

**MONDAY, MAY 18, 2020**

Pursuant to adjournment comes now the Starke County Board of Commissioners and meet in Regular Session at 9:00AM via Zoom, Knox, Indiana, with Kathryn Norem (via Zoom) got disconnected, Bryan Cavender (via Zoom and In Office), and Charles Chesak (via Zoom) 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 9:00AM.

### **BROADBAND PLAN**

Attorney Lucas advised that he just distributed a Broadband Readiness Plan Ordinance to the Board of Commissioners. He advised that one of the key decisions that need to be made is that under the Broadband Readiness Ordinance is one thing they board would have to pick is a single point of contact for telecoms or others that are going to do communications projects. He had suggested that the planning commission be the most obvious place to do that. Under the statute we would have to make a commitment to accept or deny any request for a project within 10 business days of the receipt. Attorney Lucas describes the ordinance as an assurance to companies that do these projects that they won't encounter any delays. He advised this ordinance is mainly for the benefit of the companies and this will improve the chances of getting improvements within the county. Attorney Lucas advised the key thing is that the person should have the authority to review and submit suggestions and changes to permit applications. He is suggestions the planning commission as they have the expertise in doing these kind of things. He stated that the planning commission is also going to be the entity that decides on these requests. Commissioner Cavender made a motion to accept the Ordinance for a Broadband Ready Community as written. Commissioner Chesak seconded the motion and the motion was approved with all eyes.

Katie Clark explained that they the board would have to designate a specific individual for the application process. However, this can be changed at any point. Attorney Lucas asked if it could be the acting secretary or office person. Katie agreed that it could be done that way and that person could distribute information to a committee for a review and discussion. Commissioner Cavender suggested the Secretary of the Planning Commission as the designated individual. Attorney Lucas advised that whatever fee they are currently using at the planning commission would work for these permit requests as well. Katie advised that is the way they have interpreted everything and they have confirmed this with the IDC as far as being able to charge a fee for this. It just has to be in line with the fees that have already been established.

### **BID OPENING FOR RANGE ROAD AND 250N**

Superintendent Ritzler advised that the bid opening is in regards to the two Community Crossing Projects being CR250N from SR35 to Range Road and Range Road from SR10 to Toto Rd. Auditor Oesterreich advised that three bids have been received for each project and they were received on time and are still sealed. The received bids are as follows:

#### Range Road B/T SR10 & Toto Road

Phend & Brown, Milford, IN: \$823,304.00  
E & B Paving Rochester, IN: \$804,458.00  
Rieth-Riley, LaPorte, IN: \$670,967.00

#### CR250N B/T SR35 & Range Road

Phend & Brown, Milford, IN: \$943,725.00  
E & B Paving, Rochester, IN: \$927,290.00  
Rieth-Riley, LaPorte, IN: \$779,308.00

Superintendent Ritzler advised that both projects had a bid that was under the engineers estimate. The engineers estimate for Range Road between SR10 & Toto Road was \$787,808.00 and for CR250N between SR35 & Range Road the engineers estimate was \$944,450.00. He recommended conditionally approving both bids from Rieth-Riley, LaPorte, IN, as their bids were under the engineers estimate on

both projects. He advised the bids will be reviewed by Mark Wilson from JPR. Commissioner Cavender made a motion to conditionally accept the bid received for Range Road between SR10 and Toto Rd from Rieth-Riley for the amount of \$670,967.00 and to conditionally accept the bid received for CR250N between SR35 & Range Road from Rieth- Riley in the amount of \$779,308.00. Commissioner Chesak seconded the motion and the motion was approved with all ayes.

