

MONDAY, MARCH 18, 2019

Pursuant to adjournment comes now the Starke County Board of Commissioners and meet in Regular Session at 6:00PM in the Annex meeting room, Knox, Indiana, with Kathryn Norem and Bryan Cavender present and the following proceedings were held to wit:

The meeting of the Board of Commissioners was called to order by Commissioner Vice President Kathryn Norem at 6:25PM due to the lateness of the Starke County Council Meeting.

Commissioner Norem advised that there is one change to the agenda. Larry Wickert from the Starke County Economic Development Foundation has been removed as he requested, he will reschedule at a later date.

KIRPC – ELEVATOR GRANT

Shawn from KIRPC came before the board to advise the board of the recent elevator progress meeting, she stated things are moving along very well. It appears that they should be on time, maybe slightly delayed. She will be asking for an extension on the completion date. The completion date is currently set for May 31st, 2019. She would like to extend that date for about 30 days just to get draws completed and everything wrapped up. Gibson Lewis, the contractor has submitted their first claim, this does not formally need to be approved as the Board of Commissioners have already approved the grant. She is requesting tonight that the Commissioners move forward with the grant. Commissioner Norem advised of the contractors meeting she attended, in which the contractors advised of their progress and any issues that they were having. She stated everything is on target at the moment. Commissioner Norem stated she touched based with the Judge and he advised the demolition/repairs have not disrupted the court in any way. She stated that the construction crews worked during evening hours to avoid disruption as well. Shawn advised the contractor has forgiven any extra cost incurred for the evening hours that were put in to avoid disruptions to county business. Commissioner Cavender made a motion to continue with the grant process. Commissioner Norem seconded the motion and the motion carries.

ORDINANCE REVIEW

Leash Law

Sheriff Dulin came before the Board of Commissioner for a review of the ordinances he had presented at a previous meeting. He began with the Dogs Running at Large which Commissioner Norem advised will be called the Lease Law. Attorney Lucas advised that there is a statute that covers much of the Lease Law which is IC 15-20-1-4. He also stated that when Sheriff Dulin drafted an ordinance he made an exclusion for dogs that were herding dogs and hunting dogs. Attorney Lucas has not prepared this exclusion as a part of this ordinance but would advise that this should be included. Commissioner Norem advised that her recollection is, of an instance like this, if a dog on the hunt and they clip the corner of your property, the property owner can't press charges. In this case, it would be allowed. Commissioner Norem and Attorney Lucas agreed that the exception will need to be added before this ordinance is approved. Sheriff Dulin asked how would be handling the fines. Attorney Lucas advised it would be prosecuted according to state statue. Commissioner Norem asked Attorney Lucas if this ordinance should be approved and then amended regarding the hunting dogs and herding dogs. Attorney Lucas stated the Board of Commissioners could do this as a first reading tonight, the next meeting could include the amendment and then be adopted as the second and third reading of the ordinance. Commissioner Cavender made a motion to approve the Starke County Lease Law on a first reading, having the second reading in two weeks at their next meeting, with the addition of an amendment regarding hunting and herding dogs for consideration. Commissioner Norem seconded the motion and the motion carries.

Dog Nuisance

Sheriff Dulin asked Attorney Lucas about the Dog Nuisance ordinance. Attorney Lucas stated this is more of a challenge as to make the standard of how to enforce the barking dog ordinance. Sheriff Dulin advised there is not a dog nuisance being presented tonight but would still like it discussed. The issue that they will have on the law enforcement side is that it will be a bickering match between neighbors and he does not want his department to become the referee. Sheriff Dulin stated if it is a legitimate complaint regarding the barking dog they will be able to take care of that. He stated his department receives barking dog's complaints about 20 times per month, he feels that this could turn into a full time

position once the dog nuisance ordinance gets into the open and is published. Attorney Lucas advised that there has been an effort by the planning and zoning to have a minor nuisance ordinance. There could be some overlap, it could be that that barking dogs could be considered a minor nuisance with a fine. Sheriff Dulin asked for something to be included regarding dogs that get into chicken pens as they deal with this, sometimes when there are 4-H animals involved that have been damaged by these dogs. Attorney Lucas stated this could be cover under the lease law. If a dog invades someone's property and causing property damage or kills chickens this would be in violation of the lease law.

