

Monday, May 21, 2012

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

The meeting was called to order by Commissioner President Norem at 7:43PM. President Norem noted changes to that meeting's agenda: the opening of bids in regard to the Yellow River Project will be added during the Auditor's portion; the buy local initiative will be added to the discussion of the Municode project; and added to "Also to be Discussed—the Level 1 certification of the Starke County Community Corrections; the parking during the Harvest Festival, and the upcoming State Commissioners' meeting.

AUDITOR'S BUSINESS:

Commissioner Davis made a motion to approve the payroll for the period ending May 12, 2012 in the amount of \$170,796.59, seconded by Commissioner Bridegroom. The motion passed with all ayes.

Commissioner Bridegroom made a motion to approve the minutes of the meetings of May 7th and May 14th, seconded by Commissioner Davis. The motion passed with all ayes. The final minutes of April 16th were then signed.

In regard to the vendor claims, President Norem responded to the comments made by the Auditor's Office. She noted additional documentation was submitted by Warner's Electric, but a mileage claim submitted by Judy Jelinek was not in compliance with the required SBOA mileage claim. Commissioner Bridegroom inquired about the county police department's purchase of ammunition, in the amount of \$23,636.50 and President Norem provided a copy of the invoice. Commissioner Davis made a motion to approve the vendor claims, minus the Jelinek claim for mileage, with a net total amount of \$199,921.29. Commissioner Bridegroom seconded the motion, and it passed with all ayes.

OPENING OF BIDS, YELLOW RIVER DEBRIS REMOVAL PROJECT

County Surveyor, Dennis Estok, and KIRPC Representative, Shawn Cain, appeared before the Board in regard to the opening of the bids for the Yellow River Debris Removal Project.

County Attorney, Marty Lucas, inquired if all the bids were received in a timely manner, and Auditor Chaffins verified they had been. Attorney Lucas opened the first bid, from Asplundh Brush Control, of Lebanon, IN with a base total bid of \$740,000.00, the second and last bid he opened was from Thomas Excavating & Welding of Argos, IN with a base price of \$98,867.00. Ms. Cain had circulated a paper that she was requesting everyone in attendance to sign. Commissioner Bridegroom made a motion to take these bids under advisement and to accept the lowest bid. Commissioner Davis seconded the motion, and it passed with all ayes. Ms. Cain stated there could be a difference in pricing due to the alternate scenarios KIRPC had proposed when requesting the bids.

APPROVAL OF SIMPLEX CONTRACT

Attorney Lucas stated he was in possession of a marked up copy of the proposed Simplex contract with certain sections marked out, but not deleted. He advised, in order to move the process forward, he will go through the contract and advise which specific sections need to be lined out and then initialed. He noted on page 5 of 8 pages, delete section 7; on page 7 in the upper left corner, delete section C; and on page 8 delete section 21.

Commissioner Bridegroom made a motion to approve the contract with the stricken deletions, as read by Attorney Lucas. The motion was seconded by Commissioner Davis and passed with all ayes.

MARSHALL COUNTY – STARKE COUNTY COOP AGREEMENT

Attorney Lucas advised he had reviewed the existing coop agreement with Marshall County and stated he saw no problem with renewing it, but only for a term of four years. He also added they need to be compliance with the oversight committee which consists of the Marshall County and Starke County Highway Department Superintendents, a Commissioner from both counties, and the Starke County Auditor. Commissioner Bridegroom made a motion to approve the agreement as presented, seconded by Commissioner Davis. The motion passed with all ayes. Commissioner Bridegroom advised he will present the agreement to the Marshall County Board of Commissioners for their approval, and then it can go to the Marshall County Council for their approval. Once approved in Marshall County, it will be returned to Starke County and presented to the Starke County Council for their approval. A copy of the coop agreement is on file in the Auditor's Office.

COUNTY HIGHWAY DEPARTMENT'S SCRAP METAL AGREEMENT

Commissioner Bridegroom read the proposed agreement, as prepared by Attorney Lucas, that would establish an agreement to sell the county's scrap metal, in return for providing towing service for all county vehicles. President Norem questioned the dollar to dollar reconciliation of the two services. Commissioner Bridegroom proposed changing item # 4 to include comparing the value of both the scrap metal tonnage and proceeds value versus the cost and number of towing of all the county's vehicles. Commissioner Davis inquired as to whom the contract would be with. The Commissioners agreed that Howard Coffin would be the only company that both buys scrap metal, and provides the towing services. President Norem advised the agreement should be binding until the end of 2012, with a clause to allow a 30 day period in which to revoke the agreement. She advised it should be reviewed quarterly to see if there is an imbalance of values. Commissioner Davis stated why doesn't the county just sell the scrap metal, collect the proceeds, and then pay separately for towing services. Commissioner Bridegroom advised

the SBOA is requiring such a documented agreement. Commissioner Davis stated why doesn't the county just sell the scrap metal, collect the proceeds, and then pay separately for towing services. Commissioner Bridegroom made a motion to approve the agreement, seconded by Commissioner Davis. The motion passed with all ayes. Auditor Chaffins inquired as to when the first reconciliation would take place, and was informed it will be at the end of the quarter, June 30th.

