

## **MONDAY, DECEMBER 21, 2020**

Pursuant to adjournment comes now the Starke County Council and meet in Regular Session Joint Meeting with the Board of Commissioners at 5:30 PM in the Annex Building Meeting Room, Knox, Indiana, with Dave Pearman, Brad Hazelton, Kay Gudeman, Howard Bailey, Don White, Freddie Baker (via Zoom), Robert Sims, Charles Chesak, Kathryn Norem (via Zoom), and Bryan Cavender present, and the following proceedings were held to wit:

The meeting was called to order by Council President, Dave Pearman at 5:30 PM.

### **AUDITOR BUSINESS**

Councilwoman Hazelton made a motion to approve the minutes from November 16, 2020. Councilwoman Gudeman seconded the motion and the motion was approved with all ayes.

### **J & K COMMUNICATIONS**

Ted Hurley from J & K Communications came before the Starke County Council and Board of Commissioners to discuss the two outstanding invoices from April, 2020. He advised that 4-way is an internet provider and after J & K installed our system sometime at the end of January, 4-way installed a system at the North Judson water tower and in doing that; that interfered with their equipment talking to Dispatch. The communications between dispatch and the fire departments in that area was very scratchy. So, they went out and fixed the problem which included OT as it was after hours. They went out there identified that it was 4-way internet causing the problem. That is the invoice for \$892.65. Councilman Pearman asked for Mr. Hurley to show us in our contract where sources of interference or other sources of disruption is our responsibility to pay. He asked how this is the county's responsibility if it was 4-ways interference. He also asked if they pay for space on the tower in North Judson. Mr. Hurley explained that it is the county's equipment on the tower that they fixed. He explained that in the contract a couple things that are not covered is software support and interference. These items will be charged at an applicable rate per hour plus materials. Mr. Hurley advised that he feels that 4-way should be paying for this. Councilman Pearman asked why wouldn't J & K just bill 4-way for the work performed. Councilman Hazelton asked if 4-way has a contract with North Judson to have their equipment on their water tower. He advised he believes that 4-way has equipment on the Koontz Lake water tower as well. Mr. Hurley advised that is correct. Councilman Hazelton advised that Orgon Township gets paid by 4-way to have their equipment on their tower. He stated that to him this bill would be between whoever 4-way is paying and J & K Communications and not the county.

Mr. Hurley advised that the county though, is the one that called them out to fix the problem. He advised they have another bill for Koontz Lake. It was a similar situation in which dispatch called J & K because they could not talk to the Koontz Lake Fire Department. In turn during the repair, they took the county's antenna off of the tower, added additional tower height to the tower and 4-way installed our antenna on the side of the tower incorrectly. Councilman Pearman asked Mr. Hurley if they have any kind of discussion or co-agreements with 4-way. Mr. Hurley advised that all they do is take care of the county's equipment and if there is interference, they go find the interference. They are unable to bill 4-way as they do not do business with 4-way. Attorney Lucas agreed that there would be no privity to contract with 4-way and J & K but would agree that 4-way would be liable for the expense as they caused it. Councilman Pearman asked what Attorney Lucas would recommend. Attorney Lucas advised he would like to review the contract. Councilman Pearman advised that he would like Marty to review this situation and the contract and if we need to pay it then we pay J & K their money. The second, is a discussion with the townships about paying a contribution toward the radio service and possibly getting out of the J & K Communications contract. Mr. Hurley advised he would disagree in trying to get out of the contract because they do not page out on the 800, they page out through the system. Councilman Hazelton advised that through his Fire Department in Hamlet they dispatch and respond on the 800 system not pagers. Councilman Hazelton asked if they have an estimated number of what it would have cost the county last year if they would not have had the contract with J & K. Mr. Hurley advised for the work, they had performed last year, they actually lost money on the county. After further discussion Councilman Hazelton made a motion to table this discussion until the next meeting. Councilman White seconded the motion and the motion was approved with all ayes.

### **SHERIFF TRANSFER REQUEST**

A discussion was held regarding the amount of excess in the utility budget of the jail and the need for the \$10,000.00 in overtime pay. Councilman Hazelton made a motion to make a reduction in the following: 1000.20202.000.0027 in the amount of \$3650.00, 1000.31103.000.0027 in the amount of \$1675.00, 1000.20304.000.0027 in the amount of \$820.00, 1000.30605.000.0027 in the amount of \$2100.00, 1114.30804.000.0027 in the amount of \$10,000.00, 1114.30600.000.0027 in the amount of \$5000.00, 1114.30600.000.0027 in the amount of \$4900.00, and 1114.30600.000.0027 in the amount of \$1300.00. To transfer these amounts as an additional appropriation in the following: 1000.10300.000.0027 in the amount of \$3650.00, 1000.11400.000.0027 in the amount of \$4595.00, 1114.11400.000.0027 in the amount of \$10000.00, 1114.11602.000.0027 in the amount of \$5000.00, 1114.21100.000.0027 in the amount of \$4900.00, and 1114.10502.000.0027 in the amount of \$1300.00. Councilwoman Gudeman seconded the motion and the motion was approved with all ayes.

