

**COMMISSIONERS' MINUTES**

**APRIL 20, 2020**

**PRESENT: ALL**

**BE IT REMEMBERED**, that the White County Commissioners held a regular meeting on Monday, April 20, 2020, in the White County Building, 2<sup>nd</sup>-floor Commissioners' Conference Room, beginning at 8:15 a.m.

Due to the public health emergency in the State of Indiana because of COVID-19, one County Commissioner (President Heimlich) was present at the meeting, and Commissioner Diener and Commissioner Burton attended the meeting electronically according to I.C. §5-14-1.5-3.6(c), (f), (g) & (h). Also present was White County Attorney George Loy and Commissioners' Assistant Donya Tirpak. County Auditor Gayle Rogers, Highway Superintendent Mike Kyburz, attended the meeting electronically.

Commissioner Heimlich called the meeting to order.

**MINUTES**

- Commissioner Diener made a motion to approve the minutes for the regular meeting held on April 6, 2020, seconded by Commissioner Burton. **Vote: Unanimous**

**PAYROLL**

- Commissioner Diener made a motion to approve payroll for April 20, 2020, seconded by Commissioner Burton. **Vote: Unanimous**

**CLAIMS**

- Commissioner Burton made a motion to approve and pay the claims as presented, seconded by Commissioner Diener. **Vote: Unanimous**

**ACCEPT BIDS FOR BRIDGE 227**

White County Attorney George Loy announced that the time has expired for the submission of bids for replacement of Bridge #227, CR 300 E. over Moots Creek, in Prairie Township.

Bids were received from the following:

Milestone Contractors, Lafayette, IN	\$3,788,000.00
Bid Alternate 1 (Decrease)	\$ 10,000.00
Bid Alternate 2 (Decrease)	\$ 20,000.00
White Construction, Clinton, IN	\$4,187,000.00
Bid Alternate 1 (Decrease)	\$ 50,000.00
Bid Alternate 2 (Decrease)	\$ 100,000.00

Jacob Isenberg, HWC Project Engineer, called in electronically to explain the Alternate 1 & Alternate 2 options. He said the engineer's estimate on the project is \$3,755,000.

All bids were taken under advisement and will be awarded at the next meeting.

**ACCEPT BIDS FOR CR 1100 W**

County Attorney George Loy announced that the time has expired for the submission of bids for CR 1100 W. improvements at the Mid America Commerce Park.

Bids were received from the following:

G.E. Marshall, Inc., Valparaiso, IN	\$2,836,591.21
Atlas Excavating, Inc., West Lafayette, IN	\$2,659,828.00
F&K Construction, Inc., Flora, IN	\$2,433,221.00

Brian Pohlar, HWC Project Engineer, called in electronically and said that the engineer's estimate on the project is \$2,780,000.

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All bids were taken under advisement and will be awarded at the next meeting.

### COMMUNITY CROSSINGS 2020 GRANT

White County Highway Superintendent Mike Kyburz announced that White County was awarded \$1 million from INDOT for the Community Crossing Matching Grant Fund 2020-1.

The funds will be used as follows:

S 300 E, from U.S. 24 to Monon Road  
E 375 N, from S 300 E to NW Shafer Drive  
S 300 W, from W 350 S to W 200 S

Highway Superintendent Kyburz requested the Commissioners to approve the Local Roads and Bridges Matching Grant agreement, Contract # AG249-20-LG200224, between White County and INDOT.

- Commissioner Diener made a motion to approve INDOT-LPA Local Roads and Bridges Matching Grant Agreement as presented, seconded by Commissioner Burton. **Vote: Unanimous**

### GORDON ROAD RELEASE

Highway Superintendent Kyburz said that a final inspection on the Gordon Road project was completed on February 6, 2020. He requested approval on the INDOT Report of Contract Final Inspection and Recommendation for Acceptance to close out the project with INDOT.

- Commissioner Diener made a motion to approve the INDOT Report of Contract Final Inspection and Recommendation for Acceptance, seconded by Commissioner Burton. **Vote: Unanimous**

### SHERIFF'S DEPT. – EMERGENCY REPLACEMENT OF EXISTING SANITARY TUNNEL PIPING & FITTINGS

Commissioner Diener said that it was discovered that the pipe and fittings were broken in the tunnel that carries the sanitary waste at the White County Jail. Currently, sanitary waste is leaking, and this is a health and safety risk to the inmates and employees at the Jail. While Ameresco is out there working on the energy savings renovations, he asked them to take a look at the situation to see if they could make the repairs, or find someone that could. Quotes were requested from five vendors, and two were submitted. This is an emergency that needs to be repaired right away.

- Commissioner Diener made a motion to declare an emergency condition at the White County Jail that is a threat to the public's health, welfare, and safety. The County will move forward with a unique opportunity to obtain the repair work at substantial savings to the County, seconded by Commissioner Burton. **Vote: Unanimous**

### AMERESCO – CHANGE ORDER WC JAIL BUILDING

Commissioner Diener submitted Change Order #7 from Ameresco for \$225,506.00 for the following:

1. Replace existing sanitary tunnel piping and fittings with new.
  2. Replace defective equipment discovered during construction on FVAV equipment.
- Commissioner Diener made a motion to approve Change Order #7 for \$225,506, seconded by Commissioner Burton. **Vote: Unanimous**

**At this time**, Council President Butch Kramer called the Council members to order in joint session with the Commissioners. Councilmember present was Councilman Anderson; everyone else called in electronically:

President Butch Kramer  
Jim Davis

Vice President Denny Carter  
Janet Faker

Jim Annis  
Art Anderson

Casey Crabb

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**REPORTS CALLED IN ELECTRONICALLY AND ON FILE**

Highway Department  
Economic Development  
Environmental Officer

**CONSIDERATION OF ORDINANCE ESTABLISHING SHERIFF'S SALE PROGRAM & SERVICE FEE**

County Attorney Loy said that this is a joint ordinance because it establishes a Sheriff's Sale fund with the Council and authorizes entering a contract with SRI Services with the Commissioners. The first reading was presented in March, and today is the second reading.

