

# COMMISSIONERS' MINUTES

MARCH 1, 2021

PRESENT: ALL

**BE IT REMEMBERED** that the White County Commissioners held a regular meeting on March 1, 2021, in the White County Building, 2<sup>nd</sup> -floor John C. Heimlich Conference Room beginning at 8:15 a.m.

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

## MINUTES

- Commissioner Burton made a motion to approve the minutes from the regular meeting on February 16, 2021, seconded by Commissioner Davis. **Vote: Unanimous**

## PAYROLL

- Commissioner Diener made a motion to approve payroll for February 22, 2021, seconded by Commissioner Burton. **Vote: Unanimous**

## CLAIMS

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

## SHERIFF'S DEPT. – VEHICLES

Chief Deputy David Roth presented quotes for five new vehicles for the Sheriff's Dept. He was able to save \$4,500 by going with Twin City Dodge in Lafayette. Four cars will be traded into the dealership, and one of the trade-in vehicles will be sold to Frontier High School for fair market value because they are starting their own police agency.

Quotes were received from the following:

Twin City Dodge, Lafayette, IN		
2021	RAM 1500 Classic	\$27,586
2021	Durango Pursuit Vehicle AWD	\$34,361

Twin Lakes CDJR, Monticello, IN		
2021	1500 SSV Crew Cab 4x4	\$28,826
2021	Durango Pursuit Vehicle AWD	\$35,361

Hubbard's, Monticello, IN		
2021	Chevrolet Silverado 1500	\$32,854
2021	Chevrolet Tahoe	\$38,577

Gutwein Motors, Monon, IN		
2021	Ford Explorer	\$35,405
2021	Ford Explorer	\$31,549

- Commissioner Davis made a motion to allow the Sheriff's Department to purchase five vehicles from Twin City Dodge in Lafayette, seconded by Commissioner Burton. **Vote: Unanimous**

## PUBLIC HEALTH LEAVE POLICY

HR Director Leah Hull said that the County's Public Health Leave Policy expired on February 28. The County is now in stage 4A of the Slow Open Mitigation Plan. Employees are not eligible to receive Covid-19 leave pay any longer. They will be required to use sick or vacation days if they get sick with the virus.

## TREASURER – INVESTMENT OF PUBLIC FUNDS

Commissioner Diener presented a resolution that will allow newly-elected Barbara Nydegger to invest public funds. This is a resolution that's adopted annually.

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Commissioner Diener asked if there were any questions regarding the Resolution. No comment from the public.

- Commissioner Davis made a motion to approve Resolution No. 21-03-01-03, authorizing the investment of public funds, seconded by Commissioner Burton. **Vote: Unanimous**

**RESOLUTION NO. 21-03-01-03  
 A RESOLUTION OF THE BOARD OF COMMISSIONERS  
 OF WHITE COUNTY, INDIANA  
 AUTHORIZING THE INVESTMENT OF PUBLIC FUNDS  
 PURSUANT TO IC 5-13-9-5**

**WHEREAS**, White County, Indiana (the "County") desires pursuant to IC 5-13-9-5 to allow banks outside the political subdivision to submit quotes on the public fund's certificates of deposit;

**NOW, THEREFORE, BE IT RESOLVED** that, pursuant to IC 5-13-9-5, the Board of Commissioners of White County hereby authorizes the investing officer of the County to invest in certificates of deposit of depositories that have not been designated by the local board of finance but have been designated by the state board of finance as a depository for state deposits under IC 5-13-9.5. This authorization expires one (1) year after the adoption date.

**HIGHWAY DEPT.**

Highway Superintendent Mike Kyburz complimented the Commissioners hiring Mark German as the County's Maintenance Supervisor. It's nice that when they had some maintenance repairs, he could come over and fix everything rather than have to call an outside vendor.

