

**Monday, July 15, 2013**

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 Kathy Norem, Kent Danford and Jennifer Davis present and the following proceedings were held to wit:

The meeting was called to order by President, Kathy Norem. She asked for any additions or corrections to the posted agenda. She advised of the following changes to the posted agenda: move up the discussion of the creation of a Parks & Recreation Board and a creation of a golf cart ordinance to the discussion of the Bass Lake Beach and Campground; move up the discussion of delinquent tax garnishments on County employees to the discussion with the Treasurer; also add the NIPSCO project electric line; add the Landfill deed and the State's requirement; add the request by Attorney Jonathan O'Hara for collection fees; add the Oracle Elevator contract; add the status of the former employee, Ron Lawson's claim, and it will depend on time remaining if the wage project status will be reported.

**RE: BASS LAKE BEACH & CAMPGROUND**

Bass Lake Beach and Campground Lessee, Richard Callahan, and his attorney, David Wallsmith, appeared before the Board to discuss the issues at the Beach and Campground. President Norem advised them the County has received a number of complaints in regard to the condition and running of the Beach and Campground, and the Indiana State Department of Health has also compiled a report listing fifteen different violations at just the Beach, from their June 19<sup>th</sup> visit to the Bass Lake Beach. She noted the State is scheduled to return for a follow up inspection on July 26<sup>th</sup>. President Norem read all the current violations and noted the ones that were repeat violations. Mr. Callahan stated many of the safety items had been stolen from the Beach. There was a discussion in regard to the radio station reporting the Beach was closed, and who had actually closed the Beach. Mr. Callahan advised he had corrected everything listed in the State violations, he has been paying the State Innkeeper's tax; and does have current insurance coverage on the property. President Norem advised all these problems with maintenance issues is a violation of the Lease, in Sections 5 and 23. Commissioner Davis read aloud a complaint letter in regard to the conditions at the Beach and Campground. She stated her concern with seeing overflowing trash containers when she visited the Beach. There was also a discussion in regard to campers staying at the Campground year round. He advised there are campers in the wintertime, but no one is living there permanently, year round. President Norem inquired if Mr. Callahan was able to run this area as the first class Beach and Campground it should be, and keep it clean and safe. Mr. Callahan advised he could. President Norem asked him to consider negotiating with the Board, to make this his last year of the ten year lease. Mr. Callahan advised he has a quarter of a million invested in the Beach and Campground and would not be giving it up, but he felt the County wants to sell the property. County Attorney, Marty Lucas, noted the property can't be sold; it is to remain a park. Mr. Wallsmith advised his client is trying to make this work, noting Richard is not there in the winter, his son Brian is. President Norem noted Brian's name is not listed on the Lease and there have not been any changes to the Lease agreement. The Board asked Mr. Callahan to report back at the next Commissioner meeting, on Monday, August 5<sup>th</sup> and provide at that time, a copy of the current insurance coverage, the State follow-up report, and receipts from paying the State Innkeeper's taxes. President Norem provided to him a copy of the Indiana Code for running a beach and campground, and noted the ratio of restrooms to campers, and the need to provide restrooms to the campers in the wintertime.

**CREATION OF PARKS & RECREATION BOARD**

President Norem read information for the creation of a Parks & Recreation Board in the County. She noted the authority to create such a board is vested in the County Council. She advised revenues could be created from the park fees and user fees, and if necessary, any additional taxes could only be raised by the County Council. She also noted the Board would consist of the following appointees: two from the Circuit Court Judge, one from the Board of Commissioners, and two from the County Council. She also noted the County already has the Starke County Forest created, and two Common Areas, one in San Pierre and one in Boa Shores, and also possibly the Bass Lake Beach. She advised the Board would need to create a County budget, and would be required to submit an annual fiscal report to both the Board of Commissioners and the County Council. President Norem advised, in the event the Callahan's choose to step down, it would be up to the Parks & Recreation Board to decide who would run it, or to do it themselves.

Commissioner Danford made a motion to recommend to the County Council, to consider the creation of a Parks and Recreation Board. Commissioner Davis seconded the motion, and it passed with all ayes.

