

Monday, August 5, 2013

Pursuant to adjournment comes now the Starke County Board of Commissioners and meet in regular session at 9:00AM in the Annex Meeting Room, Knox, Indiana, with Kathy Norem and Jennifer Davis present and the following proceedings were held to wit:

Commissioner Danford was absent for the meeting.

The meeting was called to order by President, Kathy Norem. She advised they would not be addressing public comments until the very end of the meeting.

RE: RESOLUTION APPROVING THE LEASE AGREEMENT, TAXPAYER PEITIONS, APPRAISERS, AND THE BUILDING CORPORATION IN REGARD TO THE NEW JAIL PROJECT

President Norem advised the County has received documents from Lisa Lee, of Ice Miller, who is available via telephone, if necessary. The documents received are as follows: The Resolution of the Board of Commissioners approving the Lease Agreement, the taxpayer petitions, the appraisals/appraisers of the old jail property; and the creation of the Building Corporation; the Lease Agreement between the Board of Commissioners and the Building Corporation; the Resolution of the County Council determining the need for the jail project; an Ordinance of the County Council pledging the Additional CREDIT tax to pay the lease rentals/bond payments; and the updated timeline. County Attorney, Marty Lucas summarized the documents being presented and advised he has reviewed them all and recommends the Board move ahead with their approval. He noted Lisa Lee has been doing a great job as the Bond Counsel for the County. Commissioner Davis made a motion to approve the Lease Agreement as was presented by Ice Miller, along with the taxpayer petitions, the appraisals of the old jail property, the creation of the Building Corporation; and the form of the lease agreement. The motion was seconded by President Norem, and passed with all ayes. President Norem advised the Building Corporation will be presented with the documentation at their meeting, that afternoon.

RE: BASS LAKE BEACH & CAMPGROUND UPDATE

Richard Callahan and his Attorney, David Wallsmith, appeared before the Board as was requested at the last meeting of the Board of Commissioners, on July 15th. They advised the State had been out for a follow up inspection. Chris Dalton, the County Sanitarian, advised the old issues have all been addressed, but then the State has a list of new problems at the Beach and Campground. He advised he returned to the Beach on the 31st and the problems had not been addressed, and he called Doug Williamson, at the State, who advised him to give the Callahans until Friday, the 2nd to comply. He advised when he returned out there on the 2nd all the problems had been fixed, and he reported it to the State they were now completely in compliance. He noted the State will be sending a report to the County. He advised he met with Rob McLaughlin, of IDEM, on the 31st, to review the water sample procedures. Mr. Callahan advised they need to complete two more testing and then they will be in compliance, noting the water is safe. Mr. Dalton advised the water testing of the lake water began on May 15th. Attorney Lucas requested copies of all the water tests. Mr. Dalton advised they are on file in his Office, and will be providing a copy to the Auditor's Office. Commissioner Davis noted they want the Callahans to completely be in compliance with every aspect of the maintenance and upkeep, such as the garbage issues, and maintaining the restroom, and not just the water testing compliances. Mr. Callahan and Mr. Wallsmith provided information of the latest submission of the State's Innkeeper's tax. Attorney Lucas reviewed the tax document and inquired if 85% of the rentals are annual rentals, and exempt from the innkeeper's tax. Mr. Callahan advised the number was correct. Commissioner Davis noted her concern, the day following the last Commissioner meeting as she went by the Bass Lake Beach she saw the garage was overflowing onto the ground. There was a brief discussion in regard to the radio station and the local television station who had reported the Lake had been closed just prior to the 4th of July. President Norem inquired, in regard to the exempt annual rentals, how there could be annual rentals when the State specifies the need to provide restrooms and water and they would be required to have those items available in the winter time. She advised, they should not be running a trailer park; that would be a violation of the lease agreement. Mr. Callahan advised they have restrooms in their campers. President Norem noted that isn't what the State codes states. Mr. Callahan advised the campers do not stay there during the wintertime. Attorney Wallsmith requested the Board send a written request of what is required from Mr. Callahan, as to any alleged violations, and Mr. Wallsmith advised he would attempt to be present for their next meeting. Mr. Callahan noted he disagrees with their request for his presence for monthly visits, advising his daughter will be visiting during the time the next meeting is scheduled. County Attorney Lucas advised he will compose a list of all the violations. President Norem noted the campground is not a storage facility, and if it is used for camping they need to provide toilets and running water and that includes in the wintertime also.

