

## WEDNESDAY, MAY 4, 2020

Pursuant to adjournment comes now the Starke County Board of Commissioners and meet in Regular Session at 6:00PM via Zoom, Knox, Indiana, with Kathryn Norem (via Zoom), Bryan Cavender (via Zoom and In Office), and Charlies Chesak (Via Zoom), and the following proceedings were held to wit:

The meeting of the Board of Commissioners was called to order by Commissioner Vice-President Kathryn Norem at 6:00PM.

### **VACATION OF SAN PIERRE ORIGINAL LOTS 140, 149, & 148**

Commissioner Norem opened the public hearing for the Petition for the Vacation of Lots 140, 149, & 148. Mr. DeCola advised he is the owner of Argento, LLC and he filed a petition for vacation of San Pierre Original Lots 140, 149, & 148. He advised this would include Clay St. and the continuous alleyways surrounding those lots. Darlene Stacy, who is a resident near the vacation in question, stated she was not notified of the meeting and happened to find out about the meeting by chance. She advised she owns 7255 S. US HWY 421, San Pierre, IN. She stated when she bought the property it was nice and quiet and had the woods. She does not want to see anyone build a house right behind her property. Attorney Lucas asked Auditor Oesterreich if she notified, as per the petition, the 6 landowners that were listed in Argento's petition. He asked if those were served by Certified Mail and if she had received Green Cards back from all parties. Auditor Oesterreich advised that she had received three green cards back being: Gwendolynn & Colleen Howard, Lloyd & Donna Robbins, and United Telephone Company. Attorney Lucas asked if Auditor Oesterreich received any returned mail on any of the other individuals who were notified. She advised she has not, she has proof of the certified mailing but has not received any returned mail for the three in question, one being Darlene Stacy. Attorney Lucas asked if she lived at 9501 W. 750 N. Apt B7, North Judson, IN. Ms. Stacy advised that is an incorrect address and she lives at 7255 S. US HWY 421, San Pierre, IN. Attorney Lucas asked Ms. Stacy what the 9501 address was from and she stated she did use to live at that address.

Attorney Lucas advised there is a statute that provides the appropriate basis for a remonstrance. For example, Ms. Stacy would be considered a remonstrator, under that this is for statute IC 36-7-3-13. A remonstrance has to relate to that a vacation (1) hinder the growth of the development of the unit or neighborhood in which it is located or to which it is contiguous (2) make access to the lands of the grieved person by means of public way difficult or inconvenient (3) the vacation would hinder the public's access to a church, public school, or other public building or place (4) the vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous. Attorney Lucas would also like to clarify that for the Board of Commissioners this decision is purely discretionary because you are the trustee of that property and you can grant the vacation if you want to but you can also have a policy that you don't grant vacations that are not clearly in the benefit of the public. He advised there is a case on this, it is Varanicar vs. the Board of Commissioners of Brown County. He advised we have two different things going on here, we have the basis in which a remonstrator can object but secondly the Board of Commissioners don't have to grant this it can just find that it doesn't want to and is purely discretionary. Commissioner Norem asked Ms. Stacy if her objection to this vacation request is because she does not want a house built there. Ms. Stacy stated yes but she does not know what their definition of a vacation is. Attorney Lucas advised the vacation would take away the alleys and the street right-of-ways and incorporates them into the adjacent parcels.

Commissioner Norem asked Ms. Stacy if she is restating her objection correctly being: she does not want it to be joined into one big piece of property, she does not want a house built there. Ms. Stacy agreed. Commissioner Norem asked Attorney Lucas if she would be correct in assuming that because these are platted lots, they are buildable. Attorney Lucas advised he is unsure as a single lot is not always buildable and he is not sure what the standard is there right now. Commissioner Cavender advised he would like to take a look at the lots before making a decision. Mr. DeCola advised that the vacation would not hinder the growth and people are not using the public access ways right now because it is all overgrown with vegetation and woods. He advised it meets all of the standards and requirements for vacation. Commissioner Norem asked Mr. DeCola if they were to grant this request how would it benefit the public. Mr. DeCola stated this would allow for town growth and it would be a buildable lot. He asked if there is currently a septic issue in San Pierre with the lot sizes. Commissioner Norem stated there is septic issues but of to what degree she is unsure. Mr. DeCola stated he would feel more comfortable building a house and putting a septic tank in on combined lots than to have the smaller lots. Commissioner Norem asked if he had anything else to add. Mr. DeCola stated he did not. Commissioner

