

## DEKALB COUNTY COMMISSIONERS' MEETING

October 18, 2021

Commissioners Present: President William L. Hartman  
Vice President Michael Watson  
Vice President Todd Sanderson

Others Present: Auditor Jan Bauman  
Attorney James P McCanna

### MATTER OF PAYROLL

The Sheriff was telling his employees that if they were off with COVID, they would be “Off With Pay” if they had their vaccinations, but employees who don’t have their vaccinations would have to use their PTO. The State says County policy has to be followed. County policy allows employees to use PTO for being off due to COVID regardless of vaccination status. The Commissioners discussed this and said the Sheriff was almost making a vaccine mandate. And, he was making his own policy. We have a policy for a reason, and if we don’t stick to it, we could have more and more of this happening where policies are instituted without Commissioners’ approval.

Prior to today’s meeting, the Auditor’s Office had this all worked out with the Sheriff so that the employee’s timesheet correctly reflected PTO rather than “Off with Pay.” But this matter needed to be discussed in case it comes up again in the future. Michael Watson made a motion to approve payroll for the period September 26-October 9, 2021. Todd Sanderson seconded, and all approved.

### MATTER OF MINUTES

Michael Watson made the motion to approve the minutes from October 11, 2021. Todd Sanderson seconded, and all approved.

### MATTER OF MOSAIC AND THE COMMUNITY CORRECTIONS FACILITY

Last Tuesday Todd Sanderson went up into the attic of the Community Corrections facility to see what had been done to the light fixtures. Mosaic claims that all 30 of the fixtures have been secured properly. Commissioner Sanderson took pictures that show this is not the case. He says we are being given misinformation from Mosaic.

Commissioner Sanderson has 11 e-mails between him and Tom Wherling, Vice President of Mosaic. Commissioner Sanderson’s initial e-mail explains how these lights aren’t supported. They are sitting directly on the drywall, and they can’t sit on the drywall. Mr. Wherling’s immediate response was that the lights are all framed in proper frames and that the frames have dropped. To which Commissioner Sanderson responded that it is not possible because frames do not drop. Mr. Wherling said he would send someone out to look at them...he sent his guy out, who said they were fine. Commissioner Sanderson said they were not fine and to please go look at them, but he [Mr. Wherling] wouldn’t look at them himself. So Commissioner Sanderson drilled some holes through the drywall, put my fingers through the holes, and say no, these are sitting right on the drywall. *On an aside to the Commissioners, he said these lights have “feet” which are for temporary use only—you put them on the drywall while you properly go above the light fixture using all thread or mechanics wire plumb (not at an angle) so it is supported vertically. Those cams are not supposed to be used for permanent mounting.*

Commissioner Sanderson had asked Mr. Werling three times in prior e-mails to look at the fixtures for himself. Mr. Werling in his final e-mail stated that at the wood frame locations, additional supports were added above the fixtures, and the fixtures were attached to the additional supports. *Per Commissioner Sanderson, none of the light fixtures are framed in wood, and there were no additional supports.* And at the metal frame locations, the fixture was attached to the boxed out metal frame. *None of them are in a metal frame that Commissioner Sanderson saw.* He said that all 30 lights were reviewed and made safe by initial fasteners through the light to supporting members. *Commissioner Sanderson reiterated that none of the lights are in boxes. None of them are in frames.*

Commissioners Sanderson had taken 6 pictures last Tuesday which were shown on the screen during the meeting. The first picture was of Women's D block bathroom and that the lights were coming through the drywall. If they were suspended correctly, they would be tight up against the drywall. The next picture was of Women's D block bunk showing the same thing that they are coming through the drywall. The next pictures were of Men's B & C showing a gap at the light fixture where it is falling through; the lights were supposedly in frames and they supposedly used actual support. However, these 9 lights are only being held up by mechanics wire as shown in the fifth picture. This would have been fine had they been wired plumb and supported properly. Instead, the mechanics wire was attached at an angle with no overhead support using crossbars. In addition, all of the lights on the men's side (15 lights) were left completely without insulation put back on them. So that was their fix. The e-mail said the lights were in a frame and additional supports were installed. The last picture from the attic was of the women's side. Commissioner Sanderson had to remove the insulation to inspect the light, and it was evident that nothing had been done to it. And, from what he could see, no one had been in the attic on that side except for him. None of those 15 lights had been touched. None of them had been looked at. So for him to say that additional frames had been put in and all 30 lights had been reviewed, 15 of the lights hadn't been looked at out of the 30, and the other 15 were hodge-podged together with mechanics wire on an angle without the right support.

Commissioner Sanderson said he was able to find each rafter on the men's side because the contractor had walked up there. But on the women's side, no one had walked in that area after the insulation had been blown in. There are 15 lights that are still dangerous. Commissioner Sanderson doesn't believe anyone should be in the women's block until the lights are fixed. They weigh 30 pounds each. The bunks are within 3 feet of the light. The lights are 4 feet long. The lights are going to swing down through the ceiling and hurt someone. The lights in the men's block that were hodge-podged may not swing down through the ceiling and hurt someone, but they will continue to stress the drywall and will eventually come through.

Something else Commissioner Sanderson learned about the lights is that they are no longer supported by the manufacturer, so you can't get repair parts for them.

