

MONDAY, MAY 20, 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 Charlie Chesak, Kathy Norem, 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 Charlie Chesak at 6:21PM due to the lateness of the Starke County Council meeting.

PRAIRIE TRAILS REPORT

Steve Lucas with the Prairie Trails Club came before the Board of Commissioners to present an update regarding the status of the Prairie Trails. He started by thanking the Board of Commissioners for being so supportive in their efforts. He stated they have received a grant from the State of Indiana in the amount of \$390,000 to extend their trail, for this grant they had to have a 20% local match. These supporters include the Hoosier Valley Railroad Museum, The Greenways Foundation in Indianapolis, The Starke County Community Foundation, The Luminous Fund, The Mitchell Keen Charitable Fund, The Hardesty Foundation, and the Members and friends of the Prairie Trails Club. With the help of these organizations and individuals they were able to get to their 20% match. He presented the signs they use along the trails to help people find their way while walking the trails. He explained the trail starts in North Judson and goes all the way to US35. He also presented new signs he would like to place at Bass Lake. Mr. Lucas presented a Visionary Trails Progress packet to the Board of Commissioners; with this he explains that the trails are a tremendous opportunity and not yet a done deal. He explained that the trails we currently have serve as connectors with three multi-state trail systems. The oldest of the systems is the American Discovery Trail, which goes from Delaware to California, this trail splits in the middle of the United States and contains a North branch and South branch. The second trail system is the US Bike Route 35, this trail currently begins with Canada and goes through Michigan, Indiana and will eventually continue into the Gulf of Mexico.

Mr. Lucas explained the third trail system is a new trail system just announced last week called the Great American Rail Trail. This trail will go from Washington DC to the State of Washington, because of how the trails are situated in Starke County we will be a part of all three of these trails. He stated the new Great American Rail Trail will provide some great opportunities for Starke County in a tourism sense. These trails have been developed for individuals venturing across county as well as quality of life. He explained the first page of the Visionary Trails progress was created by INDOT and the DNR in how trails can be created to have the ability to travel long distances. The funding that they have received will bring them closer to two other visionary trails, one being the Panhandle Pathway that goes more North and South and the other being the Nickle Plate which would connect to Rochester. What this means is that Starke County is like a fork in the road in which trails will be connecting in our county that come from the South, Southeast, North, and Northwest. He states within the two years they are hoping to have two additional miles of trails built within Starke County, they would also like to make the motorized routes that share the road more identifiable in Starke County with signage. He explained he would like to work with the Starke County Highway Department to have signage put on the trails identifying the trails, they would also like to seek some modification to the American Discovery Trail. He explained the modifications would include moving the portions of the trails that are along US35 and US421 to a county road route, this would have to be approved by the American Discover Trails Group.

Commissioner Norem asked Mr. Lucas if it is correct that he would like to work with Mr. Ritzler, the Starke County Highway Superintendent to do two things: 1) The placement of the signs by the county highway department along the trails, and 2) Petition the American Discover Trails to change the two locations of the trails that are currently along US35 and US421. Mr. Lucas stated Commissioner Norem is correct in these two requests. The third request being at the junction of CR210 and CR450E creating a trail head with parking space for two vehicles, bike rack, and possibly a bench. Commissioner Norem stated on behalf of the Commissioners they would like to thank the Prairie Trails Club for their efforts. Commissioner Norem stated the award from the state they have received is outstanding and she is glad we have Starke County so well represented. She believes everyone in the county appreciates that and certainly the Commissioners do. Commissioner Norem stated the Board of Commissioners have demonstrated that they are willing to do whatever they can to assist their club within the scope of what they are allowed to do and certainly Rik knows the extent of what they can and cannot do.

Commissioner Norem made a motion as follows for the Resolution to Assist with the Prairie Trail Club; The Starke County Commissioners authorize the Starke County Highway Superintendent to consult with the representatives of the Prairie Trails Club Inc. (the PTC) for these purposes:

- 1) In Cooperation with the Northern Indiana Coordinator of the American Discovery Trail (the ADT), to modify the route of the ADT in Starke County in a manner that is supportive of public safety and economic efficiency, including minimizing bicycle and pedestrian usage of US421 and US35. To the extent feasible, the modification is encouraged to use the same corridor as US Bike Route 35 (USBR35) and the Great American Rail Trail (the GART).
- 2) To develop a proposal for share-the-road signage within Starke County that would update and augment reasonable connectors to the Erie Trail, including temporary or permanent routes of the ADT, USBR35, and the GART, as well as consideration of the feasibility of a new connector to better serve Knox and Hamlet.
- 3) To suggest a design for a small trailhead at the intersection of CR450 East and CR 210 on the South end of Bass Lake.