## **SHERIFF RETIREMENT DISCUSSION**

Councilman Pearman asked for the President of the Merit Board to open the discussion. Matron McDonald advised that the President of the Merit Board is not present for the meeting. Councilman Pearman advised that it looks like there will be State Legislation on this issue sometime in 2021 as many State Representatives were not aware of this issue before. He advised that he looked at 80% of the counties and over 80% are funded below 75% even though Elaine Beaty advised that most counties were funded at 100%. The average at were most counties are at is 63.19%. Councilman Pearman advised that through the PERF side of the program the county pays 11.2% toward an employees PERF Retirement, for the Sheriff Retirement the county pays 33.4% and calculated at 36.7% for next year based off of the assumption that we are not going to improve. Matron McDonald advised that the county is short in the amount of \$82,107.00 and this is what we still owe for 2020. Auditor Oesterreich advised that the Sheriff's Department collect a sheriff service fee and that money now goes into county general. She advised she asked other Auditor's how they disburse this money. Three counties responded that they put the money into the Sheriff Retirement fund and two responded that they put it into county general but they fund their sheriff pension through county general. Councilman Hazelton asked Sheriff Dulin about the court fees he spoke to him about. Sheriff Dulin advised there is a paper filing fee that is collected through Court. It is up to the degression of the Judge to raise those fees. He spoke to other Sheriff's and their fees are up to \$2 or \$3 per paper that is filed. Right now, Starke County is at \$1 per paper that is filed. He stated that is up to the Judge to make that change but that particular fee is for court security. Auditor Oesterreich advised that we know we owe \$82,107.00. This can't be paid out of the 2020 budget as this year they are done processing claim payments. There will have to be an additional appropriation done for 2021 through Jail CEDIT. Councilman Pearman advised that after researching the number in Gateway 53 counties are below 75% funded and we are not the only county having this problem. He advised we are in the bottom 3<sup>rd</sup> of these numbers and did not realize this until he looked at the numbers and saw were, we stand. After further discussion Councilman Hazelton made a motion to do an additional appropriation from Jail CEDIT in the amount of \$82,107.00. Councilman Bailey seconded the motion and the motion was approved with all ayes.

Councilman Pearman asked Sheriff Dulin how they feel about the services with J & K Communications. Sheriff Dulin advised he is fine with the services with J & K Communications. Sheriff Dulin offered to contact 4-way internet regarding the invoices from J & K Communications.

## **CIRCUIT COURT TRANSFERS**

Councilman Hazelton made a motion to approve a reduction in 1000.11303.000.0029 in the amount of \$8000.00 and an additional appropriation in 1000.40501.000.0029 in the amount of \$8000.00. Councilwoman Gudeman seconded the motion and the motion was approved with all ayes.

## **PROSECUTOR TRANSFERS**

Councilman Pearman verified that Prosecutor Baker spoke to Auditor Oesterreich about next years budget regarding the health insurance line items and were those all sit. He then asked how her budget sits regarding the PTD fund. Auditor Oesterreich explained that for Prosecutor Bakers county general funds 008 and 0032 these are mainly just payroll line items. There are no appropriations for any other expenses. So, all of the other expenses such as travel, office supplies, and etc. all come out of the PTD fund. She explained that the PTD fund does not make enough money to support all of these expenses. Councilman Pearman asked Prosecutor Baker how she feels about the PTD fund revenue and that next year she may have to put the brakes on spending out of this fund. Prosecutor Baker advised the PTD

fund has been struggling and for about four months out of the year we basically told the police departments to slow down and not engage in any kind of traffic stops or issuing any infractions because they wanted to minimize the interactions they had with the public. This caused the PTD fund to take a very large hit. She explained she does not have a very good feeling of how the PTD fund will be going into 2021 simple because of those missing interactions with the public. Councilman Pearman advised that earlier than the budget workshops we need to get together to discuss the Prosecutor's Funding sources. Councilman Hazelton made a motion to make a reduction in 1000.20100.000.0032 in the amount of \$4,599.00, 1000.10804.000.0025 in the amount of \$9000.00, 4907.31800.000.0000 in the amount of \$4915.00, and 4907.31901.000.0000 in the amount of \$3745.00 and make an additional appropriation in 1000.12500.000.0032 in the amount of \$1450.00, 1000.10804.000.0032 in the amount of \$3149.00, 1000.10804.000.0032 in the amount of \$1763.00, 1000.10701.000.0032 in the amount of \$7236.70, 4907.40300.000.0000 in the amount of \$593.76, 4907.40301.000.0000 in the amount of \$1184.41, and 4907.50100.000.0000 in the amount of \$6881.83. Councilman Bailey seconded the motion and the motion was approved with all ayes.