To sum up, Commission Sanderson is very upset with Mr. Werling's statements about the lights: "They are either in wood frames or in metal frames. There were additional supports. All 30 lights were reviewed." No they weren't. That's why Commissioner Sanderson asked Mr. Werling to go look for himself. He just wouldn't do it.

Discussion followed about what it might take to correctly repair all of the lights including the drywall. Perhaps a quote should be obtained from another vendor for what the cost would be do all of the repairs and then double that amount. It was brought up that over 800 work orders have been issued for that facility since it was built. Commissioner Sanderson is disgusted with the fact that he gave Mr. Werling three opportunities to check out the lights for himself, and he wouldn't.

The discussion then turned to the concern about what would happen if Mosaic went out of business since Mosaic was fired from a job with Northwest Allen County Schools, and they had problems with Fort Wayne Community Schools. Furthermore, after being lied to about the lights, what else might the Commissioners find out about the building that needs to be fixed because it was constructed improperly? The Commissioners determined that they are not obligated to pay Mosaic anything until the job is complete and completed correctly. Attorney McCanna agreed and that they would have sufficient justification for that. Todd Sanderson made the motion to not pay anything until we figure out what we are up against. Michael Watson seconded, and all approved.

Auditor Bauman will reach out to a couple of her contacts to explain to them the extenuating circumstances regarding the Community Corrections facility and the reasons as to why the project will not be closed out by the end of 2021.

#### **MATTER OF EVAPAR MAINTENANCE AGREEMENT FOR COMMUNITY CORRECTIONS**

Michael Watson made a motion to approve the contract with Evapar for the Community Corrections generator. Todd Sanderson seconded, and all approved. The contract term is December 14, 2021-December 13, 2022 per correspondence with Shannon Talley at Community Corrections.

#### **MATTER OF BENEFITS FOR CHIEF DEPUTY PUBLIC DEFENDER**

Commissioner Watson brought up the fact that Public Defender Mark Olivero would like to seek benefits for his Chief Deputy. The position is part time, so the position has not been eligible for benefits per the County's employee policy. Mr. Olivero produced a document called Standards for Indigent Defense Services in Non-Capital Cases adopted by the Indiana Public Defender Commission. According to this document, Standard G, "the salaries and compensation provided to the chief public defender and deputy chief public defender shall be the same as provided to the elected prosecutor and the chief deputy prosecutor in the county under I.C.33-39-6-5." All benefits would be eligible to be reimbursed 40% since the Public Defender is part of the Indiana Public Defender Commission. Auditor Bauman asked how we would know what the State offers as benefits to the Chief Deputy Prosecutor since we do not pay those benefits and do not have that information. If the Commissioners decide to offer benefits, we would want to make sure they are offering the same ones so they are "apples to apples." In addition, the current Chief Public Defender would decline PERF, but in the future, a different person in that position may want PERF. There was much discussion about whether to stick to the County's policy as is. The Commissioners tabled this topic until next week so the attorney could look further into the matter.

#### **MATTER OF TRAVEL REQUEST**

Todd Sanderson made a motion to approve the following travel request:

- 1) Mike Watson (Commissioner) travel to Fort Wayne on October 14 for the Allen-Noble-DeKalb Joint Drainage Board meeting. \$20.15 to be paid from Commissioners' travel.

Michael Watson seconded, and all approved.

#### **MATTER OF COUNTY HOME REPORT**

Todd Sanderson made a motion that the Commissioners acknowledge receipt of the September 2021 County Home Report. Michael Watson seconded, and all approved.

## **MATTER OF HIGHWAY**

Ben Parker distributed bid tabs for the Bridge 46 replacement on County Road 15. He recommends RL McCoy for the project after reviewing the bid. Michael Watson made the motion to award the Bridge 46 project to RL McCoy for \$391,876.50. Todd Sanderson seconded, and all approved.

The Commissioners believe an encroachment agreement should be required for the Ben Krafft property. Attorney McCanna will prepare a letter.

Dan Avery from NIRCC wrote a letter of support for Mr. Parker for how he measures sight distances for driveways. Mr. Parker is “properly assessing stopping sight distance in accordance with the Indiana Design Manual Chapter 42 and per guidance provided by Ms. Laura Slusher, PE, Traffic Engineer, Indiana Local Technical Assistance Program (LTAP) at Purdue University.” By doing this he maintains an objective and consistent evaluation process. The Commissioners are satisfied that Mr. Parker has assessed the sight distance for Todd Land’s property on County Road 51. They understand his frustration. Yet the County also needs to be mindful of the liability involved. There have also been alternative solutions offered to the property owner.

The CR 55 pipe under the road has finally been installed. Reimbursement can be decided once all of the invoices have been received.

We may hear around November 4<sup>th</sup> whether we have received the next Community Crossings grant award.

## **MATTER OF OTHER DISCUSSION**

Other discussion topics included: millings for parking area behind Holben building; bulk glycol purchased at discount rate for courthouse; draft economic development agreement with Auburn Renewables almost ready; utility costs for Community Corrections; working a trade for installation of solar field for Community Corrections campus into future economic development agreement with solar company; ARP lost revenue calculation still in process; ballistic vests for Community Corrections; MOU regarding commissary; “normal” travel for Extension Office; 2022 appointments; property on tax sale owned by sovereign citizen; cell phone ban in courthouse; and proposed re-districting for Commissioners and Council.

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William L. Hartman – President

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Michael Watson – Vice President

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Todd Sanderson – Vice President

Attest:

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Jan Bauman, Auditor