The Starke County Highway Superintendent and the PTC are urged to report on the results of this consultation as soon as practicable. Commissioner Cavender seconded the motion and the motion passed with all ayes.

EMA GRANT UPDATES

J. Nier the Director of Stake County Emergency Management presented the Board of Commissioners a Grant Report for 2018 – 2020 Grants. She stated the State of Indiana just opened the radio grants for dual band as well as 800's, she has applied for this grant through the IDHS State Homeland Security Grant (SHSP) Application in the amount of \$149,353.50. Commissioner Norem asked what the likelihood of getting approved for this grant would be. Director Nier advised that we would have a good chance as within the next two years Phase II of the radios will begin and at this time the county's current 800 radios will no longer work. Another thing the State has been pushing is the public information. She stated the IT Director and herself have been discussing how to use that for internal to receive messages on your phone. Nixel has the ability to send out alerts for only certain areas of the county as well. Director Nier explained she has a submitted a grant for 2020 under the IDHS Foundation Grant (IHSFG) PPE in the amount of \$3,100.00. This grant would be used for purchases of respirators for public safety personnel when they have to enter a hazmat area or chemical accidents on the roadway. Commissioner Norem advised for the record and for the public's information J. Nier is the EMA Director, she explained that part of Director Nier's responsibilities is writing grants. Commissioner Norem advised that in 2018 Director Nier has collected \$196,600 in grant awards for Starke County.

More specifically Commissioner Norem explained in 2018 the breakdown of the \$196,600 includes \$100,000 from the State Homeland Security Grant Program for the CAD System, \$50,000 from Emergency Management Performance Grant also for the CAD System, and \$46,600 from the Emergency Management Performance Grant Salary Reimbursement. 50% of Director Nier, Director Clary of EMS and if Director Nier were to have a part time individual working for her are reimbursed. Commissioner Norem advised that for 2019 Director Nier has applied for several grants but so far has been awarded \$10,000 from the HMEP Hazardous Materials Emergency Preparedness. Other grants that Director Nier has applied for include IDHS State Homeland Security Grant (SHSP) for county radios in the amount of \$149,353.50, SHSP Public Information and Warning in the amount of \$6,250, and IDHS State Homeland Security Grant Servers in the amount of \$118,799.57. Commissioner Norem asked Director Nier if there is a public media meeting coming up to discuss the radios. Director Nier stated that the Radio Communications Committee has a plan in place and are going to be submitting to the Commissioners soon.

DOG NUISANCE ORDINANCE – 3RD READING

Commissioner Chesak opened the public hearing on the Dog Noise Abatement. He asked for any comments or questions regarding the Dog Noise Abatement. With no comments or questions Commissioner Chesak closed the public hearing on the Dog Noise Abatement. Commissioner Norem gave her approval of the changes made to the abatement regarding the exemptions of the ordinance being (a) a dog or dogs engaged in lawful hunting and accompanied by the owner or a custodian; and (b) a dog or dogs engaged in herding of domestic animals for the benefit of the domestic animals' owner. Commissioner Norem made a motion to approve the Dog Noise Abatement Ordinance. Commissioner Cavender seconded the motion and the motion passed with all ayes.

PLANNING COMMISSION PRELIMINARY REVIEW SOLAR ENERGY ORDINANCE

Terry Stephenson from the Starke County Planning Commission came before the Board of Commissioners to present the Solar Energy Ordinance. He presented to the Commissioners the Commercial Solar Energy Systems Standards that will apply within Starke County. He advised that currently there are four different companies that are trying to negotiate plans to come to Starke County. Commissioner Norem advised that Attorney Lucas has reviewed this ordinance and has a few items she would like to review. The first item is that this is limited to agriculture, how would they limit the use of solar energy on a piece of agriculture property that would be more useful in a different fashion? For example, she explained, if there is a 10-acre agriculture parcel just on the outskirts of the Knox City Limits that holds the potential of being a good commercial development property but instead is now used for solar. How would scenarios like those be prevented? Mr. Stephenson stated the solar farms are looking for bigger parcels not small parcels and where they are looking now are the locations where there are substations and power lines. Stephenson stated that larger parcels are more beneficial to the solar companies.