Norem then gave Commissioner Chesak a rundown of the previous proceedings as he logged into Zoom. She also advised that Commissioner Cavender would like to go see the property before they make a decision on this matter. She would suggest to recess this until their next meeting. Commissioner Norem made a motion to postpone the decision until the next meeting to allow anyone that wants to go take a look at the property, to go take a look at the property. Commissioner Cavender seconded the motion. Attorney Lucas added that the petition is dated April 9<sup>th</sup>, 2020. The motion was approved with all ayes.

### **US 30 COALITION STATUS**

Starke County Highway Superintendent Stephen Ritzler advised the US 30 committee met last week. It was discussed that INDOT has not shown much enthusiasm for the US 30 project and has no current plans to develop the project. He advised the President and Treasurer of the US 30 coalition committee would like to schedule a meeting with the Board of Commissioners so that they can explain why they think it is important for Starke County to be involved. Commissioner Norem advised she would be open to hearing what they have to say. She said the big deal about the US 30 coalition was that other counties never participated and never paid anything at all. Commissioner Norem advised she is still open to hearing what they have to say but she does not believe more money should be spent on this process. Commissioner Cavender agreed that he does not want to spend any more money on it. Commissioner Chesak agreed he would be fine with hearing what they have to say. Superintendent Ritzler advised he will let them know about scheduling a presentation on the Board of Commissioners next agenda. Superintendent Ritzler stated that last week the Auditor and he attended a LTAP webinar outlining the expected loss of the gas tax revenue over the next few months. He advised he is looking at about a 40% drop from May to July. The loss in funding is about 10% of their annual budget. He said they will be able to recoup this loss through the recycled millings they received from last year's US 35 project. They wanted to use that material to expand the program but now they will use that paving material to replace some miles they would have lost due to the loss of funds. The LTAP webinar also emphasized that by use of the asset management program we can further mitigate the expected loss of revenue. He advised if the budget shortfall continues through next year they should be able to handle it without loss of production. He is expected to get the millings from the upcoming SR8 project. As long as they do not lose more than 25% of their revenue they will be able to sustain without loss of production due to the millings and the asset management program.

### **CLERK/IT ANTIVIRUS SOFTWARE**

Clerk Bernadette Manuel advised if they go with Sophos, what we had three years ago, it would be \$13,905. She said to compare apples to apples Richard had them quote what we would be getting with FireEye, which is through the Secretary of State and is funded for at least three years and will cost us nothing. She advised if we went with Sophos with the same thing from FireEye we would be paying \$19,830.90. She advised that our current subscription with Sophos expires on June 3<sup>rd</sup>, 2020. Commissioner Norem asked if terminating the current contract with Sophos would cause any penalties. IT Director Franks advised it would not as our subscription is up as of June 4<sup>th</sup>, 2020. Commissioner Norem made a motion to terminate the current service on the termination date and go with FireEye for free. Commissioner Cavender seconded the motion and the motion was approved with all ayes.

Commissioner Norem asked Clerk Manuel if she is prepared for the election on June 2<sup>nd</sup> and has everything that she needs. Clerk Manuel stated that she still needs masks, disinfectant spray, and hand sanitizer. However, she advised the Secretary of State is supposed to be supplying a large majority of those supplies. She also believes they will be supplied with some type of face shield but is not sure if it will be some type of stand, Plexiglas, or a type of actual face shield, like a helmet. Commissioner Cavender asked Superintendent Ritzler if he had extra PPE supplies. Superintendent Ritzler stated that he does and Clerk Manuel can speak with his office staff about things she may need in particular. Commissioner Norem asked if they have enough poll workers and if the poll workers will be fed. Clerk Manuel advised that yes the poll workers will be fed. She stated they have had a record number of mail in ballots, mail ballot requests, and mail ballot application requests.

