

## Commissioner Meeting

**April 7, 2025**

Date & Time: 2025-04-07 6:00 P.M.

Location: Room 106

Attendees: Jeremy Pasel, Gabriel Nobbe, Brian Wenning

### Opening

- **Welcome and Introduction**
  - The meeting was called to order, and attendees were welcomed.
  - Title VI forms were made available for attendees to fill out and submit to the auditor's office.
- **Pledge of Allegiance and Prayer**
  - The Pledge of Allegiance was led by Chris Ramey, followed by a prayer from Janet Hodson.

### Approval of Previous Meetings' Minutes and Claims

- March 17th Minutes Approval
  - Motion made by Gabe Nobbe and seconded by Brian Wenning to approve minutes. Motion carried.
- March 28th Executive Session Minutes Approval
  - Motion made by Brian Wenning and seconded by Gabe Nobbe. Motion carried.
- Claims Approval
  - Discussion: No issues or questionable claims noticed.
  - Motion made by Brian Wenning, seconded by Gabe Nobbe, and approved unanimously.
- Payroll Review
  - Reviewed payroll for the week of March 28, 2025.
    - Total payroll amount: \$388,797.70.
  - No questions raised; motion to approve the payroll was made by Gabe Nobbe, seconded by Brian Wenning and approved unanimously.

### Cell Phone and Data Reimbursement

- Context and Reason for Policy Amendment
  - Discussion focused on inconsistencies in the current policy regarding cell phone reimbursements.
- Current Policy Issues Identified
  - Lack of clear delineation in the policy between:
    - The calling portion of a cell plan (call subsidy: \$35 per month).
    - The data portion of a cell plan (data subsidy: \$45 per month).
  - Ambiguity regarding eligibility for county reimbursements:
    - Issue arises when multiple roles within the county allow for receiving both call and data reimbursements.
- Proposed Clarifications
  - Policy adjustment proposal: Each individual should only be eligible for one type of reimbursement (either call subsidy or data subsidy) regardless of multiple roles.
  - Eligibility criteria suggested:
    - Employees whose primary means of communication with their supervisors is via a cell phone.
    - Specific departments likely affected include:
      - Highway Department (e.g., superintendents, supervisors).
      - Probation department for off-hours call responses.

- Sheriff's Department practices vary, as some use radios; eligibility might be determined at the department head's discretion.
- Financial Discussion on Reimbursement Amount
  - Discussion on combining subsidies:
    - One proposal: Using a single combined fee for both call and data reimbursements.
    - Consensus leaning towards maintaining a figure in the ballpark of \$35, with a slight possibility of a minor increase but not reaching \$80.

## **Overtime Eligibility & Calculation**

- General Overview
  - Discussion centered on determining eligibility for overtime and the basis for calculating overtime.
  - Emphasis was placed on overtime being accrued only after 40 physical hours are worked, excluding PTO or holiday pay.
- Emergency Call-in and Overtime
  - When emergencies occur (e.g., snow emergencies, floods), employees are called in regardless of scheduled PTO.
  - Such instances, even if they occur mid-week or during off duty periods, are agreed to be regarded as emergency overtime.
    - In such cases, overtime is paid for the extra hours worked even if they had already taken PTO on other days.
- Clarifications and Policy Separation
  - Agreement on the need to separate emergency overtime from regular overtime accrual.
  - Discussion noted that emergency services must remain distinct and are not subject to regular PTO adjustments.
- Holiday and PTO Policies
  - Confusion exists regarding holiday work: if an employee takes a holiday without scheduled overtime or as part of a call-in, it counts as a worked day according to existing personal policies.
  - Comments were made regarding the alignment of holiday treatment with PTO, both considered paid time off even though no physical work is done.
- Comp Time and Overtime Compensation
  - Some departments use comp time in lieu of direct overtime pay.
  - Discussion clarified that the overtime earned eventually translates into straight time off.
- Proposed Changes
  - Agreement that a specific differentiation is needed in policies: standard overtime versus emergency services overtime.
- Voting and Drafting Process
  - It was proposed to have HR Director Patty Hensley draft the suggested changes utilizing her HR experience.
  - The draft will then be put to vote at the next meeting.
    - It was confirmed that until the new policies are officially written and approved, current practices remain in effect.

