

Monday, October 7, 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, 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. There being none, she advised she would like to add to the "To Be Discussed" portion of the meeting: The recommendation of the Bank to act as a Trustee, Registrar and Paying Agent in regard to the Jail Project Bond Issue.

RE: COUNTY GOLF CART ORDINANCE

President Norem advised the Board of Commissioners held the 1st public hearing for the proposed County Golf Cart Ordinance at their meeting on September 16th, the proposed ordinance was published in The Leader, as is required, and the Board will be conducting the 2nd public hearing today. Commissioner Danford made a motion to open the public hearing, seconded by Commissioner Davis. The motion passed with all ayes, and the public hearing was opened at 9:07AM. Guy Tardi of Boa Shores inquired if the residents of Boa Shores, in the area of CR625S & SR10, which is a 40MPH posted zone, could receive an exemption since the ordinance states the vehicles can only be ridden on county roads with posted 35MPH or less speed limits. President Norem advised there will be no exemptions, but they could request an evaluation of reducing the speed limit in that area, and address it with the County Highway Superintendent, to see if it warrants a reduction in speed. If so, the Highway Superintendent will approach the Board of Commissioners with the request. There being no further comments, Commissioner Danford made a motion to close the public hearing portion of the meeting, seconded by Commissioner Davis. The motion passed with all ayes, and the public hearing was closed at 9:10AM.

President Norem advised there were some other issues with the proposed ordinance that some members of the public were questioning and they are: a request for no brake lights; not to have an 11:00PM curfew; to include ATV and UTV vehicles in this same ordinance (she pointed out the ordinance already addresses those vehicles in Section 2 of the proposed ordinance); and it could be too taxing on the police department having to inspect the vehicles. She stated the main reason for the creation of this ordinance is Safety, noting the proposed ordinance allows riders on any county roads with a posted speed limit of 35 MPH or less. She advised possibly the Board would consider changing the definition of a utility vehicle to a vehicle capable of running at 35 MPH, instead of 25 MPH. County Attorney, Marty Lucas, suggested holding a third public hearing, but it would not require publication since the changes of the broadening of the classification will not be affecting the penalty fees or fines. Commissioner Danford made a motion to hold a third hearing, seconded by Commissioner Davis. The motion passed with all ayes and the 3rd public hearing was scheduled for the October 21st meeting.

RE: BASS LAKE BEACH & CAMPGROUND

Rich Callahan, the lessee of the Bass Lake Beach and Campground, and his attorney, Dave Wallsmith, appeared before the Board to present their end of season report. Mr. Callahan advised the numbers were good considering the weather. He noted the weather affected the Beach more than the campground, which was not quite full. In response to a question by President Norem if he has submitted all his paperwork for the year, he advised he had submitted a copy of the insurance coverage, but is still working on obtaining some copies of invoices to submit to the Auditor's Office. President Norem inquired if he had listed the County as an additional insured, and he advised he had. President Norem inquired as to the status of camping year round. Attorney Wallsmith advised the season officially ends on October 31st not October 15th as he had earlier stated. He stated a letter will be sent to campers advising them as of the October 31st date and at that time there will no longer be any septic, water, or electric hook up—no utilities will be available for overnight stay. He noted he could not find any prohibition in the lease in reference to allowing campers to leave their property at the campground about the October 31st date. He advised it was just an accommodation to camp visitors. President Norem advised the campground is regulated by the State and has to furnish water to campers, or it is a violation of the lease. Attorney Lucas stated he likes the fact they are addressing the campground issue, but feels they are entering into a grey area. Commissioner Davis inquired as to the approximate number of campers he rents to year round. Mr. Callahan advised the number is in the twenties, and at least half of the campers leave their camping equipment there all winter. Commissioner Davis requested to see a copy of the proposed letter they will be sending to the campers. Attorney Wallsmith advised it is a very rough draft and emphasized there will be no overnight camping. Commissioner Davis inquired as to who is in charge when Mr. Callahan leaves the area during the winter months, and he advised his son, Brian, is in charge. Commissioner Davis inquired if he could attend the Commissioner meetings and present a report periodically. Commissioner Danford noted Brian Callahan is very difficult and almost impossible to get in touch with. Commissioner Danford also advised an individual reported to him he had taken a water sample testing of the water at the beach and campground to the County Health Department, a couple of weeks ago, and the water did not pass. Mr. Callahan stated IDEM has proper procedures for the taking of water samples and noted he wasn't sure those procedures were followed. President Norem noted putting Brian in charge is a breach of contract, and in her opinion, no camping equals a storage facility and that is a problem. Attorney Wallsmith stated they had not received a notice that this was the purpose of this meeting. He added if the Board feels there is a violation of the lease they will address the issue if the Board would provide the sections of the lease that they feel are being violated. President Norem advised the Board has two options at this time: to take the matter under advisement and discuss at an Executive Session any pending or threatened litigation, or call for a vote now to find them in breach of the contract. Attorney Lucas advised the Board should not take action at this time. Commissioner Danford made a motion to take the matter under advisement and meet in an Executive Session. Commissioner Davis seconded the motion, and it passed with all ayes. President Norem stated they will have something to report at their October 21st meeting. Mr. Callahan advised the State allows for "primitive" camping at their parks year round, and noted he had the water tested also, and the water tested fine. He will provide a copy of those test results. Mr. Wallsmith noted Mr. Callahan was not required to do the testing. Attorney Lucas commented on the "primitive camping" stating to Mr. Callahan "you are not doing primitive camping". Mr. Callahan stated primitive camping is camping without water, and "no we are not".