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

Auditor Oesterreich advised she has had several questions regarding what area was being vacated over the last few weeks. She advised that several individuals had the location of the vacation incorrect, she brought up the map via zoom and visually explained where the vacation was being requested. She advised that if vacated each owner would acquire a section of the property, that entire section would not all go to Argento, LLC. Attorney Lucas advised that according to the petition from Argento, LLC would be to only vacate to the centerline that is adjacent to his property. He believes the other property owners would have to join in the petition to be able to vacate the portions that are adjacent to their properties. Commissioner Chesak opened the public hearing regarding the vacation of San Pierre Original Lots 140, 149, & 148 for comments and questions. Mr. DeCola with Argento, LLC, advised he followed Indiana Code, and it meets all the requirements of vacation. He advised he would like to get the alleyways vacated as well as the platted Clay St. Attorney Lucas stated Mr. DeCola is correct that it would include the alleyways. Darlene Stacy then advised that she believes the land is landlocked and she does not see the need for putting more traffic back there and the wildlife is still around there and she would like to still object to the vacation. Another individual spoke about the vacation of the property. She asked if vacating means that Clay St. could not be extended. Commissioner Chesak agreed. She also asked if that meant that the full alleyway would be taken away as well. Attorney Lucas advised that alleyways are technically an easement and are used for utilities like electrical lines and telecommunication lines, or if San Pierre ever had a sewer or water lines put in. So, alleyways have more function than as just roadways. He stated if they cut these rights-of-way into half, then put a utility easement.

The woman then asked if it was closed, they would not be able to put a utility through. Attorney Lucas advised in his opinion Mr. DeCola's petition would take his share and not the entire portion. Mr. DeCola stated he does not like that idea that if he were approved to vacate his half why would you leave a portion remaining to make a sidewalk through the woods for any trespasser to go in there and cause trouble. Another reason he would like to vacate it is to prevent trespassing around his property. Attorney Lucas advised that the reason it would remain is that Mr. DeCola does not own the other half of the portion to the vacation request and he does not have right to that property, so they have the right to do with it, if the other property owners join in his petition then they can split it but if not he does not get what is beyond the centerline and that portion of the easement would still be there. Commissioner Cavender advised he is not comfortable with the vacation of the alleyways due to the possible use of the alleyways in the future for utilities. Commissioner Chesak advised he is not comfortable with giving up property that the county currently owns. Mr. DeCola asked about what utilities the Board of Commissioners are talking about. Attorney Lucas advised for example they had just talked about the broadband readiness plan and that telecommunication providers will have open access to any dedicated public easements and this property would be in that category even though it hasn't been developed it could be used for an easement for telecommunications, water, or sewer in the future. Mr. DeCola stated it makes no sense to preserve undeveloped right-a-ways when they were platted in the 1800's. He advised to preserve that type of property for future broadband is absolutely erroneous considering that people have WIFI and hot spots on their phones, broadband is a thing of the past. Commissioner Cavender advised that since there is an opposition from one of the property owners about this vacation being approved, he made the motion to deny the vacation request of San Pierre Original Lots 140, 149, & 148. Commissioner Chesak closed the public hearing. Commissioner Cavender made a motion to not vacate San Pierre Original Lots 140, 149, & 148. Commissioner Chesak seconded the motion and the motion was approved with all ayes.

### **SHERIFF SQUAD CAR REQUEST/GRANT APPROVAL REQUEST**

Sheriff Dulin explained the Sheriff's Department usually receives two vehicles out of Cumulative Capital Development except last year in which they were paid from Jail CEDIT, The two vehicle are between \$34,000 and \$38,000. He is requesting that they allow the availability of funds in a line item for the purchase of salvage vehicles with no major damage but rather minor body work. Sheriff Dulin stated by doing it this way he may be able to purchase 3 or 4 vehicles rather than just 2. He stated the salvage vehicles would also have low mileage on them. Both Commissioner Chesak and Commissioner Cavender agreed that going the salvage route may be better but they would like some time to think about

this request. Commissioner Cavender requested Sheriff Dulin to get some pricing for the items he would be purchasing. Commissioner Chesak stated that by the next Commissioners meeting they will have a better idea on how they would like to proceed.

Sheriff Dulin advised that he has been in contact with the National Sheriff's Association regarding possible reimbursements for COVID-19 related expenses. Matron Pam McDonald stated that they have a FEMA grant that was sent to them from NSA for COVID, reimbursement could be claimed for PPE, OT due to COVID and a few other things. The Integrity Group is a company that is going to fill out the grant for us, they do charge a fee but that fee is paid by FEMA. It is a 75% grant that they would pay to us and then the State of Indiana would do a local match of 25%. She stated Integrity Group has offered to cover all governmental entities in Starke County as far as apply for any COVID related reimbursements. Matron McDonald stated she would need the approval of the Board of Commissioners to move forward with the contract. Matron McDonald is going to forward the contract to Attorney Lucas for review. Attorney Lucas asked that if the Board does approve the contract today to approve it subject to his review of the contract. Commissioner Cavender made a motion to approve the Integrity Contract upon approval by Attorney Lucas. Commissioner Chesak seconded the motion and the motion was approved with all ayes.