## **General Maintenance and Detour Reimbursement Overview**

- Discussion led by Todd Houck (Highway Department) on ongoing general maintenance activities:
  - General maintenance tasks include bushwhacking, vegetation control, spraying, mowing, tree trimming, and dirt patching on roads affected by freeze/thaw cycles and hot boxing.

- Review of unofficial detour reimbursement contract with INDOT for State Road 3 repairs:
  - Detour route: 700 West to 1300 out of the county.
  - INDOT has videoed the road and agreed to reimburse for some repairs.
  - Reimbursement amount stated: \$124,000.00, though initial bid by INDOT was \$155,000.
  - Process Details:
    - Contract signing is required to proceed.
    - Todd confirmed that a contractor (Globe Asphalt) assessed the pavement conditions.
    - Documentation included: video recordings and photographic evidence of road conditions and damage areas (e.g., rutting, areas torn up by truck movements).
  - Historical note: The official detour contract was signed on April 1st, 2024.
    - Motion was made to accept the reimbursement contract of \$124,000.00 by Brian Wenning, seconded by Gabe Nobbe and passed unanimously.

### **Contractor Bidding Process and Project Discussions**

- Stone Bids
  - Motion to accept all stone bids for 2025 was made by Gabe Nobbe, seconded by Brian Wenning. Motion carried.
- Fuel Bids
  - Received bids from Premier Energy and Keystone Cooperative.
  - Discussion Points:
    - Concern about the local station capabilities:
      - Premier Energy already has local station capabilities.
      - Keystone Cooperative proposed partnering with an external entity; no formal agreement was submitted.
    - Consideration of increased purchase of unleaded gasoline featuring 87 octane ratings.
  - Outcome: Motion made to accept the bid from Premier Energy was made by Brian Wenning, seconded by Gabe Nobbe. Motion carried
- Bituminous Bids
  - Motion to accept all bids made by Brian Wenning, seconded by Gabe Nobbe. Motion carried.
- 2025 HMA Patching/Bridge Resurfacing Projects
  - Two Projects Summarized:
    - HMA patching, bridge resurfacing, gift paving, wedge, and level work:
      - Bids received from O'Mara and Globe.
      - Observation: Globe's bid was substantially lower on most line items.
    - Bridge and surfacing with skip painting, wedge, and level work:
      - Bids received from Paul Rowe, Globe Asphalt, and Dave O'Mara.
      - Observation: Globe Asphalt provided the most economical bid.
  - Technical Clarification:
    - Mobilization and demobilization:
      - Bid documents stated that both mobilization and demobilization must be included in the price per ton.
      - Confirmation that no extra charges should be applied for mobilization/demobilization.
  - Outcome: Motions was made by Gabe Nobbe, to accept Globe Asphalt for both categories, seconded by Brian Wenning. Motion carried.

- 2025 Overlay and Wedging
  - Motion made to accept Globe Asphalt for the 2025 Annual overlay and wedging was made by Brian Wenning, seconded by Gabe Nobbe. Motion carried.

#### Bid Issues for the 2025-1 CCMG Chip and Seal Project

- Tim Orman highlighted issues in reviewing three bid submissions:
  - One bid had a pre-qualification certificate that was insufficient to cover the full bid amount.
  - A third bid presented a certificate that had been superseded by a later issued version, lacking current specifications.
- Recommendation proposed:
  - Reject all submitted bids.
  - Re-bid with revised specifications ensuring complete and accurate pre-qualification documentation.
- Discussion Points:
  - Timeline for re-bid opening:
    - Suggestion to provide bidders a window of 20 days in some cases, but generally aiming for 30 days.
    - A proposal to set a new re-bid opening date of May 19th was mentioned.