**HIGHWAY SUPPLY BIDS**

County Attorney George Loy announced that the time has expired for bids to be submitted for the White County Highway 2021 Supplies. Submissions were received from the following:

**ITEM 1: UNLEADED GASOLINE**

1. Co-Alliance, Avon, IN

**ITEM 2: DIESEL FUEL #1, #2, & PREMIUM**

1. Co-Alliance, Avon, IN

**ITEM 3: TIRES & TUBES**

1. None.

**ITEM 4: CRUSHED LIMESTONE, ROAD GRAVEL, CEMENT GRAVEL, & ICE SAND**

1. U.S. Aggregates, Indianapolis, IN
2. Engineering Aggregates Corp, Logansport, IN

**ITEM 5. A.E. GRADES IF BITUMINOUS MATERIALS**

1. Asphalt Materials, Inc., Indianapolis, IN
2. Bit-Mat Products of Indiana, Inc., Ashley, IN

**ITEM 6. COLD MIX PATCHING MATERIAL**

1. Central Paving, Inc., Logansport, IN
2. Rieth-Riley Construction Co., Inc., Lafayette, IN
3. Milestone Contractors, Lafayette, IN

**ITEM 7. BITUMINOUS COATED PAVING MATERIAL**

1. Rieth-Riley Construction Co., Inc., Lafayette, IN
2. Central Paving, Inc., Logansport, IN

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3. Milestone Contractors, Lafayette, IN

**ITEM 8. RENTAL OF EQUIPMENT**

- 1. Milestone Contractors, Lafayette, IN
- 2. Central Paving, Inc., Logansport, IN

Commissioner Diener asked if any bids were submitted but not opened. No comment from the public.

The Commissioners took the bids under advisement and will award them at the next meeting.

**RESOLUTION FOR LOCAL CONTROL OF LAND USE DECISIONS**

Commissioner Diener said that this resolution resulted from Indiana House Bill 1381, which passed the House of Representatives. HB 1381 would set state standards for installing and sitting commercial wind and solar farms and preventing counties from adopting more stringent rules on issuing permits. The Commissioners and Indiana County Commissioners Association is adamantly against this.

The Resolution states that the commissioners oppose HB 1381 and "express its support for the rights of individuals and families living in a community to direct their future through land-use decisions."

Commissioner Diener asked if there were any questions.

- Commissioner Burton made a motion to approve Resolution No. 21-02-22-01, expressing support for local control of land-use decisions, seconded by Commissioner Davis. **Vote: Unanimous**

**RESOLUTION NO. 21-02-22-01  
RESOLUTION OF THE BOARD OF COMMISSIONERS AND COUNTY COUNCIL OF WHITE  
COUNTY, INDIANA EXPRESSING SUPPORT FOR LOCAL CONTROL OF LAND USE  
DECISIONS**

WHEREAS, the State of Indiana consists of diverse communities, each with its own needs and opportunities; and

WHEREAS, across the State of Indiana, Counties have created and implemented plans for development that provide the type of new investment and additional employment that is desired by the citizens of the County, and in many instances the desired development has included wind or solar projects; and

WHEREAS, the Board of Commissioners believes that decisions regarding wind and solar development are best made by the citizens living in the community, rather than by the wind and solar industry or State officials who live outside the community; and

WHEREAS, House Bill 1381 is currently pending in the Indiana General Assembly, and if enacted, such legislation would disenfranchise the citizens of the ability to determine the conditions under which wind energy and solar energy projects would be allowed in their County; and

WHEREAS, under House Bill 1381, communities would be compelled to allow wind and solar projects under conditions dictated by others living outside the community; and

WHEREAS, the Board of Commissioners desires to express its opposition to House Bill 1381 and express its support for the rights of individuals and families living in a community to direct their own future through land use decisions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WHITE COUNTY, INDIANA, that the board expresses its opposition to House Bill 1381 and any other legislation that disenfranchises local citizens of the right to make local planning decisions and direct the future of their own communities.

**COVID-19 PHASE 3 APPLICATION FOR SMALL BUSINESS ASSISTANCE**

County Attorney George Loy submitted a resolution authorizing the Commissioners to apply for the Covid-19 Phase 3 of the Indiana Office of Community and Rural Affairs (OCRA) Grant. The funds will be distributed to White

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County small businesses, 100 employees or less, through an application process. Small businesses will have the opportunity to apply for financial assistance up to \$10,000. There are no local funds required as a matching for the grant.