Commissioner Norem then addressed glare issues for aviation. She stated it is addressed within the ordinance for structures and roadways but it is not addressed for aviation. Stephenson stated this has been taken care of. During the preliminary process they will complete a study, part of the study is the glare factors for the airplanes. He stated that the solar companies also have tint they can put on to take care of the glare. Commissioner Norem asked if this permit is a special use permit or is it a permit, she asked Stephenson to walk her through the steps that would be required if a solar farm company wanted to put in their product on a piece of land in Starke County. Stephenson stated the company would have to first provide a set of print or original layout of the proposed solar farm. He stated they will then bring it to the board for approval that it meets all the criteria requested. After the approval the studies will be completed. After the studies are completed the outcomes for the studies are presented to the board. He stated the board will make sure that the location is not residential.

Commissioner Norem inquired about the possible road damage during installation. For example, she stated, when the electric lines were installed the Superintendent monitored the road damage and the electric company had to reimburse us for the damages. Stephenson stated that this is addressed in the proposed ordinance. Commissioner Norem asked if someone came in and put in solar panels how long the technology would last on those. Stephenson stated they would have a 40-year lease. Commissioner Norem asked if the technology changes would they still be obligated to pay the property owner for the lease. Stephenson agreed that they would still have to abide by the 40-year lease. Commissioner Norem asked the process if the company wanted to come in and redo the panels on a piece of property. Stephenson stated if the panels are physically the same he would not require the company to come before the planning commission again but if they would change the height or any other dimensions they would have to come before the board for approval. Commissioner Norem asked if this instance is addressed in the ordinance and Stephenson stated it was not. Commissioner Norem advised she liked the landscape buffer and asked if this was addressed in the ordinance. Stephenson stated it was not but it would be the same requirements as it is with their hog houses. Commissioner Norem asked Attorney Lucas if he has any issues with the ordinance. Attorney Lucas stated much of what they had just discussed he does not see they were thoroughly addressed in the proposed ordinance.

Commissioner Norem addressed Larry as he had stated that he had someone interested in some of his property. She asked if he would give them 500 acres of property to put the solar farm on as she is unsure if there is even that much of acreage that is banned together. Larry stated he may depend on the offer presented. Lee Nagai in the audience mentioned they had an 80-acre parcel with power lines which would be perfect but they had told him that the acreage would not be enough. Stephenson stated there are two representatives in the audience from the solar companies that are interested. Commissioner Norem asked them about not taking Mr. Nagai's with the power lines but possibly taking Larry's. One gentleman stated it just depends on the location of the parcels, and they are interested in Mr. Nagai's 80-acre parcel. Mr. Nagai asked what their minimum parcel size was, he stated it really depends on the location of the parcel. Commissioner Norem asked if they would take any acreage even a 10-acre parcel. The representative stated if the parcel was in the right location, they would but they would not take a 10-acre parcel near commercial development area as they try and stay away from development areas. After further discussion between the Board of Commissioners, Attorney Lucas, representatives from the solar companies, and a few audience members. Commissioner Cavender made a motion to table the passing of this ordinance until the next Commissioner's meeting on June 3, 2019. Commissioner Norem seconded the motion and the motion passed with all ayes.

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

Commissioner Cavender made a motion to approve the Payroll Claims Docket for the pay period ending on 05/04/2019 with a pay date of 05/10/2019, in the total gross amount of \$262,503.22. Commissioner Norem seconded the motion and the motion passed with all ayes. Commissioner Cavender made a motion to approve the vendor claims docket in the amount of \$306,300.45. Commissioner Norem seconded the motion and the motion pass with all ayes. Commissioner Cavender made a motion to approve the minutes of the May 6th, 2019 meeting, Commissioner Norem seconded the motion and the motion passed with all ayes.