### **AUDITOR PAYROLL, MINUTES, AND CLAIMS**

Commissioner Cavender made a motion to approve the payroll docket in the amount of \$251,495.52, including deductions in the amount of \$75,302.82 for the pay period ending on 5/2/2020 and pay date of 5/8/2020. Commissioner Chesak seconded the motion and the motion was approved with all ayes. Commissioner Cavender made a motion to approve the vendor claims as presented in the amount of \$267,389.78. Commissioner Chesak seconded the motion and the motion passed with all ayes. Commissioner Cavender made a motion to approved the minutes from April 22, 2020. Commissioner Chesak seconded the motion and the motion was approved with all ayes.

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

Auditor Oesterreich advised the Park Board had received three quotes for a website. They have selected the same provider that does our website. The cost is \$3,500. They do have some funds in their Forest Timber sale fund that can pay for half. However, the Park Board is asking that the county cover half of the cost out of our Cumulative Capital Development Fund. The total would be \$1,750.00. Commissioner Cavender made a motion to pay \$1,750.00 from cumulative capital development fund toward the park board website. Commissioner Chesak seconded the motion and the motion was approved with all ayes.

Commissioner Chesak stated the next item on the agenda was the request for a GIS Contract for Tiemens Nagai Surveying & Engineering, LLC. Auditor Oesterreich advised that usually when a GIS surveying contract is requested it costs several thousands of dollars but our company WTH offers a free contract when surveying companies partner with local governmental entities as long as they do not use the maps provided for any other use other than for the local government entity and not for any kind of profit of their own, in this case it would be for the city of Hamlet. In this case Tiemens Nagai Surveying & Engineering, LLC, would not be allowed to use WTH for any other reason other than working for the Town of Hamlet. Attorney Lucas asked if we need a writer in there that specifies the use. Auditor Oesterreich advised the contract does state "by use of Tiemens Nagai Surveying & Engineering, LLC to create a local zoning map for the Town of Hamlet". Commissioner Cavender made a motion to accept the GIS Contract as presented. Commissioner Chesak seconded the motion and the motion was approved with all ayes.

Jean Nier, EMA Director of Starke County advised that FEMA is doing a PA, she asked if this is the same as the company that the Sheriff's Department is taking about. She advised that any Category B items she can upload into FEMA through the grants portal but is this the same as what the Sheriff's Department is talking about? Sheriff Dulin advised that what she would be uploading would be separate from their grant. Director Nier asked if Integrity Group would be covering all departments? Matron McDonald advised that if they would apply for this FEMA grant Director Nier would be a recipient and the Sheriff's Department would be a sub-recipient. They would cover any expenses for the county as well as the Sheriff's Department but separately. Director Nier was also concerned because Marshall County had a similar offer with a company that also stated FEMA would pick up the fees but FEMA did not pick up the fees. She advised the grants that she has been coming across are for PPE, she has gotten the coroner the refrigerated trailer, which is currently at the Sheriff's Department. She has N95 masks, gloves, and hand sanitizer. She stated she has been able to find grants to cover the PPE and OT, she also

has a list of grants that the county can apply for. Commissioner Chesak stated that if we are eligible for any grants, we need to make sure we try and get them. Director Nier asked what grants the Board of Commissioners would like her to shoot for and focus on the most. Commissioner Chesak advised that PPE would be the most important. She advised she currently has access to 3000 surgical masks and 14 gallons of hand sanitizer. She stated she did give some of the N95 masks out to one of the fire departments. Director Nier did advise that she has offered PPE to all local fire departments within Starke County and if any of the fire departments need any PPE gear they just need to contact her.

**PUBLIC COMMENT**

There being no further public comments and no further business, Commissioner Cavender made a motion to adjourn the meeting. Commissioner Chesak seconded the motion and it passed with all ayes. The meeting was adjourned at 10:11AM.

**MAY 18, 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