

## **MONDAY, APRIL 15, 2019**

Pursuant to adjournment comes now the Starke County Board of Commissioners and meet in Regular Session at 6:00PM in the Annex meeting room, Knox, Indiana, with Charles Chesak and Bryan Cavender present and the following proceedings were held to wit:

The meeting of the Board of Commissioners was called to order by Commissioner President Charles Chesak at 6:00PM.

### **MIDWEST GLACIAL LAKES PARTNERSHIP GRANT & BEACH PERMIT**

Rick Anderson came before the Board of Commissioners to request approval for a Midwest Glacial Lakes Partnership Grant & Beach Permit. He stated that there is a grant available to be applied for by Starke County to do some erosion control at the county beach at Bass Lake, he stated the grant will probably be approved. If the grant is approved there will have to be a permit to execute the work, because the beach is owned by the county, the county is the one who will have to file for the permit. He is requesting approval for the permit application and a representative to be the person in charge and actually file the permit. Mr. Anderson read the description of the permit as follows: Approximately 299 feet of shoreline on the East side of Bass Lake will be stabilized. Joint planning's using glacial stone 6-12 inches in diameter and native plants of certain species and description will be installed two feet on center. The trees along the shoreline will be protected. He stated he had sent a couple pictures of the trees along the shoreline to the Commissioners and will be sending those pictures with the grant paperwork as well. Auditor Oesterreich asked if the grant will be paying for the materials as well as the labor. Mr. Anderson stated the grant is for \$7,500.00 which he believes will pay for the bulk of the glacial stone. Auditor Oesterreich asked who would be installing the glacial stone. Mr. Anderson stated he already talked to the highway Superintendent. Superintendent Ritzler stated the rules have changed since January 1<sup>st</sup> and if the department completes any labor work for the county that is not within the road or roads right-a-way the county has to pay for it out of a different fund. He stated they could still complete the work as long as the county paid for it out of a different account. Mr. Anderson stated the permit cost \$100 and if they did not complete the work then they would be out the \$100. Commissioner Chesak asked Superintendent Ritzler to provide an estimate of what it would cost to complete the work. Commissioner Chesak will be working with Mr. Anderson to complete the permit. Commissioner Cavender made a motion to approve the permit application. Commissioner Chesak seconded the motion and the motion passed with all ayes.

### **FIRE PANEL UPGRADES**

Jim Coad, Maintenance Director came before the Board of Commissioners to request approval for upgrades to the fire panels of two county buildings. He stated the fire panel that is back in his office area of the Annex Building is obsolete. He stated he received quotes on upgrading this fire panel. The first quote was from Johnson Controls, for the fire panel only the amount quoted was \$9,397.00. He stated when Johnson came out to look at the fire panel and give a quote they stated the dialer on the fire panel was going back too. He asked Johnson to quote with the dialer panel as well, that quote amount was \$10,973.00. Director Coad stated that he also had Koorsen Fire & Security come out to quote on the project. He stated that Koorsen would not quote on the panel as they would have to come in and change out all of the equipment that Simplex already has installed. They did give a quote on the dialer that needs replaced, that quote amount was \$1,521.76. Director Coad stated he would like to go with Johnson Controls to replace the panel and the dialer. He would still have Koorsen do the monitoring. This already comes out of his existing budget. Commissioner Cavender made a motion to approve the Johnson Control quote in the amount of \$10,973.00. Commissioner Chesak seconded the motion and the motion passed with all ayes.

Attorney Lucas asked if we still had a contract with Simplex. Director Coad stated Simplex just changed their name to Johnson Controls and changed everything out. He stated that he does have another request for the warehouse. The warehouse dialer is obsolete and needs to be upgraded as well. He stated he had Koorsan give him a quote, the quote amount was \$6,465.66. He also stated that if he had an electrician come in and do some work on it, it may knock off about \$1,000.00 from that quote. He also got a quote from Johnson Controls, Johnson would have to swap out much of the existing equipment as it is Koorsan's equipment currently. Johnson Controls quote was for the amount of \$8,397.00 which does not include the direct line for the power. In regards to the warehouse, Director Coad stated he would like to go with the quote from Koorsan. Commissioner Cavender made a motion to accept Koorsan's quote in

the amount of \$6,465.66 for the county records building. Commission Chesak seconded the motion, the motion passed with all ayes.