RE: EMS/EMA MONTHLY REPORT

Clerk MaryLynn Ritchie and Director Paul Mathewson appeared before the Board to present the EMS monthly report. Clerk Ritchie advised a total of \$100.00 had been received from Small Claims collections, and \$663.44 from the Collections Attorney O'Hara. She noted revenue for 2013 is up 10% over 2012 and also noted the number of runs is staying consistent. She advised the IT Director, Joe Short, has established a remote access sample test at the Grovertown base to allow the EMTs to submit their reports directly to the EMS Office's computer and allow for current updated billing. President Norem noted it is critical to keep the billings consistently current. Director Mathewson advised the EMT crews will be wearing Breast Cancer Awareness T-shirts throughout the month of October since it is Breast Cancer Awareness Month. He noted the T-shirts prepared are either pink in color, or navy blue.

EMS Director Ted Bombagetti appeared before the Board to present an update of his Department. He submitted a report stating of the 232 points that was required in order to qualify for the reimbursement of payroll for the EMS Director and Administrative Assistant for the fiscal year 2012-2013, he earned a total of 244 points. He stated he is presently earning points for the fiscal year 2013-2014. He advised he has the current following projects in process: Complete update to the County Emergency Management Plan (CEMP). Working with the County Highway Superintendent on the winter weather plan and review and update the County Mitigation Plan. He advised of the following grants in process: a District 2 grant in the amount of \$28,216.00 for misc. equipment; a District 2 grant in the amount of \$59,000.00 which would provide all the schools with an Eteline (real life) Communication system; a District 2 ambulance repeater grant in the amount of \$10,347.54 proving a three-repeater system installed in the county ambulances; and \$16,113.00 in various equipment grants. Director Bombagetti also advised he has been selected to participate in the Indiana Fire Service Summit in Indianapolis on October 15th-17th, which will be examining the possibility of creating a State Fire Academy.