IN OTHER BUSINESS TO COME BEFORE THE BOARD

Low Associates Security Privileges

Auditor Oesterreich explained that Low Associates is the County's software company that handles all financials, payroll, and property tax. She stated in the majority of counties who have this software the Auditor controls security for the Auditor's Office and the Treasurer controls security for the Treasurer's Office. Currently, the IT Department controls all security privileges. The Auditor would like this changed back to each office controlling their own security privileges. Commissioner Cavender made a motion to allow the Auditor and Treasurer to have their security privileges restored. Commissioner Norem seconded the motion and the motion passed with all ayes.

KRBC Appointment

Commissioner Norem advised that the KRBC Appointment is due to the new legislation coming up. Surveyor Crase indicated that he will have the new Director of the Kankakee River Basin come to the next joint meeting to speak more about this new legislation regarding the Kankakee River. Commissioner Norem advised she has been watching this bill closely and it currently looks like most of the people in Starke County will be paying a new assessment. She stated in terms of the Commissioners they have an appointment to make to the KRBC by July 1st, if they fail to make that appointment it would automatically go to the county Surveyor on September 1st. Initially the legislation had particular qualities they wanted in the person they would appoint to this position. Commissioner Norem would like to advertise for this appointment, as we have with all other appointments made. Commissioner Norem made a motion to advertise for the KRBC appointment with mention of the qualifications. Commissioner Cavender seconded the motion and the motion passed with all ayes. Letters of interest should be turned in before the Commissioners meeting on June 17th.

Commissioner Norem also advised that on her cliff notes the assessments will be as follows: \$1.00 per acre for agricultural property, \$2.00 for undeveloped commercial property, \$7.00 per parcel on residential assessments, \$50.00 per parcel on commercial property, \$360.00 per parcel on utility and industrial property. They expect this bill will generate \$2.99 million per year from all of the counties that are involved in this. Attorney Lucas stated that Section 11 reads as follows for HEA 1270: Each member of the commission appointed under section 9(a) of this chapter must have a background in:

- (1) construction;
- (2) project management;
- (3) flood control;
- (4) drainage; or
- (5) another similar professional background.

Attorney Lucas stated he will confirm before the next Commissioners meeting that these requirements are still in the code. Lee Nagai advised he is interested in being appointed to this position. Lee Nagai advised the Board of Commissioners that he is in interested in the position and he gave the Commissioners a Letter of Interest on his behalf. He stated his background would help to serve the county well and he mentioned he has researched the Christopher Burke report in which this report views the solution as flooding much of Starke County. He stated he recently went to a seminar on the Heck Raz Model, which he believes this is one small piece to the entire puzzle. He stated he has experience as a professional engineer for 30 years and would be looking forward to helping the county.

Attorney Lucas advised the Board of Commissioner that there are a few positions still open for the Comprehensive Plan Committee. Commissioner Norem advised that she did speak with a women from LaPorte Hospital and she will be looking for a representative for the Comprehensive Plan Committee to

represent the Starke Health Hospital. He also advised that there will be a Stellar Committee Meeting with Ball State University on Thursday May 23rd, 2019 from 1-3 PM.

PUBLIC COMMENTS

Ron Gifford from the Starke County Development foundation came before the Board of Commissioners to advise of the Lead Track updates. He stated the rate per rail car was established back in 2003-2004, he stated it is currently at \$51.00 per car. He stated the Development Foundation has met several times with the individuals who are using it and they have asked for a rate reduction on the rail cars. He stated the revenue they have received from 2013-2018 has exceeded expenses by \$273,000, and there is a healthy fund balance at the moment. The users of the rail car system would like two separate bills. One being \$10 per rail car which would be the Lead Track Lead Tank Replacement Bill and also one bill at the end of the year to each user, of the costs that have been spent throughout the year based on their use of the system. He stated they have an average of about 1150 cars per year. The expenses of the rail system would be looked at every year to be reevaluated. Commissioner Norem advised Mr. Gifford to have a contract drawn up and have Attorney Lucas review the contract.

After no further public comment Commissioner Norem made a motion to adjourn at 7:55 PM. Commissioner Cavender seconded the motion and the motion passed with all ayes.

MAY 20, 2019

Charlie Chesak, President

Kathryn Norem, Vice-President

Bryan Cavender

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