RE: EMS MONTHLY REPORT

EMS Clerk, MaryLynn Ritchie and EMS Director, Paul Mathewson, appeared before the Board to present their monthly report. Clerk Richie advised a total of \$232.29 was received from Collections Attorney, Jonathan O'Hara. She advised, in regard to the agreement with Mr. O'Hara which began in 2003, Mr. O'Hara keeps a 30% fee in regular collections and a 40% fee if he files a claim in Small Claims Court. She noted, Mr. O'Hara is proposing the attorney fees be added to the original amount of the claim, and she noted the County's revenue from those collections would increase. Attorney Lucas noted his concern with the question of ethics in the proposal to the County. Following a discussion, President Norem stated normally they have a written agreement establishing a payment plan, and when the client does not pay, they are not in compliance. Attorney Lucas stated he would like a written document for him to review. Clerk Ritchie advised a total of \$1,557.98 was received from the County Clerk, from Small Claims Court.

Director Mathewson advised two full time EMTs were attending Paramedic School, and want to transition into a paramedic position when the schooling is completed. Commissioner Davis inquired when the schooling would be completed. Mr. Mathewson advised one should be finished by January 2014, and the other, possibly by September, 2014. She inquired if he has enough in his budget to fund the upgrade. President Norem noted the Council would need to see if they could fund the increase in the cost for those employment upgrades. Director Mathewson submitted his letter of resignation but noted he would stay on until a replacement is chosen, and he would also assist in getting the new person into position. He advised he was stepping down to spend more time with his family, and to further his education. President Norem stated they appreciate all that he has done, noting he has done a good job.

RE: VACATION OF SUBDIVISION

Terry Stephenson, the County Building Commissioner, appeared before the Board requesting the approval of the Vacation of Subdivision Procedures, (an Amendment to Starke County Code, Section 5-1-13). President Norem advised the Proposal had

already been approved by the Planning Commission, noting the Public Hearing for the Amendment was held on July 17th. Attorney Lucas read into the record the Procedure for the Vacation of a Sub-division, and noted, this was the first reading of the proposal. He noted the Building Commissioner should file for the Board of Commissioner's approval at their next meeting. Commissioner Davis made a motion to accept the first reading of the Amendment, and take the Amendment under advisement. Commissioner Norem seconded the motion, and it passed with all ayes. President Norem advised Mr. Stephenson in the future, as she was sure more Ordinances will be proposed, the Planning Commission should submit an electronic PDF version of the proposal to the Board, and County Attorney prior to the meetings.

