steuben County become a member of the committee. Mr. Stafford gave a lengthy power point presentation proposing the establishment of a Regional Development Authority. Stafford highlighted the recent approval by Governor Pence and the Indiana Legislature to approve \$84,000,000 dollars in state grant match to local funding to flow through the Regional Cities Initiative. The Northeast Indiana Regional Development Authority is the only authority of this size in Indiana. We are proposing to bring together 10 and possibly 12 surrounding/adjacent counties to attract development to Northeast Indiana. Our Regional objective has four components, 1. Form a Northeast Indiana Regional Development Authority, 2. Determine a bold set of world-class projects to enhance our region's attractiveness to talented workers, 3. Win the first Regional Cities contest to secure \$42 million of state matching funds toward our projects and 3. Get state appropriations in each budget. We have already comprised a list of fifty plus projects representing all ten counties and in Steuben County some of those noteworthy projects are Enterprise Center South Wayne Street, the Technology Park, Steuben County Park improvements and the connection to rural broadband system and a regional rural trail system. The Northeast IN Regional Development Authority (RDA) is mandatory to submitting proposals and mandatory to receiving state funds however, there is no commitment of funds if you decide to join the RDA. Funding choices are made by inter local agreement, funding is flexible and can be project-specific. Our goal is full participation among our 11-counties. Local Ordinances must be passed prior to June 15 and the established Regional Development Authority documentation must be submitted to the State before July 1, 2015.

Mr. John Stafford, Steering Committee Member, explained the process of establishing and joining the Regional Development Authority. In order to apply for funding, qualified cities and qualified counties must join the RDA by adopting an ordinance on or before June 15<sup>th</sup>, 2015. Stafford provided the county auditor with an example ordinance to establish an RDA. Dan Caruso asked if the Region III-A has a role in this Regional Development Authority. Stafford stated that the Region III-A recently worked to prepare a 10-county development strategy plan and that information has been very helpful in identifying the various projects and activities that make this a stronger region. The RDA provides us the vehicle to do the things we want to do as a region and to get people around the table in order to accomplish those

goals. The State is looking for a substantial commitment of our region before the July 1st submittal deadline. Council members agreed to have the auditor prepare an ordinance to be placed on their next council meeting on June 9, 2015.

Richard Shipe stated that the County Commissioners approved a request for an additional appropriation of \$10,000.00. Commissioners will be present at the next county council meeting to make the formal request. Shipe wanted to clarify for everyone to understand that there is already \$45,000.00 appropriated to a line item that the Humane Society could receive at any time and the \$10,000.00 is in addition to that. If approved, the Shelter's total allocation for 2015 could be \$55,000.00.

Correspondence received from, William Harter, re: Coroner's Quarterly report; Highway Department Bi-weekly report.

Ruth Beer called for the meeting to be adjourned. Linda Hansen seconded and the meeting was adjourned.

Steuben County Council

Richard Shipe, President

Jim Getz

Kenneth Shelton

Ruth Beer, Vice President

Attest: Kim Koomler, Auditor

Dan Caruso

Wil Howard

Linda Hansen