

Monday, May 19, 2014

Pursuant to adjournment comes now the Starke County Board of Commissioners and meet in regular session at 7:00PM in the Annex meeting room, Knox, Indiana, with Kathy Norem, Kent Danford and Jennifer Davis present and the following proceedings were held to wit:

Commissioner Davis called the meeting to order at 7:00PM. She inquired if there were any additions or corrections to the posted agenda. There being none, she proceeded on to the first listed item on the agenda.

BASS LAKE BEACH & CAMPGROUND MONTHLY REPORT

Richard Callahan, the leasee of the contract with the County in regard to the Bass Lake Beach and Campground, and his attorney, Dave Wallsmith, appeared before the Board. President Davis inquired if they would be able to present a monthly report to the Board. They agreed to the monthly reporting but Mr. Wallsmith stated he preferred presenting the report at their monthly night meeting. He advised the fence surrounding the property has received extensive damage, they believed, due to the State's snow plows. Mr. Callahan advised the fence type/style can no longer be used due to liability issues. Mr. Wallsmith stated he wants to get an estimate of the replacement of the fence, which he believes to be approximately \$30,000.00 and the fencing on the other side to be approximately \$1,200.00. Commissioner Danford stated he was out there today and noted the grass has not yet been mowed and no one was out there to talk to. He noted the toilets at the campground can't be pumped out and the electrical boxes are open and they should be securely locked. President Davis advised Commissioner Danford, since he is the Commissioner in charge of the beach and campground, when he discovers a condition out there, he should call Mr. Wallsmith directly. Mr. Wallsmith stated, another issue they want to look into this year is painting the whole property. President Davis stated there was a camper who was camping on the beach property recently. Mr. Callahan stated he wasn't aware of that and didn't know how they would have been able to get the camper at that location. Mr. Wallsmith stated, in regard to painting the facility, the place has not been painted since the last tenant. He noted the approximate cost to paint the facility would be \$12,000.00. He stated they would need approval in advance. Commissioner Norem inquired as to what exactly what they were asking for. Mr. Wallsmith stated they were bringing it to their attention that the facility needs to be painted, and the fence needs to be repaired or replaced, but it depends on the amount of funds that are available. He stated that would be a capital improvement. He also noted a third issue is that the water and sewage system needs repairing. He stated he would provide a notice of what needs to be replaced. He stated Mr. Callahan has a claim to file in the Auditor's Office for repairs done during the 2013 season, an emergency repair of a plumbing issue. Mr. Callahan stated the paid invoice is credited against the rent due. Commissioner Norem asked the County Attorney, Marty Lucas, to review the contract as to who is responsible for the costs. Attorney Lucas stated he would also like to review Mr. Callahan's claim against the rent. Mr. Callahan also noted the back area, the sewer wagon in the south east portion of the campground has been fenced in. Also, in regard to the toilet issue Commissioner Danford referred to, the toilet will be replaced tomorrow. Mr. Wallsmith advised all water tests have been performed and the results are pending. A copy of the report is sent to the County Sanitarian. Mr. Callahan also noted in regard to the water issue at the beach side, a piece is needed to fix the water leak. He advised the Beach and Campground will be opened by Memorial Day and the mowing will be completed before then. Mr. Wallsmith also noted a claim for the fence damage will be reported to the insurance company. He noted another change is to replace the gate with non-swinging gates. Mr. Callahan stated they will be rolling gates, located back by the Campground's dump station. President Davis noted people are already in the campground. President Davis stated there was a camper who was camping on the beach property recently. Mr. Callahan stated he wasn't aware of that and didn't know how they would have been able to get the camper at that location. Mr. Callahan stated they are not supposed to be in there, and the gate is locked. Commissioner Danford stated the campground has a bathroom wall with an open electrical box. Mr. Callahan advised they are working on it. Commissioner Danford advised he will be out there after they open and hopes it looks better than it did today. President Davis stated they will expect their next report at the June 16th meeting.