#### Clarifications and Legal Considerations

- SC Construction Materials shared their perspective:
  - Prior to bidding, they confirmed with the auditor's office that the bid documentation did not require a specific bid amount pre-qualification, only that bidders be pre-qualified.
- Further legal concerns discussed:
  - Awarding a contract to a non-compliant bidder would render the contract void.
  - There is a necessity to align bid documents with proper specifications and statutory requirements to avoid legal repercussions.
- Additional Input:
  - County Attorney Chad Smith mentioned that the pre-qualification should consider financial soundness, quality, and past project experience, referring to Indiana administrative codes for further details.
  - Some county highways tie a bid's dollar amount directly to the pre-qualification, while the current bid did not specify this.

#### Pre-Qualification Certificate Statute Discussion:

#### Concerns and Recommendations

- Accepting a bid with non-compliant certificates would render any agreement null and void.
- Recommendation was made to defer the final decision and conduct further investigation.

#### Doug Westerfeld – Area Plan for Decatur County Revitalization Project

- Doug Westerfeld introduced the first reading of an ordinance to establish a separate fund:
  - The fund, named "Decatur County Revitalization Project for Area Planning Commission fines and fees," is to support the county's revitalization efforts.
- Key elements include:
  - Fund Establishment: Creation of a perpetual non-reverting fund.
  - Funding Source: Finances to be sourced from fines or fees imposed due to ordinance violations.

- Expenditures: Subject to Board of Commissioner approval without requiring County Council appropriation and can be used for administration, operation, enforcement, legal fees, and related expenses.
- Effective Date: The ordinance takes effect immediately upon passage.

### **Discussion and Outcome**

- A motion to pass the first reading of the ordinance was made by Brian Wenning, seconded by Gabe Nobbe, and passed unanimously.
- Next meeting scheduled to handle the second reading.

### **Area Planning Commission Rezoning Petitions**

- Ordinance Number 2024-13 Rezoning Request for Ricky and Virginia Koors
  - Topic: Rezoning two areas from A1 to A2.
  - Decision:
    - Motion made to accept made by Gabe Nobbe, seconded by Brian Wenning. Motion carries
- Ordinance Number 2024-15 Rezoning request for Westport Wesleyan Church
  - Topic: Rezoning of approximately 2.99 acres from A1 to A2.
  - Decision:
    - Motion made to accept made by Brian Wenning, seconded by Gabe Nobbe. Motion carries.
- Ordinance Number 2024-17 Rezoning for Westport Wesleyan Church
  - Topic: Rezoning 3.907 acres from A1 to A2.
  - Decision:
    - Motion made to accept made by Brian Wenning, seconded by Gabe Nobbe. Motion carries.

### **Update on Solar Petition and Related Agreements**

- Current Status of the Solar Petition:
  - Agreements Pending:
    - Collecting agreements from COBIA regarding roadway and economic development.
    - No agreements received yet; confirmation pending review before presentation to the Board of Zoning Appeals.
  - Road Use Agreement:
    - Not received as of the call.
    - A draft was expected by end of March for the 1st of April submission.
    - Discussion with Tim Ortman indicates it should be finalized soon.
  - Importance and Concerns:
    - These agreements are critical for protecting county roadway assets.
    - The delay in receiving the agreements is a cause for concern as they lie outside the Board of Zoning Appeals process.
- Procedural Deadline Discussion:
  - It has been over 60 days since the petition was first heard.
  - Expected deadline for decision is in June (e.g., June 2025).
  - Query raised on whether a concrete deadline could be imposed instead of leaving it to COBIA's discretion.
  - Additional re-notification of adjoining property owners may be required due to the delay.

### **Lifetime Resources Public Transportation and Designation Request**

- Overview of Lifetime Resources
  - Represented by Erin Thomas, Executive Director.