Director Coad also mentioned that his son is in a class at the Knox High School, he is going to be a senior and is currently in the JAG program. He stated he has an opportunity that if he gets a summer job they would pay for his college expenses. The school system would pay him up to 300 hours. Attorney Lucas stated he would have to work in a different department because of the nepotism rules. According to our ordinance and state statute regarding nepotism you can't have a family member working in the same chain of command. Attorney Lucas stated he would be able to work anywhere else within our government as long as he is not working for you directly. Auditor Oesterreich will be sending out an email to all the Department Heads regarding the JAG program to see if they would like to participate.

## **ORDINANCE REVIEW**

### Starke County Leash Law

Attorney Lucas stated that the Leash Law came up a few months ago and he had added a few sections but other than that it is basically the same. He stated he added Section 6, Exemptions: The following are exempt from this Ordinance: (a) a dog that is engaged in lawful hunting and is accompanied by the owner or a custodian; and (b) a dog that is engaged in herding of domestic animals for the benefits of the domestic animals owner. Also, Section 7, Private Lawsuits: This Ordinance is intended as an expression of the public policy of Starke County regarding control of dogs. Nothing herein shall be construed as prohibiting or precluding any private lawsuit, complaint or cause of action regarding the subject matter hereof. Attorney Lucas stated that the enforcement is under Ind. Code 15-20-1-4, and that no one can question the authority of the county to enact the ordinance as there is already a statute that does this. Commissioner Cavender made a motion to adopt the Starke County Leash Law. Attorney Lucas suggested if they would like to pass this today they would need to suspend the rules on the readings. Commissioner Chesak suspended the rules to adopt the Starke County Leash Law Ordinance. Commissioner Cavender made a motion to adopt the Starke County Leash Law Ordinance. Commissioner Chesak seconded the motion, the motion passed with all ayes.

### Dog Noise Abatement

Attorney Lucas stated he looked through a number of ordinance elsewhere in the county on this. He stated the things that make this one a little more challenging is finding exactly when a dog barking becomes unreasonable. The second challenge to this ordinance is to discern from the serious complaints and when individuals are having a neighborhood dispute. This ordinance is built around the idea that dogs who are unreasonably barking, howling, or yelping is a serious problem to neighbors as it disrupts their rest, sleep, or the enjoyment of the outdoors. Attorney Lucas read the key aspects of the Starke County Dog Noise Abatement Ordinance:

1. Owner Responsible for Control of Dog Noise. A person who owns or harbors one or more dogs is responsible for controlling the noise produced by those dogs so as to prevent it from becoming unreasonable or a nuisance to others as defined herein.
2. Unreasonable or Nuisance Dog Noise; Complaints. Any dog or dogs that excessively barks, howls, or yelps intermittently or continuously for more than fifteen minutes in a manner that constitutes an unreasonably loud or disturbing noise of such a character, intensity and duration as to disturb the peace, quiet, and good order and which gives rise to a complaint of an adjacent or nearby property owner or occupant is hereby defined as "Unreasonable or Nuisance Dog Noise". Alternately, for complaints regarding Unreasonable or Nuisance Dog Noise by a person or persons rightfully using public spaces (such as roads, trails or parks), two or more complaints by unrelated person living in different households shall be required.
3. Enforcement; Penalties. The Sheriff of Starke County may enforce this Ordinance as follows:
  - (a) First Offense. The Sheriff shall issue a written NOTICE TO ABATE to the owner or harbinger of the dogs that were the subject of the complaint. The notice shall include the location, date and general nature of the Unreasonable or Nuisance Dog Noise, and in addition shall include a copy of this Ordinance as amended.
  - (b) Additional Offenses. For complaints/violations hereunder within three (3) years of the issuance of a NOTICE TO ABATE as set forth in section 3(a) above, the Sheriff's Dept. may issue a fine not to exceed \$100.00 along with notice that additional complaints could result in issuance of a fine under section 3(c) below, along with a NOTICE TO ABATE (REPEATED COMPLAINT).

(c) Habitual or Flagrant Violations. Habitual or flagrant violators of this Ordinance may be issued a fine not to exceed \$500.00 per violation, and may provide the basis for injunctive relief if sought by the Sheriff, Commissioners or an occupant or owner of a nearby property affected by the unreasonable dog noise. Factors that may support a finding that the owner or harbinger of dogs is in habitual or flagrant violation of this Ordinance include: (a) more than three citations within a three year period; (b) statements or actions by the owner or harbinger that support the inference of a willful disregard for their responsibility to control the dogs' noise making; or (c) statements or actions by the owner or harbinger of a spiteful, rude or aggressive nature with respect to the complaining neighbors, or (d) similar evidence or factors suggesting that the owner or harbinger is unlikely to adequately address their dogs' noise making.

