

COMMISSIONERS' MINUTES

DECEMBER 28, 2020

PRESENT: ALL

BE IT REMEMBERED that the White County Commissioners held a special meeting on Monday, December 28, 2020, at the White County Building, 2<sup>nd</sup> -floor John C. Heimlich Conference Room beginning at 8:15 a.m.

Commissioners present were: President John C. Heimlich, Commissioner Steve Burton, and Commissioner David Diener. Also present was White County Auditor Gayle Rogers, White County Attorney George Loy, and the Commissioners' Assistant Donya Tirpak.

Commissioner Heimlich called the meeting to order.

**2021 APPOINTMENTS**

Commissioner Heimlich presented a list of appointments for 2021.

- Commissioner Burton made a motion to approve the appointments for 2021 as presented, seconded by Commissioner Diener. **Vote: Unanimous**

**2021 APPOINTMENTS  
White County Commissioners**

<u>Animal Disease Emergency</u>	<u>1 Year Appointment</u>
Dr. Carl Hites	
<u>Attorney, White County</u>	<u>1 Year Appointment</u>
George Loy	
<u>Aviation Board</u>	<u>4 Year Appointment</u>
Chad Baumgartner	12/31/24
Maury Waymouth	12/31/24
<u>Board of Finance</u>	<u>1 Year Appointment</u>
David Diener, President	
John Heimlich	
Steve Burton	
Butch Kramer – Council member – nonvoting member	
<u>Child Protection Team</u>	<u>1 Year Appointment</u>
David Diener	
John Heimlich	
Steve Burton	
<u>Citizen's Advisory Committee</u>	<u>1 Year Appointment</u>
Dawn Girard	
<u>E-911 Communications Director</u>	<u>1 Year Appointment</u>
Terri Brooks	
<u>E-911 Board</u>	<u>1 Year Appointment</u>
Steve Burton	
<u>Economic Development Board</u>	<u>1 Year Appointment</u>
John C. Heimlich, Member	
David Diener, Member	
<u>Emergency Management, Director</u>	<u>1 Year Appointment</u>
Chris Springer – Director	
Roberta Yerk – Deputy Director	

COMMISSIONERS' MINUTES

DECEMBER 28, 2020

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<u>Environmental Officer</u>	<u>1 Year Appointment</u>
Jim Reynolds	
<u>GIS Data Manager (Computer Coordinator)</u>	<u>1 Year Appointment</u>
Eric Storm	
<u>Health Board</u>	<u>4 Year Appointment</u>
Lisa Diener, Registered Nurse	12/31/24
<u>Highway</u>	<u>1 Year Appointment</u>
Mike Kyburz, Superintendent	
J.D. Smith, Assistant Superintendent	
<u>Kankakee-Iroquois Reg. Planning</u>	<u>1 Year Appointment</u>
David Diener	
<u>Maintenance, County Courthouse</u>	<u>1 Year Appointment</u>
Mark German, Supervisor	
<u>Northwest Indiana Solid Waste Board</u>	<u>1 Year Appointment</u>
David Diener, Member	
Steve Burton, Member	
John Heimlich, Alternate	
Butch Kramer	County Council's recommendation
Ralph Widmer	City Council's recommendation
Phil Vogel, Alternate	City Council's recommendation
<u>Property Tax Assessment Board</u>	<u>1 Year Appointment</u>
Mark Gamble, Freeholder	Commissioners
Judy Bertram, Level II Appraiser	Commissioners
Phil Vogel, Freeholder	Commissioners
<u>Recycling, Director</u>	<u>1 Year Appointment</u>
Dawn Girard	
<u>Redevelopment Commission</u>	<u>1 Year Appointment</u>
Tom Westfall	Commissioners' Appointment
Connie Stimmel	Commissioners' Appointment
John Demerly	Commissioners' Appointment
Bob Gerber	Commissioners' Appointment
Adviser (Tri-County School Board member)	
<u>School Safety Commission</u>	<u>1 Year Appointment</u>
Gayle Rogers	
<u>Sick Bank Committee</u>	<u>1 Year Appointment</u>
John Heimlich, Commissioner	
Lisa Downey, Elected County Official	
Leah Hull, Regular Full-time Employee	
<u>Solid Waste Citizens Advisory Council</u>	<u>1 Year Appointment</u>
Dawn Girard	

COMMISSIONERS' MINUTES

DECEMBER 28, 2020

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<u>Tourism Authority Board</u>	<u>2 Year Appointment</u>
John Heimlich	12/31/2022
Dave Jordan	12/31/2022
<u>Veterans Service</u>	<u>1 Year Appointment</u>
Thomas Hildebrand, Officer	
<u>White County Commissioners</u>	<u>1 Year Appointment</u>
David Diener, President	
Steve Burton, Vice President	
John C. Heimlich, Member	

**COMMISSIONER HEIMLICH HONORED BY INDIANA COUNTY COMMISSIONERS ASSOCIATION**

Kendall Culp, president of the Indiana Association of County Commissioners and president of the Jasper County Commissioners, appeared to recognize Commissioner John C. Heimlich with the 2020 Northern District County Commissioner of the Year award.