**GOLF CART ORDINANCE COMMITTEE**

President Norem then advised the County needs to address the issue with golf carts being driven on County Roads at both Bass Lake, and throughout the County, noting it was a major issue at the last Bass Lake Property Owners' Association meeting she last attended. She suggested the establishment of a committee, with BLPOA's members included, to look at the City of Knox's ordinance and also State ordinances, in regard to golf carts. Commissioner Danford made a motion to move forward with the establishment of such a golf cart ordinance committee. Commissioner Davis seconded the motion, and it passed with all ayes.

**RE: RON LAWSON'S REQUEST FOR BACK HOLIDAY PAY**

Todd Wallsmith, Attorney for former County employee, Ron Lawson, appeared before the Board requesting the back holiday pay for his client. He advised while Mr. Lawson was employed at the Starke County Sheriff's Department, as a Patrolman, any holidays usually fell on Mr. Lawson's days off and therefore Mr. Lawson did not receive any compensation for that Holiday. He advised they were looking at fifteen holidays he felt he was entitled to pay since he followed the County's handbook, and worked the day before and the day following the holiday. President Norem noted the Sheriff's Department is not covered by the County Employee's handbook. Attorney Wallsmith advised his client felt he was singled out by not scheduling him to work on the holidays, when the

Officers who do work on Holidays received double time and a half. Attorney Lucas inquired if they were familiar with the policy that Sheriff Sims had established for the Sheriff's Department, in July of 1999 which stated, when a holiday fell on an Officer's scheduled day off the Officer was entitled to take a day off as long as the day off was taken within two months of that holiday. President Norem advised the Board has three options: 1. to pay him the requested amount, to accept his offer; 2. to not pay him, or to reject his offer; or 3. to continue to negotiate, or not continue. Attorney Lucas noted a fourth option would be to mediate the issue. He noted the ball was in the County's court since Mr. Lawson had submitted his demand. President Norem called for a motion. Commissioner Danford stated he did not want to pay for the past holidays, and made a motion to decline Mr. Lawson's offer, and not allow any formal negotiation. Commissioner Davis seconded the motion, but stated they could revisit it with the possibility of some type of mediation. The motion passed with all ayes. Attorney Wallsmith asks for a copy of their decision.

#### **RE: REQUEST TO CLOSE CR50S, WEST OF SR39**

In regard to the request by Todd Lawrence to close the portion of CR50S west of SR39, County Highway Department, Rik Ritzler, stated he has been in contact with Todd Lawrence and Mr. Lawrence has agreed to provide a gate, and will get a key to the Superintendent. He also advised Foreman Scott Dedloff had spoken with the property owners, the Harper Brothers, who are alright with Mr. Lawrence's request. Commissioner Danford made a motion to approve Mr. Lawrence's request to close that portion of CR50S, seconded by Commissioner Davis. The motion passed with all ayes. Commissioner Danford noted Mr. Lawrence should provide the adequate insurance.

President Norem noted the report from the Summer Intern, Evan Coad, on the County's Wage and Salary Project would be tabled until the August 5<sup>th</sup> meeting, and the request from Treasurer, Kasey Clark, to close the Treasurer's Office while attending the SBOA Treasurer's Conference will also be tabled until the August 5<sup>th</sup> meeting. She noted she had spoken with the Treasurer and Ms. Clark was asked to appear at this meeting, but is not present.

#### **RE: TAX GARNISHMENTS OF COUNTY EMPLOYEES**

In regard to the issue of any County employee with a past due property tax billing, Attorney Lucas advised that would not be a "garnishment" since a garnishment requires a court order, but it would instead be a deduction to the employee's pay. He advised the State policy actually calls for a deduction to anyone who the County is obligated to pay, including vendors and contractors. But, he noted the State does not provide a policy setting the amount of the deduction to be taken from the payments. He also noted the issue had come before the Board at an earlier time, and it was then established to give the employees notice of the delinquent tax billing. He suggested the payroll deduction be made comparable to the taxpayers who are allowed to create a monthly payment plan, as long as the past due billings are paid in full by the following July 1<sup>st</sup>. Commissioner Danford made a motion to create the policy allowing a monthly payment amount be deducted from the County employee's pay check to satisfy their delinquent tax billing. Commissioner Davis seconded the motion, and it passed with all ayes. Attorney Lucas stressed that the policy actually applies also to vendors and contractors who have delinquent tax billings, and stated it was a flaw in the State statute when the amount to be deducted, it is not specified. President Norem advised the County employees are responsible for the payment of their property tax billings, since this is typically the source of revenue for their payroll.