### **IT DIRECTOR SECURITY CAMERAS AND SERVER UPGRADES**

Commissioner Norem advised that she has reviewed the quotes from Vermillion and when she started adding everything up together the quote total was almost \$94,000. IT Director Franks stated that the \$94,000 is if we were to replace the existing cameras. However, with Vermillion they are able to utilize the existing cameras. He stated they added the \$55,000 quote if we wanted to replace the cameras. Commissioner Norem stated she called to representative from Vermillion and asked if they would come

to the courthouse on Friday to take a look at what we currently have. She stated that we are moving forward with the courthouse renovations and the contractors are coming on Friday, May 8<sup>th</sup>, 2020 for a walk through at 1:30PM. She advised that Vermillion will be coming as well on Friday to take a look at the camera system and talk to the two architects. After meeting with the two architects he will be revising his quote. Commissioner Norem made a motion to table this discussion until after that occurs. Commissioner Cavender seconded the motion and the motion was approved with all ayes.

IT Director Franks advised he emailed the Board of Commissioners a letter from the consultant that was hired to perform the upgrades on the servers. The letter is requesting that during the server upgrades and the fact that exchange will be expired and out of support in October, they were purposing to do the exchange upgrade at the same time. IT Director Frank advised that we will need to do this upgrade in October regardless so the consultant company is suggesting to do it during the server upgrades. Commissioner Norem made a motion to approve the Microsoft Exchange upgrade and for the cost to be paid from cumulative capital development. Commissioner Cavender seconded the motion and the motion was approved with all ayes.

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

Commissioner Cavender made a motion to approve the vendor claims docket in the amount of \$363,053.94. Commissioner Norem seconded the motion and the motion was approved with all ayes. Commissioner Cavender made a motion to approve the payroll claim in the amount of \$263,042.45 and deductions in the amount of \$78,719.81 for the pay period ending 04/18/2020 with a pay date of 04/24/2020. Commissioner Cavender made a motion to approve the minutes from April 20, 2020. Commissioner Norem seconded the motion and the motion was approved with all ayes.

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

#### Response to Governor's Roadmap to Safely Reopen

Commissioner Cavender advised that during the COVID Task Force meeting they learned that Judge Hall advised that according to the Supreme Court they will not be having jury trials until sometime in June. All the other department heads are pretty much ready to reopen and he believes we are on a good track in being ready to reopen. Commissioner Cavender believes that we should soon be able to open back to the public and possibly require individuals to wear a face mask while in the building. Commissioner Norem advised she had reviewed the Governors plans on reopening the State of Indiana in stages. She believes we should follow along with his model. She advised that we need to first start bringing our employees back to work, keep the building closed to the public for a week or two to make sure we are prepared to reopen to the public with the correct PPE in place. She advised even if we should stage the employees in, half on May 11<sup>th</sup>, and half of May 18<sup>th</sup> she would be fine with that. However, all employees should be back to work by Memorial Day with all the items in place that they would need to work regarding PPE gear. She advised the Governor is waiting to open the State offices to the public until June 14<sup>th</sup>. She is okay with that as well to follow. Commissioner Norem advice everything seems to be going smoothly other than the few researchers that have not been allowed to go into the Records office. The Treasurer reported to Commissioner Norem that taxes are being paid. Commissioner Norem has heard some concerns about building permits, but again we need to keep in mind that the Planning Commission Director is a high risk employee. She stated that is the main thing, to keep our employees safe while still being able to provide the needed and necessary services to the public.

Commissioner Norem advised that would be her plan, to bring in employees starting Monday of next week, then open the building to the public after Memorial Day, which is earlier than the State, or, we could upon up to the public by appointment after Memorial Day and then open entirely on June 14<sup>th</sup>. This would give Commissioner Cavender and the COVID Response Team time to make sure all measures and PPE gear are in place. Commissioner Chesak agreed that at least half of the employees should come back to work Monday, May 11<sup>th</sup>. He also agreed with the remainder of Commissioner Norem's suggestions. After further discussion with Auditor Oesterreich it was decided that all staff would return to work as of Monday May 11<sup>th</sup>. Commissioner Norem did say that the Judge and the Sheriff should be setting their own rules in the process of reopening their departments. Commissioner Norem made the following motion: Employees would come back to work on Monday, May 11<sup>th</sup>, Bryan and the COVID Response team would meet and make sure all proper PPE equipment is in place, high risk employees would report back to work Tuesday, May 26<sup>th</sup> but continue to be on-call until they come back to work, appointments can be made with the public after Memorial Day, and then fully open to the

public on June 14<sup>th</sup>. Commissioner Cavender seconded the motion and the motion was approved with all ayes.