Commissioner Norem asked if this was a under the minor nuisance for the planning commission and the public has a complaint who would they call, the Sheriff or the Planning Commission? Attorney Lucas advised they would call the Planning Commission. Commissioner Norem sees a problem with this as the police department are the ones who will be called for barking dogs not the building inspector. Furthermore, the building department is in office 8-4 Monday through Friday not through the weekends. She stated she would rather this be a police matter, not that they don't have enough to do. Sheriff Dulin stated they have no problem attending to these calls he is just fearful that this is going to be a civil matter and a fight between neighbors. He stated they could probably control some of that but what if a resident has several coon dogs and they are constantly barking, how will they control this instance?

Amendment to Gold Cart Ordinance

Sheriff Dulin presented the amendment to the golf cart ordinance regarding the deadline and when individuals could be fined when they do not participate in the initial sign up for golf cart registration. Sheriff Dulin stated they register between 1200 and 1300 golf carts per year throughout the county. They hold 7 or 8 public registrations sites, but then they still get calls from the public after these dates requesting registration. Commissioner Norem advised this is an amendment is to the original golf cart ordinance that was passed in 2013, this amendment includes a late fee of \$25 added to any permit fee application received after July 1st of the calendar year, however the late fee will not be applicable to any new vehicles purchased after June 25 of that calendar year. Commissioner Cavender made a motion to suspend the rules and approve the amendment to the golf cart ordinance, Commissioner Norem seconded the motion and the motion passes.

Alarm Ordinance

Sheriff Dulin presented the alarm ordinance to the Board of Commissioners. Commissioner Norem advised that Attorney Lucas had put much effort in this ordinance and there were several surrounding counties that were modeled in the wording of the ordinance. Commissioner Norem suggested that they table the alarm ordinance until all parties involved have a chance to review the documents. Sheriff Dulin asked if this will be looked at in two weeks, Commissioner Norem advised it will be brought up at that time again. Attorney Lucas encouraged this being circulated to the fire departments as they will be impacted by it as well as possibly to the banks. Commissioner Norem asked Council President Pearman if he has a meeting with the fire departments tomorrow night. He stated he did, she asked if he would take a copy of the proposed alarm ordinance with him to review with other fire departments. Attorney Lucas advised that the amount of false alarm calls they are dispatched to in a years' time should be included in the record. Commissioner Cavender made a motion to table the alarm ordinance until the fire departments and the banks have a chance to review the proposed alarm ordinance. Commissioner Norem seconded the motion and the motion carries. A discussion was held about who will be responding to and collecting fees from these false alarm calls. Council President Pearman asked Sheriff Dulin if they will signal 9 as quickly as possible, Sheriff Dulin agreed. Sheriff Dulin did advise that there may be a problem with the banks located in city limits. He stated the city may have to pass their own ordinance. Commissioner Norem advised this proposed ordinance should not be sent to the banks for review as they are located in city limit jurisdiction.

Minor Nuisance Ordinance

Sheriff Dulin presented the minor nuisance ordinance for discussion. Commissioner Norem advised they are not adding the barking dogs to this ordinance and the people who are involved in this ordinance should be contacted to review the proposed ordinance, she advised that this would include the planning commission. Commissioner Cavender made a motion to table the minor nuisance ordinance until the planning commission has a chance to look at it. Commissioner Norem seconded the motion and the motion carries.

Commissioner Norem reviewed the ordinances, the minor nuisance ordinance has been tabled until the planning commission can take a look at the proposed ordinance, and this will hopefully be presented again at their next meeting. The first reading of the dogs running at large which is called the lease law has been completed. They will be making amendments and bringing this back to their next meeting. The amendment to the golf cart ordinance has been passed. The dogs barking has been tabled until the next meeting or until our attorney can work with the Sheriff to get something going on that. The alarm calls ordinance has been tabled until other emergency personal has a chance to review it and get back with the Board of Commissioners.