RE: COUNTY HIGHWAY DEPT. MONTHLY REPORT

Superintendent Rik Ritzler appeared before the Board to present his monthly report. He advised the 2013 mowing program is complete, and mowing will only be on an as-needed basis. He stated he would like to extend the period that the mowers had been authorized to work from October to indefinitely year round, noting since one of the part time mowers quit last month there will be funding in their 2013 budget to allow their employment for the rest of the year. In regard to winter preparations, he advised the sand spreaders have been added to all the trucks. The salt commitment has been locked in with Morton Salt at a price of \$48.00 per ton for a total of 525 tons. He also advised they have trucked in 3500 tons of sand for winter use on the roads. The price from IMI Materials in Plymouth is \$6.00 a ton. He noted they have also trucked in 80 tons of sand from Hanna as a test, and if that sand works as well as the current sand they would be able to save an additional \$.50 a ton. He stated all the truck plows have been refurbished and are all ready to go. He advised the 2013 Chip Seal and Gravel road improvements are complete, noting a complete report of the road improvements in 2013 will be included in the November report. He stated during September Dale Conley and Terry McIntire renovated an unused shed on the Highway Department grounds and transformed it into a sign shop and equipment storage area. He noted they were able to complete the work using the department's maintenance and repair budget. Superintendent Ritzler reported the GPS System is fully installed and is working as planned. He noted it has already increased their efficiency and is providing many benefits. A more in depth report will be given in the December report as more data is accumulating.

In regard to Bridge repair he stated the Department, throughout the summer, was able to repair and maintain fourteen bridge approaches; Bridge 50 is still closed and will be replaced next summer, and the Bridge 43 replacement project is progressing well and is running under budget at this point. He noted the Department has implemented a weekly safety program in which a different driver makes a safety presentation. Also several of the drivers will be attending a safety training day in Plymouth on October 18th which will include snow plow safety. Lastly, he stated they have begun their PASER road assessments and should have it completed by December 1st. President Norem thanked him for his spectacular report.

Superintendent Ritzler, in regard to the contract amendment received from Lawson-Fisher Associates on the CR300E SR8 Project, suggested the Board not sign the agreement until he can review it further, noting previous INDOT supervisors are qualified to conduct the construction inspections and he felt the \$337,497.00 in construction inspection costs Lawson-Fisher was proposing seemed high. He would like for them to table the amendment until their next meeting. Commissioner Davis noted the Board would like to set up a date in which the Commissioners could meet with the highway department workers sometime in November or December. The Superintendent advised he would bring some possible dates to the Department Head meeting that afternoon.

RE: OCTOBER, DOMESTIC VIOLENCE AWARENESS MONTH

Wendy Elam, of CADA, appeared before the Board asking the Commissioners to proclaim the month of October as Domestic Violence Awareness Month. President Norem read aloud the Proclamation. Commissioner Davis made a motion to issue the proclamation, seconded by Commissioner Danford. The motion passed with all ayes and the proclamation was signed and sealed.

RE: REQUEST FOR SUBDIVISION APPROVAL AND AMENDMENT TO NON-CONFORMING USE ORDINANCE

County Planning Administrator, Terry Stephenson, appeared before the Board to request approval on the proposed subdivision, Woodland Shores, an addition located on the north side of Boa Shores. He advised all the proper conditions have been met and have completed the required drainage. President Norem advised the public hearing was held. Commissioner Danford made a motion to approve the addition, seconded by Commissioner Davis. The motion passed with all ayes, and the proper documents were signed by the Board.

Administrator Stephenson also presented an Amendment to the Non-Conforming Use Ordinance. President Norem advised the amendment had been reviewed by the Planning Commission Tech Committee and the public hearing was held. She noted the only comment was there was redundancy but it didn't make the amendment inappropriate. Attorney Lucas stated there was no context to the amendment and inquired as to the purpose of the creation, and if it was based on a model ordinance. President Norem stated a couple of model ordinances were used, and it was to bring it up to date for the codification. Commissioner Danford made a motion to approve the amendment, seconded by Commissioner Davis. The motion passed with all ayes.

RE: REQUEST TO VACATE LEMON STREET IN MONTEREY RESORTS

Attorney Leroy Gudeman appeared before the Board in regard to his request to vacate Lemon Street in the Monterey Resorts. He stated he though the notice to vacate was published in The Leader, he has not yet received the proof of publication from the newspaper. He read the names of the neighboring residents who had been contacted via certified mail and advised no one was present at this meeting. He stated he would compile all the necessary documents and prepare the ordinance and present the request to vacate at an upcoming meeting.