### **TREASURER TRANSFERS**

Councilman Hazelton made a motion to make a reduction in 1000.30100.000.0003 in the amount of \$2000.00, 1000.30200.000.0003 in the amount of \$850.00, and 1000.30800.000.0003 in the amount of \$2150.00 and an additional appropriation in 1000.10300.000.0003 in the amount of \$5000.00. Councilwoman Gudeman seconded the motion and the motion was approved with all ayes.

### **CLERK TRANSFERS**

Councilman Hazelton made a motion to make a reduction in 1000.20200.000.0001 in the amount of \$1000.00, 1000.20100.000.0001 in the amount of \$50.00, 1000.10204.000.0019 in the amount of \$1033.29, 1000.10204.000.0019 in the amount of \$6642.59 and an additional appropriation in 1000.30100.000.0001 in the amount of \$1050.00, 1000.30700.000.0019 in the amount of \$1033.29, and 1000.20401.000.0019 in the amount of \$6642.59. Councilwoman Gudeman seconded the motion and the motion was approved with all ayes.

### **HIGHWAY TRANSFERS**

Councilman Hazelton made a motion to make a reduction in 1176.12500.000.0533 in the amount of \$963.64, 1135.10804.000.0000 in the amount of \$10000.00, 1135.10630.000.0000 in the amount of \$2500.00, 1135.10645.000.0000 in the amount of \$2500.00, 1135.34975.000.0000 in the amount of \$3000.00, 1135.34950.000.0000 in the amount of \$2000.00, 1176.21100.000.0533 in the amount of \$70000.00, 1176.10804.000.0000 in the amount of \$62500.00, 1176.10211.000.0533 in the amount of \$35000.00, 1176.31305.000.0533 in the amount of \$20000.00, 1176.31406.000.0533 in the amount of \$20000.00, 1176.10210.000.0531 in the amount of \$13000.00, 1176.21800.000.0531 in the amount of \$5015.69, 1169.40104.000.0000 in the amount of \$8000.00, 1169.40201.000.0000 in the amount of \$50000.00 and make an additional appropriation in 1176.31305.000.0533 in the amount of \$904.84, 1176.31400.000.0533 in the amount of \$58.80, 1135.30710.000.0000 in the amount of \$20000.00, 1176.21600.000.0531 in the amount of \$225,515.69, 1169.30000.000.0000 in the amount of \$58000.00. Councilman White seconded the motion and the motion was approved with all ayes.

### **2021 SALARY ORDINANCE**

Councilman Pearman advised that the only change to the salary ordinance since it was sent out was that a range for the truck drivers within the highway department was made being \$17.66 - \$18.66 per hour. Councilman Hazelton made a motion to approve the 2021 Salary Ordinance. Councilwoman Gudeman seconded the motion and the motion was approved with all ayes.

### **EMA TRANSFERS**

Councilman Hazelton made a motion to make a reduction in 1000.10803.000.0018 in the amount of \$505.12 and an additional appropriation in 1000.20600.000.0018 in the amount of \$505.12. Councilwoman Gudeman seconded the motion and the motion was approved with all ayes.

### **OTHER BUSINESS**

Auditor Oesterreich explained that Starke County received a total of \$744,000 of the CARES money and there is about \$36,000 remaining. She suggested possibly purchasing a new vehicle for the Coroner's Department as they have yet to utilize the CARES money. Councilman Pearman and Councilman Hazelton advised looking into used vehicles that would be within that vicinity and bringing quotes to the next meeting.

**PUBLIC COMMENTS**

After having no public comments made Councilwoman Gudeman made a motion to adjourn at 7:10PM. Councilman Hazelton seconded the motion and the motion was approved with all ayes.

**DECEMBER 21, 2020  
STARKE COUNTY COUNCIL**

\_\_\_\_\_  
Dave Pearman, President

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Brad Hazelton, Vice-President

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Kay Gudeman

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Don White

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Howard Bailey

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Robert Sims

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Freddie Baker

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Rachel Oesterreich, Starke County Auditor and  
Secretary to the County Council

**DECEMBER 21, 2020  
STARKE COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Charlie Chesak, President

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Kathryn Norem, Vice-President

\_\_\_\_\_  
Bryan Cavender

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