RE: COUNTY HIGHWAY DEPT. MONTHLY REPORT

County Highway Superintendent, Rik Ritzler, appeared before the Board to present the monthly report. He advised they have completed the third round of mowing, and have begun the 4th round. He advised the chip seal process has ended, completing 47 miles. He noted the County had borrowed a two lane chipper from Marshall County, but the equipment broke down. He advised Dale Conley was able to get Starke County's one lane chipper functioning properly, and he drove the box and ran the crew. They were able to complete thirty miles of the total 47 miles, in one and one half weeks. He advised the next project on the schedule is the replacement of six culverts, and complete the wedging of the roads. He advised they are planning on using the pug pile that was created last year in order to complete the wedging. Superintendent Ritzler advised five employees attended the PASER (Pavement Assessment Evaluation and Rating) training in Plymouth on August 1st. He advised as a result of a cooperative effort between the Highway Department and the North Judson Railroad Museum, the railroad crossings on Toto Road and on CR650W, in the English Lake area, were completed on August 2nd. He noted the Museum replaced the rails and ties, and the Highway Department repaved the crossings. On the subject of Bridge Closings, he advised Bridge 50 is closed, and will not be replaced until next summer. The construction/replacement of Bridge 43, which is presently closed, will commence on September 1, and should be completed by the end of November. President Norem requested he let the Koontz Lake Association know of these bridge updates. Superintendent Ritzler advised the Highway Department will re-stone the County's gravel roads in September, noting there will be one crew doing the re-stoning, and one crew conducting road assessments, per the PASER system. He also advised he will be appearing in front of the County Council, at their next meeting, to request the transfer of funds, in order to purchase a replacement wood chipper and to purchase GPS equipment for all of the County's Highway equipment. He noted he is expecting an insurance reimbursement in the amount of \$11,000.00 and will be transferring funds from the repair road equipment, and the gas, oil and lube, budget expense lines. He also noted the Department has picked up a total of 70 dead deer off County roads in the month of July, and have moved a number of trees. He advised he will be creating a report for the Board, with all that information.

RE: IT DEPARTMENT UPDATE

IT Director, Joe Short, appeared before the Board. He advised he was able to get internet access to the North Judson EMS Base, at no additional expense to the County. He noted, in regard to the IDACS line for the Dispatchers, he is awaiting MediaCom to respond. He advised the State is requiring a fiber optic cable line be installed, and he is trying to hold that off until the Dispatch area is moved to the new jail.

In regard to the County's cell phones, President Norem had asked the IT Director to review the current AT&T plan. He advised there are some County Departments' phones still under contract with AT&T. He advised he checked with Verizon to see how that company would compare with AT&T. He advised Verizon would provide easier billing system, in order to determine each department's expense. He advised Verizon does not require a contract, and every ten months they could obtain free telephone upgrades. President Norem advised she had told the Highway Superintendent he could obtain a new phone, without realizing he would be entering into a new contract. Director Short advised the Highway Superintendent's contract will expire in 2015; the County Health Nurse, Frank Lynch's contract, and the County Surveyor, Denny Estok's contract, will both expire in May, 2014. He advised the cost to remove the three phones out of the AT&T contracts would be \$377.03, noting also, the County is currently paying AT&T \$372.00 a month and the Verizon fee would be approximately \$250.00 a month, and they have a governmental division. He noted the County is currently on two family plans through AT&T with four lines per plan. President Norem advised the County should wait for those employees to be out of contract, and they be excluded from the new plan for now. Commissioner Davis advised the County should try Verizon for all the County's cell phones except those under contract. Director Short advised they will be required to sign the documentation for Verizon. Commissioner Davis made a motion to approve the agreement pending Attorney Lucas' approval. Commissioner Norem seconded the motion, and it passed with all ayes.

RE: VETERAN'S OFFICE REPORT

Terry Turner, the substitute for the County's Veteran's Service Officer, appeared before the Board to present a brief update. He presented to the Board a copy of the report he sent to the State, for the month of July, stating the number of personal interviews held, the number of miles traveled, the number of telephone calls received, etc. (A copy of the report is on file in the Auditor's Office.) President Norem asked the Auditor to include this report as a required monthly report along with the monthly financial reports. Mr. Turner noted he is presently looking into the possibility of the VA providing transportation to the Crown Point and South Bend clinics for the local veterans. President Norem noted he has done a nice job.

RE: COUNTY TREASURER UPDATE

County Treasurer, Kasey Clark, appeared before the Board to advise while she was attending the SBOA County Treasurer's Conference that week Shirley Sims would be covering her Office. Treasurer Clark advised Ms. Sims is not bonded and therefore could receipt any monies. She advised the Auditor will be making the daily deposits with the bank. Auditor Chaffins advised she would take the bank deposits daily so that the monies aren't accumulating in the safe, or tax payments sitting in the outside building drop box. Treasurer Clark stated since this was a slow time of the year for property tax payments she didn't believe there would be many payments coming in. Auditor Chaffins advised the tax payments could be made in her Office while the Treasurer and Deputy Treasurer were attending the Conference.