4. Enforcement; Procedure. The Sheriff may seek enforcement of the penalties hereunder by any lawful means, including (without limitation) a civil collection action by the County Attorney. The County Attorney shall have discretion regarding prosecution of such claims. In addition, in the case of alleged Habitual or Flagrant violation under Section 3(c), the County Attorney may an order enjoining further violations.

5. Exemptions. The following are exempt from this Ordinance: (a) a dog that is engaged in lawful hunting and is accompanied by the owner or a custodian; and (b) a dog that is engaged in herding of domestic animals for the benefit of the domestic animals' owner.

6. Private Lawsuits. This Ordinance is intended as an expression of the public policy of Starke County regarding abatement of unreasonable or nuisance noise making by dogs. Nothing herein shall be construed as prohibiting or precluding any private lawsuit, complaint or cause of action regarding the subject matter hereof. In addition, this Ordinance may be cited in a private lawsuit as evidence that a Unreasonable or Nuisance Dog Noise is prohibited in Starke County.

Attorney Lucas stated that because this ordinance prescribes a penalty it should go through 3 readings and then it has to be published in the paper according to the statute. Attorney Lucas stated this is the 1<sup>st</sup> reading of the Dog Noise Abatement Ordinance which is opening this for comment. Commissioner Chesak asked where the fine would go to when collected. Attorney Lucas stated that a fine normally goes to the general fund but the ordinance should state that, he will add this for the next reading.

#### Alarm System 2<sup>nd</sup> Reading

Commissioner Chesak stated the next ordinance up for review is the Alarm System Regulation Ordinance. Attorney Lucas asked if there has been any comments on this one. Commissioner Chesak, Commissioner Cavender, Sheriff Dulin, nor Attorney Lucas have received any comments. Both Commissioner Chesak and Commissioner Cavender agreed to bring this ordinance up for a third reading at their next meeting.

#### **US 30 COALITION**

Superintendent Ritzler came before the Board of Commissioners to further expand the conversation on the US 30 Coalition and the Invoice for \$10,000.00. He stated the county is a member of the US 30 Coalition and the due payments are due in the amount of \$10,000.00. The coalition originally formed for the economic development and safety of US 30 to make it a freeway with more limited access than it is now. He stated the county has interest in this and our membership represents the interest of Starke County, we do not want it to be shut off if the project goes in. The local meetings have expressed the main interest of maintaining the Hamlet industrial area. Ritzler stated as a member of the coalition it gives us a pretty strong say in the accesses needed. He stated if we do not pay the dues we may not have as much of a say. This is important because if the project goes through the counties not part of the coalition will not have a say in the access points. Ritzler stated he believes at least for the next year it is important to be a part of the coalition. Commissioner Cavender stated he does not like paying lobbyist but does not want to be left out on the access point's decisions. Commissioner Cavender stated he would like all three Commissioners present before making a decision about the \$10,000.00.

#### **FIDLAR CONTRACT RENEWAL**

Recorder Mandy Thompson came before the Board of Commissioners to request approval of the Fidlar Contract. She stated that the costs are going up by 3%, this comes out of the Recorders Perpetual Fund. She also stated the quarterly for replication storage is going up to \$1,000.00 from \$500.00. She stated she is satisfied with the company and they have excellent customer service. Commissioner Cavender made a motion to accept the Fidlar Contract Renewal for the Recorder's Office. Commissioner Chesak seconded the motion, the motion passed with all ayes.

## **POSITIVE PAY**

Auditor Rachel Oesterreich came before the Board of Commissioner to request approval to enroll in positive pay. Positive pay takes the checks presented for payment and matches them, daily, against a file you create of your disbursements. She states this is no extra work for anyone else but myself. She stated the cost is \$15.00 a month. This amount will come out of the interest earned from the checking account, this is also where all the other bank fees come out of. Commissioner Cavender made a motion to set up positive pay. Commissioner Chesak seconded the motion, the motion passed with all ayes.