As a condition to the Resolution, it is required that White County update the Fair Housing Ordinance to recognize the Civil Rights Act of 1968, as amended. The Ordinance is necessary and appropriate to prevent discrimination.

Commissioner Diener asked if there were any questions about the Resolution or Ordinance being presented today. No response.

- Commissioner Burton motioned to suspend the rules and consider adopting Ordinance No. 21-03-01-01 on the first reading, seconded by Commissioner Davis. **Vote: Unanimous**
- Commissioner Diener made a motion to approve Ordinance No. 21-03-01-01, adopting White County Commissioners' Fair Housing Ordinance, seconded by Commissioner Davis. **Vote: Unanimous**
- Commissioner Burton made a motion to approve Resolution No. 21-03-01-02, authorizing submittal of Covid-19 Phase 3 application to OCRA, seconded by Commissioner Davis. **Vote: Unanimous**

### **RESOLUTION NO. 21-03-01-02** **AUTHORIZING SUBMITTAL OF COVID-19 PHASE 3 APPLICATION** **TO THE INDIANA OFFICE OF COMMUNITY AND RURAL AFFAIRS**

WHEREAS, the White County Board of Commissioners recognizes the need to stimulate growth and to maintain sound economy within its corporate limits; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Office of Community and Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low-and moderate-income persons; and

WHEREAS, the White County Board of Commissioners has conducted or will conduct public hearings prior to the submission of an application to the Indiana Office of Community and Rural Affairs, said public hearings to assess the housing, public facilities and economic needs of its low-and moderate-income residents.

NOW, THEREFORE, BE IT RESOLVED by the White County Board of Commissioners, that:

1. The President of the White County Board of Commissioners is authorized to prepare and submit an application for grant funding to assist local small businesses for working capital leading job retention during recovery from COVID-19 pandemic, and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Office of Community Affairs and the United States Department of Housing and Urban Development.
2. The White County Board of Commissioners hereby commit no local funds towards the Project.

### **RESOLUTION – ESTABLISHING POLICIES & PROCEDURES TO PROTECT DECORUM AND FOSTER THE EFFECTIVE ADMINISTRATION**

Commissioner Diener presented a resolution that will apply policies and procedures to their public meetings. He is offering this Resolution due to the recent public meetings that have taken place in Washington, Indianapolis, and recently at a Commissioners' meeting. The Indiana County Commissioners Association recommended the Resolution.

- Commissioner Burton made a motion to approve Resolution No. 21-03-01-04, establishing Policies and Procedures to protect decorum and foster the effective administration of public meetings, seconded by Commissioner Davis. **Vote: Unanimous**

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**RESOLUTION NO. 21-03-01-04**  
**RESOLUTION OF THE BOARD OF COMMISSIONERS**  
**OF WHITE COUNTY, INDIANA, ESTABLISHING POLICIES**  
**AND PROCEDURES TO PROTECT DECORUM AND FOSTER**  
**THE EFFECTIVE ADMINISTRATION OF PUBLIC MEETINGS**

**WHEREAS**, the White County Board of Commissioners (the "*Commissioners*") serves as the body of White County, Indiana (the "*County*"); and

**WHEREAS**, the Commissioners conduct County business during its regularly scheduled and, if necessary, special meetings, all of the which are open to the public; and

**WHEREAS**, the Commissioners previously adopted, and continue to follow, the general rules of parliamentary procedure as set forth in Robert's Rules of Order regarding the conduct and administration of its public meeting; and

**WHEREAS**, the Commissioners believe it is in the best interest of the County, as well as those individuals who choose to attend public meetings of the Commissioners, to adopt standard policies and procedures for the administration of public meetings to supplement or, as the case may be, in lieu of the parliamentary procedure set forth in Robert's Rules of Order; and

**WHEREAS**, the policies and procedures adopted herein are intended to provide the general public with a clear and concise set of standards for public meetings held by the Commissioners and, when applicable, rules regulating the conduct and decorum of members of the general public who wish to attend said public meetings; and

**WHEREAS**, in order to protect general meeting decorum and foster more effective administration of public meetings, the Commissioners now desire to adopt standard policies and procedures applicable to public meetings held by the Commissioners according to the general parameters stated herein.