ISSUE AT BASS LAKE

President Davis advised she received a letter from the Mike Risner Family asking that the access road by their property not be used with a pier where boats can be docked. Mr. Risner stated last year he had a number of boats at the pier all at the same time: 6 boats 2 pontoons and 4 jet skis. Attorney Lucas advised he had conducted research in the County Auditor's and County Recorder's Offices and discovered the following: Maple St. is in the Hillcrest area of Bass Lake. He noted that area has a unique history. He stated part of the Hillcrest sub-division was created in 1926, but Maple St. doesn't go to the water's edge. It actually stops at CR210. The property on the south side of CR210 is actually designated park area. He stated the lakeside area of CR210 was dedicated as parkland, but over time the adjacent land owners who own property across the road have taken possession of the use of that park land. He noted that area is not part of the county road but is a dedicated public property with no description of the use of the park. He also noted the County's records, over time, have designated that property as DNR owned but he doesn't agree that it is actual DNR property. He stated he would like something in writing from the DNR to see if they do indeed claim those two parcels. If they do not then the Commissioners could agree to allow a pier at that site, and they would have authority over it. But, he also noted, just because it states it is for public use, it does not designate what type of use. So, it is not an access road; Maple Road ends at CR210. President Davis inquired if the DNR claims that property, then this would be their issue? Attorney Lucas advised the Commissioners are still the party, the trustee, with the riparian rights. Commissioner Norem advised at the end of the day it doesn't matter if it is a park land or if it was being used as an access road, we have the same responsibilities. Attorney Lucas advised since it is not a fire land the public has no right to drive on that property. Commissioner Danford advised he can remember the lake use to be higher and at that location the water went right out to CR210. He noted, since the water receded now that is park area. Attorney Lucas noted in 1926 the map showed park land then. Commissioner Norem suggested Attorney Lucas check with the DNR first. President Davis then opened up the meeting for discussion from the public. Mike Risner stated there is always a clutter of boats at that pier. He advised he has lived in that area for the last 7 years. Mr. McCormick stated he resides on the other side of Maple St. which is Lot 20. Clyde Haniford inquired as to who actually had the riparian rights. Attorney Lucas advised the records show Mr. Risner's property does have rights, but Lot 20, the McCormick property, does not have riparian rights. Mr. Risner advised he is paying taxes on the 60 feet. Attorney Lucas stated the records show it is 40 feet and yes he stated it does show the taxes are being paid. Matt Gourley inquired as to how the area should be used in the meantime. George Dotlich inquired if this is a County Park open to everyone. Attorney Lucas stated it is a public dedication, but with reasonable use.

Bob Gromala stated he has been a resident of Bass Lake for 44 years and does dock a boat there, along with another gentleman that was sitting with him (the audio of the recording did not pick up his comments clearly).

President Davis also advised she had received word of another issue, but noted if it is a question of access, to please put the issue in writing with a proposed resolution and it will be researched and reviewed first. She stated it is another question of access road or park land but the Board needs the facts first.

President Davis asked that the Maple Street issue be placed on the June 2nd agenda, and will see if a response from the DNR is received by that time.