## **AUDITOR'S BUSINESS: MINUTES, VENDOR CLAIMS DOCKET, PAYROLL DOCKET**

Commissioner Chesak asked for a motion to approve the vendor claims. Commissioner Cavender stated there was one for Lee Nagai that he would like more information on. Commissioner Chesak agreed that this is for something he completed at Bass Lake and would like better detail on the work completed. Superintendent Ritzler stated that there are a lot of drainage problems at Bass Lake, the property owners have been complaining. He stated he had Lee Nagai do a study to see how much those things would cost to improve the drainage around Bass Lake. He would like to be able to tell people here is how much it is going to cost and here is how much we need to do that. Ritzler stated that very often people complain about the puddles in the roadway, he can now tell them to correct this problems it would cost 2.5 million dollars and if they could help pay for that we may be able to make those corrections. Commissioner Chesak questioned the fund it was coming out of being CEDIT/County Bridges. Auditor Oesterreich asked Ritzler his balance of the consultant line item in Cum Bridge. He stated it was \$25,000.00. Auditor Oesterreich asked the Board of Commissioners if they would rather pay this invoice from this particular line item and they agreed.

Commissioner Cavender made a motion to approve the vendor claims as presented with the exception of the US 30 Coalition Claim of \$10,000.00 which is to be tabled until the next meeting and to pay the invoice from Lee Nagai from Cum Bridge/Consultants not from CEDIT/County Bridges. Commissioner Chesak seconded the motion and the motion passed with both ayes. Commissioner Cavender made a motion to approve the Payroll Claims Docket for the pay period ending on 04/06/19 with a pay date of 04/12/19, in the total gross amount of \$250,736.93. Commissioner Chesak seconded the motion, the motion passed with both ayes. Commissioner Cavender made a motion to approve the minutes of the April 1<sup>st</sup> meeting. Commissioner Chesak seconded the motion and the motion passed with both ayes.

## **IN OTHER BUSINESS TO COME BEFORE THE BOARD**

Commissioner Chesak stated he would like to table the insurance solicitation until the next meeting.

Auditor Oesterreich reminded the Board of Commissioners that they have an outstanding invoice due to J & K Communications in the amount of \$5,503.79. The Commissioners requested Auditor Oesterreich to add this to the next claims period for May 6<sup>th</sup> discussion/approval.

Commissioner Chesak brought up the discussion regarding security in the Annex building. He stated he spoke with Commissioner Norem and Larry, the Director of Security, would like to move the metal detector back to the Justice Center. He would also still like to have a guard roam between the Courthouse and Annex Building. Attorney Lucas stated he will have to check the statute regarding this to make sure it is allowed. He also asked if it will be implemented during meetings. Auditor Oesterreich stated Larry would like to move the metal detector to the Judicial Center, have a roaming guard during business hours and still wand individuals before meetings held in the Annex Building 1 Conference Room. Attorney Lucas will look into the rules regarding this change.

Commissioner Chesak advised of the Umbaugh Continuing Disclosure Services. Attorney Lucas did review this document and had a question on the back page asking if Umbaugh would like us to fill this out. Auditor Oesterreich will contact Umbaugh & Associates about the questions on the back page. Commissioner Cavender made a motion to accept the Continuing Disclosure Services presented by Umbaugh & Associates. Commissioner Chesak seconded the motion and the motion passed with all ayes.

Commissioner Chesak advised that there will need to be a Planning Commission individual appointed as Don White is now on the County Council. He stated it would have to be a Republican spot. Commissioner Chesak and Commissioner Cavender advised that Todd Jackson was interested in serving on the Planning Commission Board. Commissioner Cavender made a motion to appoint Todd Jackson to the Planning Commission Board. Commissioner Chesak seconded the motion and the motion passed with all ayes.

#### **PUBLIC COMMENTS**

Kenny Wallace asked for a status on the elevator. Commissioner Chesak advised Commissioner Norem updated them about it this morning. Commissioner Cavender stated that the company has not been showing up when they are supposed to and they are late beginning the job. He advised Commissioner Norem has been working on trying to find a solution to this problem.

With no further public comment, Commissioner Cavender made a motion to adjourn at 6:50 PM. The motion was seconded by Commissioner Chesak and the motion passed with both ayes.

**APRIL 15, 2019**

ABSENT

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Charlie Chesak, President

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Kathryn Norem, Vice-President

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Bryan Cavender

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Rachel Oesterreich, County Auditor  
& Secretary to the Board of County Commissioners