The following Press Release was presented:



FOR IMMEDIATE RELEASE  
December 27, 2020

**White County Commissioner John Heimlich Receives Statewide Award**

The Indiana Association of County Commissioners (IACC) is pleased to announce that John Heimlich, White County Commissioner was selected IACC’s Achievement Award winner for the “2020 North District Distinguished County Commissioner of the Year.”

Commissioner Heimlich has served his County as a Commissioner for the past 24 years, much of that time as President of his Board of County Commissioners. During his tenure, his County has become a leader in alternative energy, beginning with Bio Town, a large, ever expanding, turnkey confined feeding & aerobic digester development in the center of the County; the Commissioners have entered into numerous Economic Development, Road Use and Decommissioning Agreements to bring 450 wind turbines into his County, effectively lowering taxes for property owners. Heimlich has spearheaded the process of completing agreements with solar energy groups on a large-scale basis. The County Commissioners, under John’s leadership, have worked with adjacent Jasper County to acquire needed water for the development of our Mid-America Commerce Park. The Commissioners have been instrumental in the construction of proper infrastructure for drainage and have worked closely with Economic Development to attract new businesses to grow their Commerce Park. Commissioner Heimlich’s dedication and commitment to the betterment of his County has been exceedingly apparent each of his 24 years of service.

Heimlich currently serves on the Drainage Board, Board of Finance, Northwest Indiana Solid Waste District, White County Economic Development Organization, White County Child Protection Team, and White County Sick Bank Committee.

It takes a special individual to dedicate the time, develop a vision, build consensus, promote teamwork, and enjoy political victory for eight consecutive terms. Gayle Rogers stated that “Commissioner Heimlich has focused his heart and soul on making his county a great place to live and raise a family.” In honor of his distinguished and exceptional

COMMISSIONERS' MINUTES

DECEMBER 28, 2020

PRESENT: ALL

service resulting in significant positive impact to his County the Honorable John Heimlich was selected by his peers to be the IACC's North District Distinguished County Commissioner of 2020.

**HWC ENGINEERING**

Highway Superintendent Mike Kyburz attended the meeting virtually and presented a general engineering services agreement (2021-010-S) from HWC Engineering for the Highway Department. The agreement is an annual contract that's done for future emergencies on any bridges or drainage work.

The one-year contract will be billed at an hourly rate as needed.

- Commissioner Diener made a motion to accept the General Services Agreement with HWC Engineering for 2021, seconded by Commissioner Burton. **Vote: Unanimous**

**SECOND READING - ORDINANCE AMENDING COUNTY RIGHT-OF-WAY FEE OCCUPATION PERMIT FEES**

White County Attorney George Loy presented for the second reading an ordinance amending the White County Code of Ordinances pertaining to public right-of-way occupation permit fees.

At the last meeting, Commissioner Diener discussed curb cuts and driveway permits as a concern. Superintendent Kyburz said that he would put together a draft and present it at a later date.

Commissioner Heimlich asked if there were any other questions or comments regarding the amended ordinance. No response.

- Commissioner Diener made a motion to approve Ordinance No. 20-12-28-01, an ordinance amending the White County Code of Ordinances pertaining to public right-of-way occupation permit fees, seconded by Commissioner Burton. **Vote: Unanimous**

**ORDINANCE NO. 20-12-28-01  
AN ORDINANCE AMENDING THE WHITE COUNTY CODE OF ORDINANCES  
PERTAINING TO PUBLIC RIGHT-OF-WAY OCCUPATION PERMIT FEES**

WHEREAS, White County (the "County") receives requests for its consent to install underground cables, conduits, and above-ground structures and associated equipment within public rights-of-way within the County; and,

WHEREAS, the ability of the County to continue to provide access to its public rights-of-way requires the implementation of effective and efficient management of County rights-of-way; and,

WHEREAS, the County may operate and maintain its streets, highways, and other public property in White County for the safety of the traveling public, and the White County Board of Commissioners (the "Board") may manage the public right-of-way or require by ordinance fair and reasonable compensation on a competitively neutral and nondiscriminatory basis for the occupation of a county public right-of-way on a nondiscriminatory basis; and,

WHEREAS, the County is authorized by law to recover fair and reasonable compensation for its direct, actual, and reasonably incurred costs in managing the public right-of-way caused by the occupation of a public right-of-way, including but not limited to, the costs of (1) registering occupants, (2) verifying public right-of-way occupation, (3) inspecting job sites and restoration projects, (4) restoring work inadequately performed after providing notice and the opportunity to correct the work, (5) administering and ensuring adequate restoration of County public rights-of-way as near as reasonably possible to the right-of-way's original condition, (6) management costs associated with the implementation of this ordinance. In addition, the County also considers the degradation costs caused by cuts and intrusions in rights-of-way, and obstructions of a right-of-way when installing or repairing its facilities in a right-of-way; and,

WHEREAS, after review of the White County Highway Superintendent's estimated management costs set forth above due to such above ground and underground occupation, the board desires to amend its provisions for the occupation of County rights-of-way and to adopt amended user fees and bond requirements for the use

# COMMISSIONERS' MINUTES

DECEMBER 28, 2020

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of the same from those directly benefitting therefrom and reducing accompanying financial burdens upon County taxpayers.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the White County Board of Commissioners as follows:

SECTION 1. PERMIT FEES. Right-of-Way Occupancy Permit fees shall be amended as follows:

Road Excavations/Cuts:

Gravel: \$10.00 per linear foot, except farm subsurface drain, with a minimum \$200 fee.