#### **RE: VETERAN'S SERVICE OFFICER LEAVE OF ABSENCE**

Commissioner Davis advised there was a vacancy in the Veteran's Service Office due to the absence of Gordon Richie, who was expected to have surgery. She advised the length of his absence is unknown at this time. President Norem advised they could make a temporary assignment to Service Officer, pending the notice of Mr. Richie's return. Terry Turner, a member of the news media present at the meeting, volunteered to take the temporary assignment. Sheriff Cowen advised he was contacted by Hillard Minix, of North Judson, who currently works as a DAV, out of the Plymouth National Guard Armory, on Wednesdays. President Norem stated the person would be subject to the same pre-employment drug screening and criminal background check as a new applicant. Commissioner Davis made a motion to appoint Terry Turner to temporarily replace Gordon Richie as the County's Veteran Service Officer, and to work three days a week. Commissioner Danford seconded the motion, and it passed with all ayes. Mr. Turner was asked to present a brief report at the Commissioners' August 5<sup>th</sup> meeting, not lasting more than five minutes. President Norem advised this was only a temporary appointment, and in the event Mr. Richie does not return to work, the position will need to be advertised.

#### **IN OTHER BUSINESS:**

Attorney Lucas advised, in order to be compliant with the State's requirement to disclose a parcel of property was a closed landfill, and to make a notation on that property's deed, he is requesting to hire Ken Whiles to do the title work on the parcel on property that was the county landfill, noting the information would also be requiring if the property is appraised. Commissioner Danford made a motion to approve the title work, seconded by Commissioner Davis. The motion passed with all ayes.

President Norem advised, the County Council at their meeting that evening, recommended the County proceed with the insurance policy with a \$50,000.00 deductible, and an annual premium of approximately \$153,000.00, but only in thirty day increments. Commissioner Danford made a motion to purchase that insurance coverage, in thirty day increments, seconded by Commissioner Davis. The motion passed with all ayes, and President Norem advised it will be on a month by month basis.

President Norem advised a discussion of the Oracle Elevator Contract, at the County Courthouse, will be tabled until the next meeting.

**RE: PAYROLL AND VENDOR CLAIMS, MINUTES**

Commissioner Danford made a motion to approve the minutes of the July 1<sup>st</sup> meeting held at 10:00AM, seconded by Commissioner Davis. The motion passed with all ayes. Commissioner Danford made a motion to approve the minutes of the July 1<sup>st</sup> meeting held at 9:00AM. The motion was seconded by Commissioner Davis and passed with all ayes. Commissioner Danford made a motion to approve the vendor claims in the total gross amount of \$120,609.48. The motion was seconded by Commissioner Davis, and passed with all ayes. President Norem advised her signature is required on the application for the Drainage Approval for the City of Knox in regard to the new jail project. Commissioner Danford made a motion to allow the signing of the application, seconded by Commissioner Davis. The motion passed with all ayes and the application was signed. Commissioner Danford made a motion to approve the pay claim for the pay period ending on July 6, 2013, with the pay day of July 12<sup>th</sup>, in the total gross amount of \$182,378.68. Commissioner Davis seconded the motion, and it passed with all ayes. President Norem stated the pay claim included the Deputy Prosecutor’s pay from the STOP Grant.

**IN OTHER BUSINESS:**

County Highway Superintendent, Rik Ritzler, presented a Utility Permit which required the Board’s signatures. He advised the permit was for a property on CR450W. Commissioner Danford made a motion to approve the permit, seconded by Commissioner Davis. The motion passed with all ayes.

President Norem reminded the Board of the Open House to be held on Monday, July 22<sup>nd</sup>, from 5:30PM-7:30PM, at the New County Jail Site, noting representatives from DLZ and Skillman would be on hand to present the proposed plans and conduct tours of the property. Also, there will be a booth where local contractors and service companies could sign up if interested in the Jail Project. Commissioner Davis advised she will write up a news release.

**PUBLIC COMMENT**

President Norem inquired of those in attendance if there were any comments. There being none, Commissioner Danford made a motion to adjourn the meeting, seconded by Commissioner Davis. The motion passed with all ayes, and the meeting was adjourned at 9:18PM.

**July 15, 2013**

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Kathy Norem, President

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Jennifer Davis, Vice-President

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Kent Danford

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Katherine Chaffins, Auditor &  
Secretary to the Board of Commissioners

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Rachel Oesterreich, Deputy Auditor