In regard to County employees who owe delinquent County taxes, Treasurer Clark noted she had checked with surrounding counties, and they don't have any delinquent employees. She suggested the employee's deduction should go up to the same 25% as a garnishment, or set up a specific payment plan similar to any other taxpayer. President Norem stated she hated to see a 25% employee pay check deduction. She inquired if she could make differentiation from employee to employee, setting up different percentages of deductions. Attorney Lucas advised the County needs to establish a written policy, and unfortunately the State does not provide any guidance as to the amount to withhold. Treasurer Clark advised she would attempt to get some information from the State at the Conference. Attorney Lucas stated she should get guidance, and check with other counties as to their policies, and then write a policy and possible address repeat offenders with a higher amount in percentage of the delinquent taxes owed.

IN OTHER BUSINESS:

President Norem advised the Circuit Court has requested to enter into a contract with Maximus in regard to enabling the County to receive the maximum amount of reimbursement of Title IVD funds from the State. Attorney Lucas stated he had reviewed the proposed contract, and advised it was uncontroversial. She advised Judge Hall had also reviewed the contract and it was fine with him also, and he would like to pursue it. She noted the Company is predicting the County will see an additional \$27,000.00 to \$29,000.00 in additional revenue. Commissioner Davis made a motion to approve the contract with Maximus, seconded by Commissioner Norem. The motion passed with all ayes.

President Norem advised they had received an agreement with the Government Fixed Asset Services Inc., the company who maintains the County's capital assets listings, for the fiscal year ending December 31, 2013, in the amount of \$1,950.00.

Attorney Lucas reviewed the document

and advised the company provides a good service. Commissioner Davis made a motion to approve the agreement, seconded by Commissioner Norem. The motion passed with all ayes.

RE: AUDITOR'S BUSINESS—MINUTES, PAYROLL CLAIM, VENDOR CLAIMS

Commissioner Davis made a motion to approve the minutes of the July 15th executive sessions, seconded by Commissioner Norem. The motion passed with all ayes. Commissioner Davis made a motion to approve the minutes of the July 15th regular meeting, seconded by Commissioner Norem. The motion passed with all ayes. Commissioner Davis made a motion to approve the minutes of the July 23rd special session, seconded by Commissioner Norem. The motion passed with all ayes. Commissioner Davis made a motion to approve the minutes of the July 29th executive session. Commissioner Norem seconded the motion, and it passed with all ayes.

Commissioner Davis made a motion to approve the payroll claim for the pay period ending on July 20th, with a pay date of July 26th, in the total gross amount of \$183,188.95. Commissioner Norem seconded the motion, and it passed with all ayes.

Commissioner Davis made a motion to approve the vendor claims in the total gross amount of \$475,377.08. Commissioner Norem questioned the claim that was payable to the Tourism Association. Following a brief discussion she seconded the motion, and it passed with all ayes. Auditor Chaffins gave a brief report on the balance of the misc. revenue of the County General Fund collected thus far in 2013, noting the total amount already collected was 66.65% of the total amount of misc. revenue predicted for the year. She also noted the EMS Department has already received \$401,175.69 in revenue, of the \$600,000.00 that was predicted for the year. The total amount of misc. revenue for the County General Fund as of July 31, 2013 was \$1,132,291.18, while the total amount of \$1,698,950.00 was predicted in the creation of the 2013 County budget. President Norem passed around the calendar for the month of August to post the Office Hours of the Commissioners' Office for that month.