RE: COUNTY TREASURER REQUESTS

REQUEST FOR TAX BILLING VENDOR CHANGE

Since the County experienced issues with the current tax printing/ mailing vendor (on another Indiana County's tax billings they had printed Starke County's contact information instead of that county's), she would like for the Board to consider her changing the vendor from ProForma. She noted the only downside to the change is that the vendor is located in the State of Washington, but she noted the vendor fee would save the County \$1,700.00 for the year, and they offer address verifications

prior to the mailing, and also provide delivery confirmation of when the tax billings go out. An electronic file on the County's tax billings is sent to the vendor. President Norem inquired if the vendor is recommended by the State Treasurer's Association and she advised it was. She read off names of some County Treasurers and Assessors currently utilizing that vendor. Commissioner Davis inquired if the was also approved by the IT Director. Treasurer Clark stated it was not presented to IT since it is not software. Commissioner Danford made a motion to approve the request of vendor change, seconded by Commissioner Davis. The motion passed with all ayes.

COMMISSIONERS' CERTIFICATE SALE

Treasurer Clark requested the Board set the date of the next Commissioners' Certificate Sale, and suggested the County reduce the \$100.00 minimum starting bid, noting some of those properties have been on the list for a long time, and that way the parcels could get back on the tax rolls. She noted the cost to SRI for holding the sale and for advertising is \$28.00 a parcel, and advised the certificate buyer pays for those fees, and not the County. She also advised she presently has one buyer who is interested in purchasing 36 parcels. She stated presently there are hundreds of properties in the Commissioners' name. President Norem suggested the properties be split up by Commissioner District and have each Commissioner review the parcels in their district. Auditor Chaffins inquired if the public could purchase these properties over the counter but the Treasurer advised per State Statute it is not allowed in Indiana even though it is in surrounding states.

ESTABLISHING A MOBILE HOME PERMIT FEE

Treasurer Clark requested permission to implement a policy of accessing a \$3.00 fee when a transfer of mobile home ownership occurs. She stated since the Assessor's Office is no longer transferring a mobile home unless they receive this mobile home permit from the County Treasurer's Office and due to the fact four copies of the permit are required to be printed (for the County Assessor, Treasurer, BMV and mobile home owner), she is requesting the implementation of the \$3.00 mobile home permit fee. She stated thus far this year she has issued twenty permits which could have generated \$60.00 in revenue. She advised this permit does not affect the permit fee with the Planning Commission. President Norem advised the Treasurer will need to work with Attorney Lucas to create an ordinance, and since it is an ordinance charging a fee, the proposed ordinance will be required to be published and to hold two public hearings prior to the Board/Council adopting an ordinance.

Auditor Chaffins inquired as to the County's policy in the closing of a department's office during a regular business day. President Norem advised the departments should not close their office. Treasurer Clark advised she left early the past Friday because she was ill, and since she was working alone, she closed the Office, also noting she had not taken any lunch time that day. President Norem inquired as to where her Deputy and her part time employee were that they couldn't keep the office open. The Treasurer advised they were both ill that day.

Commissioner Danford inquired if the Treasurer has been able to obtain the listing she was requesting and the Treasurer advised they would have it submitted by the tenth of the month. Commissioner Danford explained they were speaking about a listing from the Solid Waste Department.

RE: REQUEST TO HOLD A COUNTY EMPLOYEE CHRISTMAS PARTY

Deputy Auditor Rachel Oesterreich appeared before the Board to request permission to hold an employee Christmas Party on Friday, December 13th, beginning at 2PM, at the Knox VFW. She advised Councilman Sims has reserved the venue, and advised there will be no expense for the County. She requested the County be allowed to close their offices at 2PM to attend the Party, requested any employees not attending the party to be required to continue working, and also requested the County fund a portion of the party's expenses. President Norem inquired as to if her request had been presented to Judge Hall to make certain he didn't have Court scheduled for that time. President Norem explained the SBOA in last year's County audit advised, since the vending machines are located in County buildings that are accessible to the public any profits from those machines are to be deposited into the County General Fund, and the Commissioners need to establish a "promotions" line item in their budget to pay for expenses such as the annual Christmas party. Deputy Oesterreich advised in May 2013 new vending machines were installed in the Annex Building and in the Courthouse, but the County only receives a commission on the pop machines, and not any from the snack vending machines. Thus far since May, the County has received a total of \$98.70 in commissions which were deposited into the County General Fund. President Norem advised they would address each item of her request separately. Commissioner Danford made a motion to close the offices for the party at 2PM on 12/13/13.

