

**February 18<sup>th</sup>, 2008**

Pursuant to adjournment comes now the Starke County Board of Commissioners and meet in regular session at 3:45 p.m. in the Annex meeting room, Knox, Indiana, and the following proceedings were held to wit:

Kent Danford called the meeting to order.

**IN RE: DAMAGE TO A CULVERT BY N.I.P.S.C.O.**

John Ahelenius appeared and expressed his deepest sympathies to the county, for the loss of the Highway Department Superintendent, Peter Stanojevic.

John said that NIPSCO had damaged a culvert while they were doing work on 550. He checked with the Highway Department and concluded the work was done without a permit. John had damage to his house from flooding as a result of the damaged culvert. He has settled with NIPSCO, and says that he called the highway department before he settled and the department repaired the culvert. He feels that the taxpayers should not be responsible for these repairs and the commissioners agreed. There is a \$500 penalty for work done without a permit. Mark Milo made a motion for the county attorney to send a letter to NIPSCO asking for the \$500 penalty, plus funds to cover the pipe, other materials, and labor. Kevin Kroft seconded the motion and it passed with three ayes.

**IN RE: 911 RECORDER**

Bob Smith, County Information Technology Coordinator, presented a quote to the commissioners for a new 911 recorder. The quote was \$11,691, plus \$870 for a new workstation. The total quote was \$12,561.38 to be advertised this week for payment through the E-911 fund. Kent Danford moved to approve this, subject to council approval. Mark Milo seconded the motion and it passed with three ayes.

**IN RE: DOG ORDINANCE**

Elizabeth Chalifoux appeared about a need for a dog control ordinance for rural residents. They have lost several animals to dog attacks. Her neighbors were also at the meeting and stated they have lost animals as well. The Animal Control Officer was called because a llama was killed, but there is no ordinance to enforce controlling the dogs. The commissioners, sheriff, a rep from the humane society, and the public discussed this at length. The prosecutor had been called but says she can do nothing without a report from the sheriff. Sheriff Cowen said he has given reports to the prosecutor and he resents a comment like that being told to the public.

Chalifoux gave the commissioners a copy of the state statute for loose dogs. Martin Bedrock, County Attorney, is to look into the statute and fines for the offense. Also a proposed ordinance from 2000 was again given to the commissioners. Mark Milo moved to give a copy of the proposed ordinance to the prosecutor with a letter requesting that she review the ordinance and return to the commissioners at the next meeting with her recommendations and agreement to enforce. Kent Danford seconded the motion and it passed with three ayes.

**IN RE: BASS LAKE BEACH**

Jennie Carter & Rich Wieczorek appeared about the Bass Lake Beach. A letter from Dr Fritz was given to the commissioners in regard to the sewage treatment plant. David Singleton, County Sanitarian, is to test the water and get it pumped out.

Martin Bedrock reported that the Spiewaks from JDRL did not pick up the certified letter but have cleared out of the beach. Their 30 days to vacate will be up on February 28<sup>th</sup>. Johnny Ray Norris, Interim Highway Superintendent, is to meet with Rich on the 29<sup>th</sup> to cut any padlocks off, replace them, and check out the condition of the beach.

Jennie gave the commissioners a copy of a letter that was sent to three parties who are interested in the beach. There will

be a site inspection on March 1<sup>st</sup>, for those who would like to be there.

**IN RE: COUNTY ROAD 300 PROJECT**

Jeff Larrison, with United Consulting, appeared and told the commissioners that the 300 project is proceeding as scheduled. The traffic counts will be done in the near future.

**IN RE: TOTO ROAD RECONSTRUCTION**

Brenda Stanojevic gave the commissioners a letter that Pete was supposed to present to them. It was dated 8/25/2005. Approval was given and the work will be done in four phases. Phase 1 will be from Highway 35 to 300 E, funded for 1.472 million dollars done to federal specifications. This amount was at the 2005 rate. Jeff Larrison asked the commissioners for permission to update the figures. They agreed.

**IN RE: ANTENNA ON AT&T TOWER**

Bruce Williams, Planning Commission Administrator, is to meet with AT&T on February 21<sup>st</sup> and request their final decision, as they have had a preliminary approval for a year but never received a final.

If AT&T will not agree on the 21<sup>st</sup>, the county will proceed with a plan to put up their own tower in Washington Township for a cost of \$25,000. Kevin Kroft moved to approve this, seconded by Mark Milo with three ayes.

**IN RE: FLOODING**

Mary Leonardo appeared to ask the commissioners to declare County Road 625 and Toto Road an emergency and take care of the flooding problem. The commissioners explained to her that the entire county has the same problem. There is really nothing they can do with all the excess water at this point.

Randy Abbey, EMS/EMA director, said that he had spent time with FEMA. They saw 15 houses that are in severely flooded areas. Marshall County and Pulaski County have both been listed in disaster declaration. FEMA will now decide if they will include Starke County. If Starke County is declared, then people will call FEMA directly. Terry Turner said he would publish the information in his local paper this week.

Kent Danford moved to declare Lindstrand Ditch on Toto Road an emergency, seconded by Mark Milo with three ayes.

**IN RE: COUNTY FLOATER EMPLOYEE**

Mark Milo made a motion that the county floater employee's first priority and responsibility will be to cover for offices where the office employees will be gone for other county business attending trainings or state called meetings. Kent Danford seconded the motion, and it passed with three ayes.