Commissioner Heimlich asked if there were any questions or input on the ordinance. No response.

- Commissioner Diener made a motion to Adopt **Ordinance 20-04-20-01**, ordinance establishing a Sheriff's Sale program and service fee, seconded by Commissioner Burton. **Vote: Unanimous**
- Councilman Anderson made a motion to Adopt **Ordinance 2020-04-20-01**, ordinance establishing a Sheriff's Sale program and service fee, seconded by Councilman Crabb. **Vote: Unanimous**

**WHITE COUNTY COMMISSIONERS' ORDINANCE NO. 20-04-20-01  
WHITE COUNTY COUNCIL ORDINANCE NO. 2020-04-20-01**

**JOINT WHITE COUNTY COMMISSIONERS' AND COUNCIL ORDINANCE ESTABLISHING  
THE SHERIFF'S SALE PROGRAM AND SERVICE FEE**

**WHEREAS**, the Sheriff of White County, Indiana (the "Sheriff") desires to enter into a contract for services to support the Sheriff in conducting foreclosure sales (the "Sheriff's Sale Program"); and

**WHEREAS**, the Board of Commissioners of White County, Indiana (the "Commissioners") desire to establish a program to facilitate and enhance the conduct of the Sheriff's Sale Program; and

**WHEREAS**, I.C. §32-29-7-3(h) authorizes the Sheriff to charge an administrative fee of up to \$200.00, payable by the person seeking to enforce the judgment and decree, for actual costs directly attributable to the administration of the sale; and

**WHEREAS**, the Commissioners have the authority under I.C. §36-1-3-6 (the "Home Rule") to adopt an ordinance under Home Rule to establish and authorize the Sheriff's Sale Program.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF WHITE COUNTY AND THE WHITE COUNTY COUNCIL, INDIANA, THAT:**

Section 1. The Sheriff's Sale Program is approved and established to provide the procedure for the Sheriff to contract for those administrative, technical, clerical, and related services that are reasonable and appropriate for the Sheriff to effectively prepare for, manage and implement foreclosure sales.

Section 2. The Commissioners and Council hereby establish a fund to be titled the "Sheriff's Sale Fund" into which all collections of Foreclosure Costs Fees, as hereafter defined, shall be deposited and from which the appropriate expenses of the Sheriff's Sale Program shall be appropriated and paid. The Sheriff's Sale Fund shall be a non-reverting fund to be used only for the purposes set forth herein and shall not revert to the County General Fund at year end.

Section 3. The Sheriff and Commissioners are authorized to negotiate and execute a contract with a provider to obtain such administrative, technical, clerical and related services (the "Sheriff's Sale Services") in order for the Sheriff to conduct the Sheriff's Sale Program.

Section 4. The Sheriff's Sale Services contract shall provide for the delivery of such services by a contractor (the "Contractor") in compliance with all applicable statutory provisions for the conduct of foreclosure sale proceedings and the Sheriff's Sale Program. The Sheriff's Sale Services contract shall also

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provide for the payment of a fee, for each cause number scheduled in the Sheriff's Sale Program, to the Contractor for such services.

Section 5. The Sheriff is hereby authorized to charge a fee of One Hundred Dollars (\$100.00) per cause number of foreclosed property sold in the Sheriff's Sale Program (the "Foreclosure Costs Fees") and to deposit such Foreclosure Costs Fees collected by or on behalf of the Sheriff in the Sheriff's Sale Fund.

Section 6. The Foreclosure Costs Fee shall be payable at the time of filing the praecipe under I.C. §32-29-7-3(h), which shall be a charge for the Sheriff's Sale in addition to other statutory costs and fees.

Section 7. The Sheriff's Sale Program contract shall provide for a complete and accurate accounting of all Sheriff Sale Program proceeds and compliance with any reporting or record requirements as set forth by the Indiana State Board of Accounts.

APPROVED AND RESOLVED, by the White County Commissioners by a vote of 3 in favor and 0 opposed, and by the White County Council by a vote of 7 in favor and 0 opposed, on April 20, 2020.

**ELECTION - POLL WORKERS SALARY**

Council President Kramer said that Bob Callahan, President of the Election Board, reported that they are having difficulty finding poll workers to work the election because of COVID-19. Out of 400 poll workers, only 28 are saying that they will work. The Election Board would like permission to raise the \$11.50/per hour rate to \$15.00 per hour for the 2020 Primary Election only due to the virus.

Auditor Rogers stated that the Clerk does have the money in her Election budget for the salary increase.

- Councilman Anderson made a motion to raise the hourly rate to \$15.00 per hour for poll workers for the 2020 Primary Election due to the COVID-19 virus, seconded by Councilman Carter. **Vote: Unanimous**

**INTERNSHIPS FOR HIGH SCHOOL STUDENTS**

Jim Stradling, Director of Indiana Trails Career Cooperative, called in electronically to report the number of students that received internship jobs for the summer.

- 8 Students from Frontier 4 Students from Tri-County 19 Students – Twin Lakes

Unfortunately, the internships might not work out due to COVID-19. Students that took the CNA class and passed the test will be able to start working immediately.

**IVY TECH**

Patty Plantenga, Site Manager, called in electronically to report that they will hold a virtual Career Fair on May 18 for White County employers.

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