Sheriff Dulin asked if the booking ordinance was shot down. Attorney Lucas advised that it was. Sheriff Dulin asked if the fees could be bypassed that would be imposed by the court, and it not be included in the booking fee ordinance. Sheriff Dulin stated the fees imposed could be collected through a cash bond or at the time of release by the offender prior to their release. Attorney Lucas stated the Judge has control over all of the pre-trial release. Sheriff Dulin stated his department collects the cash bonds and this fee could be added to the cash bond. He also advised that there are 5 other counties that have adopted a booking fee ordinance. Attorney Lucas suggested that because of the letter ruling from the Supreme Court about home rule fees, is to wait 4 or 5 months to see if they are still doing it then. Sheriff Dulin also advised about looking into a court security fee. They are paying for court security currently out of his budget which is fine, he does not have a problem with this. He is suggesting a court security fee for a \$1 per paper that is served for the court or filed through the clerk. That money can then be earmarked for court security. He advised that the court security personal wear Class A uniforms which are \$1200. He is trying to find ways to supplement some of the fund that are used on court security. Commissioner Norem advised to speak with the judge about this matter. Attorney Lucas stated that the court may be willing to participate in helping fund the court security.

Sheriff Dulin also presented the Board of the Commissioners with the vehicle inventory list. Commissioner Norem asked Sheriff Dulin if he will be asking for two new vehicles this year. Sheriff Dulin stated yes he would be. Commissioner Norem advised they will not get their cumulative capital development draw until the first of June but they should get enough to provide two vehicles for the Sheriff's department. Sheriff Dulin advised the cost of the vehicle may go up as the Ford Taurus is no longer being made they are making SUV's.

HIGHWAY REPORT/LANDFILL MOWING QUOTE

Superintendent Rik Ritzler advised that due to the clarifications of the use of the county's MVH funding's, the MVH funds can only be used on roads, bridges, or highway right-of-ways. In the past they have made an exception if the Commissioner's voted on the project and the labor was donated. Superintendent Ritzler advised the clarification says they can no longer do that. The Commissioners can still vote on the approval of a project but the project has to be funded from elsewhere other than MVH funds. Superintendent Ritzler provided the Commissioner's with a quote for mowing the county landfill, he advised that the quote amount is \$416.52 per each mowing pass. The department would complete 3-5 passes throughout the mowing season. This amount could be a little more or a little less. Commissioner Norem had a discussion with Commissioner Cavender about where this would be paid from and whether or not to get additional quotes. She stated that mowing the landfill carries specific requirements from IDEM and she would prefer to have the highway complete this job and reimburse the amount to the highway department out of the CEDIT. Commissioner Cavender made the motion to accept the highway department quote for mowing. Commissioner Norem seconded the motion and the motion carries.

Commissioner Norem advised that they have received letters of support from the Washington Township Fire, Knox-Center Fire, and Bass Lake Fire about the installation of fire dry hydrants. Lee Nagi has requested services of the highway department regarding these projects and Commissioner Norem asked what should be done about this issue now that the use of county MVH funds have been discussed. Superintendent Ritzler stated that the hauling rate for a tandem axle is \$48.00 per day, a single axle is \$42.00 per day, and the rates of the driver vary from \$17.50 to \$20.00 per hour. Commissioner Norem asked Council President Pearman if this would be something the fire departments would pay for since there are three that are in support of the fire dry hydrant on Toto Rd. Council President Pearman stated the fire departments do not have the money to support this. He also stated that they will most likely decide this is something they can do without. Commissioner Norem asked who decides what needs to be done on this job. Superintendent Ritzler stated that Lee Nagi is the contact and is the one requesting the loads of stone. Council President Pearman stated he was under the impression that they needed to support the fire dry hydrants and that Lee Nagi was going to take care of it he did not know that Lee was asking for materials from the Highway Department. Commissioner Norem suggested to table this issue so that Superintendent Ritzler can speak with Lee Nagi to see what he wants and Council President

Pearman can speak to the fire departments to get their feedback on the situation as well. Commissioner Cavender made a motion to table this discussion. Commissioner Norem seconded the motion and the motion carries.

AUDITOR'S BUSINESS: MINUTES, VENDOR CLAIMS DOCKET, PAYROLL DOCKET

Commissioner Cavender made a motion to approve the minutes of the March 4th meeting. Commissioner Norem seconded the motion, the motion carries. Commissioner Cavender made a motion to approve the Payroll Claims Docket for the pay period ending on 03/09/19 with a pay date of 03/15/19, in the total gross amount of \$242,145.78. Commissioner Norem seconded the motion, the motion carries.