- Area agency on aging providing various services to support independence at home.
- Service Description and Statistics
  - Core service area includes counties southeast of the current location; cataract service extends into Decatur County.
  - In 2024, provided just under 8,000 trips (approximately 7,800 trips).
  - Emphasis that the service is demand response (door-to-door transport) rather than fixed-route public transportation.
  - Drivers trained in passenger assistance, pre-trip inspection, defensive driving, first aid, CPR, etc.
- Request and Resolution Process
  - Request for the commissioners' blessing to designate Lifetime Resources as the section 5311 provider in the area starting in 2026.
  - Change in operational process: Starting 2026, the organization will operate without a pass-through agency, unlike the previous year.
  - Motion: A motion to accept the resolution to designate Lifetime Resources as the provider was made by Brian Wenning, seconded by Gabe Nobbe, and carried unanimously.

## **Power of the Past – Food Vendors and Community Building Upgrades**

- Vendor Coordination and Alcohol Service
  - Presented by Kim Carpenter, Coordinator for Power of the Past.
  - Overview: Coordination for food vendors, campers, and general event services.
  - Change from Previous Year:
    - Transition from a food vendor with alcohol service inside a community building to an open-air alcohol vendor setup incorporating St. Paul Tavern.
  - Proposed shift from a beer wagon to canned beer service.
    - Setup will include a barricaded area with picnic tables, allowing families to use the space safely.
    - Alcohol purchases restricted to individuals 21 and over.
    - Identification process: Patrons must show ID on every purchase and use wristbands or similar measures for verification.
      - Motion made to approve alcohol vendor in fenced in area only made by Gabe Nobbe, seconded by Brian Wenning. Motion carries.
- Infrastructure and Electrical Upgrade Updates
  - Meeting with REMC and general contractor scheduled next week to address electrical upgrades.
  - Upgrades include burying all electrical lines (including internet and speaker lines) at the fairgrounds.
  - Adjustments due to removal or modifications of poles.

## **Sports Complex change order**

- Change order made to AstroTurf
  - Adding back 4 diamonds will cost \$676,428.00 additional
  - Motion made to accept change order by Gabe Nobbe, seconded by Brian Wenning. Motion carries.
- Field Conditions and Maintenance:
  - Heavy rain over three to four days affected the field.
  - Maintenance Update:
    - Maintenance team mowed over three-quarters of the four diamonds.
    - Some areas remain wet further out; recommendation for better drainage.

- Field was usable even in the rain, with local schools already utilizing the field for practice.

## **Veterans Service Representative Selection**

- Interview Process:
  - Interviews were conducted with three applicants.
  - Candidate Evaluation:
    - Applicant number one stood out for passion and suitability in assisting fellow veterans through VA services.
- Decision & Approval Process:
  - Motion made to approve applicant number one was made by Brian Wenning, seconded by Gabe Nobbe. Motion carries.

## **Rodeo Contract at the Fair**

- Topic Overview: Discussion of the contract with King Brothers Rodeo for the fair.
  - Contract Details:
    - Contract with King Brothers Rodeo.
    - Fair event scheduled for July 15, 2025.
    - Previous usage noted by Council member Bill Metz two years ago with a smaller show but a better money-to-event ratio.
  - Decisions/Agreements:
    - Motion made to accept was made by Gabe Nobbe, seconded by Brian Wenning. Motion carries to sign contract.

## **Fairgrounds BOT Agreement**

- Topic Overview: Presentation and vote on the build, operate, transfer (BOT) agreement for the Fairgrounds project.
  - Information Shared:
    - Advertisement of the BOT agreement went out on March 25th.
    - The project involves Scott Barnes Construction; Greg Martz (GM Development) designated as the BOT.
    - Attached documentation provided with Greg Martz's signature after a discussion regarding its handling.
  - Decisions/Agreements:
    - Motion made to accept the BOT agreement was made by Gabe Nobbe, and seconded by Brian Wenning. Motion carries to sign contract.

