

Monday, April 16, 2012

Pursuant to adjournment comes now the Starke County Board of Commissioners and meet in regular session at 7:00PM in the Annex meeting room, Knox, Indiana, with Dan Bridegroom and Jennifer Davis present and the following proceedings were held to wit:

The meeting was called to order by Commissioner President Norem at 7:20PM. President Norem noted changes to that meeting's agenda. She advised of additions to the "Also to be Discussed" portion of the agenda: the Simplex Annex Building sprinkler contract; a carpet quote for the Annex Building Meeting Room replacement carpeting; and an issue involving an invalidated tax sale purchase.

CADA PROCLAMATION

Annette Ohmen and Wendy Elam, of CADA, the Coalition Against Domestic Abuse, appeared before the Board requesting the Commissioners approve and sign a proclamation naming April as Child Abuse Prevention Month. President Norem read the Proclamation. Commissioner Davis made a motion to approve and sign the proclamation, seconded by Commissioner Bridegroom. The motion passed, and the proclamation was signed and sealed by the Board. A copy of the Proclamation is on file in the Auditor's Office.

At this point in the meeting, President Norem requested any one present that wished to speak to the Board in regard to the situation at the Shewski Road access, at Bass Lake, to sign in.

REPORT FROM THE COUNTY HIGHWAY DEPARTMENT SUPERINTENDENT

Superintendent, Steve Siddall, appeared before the Board to request President Norem's signature on the paperwork from the BMV, in regard to the title work for the new county truck. He also provided the Board a map designating the number of roads at Bass Lake, and at Koontz Lake, that dead end into the lake. He advised there are nine such roads at Bass Lake, and eleven roads at Koontz Lake.

SHEWSKI ROAD, BASS LAKE

Commissioner Bridegroom summarized the situation involving Shewski Road, at Bass Lake. He advised a situation had occurred with parking on Shewski Road, that had blocked, and prevented the Bass Lake Fire Department from access to the water at the lake, during a fire call. He stated, since then, the County Highway Department has posted no parking signs on Shewski Road, north of SR10. He then stated, since then, "no parking boats", and "no piers signs or shore stations" signs, were also posted at that location. Several Bass Lake residents were in attendance at the meeting. Phil Cherry inquired if he could receive permission to place the pier back in the water, at the end of Shewski Road, where it had been posted for no piers or shore stations. Commissioner Bridegroom advised he had reviewed the paperwork supplied to the Board, by Mrs. Kennedy following the April 2, 2012 Board meeting. (Note Mrs. Kennedy was incorrectly referred to as Mrs. Cherry in the minutes to the April 2nd meeting.) Bass Lake Fire Chief, Les Jensen, advised the Board the fire department did not have any issues in regard to the access to the water at the Lake, at that location, during that fire call. Commissioner Bridegroom stated he had received that complaint from the owner's of the property that had burned. A discussion then followed in regard to one of their neighbors using Shewski Road, as a personal driveway. Christine Duvauchelle, Linda Kennedy, and Kim York, all Bass Lake residents from that area, spoke of the issue with parking and the use of the road as a private drive. They also spoke of the comadery of the residents in that area, and the issue of property owners purchasing property with no access, and then complain that they want access. Ms. Kennedy requested the neighborhood take care of the situation themselves. They felt it was a waste of the county's time. Mr. Cherry requested the Board to not remove the pier, since he felt it was not obstructing anything. But he does believe the posted signs are not wide enough apart to get a fire truck through that area. Superintendent Siddall responded that there is a forty foot easement, and the actual road is fourteen feet wide. Fire Chief Jensen also stated during holidays, there are several roads blocked due to parking along the roads. President Norem requested to know the width of the easements. Chief Jensen advised he will submit a list to the Board of all the problem areas. County Attorney, Marty Lucas, advised no resident has any vested rights due to the length of their occupancy. Council President, Dave Pearman, who was in the audience, inquired if the county could create an ordinance creating a policy for the permitting of the piers. President Norem stated they would take the issue under advisement, to give them time to compare the widths of access points at the lake, and the fire department issues. Commissioner Davis made a motion to allow the pier

at the end of Shewski Road be installed for this year, but, at this time, for this year only. Commissioner Bridegroom seconded the motion, and it passed with all ayes. Commissioner Bridegroom advised there was to be no mooring of boats within the fifty feet to the lake. The area of the lake past the fifty foot point, is the jurisdiction of the DNR. He advised if there are any issues with parking, and if it is a no parking posted area, to call the Sheriff's Department to report the illegal parking.

CO. HIGHWAY DEPT. REPORT CONTINUED

Superintendent Siddall submitted the construction contracts from Bridges 9 & 62 to Attorney Lucas for his review and approval. He also submitted to Attorney Lucas, the contract for the Engineering of Bridge 51. The Superintendent then advised a correction to the wording at the April 2nd meeting in regard to Bridge 34, at CR600E and CR 25N. He advised the county will not be "vacating" the bridge; they will only be removing the bridge from the county's bridge inventory. Mr. Siddall advised letters had been sent to the adjacent landowners advising them the issue will be discussed at the May 7th meeting of the Board. President Norem asked for a copy of the letter sent to the landowners.