**NOW THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS OF WHITE COUNTY, INDIANA:**

1. The White County Board of Commissioners hereby adopt the following rules which shall apply to all individuals attending public meetings of the White County Board of Commissioners:
  - a. Members of the general public in attendance at a public meeting of the Board of Commissioners have no rights with reference to the meeting except as otherwise provided by law.
  - b. Although members of the general public have no right to speak during a public meeting, the Commissioners, at their sole discretion, may provide for a public comment period, during which time individuals may be given an opportunity to address the Commissioners.
  - c. During any public comment period, individuals wishing to speak will be required to sign a speaker registration sheet and provide the speaker's name, address, and issue or topic they wish to address. Individuals will be called to speak in the order of which they have signed the speaker registration sheet.
  - d. Individuals who wish speak and have signed the speaker registration sheet may waive their opportunity to speak once called upon; however, an individual who waives their opportunity to speak will not be permitted to speak at a later time.
  - e. Once called upon, all speakers shall first state their name, their County of residence, and the issue upon which they wish to speak. Speakers may only speak from a podium and must speak loudly and clearly into the microphone provided.
  - f. Any speaker wishing to provide documents to the Commissioners at the meeting shall provide one copy for each of the three (3) Commissioners; however, speakers are encouraged to bring additional copies of any documents they intend to distribute during the meeting.
  - g. Each speaker may only speak once and will be given a maximum of three (3) minutes to speak unless a shorter period of time is set forth by the Commissioners at the start of the public comment period. Time may not be reserved or yielded to other speakers and once an individual is finished speaking, that individual's remaining time, if any, is waived.

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- h. Each speaker will be notified when their allotted time to speak is exhausted and any speaker that does not immediately conclude their remarks at the expiration of their allotted time will be deemed out of order and the speaker will be asked to stop.
  - i. Comments which are duplicative or repetitive will be deemed out of order and the speaker will be asked to stop.
  - j. Any speaker who is discourteous, argumentative, accusatory, or insulting will be deemed out of order and asked to stop.
  - k. Once a speaker is deemed out of order for any reason, that speaker's remaining time, if any, will be forfeited and the speaker will not be granted an opportunity to make any further comment or presentation.
  - l. All members of the general public attending a public meeting will be expected to adhere to these rules and, any person failing to do so will be deemed out of order.
  - m. The Commissioners are authorized, and have sole discretion, to request any person deemed out of order leave the meeting and, once requested to leave, a person must immediately leave the meeting room.
  - n. In extreme cases, if a person refuses to leave the meeting after being asked to do so and that person continues to disrupt the proceedings in a way is obviously hostile to the purpose of the meeting, the Commissioners may order that the person be removed by members of the White County Sheriff's Department.
  - o. During its public meetings, the Commissioners will take all measures necessary under the circumstances to maintain order. In exercising this discretion, the Commissioners will be guided by a judicious appraisal of the circumstances, including the conduct and decorum of members of the general public in attendance.
2. Upon the adoption of this Resolution, a copy of the rules stated herein shall be posted outside the Commissioner's Room and made available to the general public through the internet website White County, Indiana.

**RECYCLING DEPARTMENT GRANT**

Commissioner Diener said that the Recycling Director Dawn Girard is now making the grant application that K-IRPC was working on for the Recycling Department. Dawn will submit the grant application to IDEM and save the County administrative fees from K-IRPC.

**BRIDGE #95 & BRIDGE 89– INDOT CONTRACTS**

Commissioner Diener presented a contract between White County and INDOT to reconstruct Bridge 95 over Little Monon Creek. INDOT will fund 80% of the construction cost with an amount not to exceed \$1,004,000.00.

Commissioner Diener also presented a contract between White County and INDOT for preliminary engineering cost of Bridge 89, East Shafer Drive over Pike Creek. INDOT will fund 80% of the preliminary engineering with an amount not to exceed \$163,596.80.

- Commissioner Davis made a motion to enter into an agreement with INDOT for Bridge #95 and Bridge #89, seconded by Commissioner Burton. **Vote: Unanimous**

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

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David Diener, President

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Steve Burton, Vice President

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James B. Davis, Member

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