**IN RE: GEOTHERMAL UNIT LEAKING**

Mark Milo told Johnny Ray Norris that on Debby Drive in Binkley Subdivision, the Sullivan's geothermal system is open loop and discharging into their yard. Due to high water problems, the water is flowing across the county road and into the neighbor's yard. Mark Milo moved to have Martin Bedrock send a letter to the Sullivans telling them they must find an alternative solution to this problem as soon as possible. Kevin Kroft seconded the motion and it passed with two ayes. (Kent Danford out of the room).

**IN RE: FUEL SYSTEM AT HIGHWAY GARAGE**

A representative from MidValley Supply is to meet with several employees at the highway garage on February 21<sup>st</sup> to give instructions on how to use the fuel system. Johnny Ray Norris, Steve Siddall, Scot Dedloff, Sue Himes and Kevin Kroft will all be instructed.

**IN RE: CREDIT APPLICATION**

B&B Equipment asked the commissioners to sign a credit application. They do repairs on the fuel system and want to be able to come out and bill the county. Mark Milo moved to approve Kevin to sign the credit application with a \$1,000 cap, seconded by Kent Danford with three ayes.

**IN RE: OTHER HIGHWAY BUSINESS**

Johnny Ray told the commissioners that the parts for the pug mill have been ordered and should be received in mid March. He said it will be up and running this year.

Johnny Ray is to talk to the county's health insurance carrier to see how much money needs to be transferred in the highway fund to cover the insurance. This cannot be done until the budget is approved by the state.

The commissioners asked Johnny Ray to get bids on trucking stone.

**IN RE: HIGHWAY SUPERINTENDENT POSITION**

The commissioners instructed the auditor run an advertisement in the paper, for the highway superintendent's position, this week. The commissioners want the person applying to be familiar with but not limited to budgets, management, etc. Mark Milo moved to approve, seconded by Kent Danford with three ayes. Mark and Kent both feel that someone outside the department would best fill the position, but anyone, including present highway employees, can submit an application.

There was much discussion about appointing an acting superintendent until someone is hired. Kevin Kroft suggested Louis Sommerfield, but Mark said he did not feel that was wise after Louis threatened to sue the county over an eye injury where he admitted he was not wearing safety glasses.

Kevin Kroft said he has issues appointing Johnny Ray Norris who has been Assistant Foreman. He said that he doesn't want to do that, as he was ready to demote both Johnny Ray and Pete a month ago. He was also not happy about not being contacted by the highway department when decisions were made with the highway vehicle, as he is the contact commissioner for the highway department. It was brought up that the County Surveyor was to take over the Highway Department in the event that the superintendent could no longer perform. Marin Bedrock said that is only the case if the surveyor is a licensed engineer, and Starke County's Surveyor is not.

Mark Milo moved to appoint Johnny Ray Norris as acting superintendent with assistance from Scot Dedloff and Steve Siddall, until someone is hired full time. Kent Danford seconded this motion and it passed with two ayes one nay (KK).

**IN RE: PLANNING COMMISSION COMPUTER AND SOFTWARE**

Bruce Williams, Planning Commission Administrator, appeared to inform the commissioners that the council was unable to approve his request for additional monies to fund a computer as the budget has not yet been approved by the state. Kevin Kroft moved to have the request for \$4200 advertised out of Cumulative Capital Development, seconded by Mark Milo with three ayes.

**IN RE: E.M.S.**

Mark Milo moved to appoint Dr. Thomas Spencer as the new medical director for EMS, seconded by Kent Danford, with three ayes. Randy is to invite Dr. Spencer to the next commissioners' meeting.

Randy said he received a second bid on a damaged ambulance.

**IN RE: CLAIMS, MINUTES AND MAIL**

Mark Milo moved to approve the payroll, seconded by Kent Danford, with three ayes.

Mark Milo moved to approve claims, seconded by Kent Danford, with three ayes.

Mark Milo moved to approve the February 4<sup>th</sup> minutes, seconded by Kent Danford, with three ayes.

**IN RE: ALCOHOLIC BEVERAGE BOARD APPOINTMENT**

Mark Milo moved to appoint Herb Freeman to the Alcoholic Beverage Board, seconded by Kent Danford, with three ayes.

**IN RE: VACATION AND SICK PAY OF DECEASED EMPLOYEE**

Brenda Stanojevic, wife of Pete Stanojevic, former Highway Superintendent, appeared before the commissioners requesting Pete's vacation and sick pay be paid on his last check, along with his compensation time. Dona Hoban, County Deputy Auditor, told the commissioners that Pete's vacation pay would be on his final check. Kevin Kroft moved to pay Pete's sick days, seconded by Mark Milo with three days.

Martin Bedrock reminded the commissioners that the court had made a decision that any department supervisor position cannot be paid compensation time. Brenda plans to go to the council with this but the commissioners cannot support this, due to the court decision. Kevin said he would go with her to the council meeting.

Brenda also asked when Pete's health insurance would end. Dona told her that it terminates when the employee stops employment with the county. Brenda felt that it should be kept through the end of the month or even through the end of March. (Auditor's Note- Dona called Brian Liechty at KL Benefits. Brian confirmed that per federal law, insurance coverage ends at the time employment ends.)

**IN RE: SIGNING PAPERS FOR SYSCO**

Kent Danford moved to have Kevin sign any papers that need to be signed for the Sysco Project, seconded by Mark Milo with three ayes.

**IN RE: WAGE REQUIREMENT**

Kent Danford moved to accept the Davis Bacon Wage Rates letter, seconded by Mark Milo and it passed with three ayes.

There being no further business to come before the board Kent Danford moved to adjourn, seconded by Mark Milo with three ayes.

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Kevin Kroft, President

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Kent Danford, Vice President

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Mark Milo, Member

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Dona Hoban, Auditor Pro Tem