Attorney Lucas stated he had reviewed the contract for Bridge 51, and it is an acceptable contract. Commissioner Bridegroom made a motion to approve the Engineering contract for Bridge 51, seconded by Commissioner Davis. The motion passed with all ayes. Commissioner Bridegroom then made a motion to approve the construction contracts for Bridges 9 & 62, pending Attorney Lucas' approval. The motion was seconded by Commissioner Davis, and it passed with all ayes. President Norem inquired the length of time between the signing of the contract and the opening of the bridges. The Superintendent advised approximately 160 days from the signing of the contract, to the opening of the bridge to traffic. He advised the bridge could be opened in 80 days, and the final work be completed in the next 80 days.

President Norem advised she had received a request from Phil Johanon in regard to trimming brush at SR10 and CR350E. Mr. Siddall advised they will trim that brush.

Ken Minnett of Butler, Seyfert and Fairman advised the Notice to Proceed Letters need to be signed. Superintendent Siddall advised he will fax the contracts back in. President Norem also advised the Superintendent of a situation at CR210 off US35 in regard to yard waste being thrown in a ditch.

MINUTES, VENDOR CLAIMS AND PAYROLL CLAIM

Commissioner Bridegroom made a motion to approve the vendor claims with the exception of the claim from the Knox City Court, in the amount of \$ 9,625.00 since there are still questions in regard to the Prosecutor's agreement with the Knox City Court. Commissioner Davis seconded the motion, and it passed with all ayes. The net amount of the approved vendor claims is \$116,078.71.

Commissioner Bridegroom made a motion to approve the minutes of the April 2, 2012 meeting, with the exceptions of the correction of Ms. Kennedy's name (not Mrs. Cherry), as previously explained, and the correct explanation of Bridge 34's status, changing the "vacating" status, to be "taking the bridge off the county's bridge inventory". Commissioner Davis seconded the motion, and it passed with all ayes.

Commissioner Bridegroom made a motion to approve the payroll claim for the pay period ending March 31, 2012, in the amount of \$ 166,213.30. Commissioner Davis seconded the motion, and it passed with all ayes.

STARKE COUNTY COMMUNITY CORRECTIONS FUNDING GRANT

Bob Hinojosa, Director of the Starke County Community Corrections, appeared before the Board to request approval on the 2012-2013 fiscal year grant agreement, for the period of July 1, 2012-June 30, 2013. He advised the total amount of the grant will be \$ 183,719.00. Commissioner Davis made a motion to approve the grant, pending Attorney Lucas' approval, seconded by Commissioner Bridegroom. The motion passed with all ayes.

STARKE COUNTY- MARSHALL COUNTY HIGHWAY DEPARTMENTS' COOP AGREEMENT

Commissioner Bridegroom advised the Starke County Highway Department had an agreement with Marshall County to exchange highway department equipment. He noted there is a Board that manages the exchanges which consists of the Starke County Highway Dept. Superintendent, the Marshall County Highway Dept. Superintendent, the Starke County Auditor, and one Commissioner. He also noted a tracking method needs to be established. He advised the agreement, which is usually for a four year period, had expired on December 31, 2011. He stated Marshall County has borrowed Starke County's

boom truck and pug machine, and Starke County has borrowed Marshall County's paver, chip-n-seal equipment. Attorney Lucas noted the state statute regulating this type of agreement, requires there is an oversight board. Commissioner Bridegroom advised, after speaking with Marshall County, he will be bringing a new agreement to the Board.

IN OTHER BUSINESS:

TRAVEL POLICY AMENDMENT

Commissioner Bridegroom and Attorney Lucas requested the subject of the amendment to the county's travel policy be once again tabled until the next meeting.

MUNICODE AMENDMENT

President Norem advised they had received an amendment to the original contract with Municode in the county's attempt to codify all of the county ordinances. She advised this amendment would allow the ordinances created by the Planning Commission be also included in the codification. The Municode Company had set up a rough draft of the listing of the county's ordinances with some proposed deletions and corrections. She noted the original contract is for a codification document of 500 pages, and the proposed ordinances from the planning commission might cause the documentation to be over the 500 pages. Municode had also noted there will be an additional fee of \$ 19.00 per page for any pages over the 500 mark. Commissioner Bridegroom made a motion to approve the amendment but the total amount not to exceed \$3,800.00 (\$ 19.00 x 200 pages), also noting the invoice should be paid out of the Commissioner's CREDIT funds. The motion was seconded by Commissioner Davis, and passed with all ayes.

EMPLOYEE GRIEVANCE

Commissioner Davis made a motion, in reference to a grievance filed by a county employee, the Board of Commissioners rule in favor of the employer, the Starke County Community Corrections, and the terminating of the employee was upheld. President Norem seconded the motion, and it passed with two ayes. Commissioner Bridegroom was absent from the grievance hearing, and therefore abstained from the vote. President Norem asked the Auditor to notify the former employee.