Commissioner Norem advised the vendor claims docket included the CEDIT appropriations approved by the county council minus the new bill from J & K Communications which is about \$5,000.00. Commissioner Cavender made a motion to approve the vendor claims as presented minus the new bill from J & K Communications. Commissioner Norem seconded the motion, the motion carries.

IN OTHER BUSINESS TO COME BEFORE THE BOARD

Commissioner Norem presented a WTH Data Map Application Agreement, she verified with Attorney Lucas that he has reviewed the agreement. Commissioner Cavender made a motion to approve the agreement as presented. Commissioner Norem seconded the motion and the motion carries.

Commissioner Norem advised a revision need to be made to the primary voting location. Commissioner Norem made a motion as follows: The Starke County Commissioners are officially stating that due to the inability to use the second floor of our county courthouse because of replacement of the elevator and affecting the Clerk's office; early voting for the primary and general municipal election in 2019 will be held on the first floor of the Starke County courthouse. This location will be a satellite voting location. (IC 3-11-10-26 and IC 3-11-10-26.3). Commissioner Cavender seconded the motion and the motion carries.

Nicholas Casper came before the Board of Commissioners in regards a tree that is dying and dropping braches. He stated to his understand the tree in located in the easement which is owned by the county. He is asking the tree be removed before someone gets hurt or just clarification if it is located on the commissioner's property. Commissioner Cavender advised he was out there today and went to the planning commission, he stated they were not exactly sure on what property the tree is located on. Mr. Casper stated he did get a quote for removal of the tree and it is about \$1,000. Commissioner Norem advised that typically they do not remove trees in the easement and they do not have a tree service. She stated that the highway department does not have the equipment nor are licensed to take down trees as well. Mr. Casper asked if he would be reimbursed. Commissioner Norem stated no. Mr. Casper asked if he could have the commissioner's permission to remove the tree. Commissioner Norem advised him to provide a copy of the license and bonding information of the company who will be completing the work. She also stated the company will have to name the Starke County Commissioners as an additional insured in this instance. Commissioner Norem stated she has no objection of Mr. Casper using his tree removal service as long as he provides a copy of the license and bonding information for the company and that the commissioners are named as additional insurers for this particular event.

Commissioner Norem presented an EMS acknowledgment, which is an acknowledgment to the State of Indiana stating that Starke County Commissioners are the sole owner of the Starke County EMS Service. Commissioner Cavender made a motion to accept the acknowledgment as written. Commissioner Norem seconded the motion and the motion carries.

Commissioner Norem advised the commissioners have received an email from the IT Director advising that North Judson wants to paint the water towers and they need to move the equipment. She advised he received a quote from J & K to move the equipment but she believes the radio committee will want to use a different vendor. Commissioner Cavender made a motion to table this discussion until the next meeting. Commissioner Norem seconded the motion and the motion carries.

Commissioner Norem advised that Fitness Forum/Lifeplex in Plymouth, has offered to provide an employee health fair for county employees. Commissioner Norem stated that the county has offered an employee health fair in previous year and it was very well received by the employees. The cost for the

basic employee health fair is \$450. Commissioner Cavender made a motion to approve the basic health fair for \$450 and also the heel scan add on for \$200. Commissioner Norem seconded the motion and the motion carries. Commissioner Cavender made a motion to add in the chair massage of 5 minutes each, 31 maximum, for a total of \$155. Commissioner Norem seconded the motion and the motion carries.

PUBLIC COMMENTS

Les Jensen asked if the bill for Bartronics was approved for the Bass Lake Fire Station. Commissioner Norem advised it was approved at tonight’s meeting. Mr. Jensen also expressed his concern with the programming of radios involved with J & K Communications. Commissioner Norem advised him to take that issue up with Commissioner Chesak as he is overseeing those concerns.

With no further public comment, Commissioner Norem made a motion to adjourn at 7:35 PM. The motion was adjourned by Commissioner Norem.

MARCH 18, 2019

ABSENT

Charlie Chesak, President

Kathryn Norem, Vice-President

Bryan Cavender

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