

October 17, 2011

Pursuant to adjournment comes now the Starke County Council and meet in regular session at 6:00pm in the Annex meeting room, Knox Indiana and the following proceedings were held to wit:

The meeting was called to order by Vice-President, Mitch Semans. Council President, Mark Smith, was not present.

IN RE: MINUTES

Councilman McLaughlin made a motion to approve the minutes of the September 19th meeting; seconded by Councilwoman Benninghoff. The motion passed with all ayes; and the final minutes of the August 15th meeting were also signed.

IN RE: PORTER-STARKE SERVICES

The Director of Porter-Starke Services appeared before the Council to give a brief presentation of the services provided by Porter-Starke. A copy of the report is on file in the Auditor's Office. Auditor Chaffins advised the 2012 fee for Porter-Starke Services was included in the Commissioner's Department, in the County General Fund 2012 budget.

IN RE: PLAT BOOK FEE INCREASE

Surveyor Dennis Estok appeared before the Council to request authorization to increase the sale price of a county plat book from \$12.00 to \$13.00. He advised the cost to the county has increased from eleven to twelve dollars and has shipping costs also. He stated the SBOA does not allow the county to make a profit from the sale of the plat books, the sale price could only cover the costs. Councilman McLaughlin made a motion to approve the increase to thirteen dollars; seconded by Councilman Sims. The motion passed with all ayes.

IN RE: PART TIME INTERN, PROSECUTOR'S OFFICE

Prosecutor, Nick Bourff, appeared before the Council to request permission to hire a part-time intern. He advised his full time deputy prosecutor, Jeff Williams, had resigned in February. He had hired a part time prosecutor to assist with city court, but he also had given his two week notice. He advised he was going to hire Autumn Ferch as a deputy prosecutor, but she had missed passing her bar exam by three points. She is appealing the grade. He is requesting to hire Ms. Ferch as a part time intern to assist with the city court cases. She work be working 30 – 35 hours weekly. She would aslo be working with child support cases, qualifying the department to use the Title IVD funding to cover her pay. Councilman McLaughlin made a motion to approve the request; seconded by Councilman Radkiewicz. The motion passed with all ayes.

IN RE: REVISED SHERIFF & JAIL 2012 BUDGETS

Sheriff Oscar Cowen, and Office Manager Chris Smith, appeared before the Board to ask for a request to revise the budgets of the jail and the sheriff's department that the Board had developed at the September 14th budget hearing. The Sheriff proposed keeping both budgets frozen with the 2011 budget amount, but increase the jail budget with an additional \$50,000.00 for part time jailers. That would allow the total number of patrolmen to stay the same in 2012 as is in 2011. At the budget hearing on September 14th, the Council had proposed increasing the jail budget with additional jailer funding, but reducing the number of patrolmen by two in the sheriff's budget. When Councilman Pearman asked the Commissioners what they thought of the Sheriff's request they stated they are in favor of not cutting the number of patrolmen in 2012, but they were also in favor of increasing the funding to hire additional part time jailers. Councilwoman Benninghoff made a motion to approve the Sheriff's revised budgets; seconded by Councilman Sims. The motion was approved.

IN RE: ADOPTION OF 2012 COUNTY BUDGETS

Councilwoman Benninghoff made a motion to adopt the county budgets as prepared, along with the \$50,000.00 increase to the Jail budget; seconded by Councilman McLaughlin. The motion passed with all ayes and the official budget ordinance was signed.

IN RE: COMMITTEE TO REVIEW COUNTY'S POLICE PENSION

Councilman Pearman stated a committee should be formed to look into the county's police pension. He suggested the committee could be comprised of three councilmen and the sheriff. The Commissioners passed on participating in the committee, since they didn't feel they would have the authority to take action on that pension plan. The Sheriff recommended one or two people be on the committee from the Merit Board also. Councilwoman Benninghoff, Councilman Sims, and the Sheriff, all advised they would be on the committee. Councilman Pearman stated he would be on the committee if Councilman

Smith was not interested. Councilman Pearman didn't believe someone should be placed on a committee, in their absence from the meeting, and without having a say in the decision.

IN RE: TRANSFER REQUESTS

County Highway Superintendent Steve Siddall, appeared before the Council to request two transfers in the Cumulative Bridge Fund, 0790: transfer \$262.93 from 000-3000.20--CR400S east of US421 to line item 000-3000.45—4314 S CR210; and transfer \$585.48 from 000-3000.20, CR400S east of US421, to line item 000-3000.46-CR400N & CR600E. Councilman Pearman made a motion to approve the requests, seconded by Councilwoman Benninghoff. The motion passed with all ayes.

County Clerk Evelyn Skronski made a request to transfer \$4,000.00 from the County General Fund, 0101, election board department; line item 019-1000.06, to county general fund, 0101, Clerk's department, 001, line item:001-3000.01, postage. Councilwoman Benninghoff made a motion to approve the request, seconded by Councilman Radkiewicz. The motion passed with all ayes.

County Surveyor, Dennis Estok, appeared before the Board to request a transfer of \$40.00 from the County General Fund, Surveyor department, line item: office supplies to line item: postage. (0101 006-200001 to 0101 006-3000.01. Councilman Radkiewicz made a motion to approve the request, seconded by Councilman McLaughlin. The motion passed with all ayes.