Auditor Oesterreich asked if the Board of Commissioners or the COVID Task Force will be deciding whether or not individuals will be wearing face masks. Commissioner Norem said she would like the Task Force to discuss that issue. She stated they say when you are wearing a face mask that you are protecting others from your germs. As part of the employees coming back to work, every day they should certify that they do not have a temperature, they are not sick, if they feel sick they will go home, and to follow the guidelines Frank Lynch has. She does feel that employees should wear masks and the county should provide those masks to be worn. Commissioner Norem advised that from a scientific standpoint face masks should be required but from a practical standpoint they should be strongly recommended. Commissioner Norem advised that unless the Task Force feels differently about it the Board of Commissioners would strongly recommend the use of a face mask by employees. Attorney Lucas advised he will look into the mask situation further and had suggested that maybe the employees do not wear a mask while they are in their own office but if they need to go to another department, at that time they would put a mask on. Commissioner Norem restated the motion as follows: the employees are to return to work on May 11<sup>th</sup> except for the high risk employees who will return to work on May 26<sup>th</sup> but remain on call until the time they return to work, the building will remain closed to the public until after memorial day at which time it will be open to appointment only, the task force team will research PPE, and that Attorney Lucas will research information in the States policies about the use of face masks. Commissioner Cavender seconded the motion and the motion was approved with all ayes.

### Broadband Discussion

Commissioner Norem advised that to be able to close out this grant is to come up with a policy or ordinance, in which they did provide a draft ordinance, to address any broadband proposals by outside contractors in the future. The policy or ordinance would need to specify a single point of contact for all matters relating to a project. She advised the way that this would function is almost the same way the planning commission would function on permits. Also to, establish a procedure to apply applications, forms, and documents, to be submitted by electronic means. Commissioner Norem stated we may not have the capability to do this but they would help establish a procedure for that. Once the ordinance is written we would commit to a review and approval process that takes no more than ten business days after the application is filed. We would need to identify a fee structure for the permit as well. She also advised that when this is done they are going to be giving the county \$20,000. Commissioner Norem asked Attorney Lucas if he had a chance to review the model ordinance that was presented. Attorney Lucas stated he had but it had been awhile so he would like to review it again before the next meeting. Commissioner Norem did want to advise that when she was reviewing the plan she does not believe they have their data right. She does not believe that everyone in Starke County has a 10 mbps uploading speed. She advised that these items should be changed to be more reflective of what is true for Starke County. If the correct data was stated we may be able to fit into a category where we could get some grants, and it looks like KIRPC is trying to work on something this year for next year and future years. Commissioner Norem advised she is a little reluctant in agreeing to an ordinance in closing this out saying that we are broadband ready when we are not and saying this determine that we are not eligible for anything when we might be eligible for something and maybe down the road do something about it to help us economically and for the citizens of Starke County. Attorney Lucas asked if we have ever advised the committee that we do not feel the performance is as good as what was reported. Commissioner Norem stated she will invite Katie Clark with TSW Design Group to the next Commissioners meeting as well as Shawn Cain with KIRPC.

### Meal Delivery Update

Auditor Oesterreich advised that there has been some days that they can only have the form open for 17 minutes and some days it has been a couple hours. They shut off the form after 75 households have made a request because that is the maximum amount they are about to take with the delivery drivers they have that volunteer. Auditor Oesterreich explained that the cut-off being at 75 households does not mean that we are serving 75 hot meals. Each household has the ability to request up to 3 hot meals, depending on their household size, so they could have 180 hot meals going out for the day. She advised that about 80% of individuals are repeated, meaning that it is the same people being serviced every day, about 79% are senior citizens so we are heavily servicing that portion of the community. She stated she is concerned about not having delivery drivers when the county goes back to full staff as the drivers right now are current employees. Commissioner Norem advised that the program is being funded from the very generous support of the Northern Indiana Community Foundation, who has funded this program

with \$100,000. In addition we are getting \$75,000 from OCRA which was part of the stimulus money where communities could apply for up to \$250,000.