Commissioner Davis seconded the motion and it passed with all ayes. Commissioner Danford made a motion to create the "promotions budget line item, seconded by Commissioner Davis. The motion passed with all ayes. President Norem advised Auditor Chaffins to transfer \$400.00 in budget appropriations from the dues and subscriptions budget line item of the Commissioners' County General Fund budget, to the promotions budget line item. A discussion followed in regard to making employees continue working that will not be attending the Christmas Party and Commissioner Davis stated since not everyone celebrates Christmas in the same manner the employees should not be penalized for not attending the party. Deputy Auditor Oesterreich agreed to strike that portion of her request. President Norem requested they remember the 911 Dispatch staff as they are the only county employees who do not have the freedom to leave their posts in order to attend the party and should have someone drop them off a plate of food.

At 10:48AM President Norem advised there will be a five minute break. The meeting resumed at 10:55AM.

RE: MINUTES, PAYROLL CLAIM, VENDOR CLAIMS

Commissioner Danford made a motion to approve the minutes of the September 16th meeting, seconded by Commissioner Davis. The motion passed with all ayes. Commissioner Danford made a motion to approve the minutes of the October 3rd meeting, seconded by Commissioner Davis. The motion passed with all ayes. Commissioner Danford made a motion to approve the written verification of the two Executive Sessions of October 3rd. Commissioner Davis seconded the motion, and it passed with all ayes. Commissioner Danford made a motion to approve the payroll claim for the pay period ending on September 14th with a pay day of September 20th in the total gross amount of \$186,547.01 and the payroll claim for the pay period ending on September 28th with a pay day of October 4th, in the total gross amount of \$176,226.15. Commissioner Davis seconded the motion and it passed with all ayes. Commissioner Danford made a motion to approve the vendor claims in the total amount of \$223,290.69. Commissioner Davis seconded the motion and it passed with all ayes. Auditor Chaffins presented an updated report of the Estimated Revenue of the County General Fund as of that day, 10/07/13. She advised of the total amount of \$1,698,950.00 in additional revenue that was projected in the 2013 budget process, thus far in 2013 a total of \$1,415,116.50 was collected, 83.29% of the projected total. She noted in ambulance service fees so far collected in 2013, of the \$600,000.00 projected revenue, \$516,827.00 has been received, 86.14% of the projected ambulances fees. Auditor Chaffins advised she will be attending the SBOA State Auditor's Conference in Indianapolis on October 22-25th.

IN OTHER BUSINESS TO COME BEFORE THE BOARD:

RESULT OF EMPLOYEE GRIEVANCE

President Norem advised the Board had met in an Executive Session to review the termination of a jailer, and requested the Board to state their opinion on the request of the former employee as stated in his grievance statement. Commissioner Danford stated he felt the Sheriff's Department had not handled the situation well, and didn't believe the County Employee Handbook had been followed, but he could not agree with the request of the employee. He noted he thought the employee should be given his job back but that isn't what the employee requested since he felt he would be harassed if he went back to his employment at the jail. President Norem stated she agrees there could have been better handling of the termination by the Sheriff's Department but stated a settlement is not something they would even entertain, and due to the fact she felt there were issues with the employee's statements, she agreed the termination was justified and even though the termination was handled poorly it did not negate the action taken. Commissioner Davis advised she did not have any comments, and she made a motion to deny the employee's grievance request for monetary reimbursement. President Norem seconded the motion, and it passed with two ayes, and one nay (Danford).

OCTOBER OFFICE HOURS

President Norem requested the Commissioners complete the calendar of Commissioner Office Hours for the month of October. Commissioner Davis inquired of Commissioner Danford if he could begin volunteering time in the office beginning in December.