Hard surface: \$25.00 per linear foot, with a minimum \$500 fee.

Plowing in Cable or Pipe: \$1.00 per linear foot with a \$100.00 minimum fee.

Directional Boring: \$1.00 per linear foot with a \$100.00 minimum fee.

Trenching/Excavating (adjacent to Roadway): \$1.00 per linear foot with a \$100.00 minimum fee.

Boring or Pushing Under Roadway: Total cost per location - \$150.00 per bore.

Pole Lines: \$1,000.00 per mile, or a minimum of \$75.00 per pole.

Setting individual and below ground structures (other than poles) including pedestals, splicer box, junction box, and transformers: \$200.00 per structure.

Temporary Construction or Access Roads: \$250.00 each.

Overweight Permit: Fees based upon routes of travel, condition of requested travel roads, frequency of travel, and weight: \$ 50.00 minimum plus County costs of engineering or other consultants.

Frost Law exception permit: Fees based upon routes of travel, condition of requested travel roads, frequency of travel, and weight. \$50.00 minimum plus County costs of engineering or other consultants.

Testing permit: Fees based upon road conditions and the number of test sites: \$50.00 minimum plus the County's costs of any repairs.

SECTION 2. BOND. No permit shall be issued unless the applicant has also filed with the White County Highway Superintendent a bond, with lawful corporate surety or an indemnity insurance policy, in the sum of not less than Fifty Thousand Dollars (\$50,000.00) payable to the White County Board of Commissioners conditioned to indemnify and hold the County harmless against any and all claims or injury or damage to persons or property resulting from the performance of work contemplated or any act done pursuant thereto, or against any loss or liability resulting from the maintenance of any such cable, wire, conduit or other attachments or equipment so installed, or against any costs of repairing or remediating any work performed by the applicant. Such bond shall be a continuing blanket bond for a period of five (5) years from the time work is completed. However, the White County Highway Superintendent shall have discretion of requiring a specific larger bond for larger projects on a per project basis.

SECTION 3. PENALTY FOR VIOLATION. Any person or entity performing any above or underground occupation of a County right-of-way without first procuring a permit required under this ordinance, or in any other way violating any provision of this ordinance shall be subject to a civil penalty in the sum of One Thousand Five Hundred Dollars (\$1,500.00), per violation, per day.

SECTION 4. EFFECTIVENESS. This ordinance shall be in full force and effect from and after its passage, and shall repeal or amend all other ordinance or portions thereof in conflict herewith.

## **LIABILITY & WORKMAN'S COMPENSATION INSURANCE RENEWAL FOR 2021**

Brad Chesterman, Heiny Insurance, recommended that the County stay with Travelers Insurance for the liability and workman's compensation renewal for 2021. They did go out for bid with some other insurance companies, and Travelers came back with the best price.

Mr. Chesterman did recommend that the County increase their deductible on the property coverage from \$2,500 to \$5,000, which will be a \$9,000 savings.

COMMISSIONERS' MINUTES

DECEMBER 28, 2020

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2021 Renewal Premiums:

Property:	\$ 45,411
Liability:	\$ 87,079
Auto:	\$ 63,856
Excess Liability:	\$ 11,967
Worker's Comp:	\$198,972
Cyber Liability:	\$ 21,275
Total Premium:	\$428,560

Commissioner Heimlich asked if there were any questions about the proposed insurance renewal for 2021. No response.

- Commissioner Burton made a motion to renew the liability, auto, and workman's compensation insurance coverage with Travelers for 2021, seconded by Commissioner Diener. **Vote: Unanimous**

**COVID-19 PUBLIC HEALTH LEAVE POLICY**

HR Director Leah Hull appeared virtually and asked the Commissioners what they would like to do with the Covid-19 Public Health Leave Policy expiring December 31, 2020. She made the recommendation to extend the policy to January 31, 2021, and not renew or start over; the Public Health Leave days for 2021.

- Commissioner Diener made a motion to extend the Covid-19 Public Health Leave Policy to January 31, 2021, seconded by Commissioner Burton. **Vote: Unanimous**

There being no further business to come before the board, their meeting adjourned.

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John C. Heimlich, President

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Steve Burton, Vice President

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David Diener, Member

ATTEST: \_\_\_\_\_  
Gayle Rogers, Auditor