Commissioner Norem advised that gives us \$175,000 to run a program that is not going to last very long at that rate and she is not sure the effects of the virus will be alleviated before we run out of money. She stated she is wondering about those who are able to donate money, to donate money to help the program float a little longer. Also, this highlights the program we use to have in Starke County, meals on wheels, she stated there is obviously a need for it and she does not understand why we do not have that program anymore. Lastly, we are going to run into problems with the delivery and she wanted to voice her disappointment that Community Services, with their vans and the fact that we give them money every year, have not been able to provide us with support for these meals, something that they use to do when there was meals on wheels. Commissioner Norem advised we have had an overwhelming need and an overwhelming response to this program. Jackie Ryan from The Leader advised that something OCRA had brought up during this grant funding is that this was a short term response and the anticipate to have some type of long term funding available at some point. She stated since we are taking such good record of how successful this program has been we will be able to apply for more funding to keep the program going.

#### Noise Ordinance-North Judson

Commissioner Chesak advised they are looking into possibly creating or establishing a noise ordinance. They have had a few calls in the North Judson area about noise complaints. Commissioner Chesak advised that he believes it is a residential area and there is a dirt bike track near that location and the neighbors are complaining about the noise. He doesn't know if there is anything on the zoning side of this that could be done being that it is residential. Commissioner Norem stated that one of the police officers called her two times in the same days inquiring about a noise ordinance. She thought we may have had something on the books but after looking into what we have pertains to barking dogs only. She stated they need to look into expanding their ordinances to include more instances of disturbing the peace. Attorney Lucas advised that the zoning should be looked into because for a residential area that is a pretty severe usage. He advised Commissioner Chesak might be onto something and zoning actions could be taken. Commissioner Norem asked what the initial steps would be in looking into this situation. Attorney Lucas stated he would recommend bringing it to the attention of the planning commission first to see if they are able and willing to do something about it. It was decided that Commissioner Chesak will speak to the planning commission and go from there.

#### Koontz Lake Property

Commissioner Norem brought up the property in Koontz Lake, she advised that they were going to take action before the virus hit and no one was in the office and not much was happening in court either. Attorney Lucas advised he will get that property back on the list and he will get that moving again as the offices will be reopening soon. He also asked if it is still the same mess as it was before. Commissioner Norem advised it was because they never got it cleaned up. Commissioner Norem stated it is going on a year since this dispute started, this is her last year as Commissioner after serving 12 years, and Koontz Lake is getting ready to hold their annual middle in the middle of June so she wants this issue resolved.

#### 3<sup>rd</sup> Floor Renovations of Courthouse

Commissioner Norem has had conversations with the Judge and John Kirk, they are going to be moving forward with the 3rd floor renovation project of the courthouse. They will be bidding out the project, they will have a walk-through on May 8<sup>th</sup>, which has been advertised. She advised the Board of Commissioners will need to have a special meeting to open the bids for this project and then award the bids at their first meeting in June.

#### Veterans Memorial

Commissioner Norem advised that by Memorial Day the State of Indiana restrictions will be set as being able to have gatherings with 100 people and also the high-risk age group, which most of our veterans are, will be free to go out and about with masks, they will be having a ground breaking on Memorial Day at 4:00PM. She advised they have been receiving contributions from individuals and should have more information about these contributions in the near future that will be noteworthy. They will have a ceremony on the 24<sup>th</sup> and she had talked to Marty about a proclamation. She also asked Commissioner

Chesak to come to the presentation and read the proclamation, the proclamation will become part of the archives of this project.

Auditor Oesterreich advised that Attorney Bedrock was in the meeting earlier and wanted to know when he could access the county buildings. Commissioner Norem advised she believes he would have to wait until after Memorial Day like the rest of the public by appointment. She also stated we do have contracted employees in the Assessor's Office and they should report back to work on May 11<sup>th</sup> with the rest of the county employees.

Clerk Manuel advised that this year she had programmed the election machines herself and this has saved the county \$2,600 in programming costs. She plans on doing the same thing for the November election for another \$2,600 saving. She also performed their own public tests, which usually they pay Microvote \$700 to come down and do. Clerk Manuel stated that for the November election note only are they going to need E-Poll books but they are also going to need new printers. She advised the printers are about \$1,400 per printer and she will need about 7 of them.

**PUBLIC COMMENT**

There being no further public comments and no further business, Commissioner Norem made a motion to adjourn the meeting. Commissioner Cavender seconded the motion and it passed with all ayes. The meeting was adjourned at 7:47PM.

**MAY 4, 2020**

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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