## **YMCA OCRA Grant Payout**

- Topic Overview: Discussion regarding the YMCA's roof project payout (payout number three) following a successful fundraising and OCRA grant application.
  - Key Data & Terms:
    - Project cost: \$517,491.40.
    - Original contract sum: \$1,276,900.
  - Decisions/Agreements:
    - Motion to approve payout number three was made by Brian Wenning and seconded by Gabe Nobbe. Motion carries.

## **Housing Market Study and Comprehensive Plan**

- Topic Overview: Discussion of a housing market study and needs assessment handled by the EDC.
  - Discussion Points & Data:

- Aim: To evaluate and predict housing types (multi-family, workforce, low-income, etc.) and locations (County-wide including Westport and St. Paul) to inform the comprehensive plan.
- Funding is split between the city and additional entities.
- Current available appropriated funds: \$75,000 started; spent \$1,645; additional potential allocation up to \$200,000.
- A projected additional study (State Road 3 safety study) of approximately \$35,000 was mentioned.
- Decisions/Agreements:
  - Motion made to allocate up to \$10,000 from Build Decatur County Fund made by Gabe Nobbe and seconded by Brian Wenning. Motion carries.

## **Cincinnati Railway Event – June 28, 2025**

- Topic Overview: Arrangements and requirements for the Cincinnati Railway/Venus Railway visit.
  - Event Details:
    - Scheduled for June 28, 2025.
    - The railway group, coming from Lebanon, Ohio, is expected to bring up to 300 people.
    - Use of downtown facilities required (bathroom usage from about 11:30 to about 3:00).
    - Discussion included the need to ensure proper security measures for participant tracking.
  - Decisions/Agreements:
    - Motion made to approve the use of downtown facilities on June 28, 2025 made by Gabe Nobbe, seconded by Brian Wenning. Motion carries.

## **Public Library Board**

### **Overview**

- Notification received that Janice Mangel's term for the Public Library Board had expired.

### **Decision**

- The board recommended re-nominating her and a motion was made to reappoint Janice Mangels by Brian Wenning and seconded by Gabe Nobbe. Motion carries.

## **Maintenance Position Offer**

### **Overview**

- Discussion on extending an offer for the maintenance position, including a salary counter-offer for an additional \$10,000 along with additional performance considerations.

### **Key Discussion Points**

- The maintenance position is expected to enhance oversight, scheduling, and in-house repair capacity for county buildings.
  - Reference: Mowing, previously budgeted at \$14,000, could be incorporated into the role.
- Benefits of consistent maintenance management and the need for administrative capabilities beyond physical maintenance were highlighted.
  - Discussion included potential integration with facilities software to manage inventories and maintenance records.



- Final consensus approved the proposed salary revision as an investment toward a long-term capital improvement and maintenance strategy. Commissioners will discuss with Council at their next meeting.

**County Parking**

- A reminder was issued to county employees to park in the lot across from the courthouse to preserve parking spaces in front of local businesses.

**South Decatur Car Show and 5K Run/Walk Event**

Event Overview

- Scheduled for April 26th, with a map circulated via email.
  - Start point: South entrance of the elementary school, proceeding along north high school road, moving south into Westport, and looping around an island before returning.

**Road Closure Arrangements**

- Key intersections affected include:
  - The four-way intersection at 420 West down through Cougar Road, Kentucky Avenue, and North Street in Westport.
- Coordination Details:
  - Road closure signs (Type 3) will be provided by the highway department.
  - The sheriff and Todd will coordinate the setup and dismantling of the signs.
- Resolution:
  - A motion was made by Brian Wenning and seconded by Gabe Nobbe to accept the road closure plan for the 5K event day. Motion carries.

**Meeting Adjournment**

- Motion to recess was made by Brian Wenning, seconded by Gabe Nobbe. Motion passed. Meeting recessed.

The next Commissioner meeting will be held on May May 5<sup>th</sup>, beginning at 6:00 P.M. in room 106.

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Attest: \_\_\_\_\_ Date: \_\_\_\_\_