PROPOSED EMS PARAMEDIC EXPANSION

EMS Director, Paul Mathewson and Clerk Mary Lynn Ritchie appeared before the Board. President Davis noted this is Emergency Medical Services Week, EMS Dedicated for Life. She advised it was proclaimed by the Governor of the State. Commissioner Danford advised Director Mathewson has been doing the groundwork on this plan of expansion in order to bring in more revenue into the EMS Department. Commissioner Danford advised Director Mathewson has been working hard on it. Commissioner Norem stated she has a problem with the documentation Director Mathewson had sent out for the Commissioners' review prior to the meeting in regard to the numbers used and the proposed revenue and assumption. She noted in one place in the paperwork they used a 10 month period of data figures for revenue collections but then it was changed to 6 months. She advised the data should have been annualized first and then reduced it down to 6 months. She also noted on their report they listed \$966. as the amount of an ALS billing, but in their calculations it was changed to \$906. She also noted they are proposing their numbers for a 6 month period and also proposing the program to begin on June 1, but that would be a 7 month period so the proposed operating expenses would not be accurate. Commissioner Norem inquired as to why if they are adding the paramedic service in the North Judson area you would include information on the number of transfers for the hospital. She stated she is not comfortable with their documentation and presentation of this proposal. She inquired as to why there are so many transfers out of Knox when the patient could have been treated at Knox. Director Mathewson explained why the transfer numbers were included in the report was because it will make the current paramedic more available for more of the hospital transfers. President Davis advised the hospital is losing the ALS portion of transfers since Alliance will no longer be providing that service. She advised Starke County Council President Dave Pearman has met with the CEO of IU-Health Starke about the transfer situation and she asked Councilman Pearman to help them prepare a presentation and also include other options such as a part time paramedic in the Koontz Lake area. Commissioner Danford advised he is OK with it. But, he inquired as to who is saying those patients should be transferred out of Knox instead of treating them there. Councilman Pearman advised they have two scenarios: expand the paramedic service to the North Judson area only which could be accomplished with the existing budget, and the other option would be to expand ALS service to all EMS bases. Commissioner Norem advised she is not against expanding the ALS service but she does want to see more money brought into EMS. Commissioner Danford stated the County will be seeing an increase in the amount of transfers. Commissioner Norem advised they need to have their "ducks in a row", noting they seem to be a little fuzzy with their figures. Director Mathewson advised the CEO from the hospital provided the numbers on the transfers. Commissioner Norem stated she would also like to see their proposed 2015 budget, and advised they should get their information together and have it ready for their June 2nd meeting. Auditor Chaffins noted per the Estimated Revenue Report she had distributed to the Commissioners prior to the meeting, the EMS revenue is showing a \$20,000.00 decrease of their 2014 revenue in comparison to their 2013 revenue as of the same date. Commissioner Norem stated the numbers are concerning, but it is still early in the year. She noted it would help though if the billings were completed timely, and the accounts receivable were collected. Director Mathewson stated they do bill timely, and they do collect the accounts receivable. He noted they have no control, however, over the amount of call volume.

RE: HIGHWAY DEPARTMENT UNIFORM CONTRACT

Highway Superintendent, Rik Ritzler, appeared before the Board with a proposed uniform contract with Aramark. He advised they cancelled their contract for highway department uniforms because the Ziker Company did not provide good service, and the contract was cancelled without any penalty fees. He noted the contract with Aramark would be saving them \$30.00 a month than what they were paying with Ziker. Superintendent Ritzler advised he had sent the contract to Attorney Lucas for his review. Attorney Lucas stated he did not like the contract very much, since it is somewhat harsh, and has a specific cancellation process. Commissioner Norem advised him to go back and ask Aramark for a contract that is not auto-renew since that is very one sided in favor of the provider, or they should give notice that the contract is coming up for renewal in 60 days. Attorney Lucas also noted the terms for an early cancellation are very severe. Superintendent Ritzler advised all three uniform companies have similar contracts. Attorney Lucas stated he would feel better if the County received notice of the ending of the contract term, and when it was time for the auto-renewal. Superintendent Ritzler advised he also has documentation in regard to the CR300E SR8 Intersection Project. He advised he has the paperwork from Lawson Fisher, in regard to the fees of a Construction Inspector for that project. He recalled the initial contract would have cost the County \$339,000.00 in construction fees, but now since the County has a Construction Inspector in place Lawson Fisher has amended the contract to \$67,000.00 in fees, thus saving the County approximately \$270,000.00. He noted the \$67,000.00 costs were for a Tech and for them to do testing. He noted in addition to the savings on the 300E project, the County's Construction Inspection will be completing the bridge inspections of the 4 bridges to be replaced in 2014, thus saving the County an additional \$100,000.00 since the inspection costs per bridge is approximately \$25,000.00.

Attorney Lucas noted the Board had already agreed to the amended contract so there was no need to make another motion the document just requires their signatures.

UPDATE COUNTY NEPOTISM POLICY

Attorney Lucas advised he had revised the County's Nepotism in Employment Policy so that the County's definition of "relative" tracks the language of the State Statute on Nepotism in Employment. He noted the County had established an employment nepotism policy prior to the established State language. Commissioner Norem made a motion to approve and accept the revised policy, seconded by Commissioner Danford. The motion passed with all ayes.