SOFTWARE AUTHORIZATION

Auditor Chaffins advised the County is still experiencing some issues with software authorizations. At the July 1st meeting of the Board of Commissioners it was decided to have only the IT Director set up the proper software authorizations per departmental software. The correct software authorizations by department will be given to the IT Director by the Head of the Department requesting the software authorization. President Norem requested a letter stating the policy be written and sent to Department Heads and also to the various software vendors.

STATE BICENTENNIAL

President Norem advised she was contacted by a representative from the State advising her of the plans for the State of Indiana's Bicentennial's Celebration in 2016. She advised the County will be required to select a County Coordinator who possesses strong project management skills, is passionate about Indiana and can help spearhead the State's efforts through that volunteer position. She advised the State would like the County's selection by November 1st.

REQUEST FOR ANNEX KEY

President Norem advised they received a request from the Annex Building Custodian, James Coad, to allow the new Deputy Assessor, Jodi Czerniak, to receive a key to the Assessor's Office.

RECOMMENDATION FOR BANK TO ACT AS THE TRUSTEE, REGISTRAR, AND PAYING AGENT FOR JAIL PROJECT

President Norem advised they had received notification from Umbaugh Financial, in regard to choosing a bank to act as the Trustee, Registrar and provide Paying Agent Services for the new County Jail Project Bond Issue. She advised they had received a spreadsheet listing the banks which provide that service, the annual administrative fees, and the estimated money market interest earnings, which listed US Bank as having the best net rates--\$500.00 in annual administrative fees and .1% in interest earned, which would result in a total cost of \$10,060.00 over the term of the bond issue. At the end of the bank listing was Wells Fargo Bank with the total net cost of \$65,269.00 over the term of the bond issue. Commissioner Danford made a motion to recommendation US Bank to act as the Trustee, Registrar and Paying Agent for the bond issue. President Norem seconded the motion. The motion passed with two ayes. Commissioner Davis abstained from voting stating she had not received the information via email prior to the meeting.

President Norem noted the establishment of the 2014 County Holiday Schedule will take place at their October 21st meeting. She stated the Board will be meeting in a Special Session on Thursday, October 10th to open the bids for the County Jail Project. Two Executive Sessions were then scheduled for Tuesday, October 15th, at 9:00AM and 9:45AM, in order to discuss the current Bass Lake Beach and Campground lease, and to interview applicants for the position of County Veterans' Service Officer.

Attorney Marty Lucas inquired if the Board chooses to file an appeal against former county employee, Justin Begley's receiving of unemployment. The issue died for lack of a motion.

The Interim Veterans' Service Manager, Terry Turner, requested permission to leave the Office early on October 8th in order to attend a quarterly meeting at the Crown Point Veterans' Clinic. President Norem advised him to attend the meeting, as it is part of the job.

PUBLIC COMMENTS

Clyde Haniford expressed his appreciation for the Board's recent actions in regard to the Bass Lake Beach and Campground.

Guy Tardi, of Boa Shores inquired in the Board had received a copy of the survey he submitted at the last Board meeting. President Norem stated in regard to his issue at Boa Shores, the Board would like the gentleman with the complaint to put it into writing so the Board could evaluate his concerns. Mr. Tardi also inquired if he would be required to ask for an exemption from the proposed golf cart ordinance in order to pull a bug sprayer with a golf cart in the Boa Shores area. President Norem advised he would need to receive an exemption from the Police Department.

Dina Ward stated at a previous meeting of the Board of Commissioners, Terry Bowser had made the statement he was going to visit the Commissioner's Office to discuss some of his concerns with the Bass Lake Beach & Campground. She inquired if he did visit their Office and what was actually discussed. President Norem advised it was the same issues as was previously discussed.

There being no further business, Commissioner Danford made a motion to adjourn the meeting, seconded by Commissioner Davis. The motion passed and the meeting was adjourned at 11:30AM.

October 7, 2013

Kathy Norem, President

Kent Danford

Jennifer Davis

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