TWO PARTY CHECK RECEIVED FROM THE COUNTY

Commissioner Davis advised the County had received a check made payable to both the County and the name of a former employee. The check was from the insurance company and was reimbursement to a county employee who was on worker's compensation. The check was the reimbursement for the first week of coverage, when the employee was paid using their vacation time. Auditor Chaffins advised she had contacted the State Board of Accounts, and Doug Wiese had advised the County to endorse the check, and turn the check over to the former employee. He advised the issue be addressed at a public meeting, and should receive the Board of Commissioner's approval. Commissioner Davis made a motion to approve that action, seconded by Commissioner Bridegroom. The motion passed with all ayes.

AUDITOR'S OFFICE OUTGOING MAILBOX

The Auditor had requested permission to remove the outgoing mailbox from the Auditor's Office, and require each office in the Annex Building be responsible for taking their outgoing mail to the Post Office instead of waiting for the mail carrier to pick it up. The Board advised the Auditor it was her prerogative to remove the outgoing mail box from her office.

SIMPLEX CONTRACT

Commissioner Davis made a motion to approve the contract with Simplex to inspect/repair the sprinkler heads in the Annex Building. The contract had been reviewed and approved by Attorney Lucas. Commissioner Bridegroom seconded the motion, and it passed with all ayes.

ANNEX BUILDING MEETING ROOM CARPET QUOTE

Commissioner Bridegroom advised Annex Building Custodian, James Coad, had received a price quote from Fletcher's Carpet, to replace the carpeting in the Annex Building Meeting Room. The price to replace the carpet with rolled carpet would be \$ 2,991.00, and to replace the carpet, with carpet tile, would be \$ 3,101.00. Commissioner Bridegroom made a motion to accept the quote for the replacement carpet tiles, and to pay for the carpeting out of the Cumulative Capital Fund. Commissioner Davis seconded the motion, and it passed with all ayes.

INVALIDATED TAX SALE

Attorney Lucas stated he had received an invoice from Larry Wappel requesting to be reimbursed for attorney fees and title work, in the amount of \$ 1,000.00 due to invalidated 2010 tax sale purchases. Attorney Lucas advised each piece that was invalidated was railroad property, and they were all right a ways and pieces of easements, and not parcels of land. He also advised the tax sales are held with the stipulation of “buyer beware”. Commissioner Davis made a motion to deny the request, seconded by Commissioner Bridegroom. The motion passed with all ayes. Attorney Lucas stated he will contact Mr. Wappel.

REPORT FROM THE STARKE COUNTY ECONOMIC DEVELOPMENT FOUNDATION DIRECTOR

SCEDF Director, Charlie Weaver, appeared before the Board to advise he will be submitting an application through INDOT to receive the supplemental funding that will be needed to complete the CR300E Project. He advised the majority of the funding was coming from the transfer of the federal funds that the county had qualified for from the Toto Road Project that had been cancelled. He advised, even with the transfer of that funding, it will still be one million dollars short of the county’s portion of the project. He stated the funding, he will be applying for, is the Title IV Local Project Funding, through INDOT. Commissioner Bridegroom made a motion to approve his request, seconded by Commissioner Davis. The motion passed with all ayes.

CVC BOARD UPDATE

Pat Mitchell, of the CVC Board (Convention and Visitor’s Commission) appeared before the Board to request the Board fill the three vacancies on the CVC. He reviewed the history of the creation of the Board, and that the CVC is the governmental agency created to receive the county’s innkeeper’s tax received from the Auditor of the State. He also advised all future disbursements will be processed through the Auditor’s office. Commissioner Davis advised the innkeeper’s tax received from the State will not be released until the CVC has a complete board in place, and have elected officers. Auditor Chaffins advised there had been two applicants for the three positions on the CVC. President Norem stated she will be interested in recording a radio interview with WKVI, asking the public for volunteers, to serve on the board.

PUBLIC COMMENT

Councilman McLaughlin, who was in the audience, asked that the Commissioners look into the possibility of allowing a portion of the extra tax the county had received from the State recently, which was the county’s share of the two hundred and five million dollars the State had realized they had underpaid the counties in CAGIT and CEDIT money from 2011, and the first four months of 2012. He stated he had spoken to all department heads in 2011 and asked them to not spend all of their 2011 budgets, and he had wanted to transfer the unexpended portion of of the county general budgets into the Rainy Day Fund, at the end of 2011. But, that never happened, and he felt that some funding be deposited into the Rainy Day Fund. President Norem requested the Board look at the amount received from the State, at their May 7th meeting.

With there being no further business, Commissioner Davis made a motion to adjourn the meeting, seconded by Commissioner Bridegroom. The motion passed with all ayes, and the meeting was adjourned at 9:36PM.

April 16, 2012

Kathy Norem, President

Dan Bridegroom, Vice-President

Jennifer Davis

Katherine Chaffins, Auditor &
Secretary to the Board of Commissioners