IN OTHER BUSINESS

President Davis advised she had received a letter in regard to the County's Golf Cart Ordinance. The person was writing to request to have his "Gator" certified for a permit under the County's Golf Cart Ordinance. He advised he had requested a permit but the Police Officer refused him because a John Deere Gator, Model CX, even though it is the smallest model of a "gator" it is still not a golf cart. President Davis noted the County had intentionally left "gators" out of the Golf Cart Ordinance as that classification is registered with the DNR. President Norem advised this gentleman's Gator was already registered with the DNR and the sticker was already placed on his vehicle. Attorney Lucas advised the DNR regulations supersedes the County's Golf Cart Ordinance.

AUDITOR BUSINESS:

Commissioner Norem made a motion to approve the minutes of the May 5th meeting, seconded by President Davis. The motion passed with all ayes. Commissioner Danford was absent from that meeting. In regard to the vendor claims, President Davis advised there was an issue with the two claims submitted by County Veteran Service Officer, Terry Turner. She noted one of the claims was for reimbursement for the registration for a conference, and the other was for mileage to that conference. She advised she had spoken with him and he has pulled the registration/reimbursement claim and the mileage claim will be submitted. Commissioner Danford made a motion to approve the net vendor claims after subtracting his registration claim in the amount of \$521.23. Commissioner Norem seconded the motion and it passed with all ayes. The net amount of vendor claims approved was \$288,128.66. Commissioner Norem noted the election poll workers' pay is included in this vendor claim.

Commissioner Danford made a motion to approve the payroll claim, with an ending date of May 10th, and a pay date of May 16th, in the total gross amount of \$189,026.93. Commissioner Norem seconded the motion, and it passed with all ayes.

Attorney Lucas advised he had spoken with Planning Commission President, Dennis Estok, who advised it was a FEMA requirement, and has already been approved by the Planning Commission. He noted the ordinance is created by the State and does follow their language. Commissioner Danford made a motion to approve the ordinance, seconded by Commissioner Norem. The motion passed with all ayes.

ORACLE ELEVATOR SERVICE CONTRACT

Attorney Lucas advised he had reviewed the proposed service contract from Oracle and was not happy with their proposed language. He is having the County's Liability Insurance Company review the contract for their opinion.

President Davis noted it will be placed on agenda for the June 2nd meeting.

President Davis advised they have a Congressional Schools Fund report that requires their signature. Auditor Chaffins advised it is a yearly reporting of the balance in that fund. President Davis noted the present balance is \$14,724.34.

Commissioner Norem made a motion to approve the signing of the document, seconded by Commissioner Danford. The motion passed with ayes.

Auditor Chaffins discussed the Estimated Revenue Report of the County General Fund which will be submitted to them on a regular basis. The report shows an accounting of the additional revenue received by the County General Fund which together with the budget tax levy covers the funding for the County General 2014 Budget. She noted it is early in the year and it is a preliminary reporting.

In regard to the Monthly Financial Report Auditor Chaffins advised every Department had filed on time. But, she noted, the Clerk's Office has not been turning in a copy of their reconciled bank statement along with their monthly report, which is required. She advised she will speak to the Clerk about this issue.

Veteran Service Officer Terry Turner reminded the Board of the Dedication of the US35Bridge/Overpass in Honor of Veteran Frank Ono, Saturday, May 24th, at 1:30PM. He also noted the State wants each Veteran's Office to process their documentation to the State electronically via the computer.

PUBLIC COMMENT

Suzanne Crider advised she will be a former employee of the Starke County Humane Society as of June 1st, and she has a concern in regard to assistance to law enforcement when dealing with a problem animal. She noted her and her husband, Doug, will be available to assist the law enforcement, and to have someone to call when there is an issue.

Matt Topelian asked a question in regard to the County's Nepotism Ordinance and the County allowing a County employee to enter into a contract at the County level. Attorney Lucas noted the County Nepotism Policy that was amended at tonight's meeting was in reference to nepotism in employment and the County has a separate Nepotism Ordinance in regard to contracting with the County. Auditor Chaffins advised the ordinance should be posted on the County's website under "ordinances" and if he could not locate it, he should call the Auditor's Office and she will send him a copy of the ordinance.

There being no further business, Commissioner Norem made a motion to adjourn the meeting, seconded by Commissioner Danford. The motion passed with all ayes, and the meeting was adjourned at 8:35PM.

May 19, 2014

Kathy Norem, President

Jennifer Davis, Vice-President

Kent Danford

Katherine Chaffins, Auditor &
Secretary to the Board of Commissioners