IN OTHER BUSINESS TO COME BEFORE THE BOARD, CONTINUED:

Courthouse Custodian, Carl Goodrich, appeared before the Board to present an update on the elevator permit situation, and the Kone Elevator Co. He advised the County's elevator permit is outdated, and Kone has completed the inspection of the elevator, but is withholding sending in the approved inspection to the State, until a past due invoice is paid by the County. The outstanding invoice was in question, as to why they had performed the work, instead of the Oracle Company, who had installed the new elevator. Attorney Lucas noted he has attempted to contact Kone, but has not received any human response.

Custodian Goodrich advised now he has received an invoice from Kone, in the amount of \$131.41, for accumulated interest. There was a discussion of the County's present contract with Kone for their maintenance/service agreement at the cost of \$288.00 monthly, when Oracle's fee would be \$390.00 quarterly for the same service. He noted the Kone agreement expires in 2015. Attorney Lucas noted, the holding up of the state permit by Kone, was a heavy handed tactic, and he will attempt, once again, to make contact with Kone. Commissioner Davis made a motion to approve the payment of the bill to Kone for elevator maintenance, but not for the replacement of oil in the elevator cylinders. Commissioner Norem seconded the motion, and it passed with all ayes. President Norem advised Custodian Goodrich to set up a telephone call between the Attorney and representatives from Kone.

APPOINTMENT TO THE STARKE COUNTY LIBRARY BOARD

President Norem, advised due to the resignation of Board member Michaelene Houston, there was now an opening on the Starke County Library Board. She advised they had received a letter from an interested person, Judy Troike, a school teacher, who resides in Jackson Township Commissioner Davis made a motion to approve the appointment of Judy Troike to the Starke County Library Board to fill out the remainder of the unexpired term, seconded by Commissioner Norem. The motion passed with all ayes. President Norem advised the term ends on December 31, 2013, at which time Mrs. Troike could determine if she would be interested in serving another term.

REYNOLD-TOPEKA PROJECT

President Norem advised the County had received a letter from a taxpayer in regard to the Reynold-Topeka Project, and the possibility the project will pass through a section of Starke County. She advised the letter is requesting NIPSCO hold public meetings similar to the public meetings held in other surrounding counties, and also to have the project information available for the public, at both of the County Libraries.

President Norem introduced Brian Spalding, of Congresswoman Jackie Walorski's Office who will be holding Office Hours in Starke County, on the last Monday of every month, in the Commissioners' Office at the Starke County Courthouse. The Office Hours will be 8AM-11AM and the Commissioners' Office is located on the 1st floor of the County Courthouse.

A request for a key was submitted for County employee, Terry Turner, the substitute for the Veterans' Service Officer. Commissioner Davis made a motion to approve the key request, seconded by Commissioner Norem. The motion passed with all ayes.

PUBLIC COMMENT

Clyde Haniford, of Bass Lake, advised, in regard to the garbage situation at the Bass Lake Beach and Campground, the Callahans pick up the garbage themselves and there should be no reason to have the garbage overflowing. He also noted the pier at the Beach is rotting since it was constructed from white pine. President Norem advised that was addressed by the State in their last inspection report.

Jim Willison appeared before the Board and advised he was told by Commissioner Danford he could speak to the Board during the Public Comment portion of the meeting. President Norem reminded him they had spoken before and he was instructed to contact the DLZ Company and Skillman in regard to the new jail project, and that the Board of Commissioners did not take

sales calls during their regular meetings. After a brief discussion she then advised him he had sixty seconds to talk about his company. Mr. Willison began speaking about his company, Advanced Communication, and what he could do for the County. After two minutes President Norem stopped his presentation and advised him his time was up and advised him once again to speak with DLZ and Skillman Companies.

There being no further business, Commissioner Davis made a motion to adjourn the meeting, seconded by President Norem. The motion passed with all ayes and the meeting was adjourned at 11:18AM.

August 5, 2013

Kathy Norem, President

Kent Danford

Jennifer Davis

Katherine Chaffins, County Auditor
& Secretary to the Board of County Commissioners