IN RE: ECONOMIC REVITALIZATION AREA DESIGNATION

Charles Weaver, Director of the Starke County Economic Development Foundation, appeared before the Council. He stated Kemin Industries is interested in constructing a new facility at the NE corner of the intersection of SR39 and CR800S, in Wayne Township, south of North Judson. He advised the new facility would be dealing with a non-traditional use for mint. He added the company would employ four employees. He stated the company is interested in pursuing the purchase of the two acre location, if they can receive a tax abatement from the County. Mr. Weaver stated he does not like to call it a tax abatement, because it is really a tax phase in, gradually increasing taxes in increments. He added abate actually means do away it, but a tax abatement does not completely do away with taxes. Typically a ten year tax phase in is awarded on real property, and five years on the personal property. If the company would close, and leave the area before the ten years has past, the company would be responsible to pay back the county, the total amount of the tax breaks they had received in that time period. Mr. Weaver stated the first step in this process is the designation of the area as an Economic Revitalization Area. Then there would be a need to have a public hearing. The company would do the advertising, and notifying all the affected taxing units of the possible tax abatement. But, at this time he would need to begin the process by declaring that area to be designated as an Economic Revitalization Area. Councilwoman Benninghoff made a motion to approve the designation, seconded by Councilman McLaughlin. The motion passed with all ayes. The public hearing was scheduled for Monday, November 7, 2011 at 6:00PM.

IN RE: JAIL COMMITTEE REPORT

Commissioner Norem, Chairperson of the County's Jail Advisory Committee, appeared before the Council to give a report of that afternoon's meeting. She stated the Committee had met at 4:00PM that day. Present at the meeting, beside the committee members, were Jack Krause of Construction Control, Inc., and Todd Samuelson, of Umbaugh. She advised Mr. Samuelson had informed the committee of the two different financing options in funding a jail project, whether it will be an addition/remodeling of the present jail, or construction of a new jail facility. The two financing options are property taxes, or county income taxes, which would be the CAGIT tax. The issue with financing the project using property taxes, is it could be affected by the circuit breaker. Councilman Pearman stated the class action law suit filed against the county, in regard to current jail conditions, makes the issue more complicated. Pearman stated if the project is outside of the circuit breaker, a referendum would need to be taken and he doesn't believe the issue would pass in a vote. He stated they were informed if the county pursued increasing the county's CAGIT tax, that would necessitate the passing of State Legislation. The deadline they would be looking at to introduce the issue to the State Legislation is November 22, 2011; and it could only be done at that time of the year, annually. So, if they didn't act to reach that deadline, they would have to wait until November, 2012 to introduce the issue to the legislature. Marty Lucas advised the legislation doesn't establish a tax rate for the county, but they do authorize the county council to do that. Councilman Pearman advised, even though the county is still in the exploring phase of the jail project, he believes the county should move forward and obtain a lobbyist to represent the county during the legislative proceedings. He stated Ice Miller is available at approximately, \$3,000.00 per month. The estimated time of the state legislation would be five months. The fee for Umbaugh's services for this process would be approximately \$5,000.00-\$7,000.00. Commissioner Norem stated the Commissioners have the funding available to cover the expense of the consultants. Councilman Pearman made a motion to move forward and work with lobbyists and consultants to raise the CAGIT rate for the county. Councilman Sims seconded the motion, and it passed with all ayes.

IN RE: APPROVAL OF HOSPITAL'S 2012 CAPITAL EXPENDITURES BUDGET

David Hyatt and Linda Satkowski, representatives from IU Health—Starke appeared before the Council to request approval of their 2012 capital expenditure budget. Ms. Satkowski advised their hospital advisory board had approved the budget at their meeting on October 10, 2011, with no changes. Councilman McLaughlin questioned the contingency line item of the budget, in the amount of \$248,224.00. He questioned how the council could give approval on a contingency, when they don't know how it will be spent. Mr. Hyatt stated, as part of the lease agreement, the county needs to approve all capital expenditures and that line item would cover the need to have funds available in the event they had to do emergency repairs to their capital items. Councilwoman Benninghoff stated with that two million budget, that would increase the county's obligation to approximately nine million, before depreciation. Marty Lucas questioned the hospital's lease agreement, reciting a clause in the lease that provides for the county's oversight of capital expenditures. Councilman McLaughlin suggested the possibility of the contingency line item be excluded from the amended lease contract. The hospital representatives disagreed. Attorney Lucas suggested calling it repairs to existing capital assets and use it as needed, but Mr. Hyatt disagreed. Councilman Sims made a motion to approve the budget as is. The motion was seconded by Councilman Pearman. The vote of the motion was three ayes, and three nays. The three nays were McLaughlin, Benninghoff and Radkiewicz. A motion was then made by Councilman Pearman to pass the budget as is but have the hospital submit reports on a quarterly basis showing the expenditures associated with that contingency line item of the capital spending budget. Councilman Sims seconded the motion. The motion passed with five ayes and one nay, with Councilman Radkiewicz being against the motion.

There being no further business, Councilwoman Benninghoff made a motion to adjourn the meeting, seconded by Councilman McLaughlin. The motion passed with all ayes and the meeting was adjourned at 7:45PM.

October 17, 2011

ABSENT _____
Mark Smith, President

Mitch Semans, Vice President

Judy Benninghoff

Marvin McLaughlin

Dave Pearman

Tony Radkiewicz

Robert Sims

Katherine Chaffins,
Starke Co. Auditor & Council Secretary