AMENDMENT TO COUNTY'S TRAVEL POLICY

Attorney Lucas advised the amendment to the county's travel policy would allow an employee to receive reimbursement, in the amount of \$13.00, for a meal if the employee's travel commenced after 3:00PM, and reimbursement in the amount of \$12.00 if the business travel ended before 3:00PM. There was a discussion in regard to the situation if the employee attended a meeting and lunch was included in the cost of the registration. Commissioner Davis made a motion to approve the proposed changes to the travel policy, seconded by Commissioner Bridegroom. The motion passed with all ayes. Commissioner Bridegroom advised when an employee attends a meeting, other than a state called meeting, the department needs to receive permission to attend the meeting, prior to the meeting. The approved amendment will need to be presented to the Council for their approval.

MUNICODE DRAFT

Commissioner Bridegroom advised the County has received the rough draft from the Municode Company in regard to the codification of the County's ordinances. He noted the first part of the document is the County's ordinances and the second part is mostly the ordinances of the Planning Commission. He advised the Commissioners will be conducting a work session on Thursday, May 23 at 4:30PM to start the process of reviewing the draft. He noted that the remainder of the Planning Commission's ordinances will be received from Municode soon, and when it is received to forward that on to Steve Dodge, the Planning Commission's attorney. President Norem advised the work session is a public meeting, and should be posted accordingly.

EMPLOYEE/CONTRACTING COUNTY ANTI-NEPOTISM ORDINANCE

President Norem advised the State has passed legislation requiring all taxing units be in compliance and have an ordinance or resolution passed that will address the anti-nepotism issue in both employees and entering into contracts. She noted the legislation will go into effect on July 1st; and each taxing unit needs to be certified with the State by Dec. 31st. Also, the taxing unit could be penalized in the approval of the 2013 budget, if they are not in compliance. Attorney Lucas was asked to compose a draft of a letter to be sent to each taxing unit in the County, with a sample resolution/ordinance. Attorney Lucas recommended creating an ordinance instead of a resolution. He also advised the current existing County ordinance addressing anti-nepotism be amended to be compliant with the state mandate, and then create a separate resolution for the contracting portion.

RENEWAL OF WORKER'S COMPENSATION INSURANCE

President Norem advised the County had received a price quote for the renewal of the county's worker's comp insurance and the annual premiums will be increasing from a total of \$110,000.00 to \$137,000.00. She suggests action be taken by the county in order to keep the premium low. They included: having the injured employee, when they are allowed to return to work, be allowed to do light duty work; establish a safety committee; and establish a line item in the budget in order to draw from to pay for small worker's comp claims instead of filing all claims with the insurance company. She advised the county's premium is increasing due to the number of claims the county had submitted, and the total dollar amount of all the claims. She also suggested contacting the insurance company to have a risk manager observe the work habits of the county's employees and make suggestions for decreasing risk, and also ask their recommendations in the creation of a safety committee. Commissioner Bridegroom advised both the work habits and the driving habits of employees need to be addressed.

MEMORANDUM OF UNDERSTANDING (MOU) SHEWSKI ROAD, BASS LAKE

Commissioner Bridegroom read the proposed agreement that was created by DNR Officer Keith Wilderman. The proposal, known as the "Shewski Road Access Rules" is as follows: The pier will be placed 10 feet from the adjoining property lines. The pier will not be put in before May 15 and removed by October 15th of each year. No boats or shore stations will be placed within 50 feet from the shore line. No boats will be tied up to the pier but the occasional drop off or pick up of a senior citizen or handicapped person is permitted. All boats and shore stations will also respect the setbacks of 10 feet from each adjoining property line and will not exceed 350 feet from the shore line. To clarify the boats and shore stations will be in single file, facing east and west, up the middle of the access, not to hamper the access to the piers of the neighbors on the east and west of the road. Attorney Lucas commented the agreement seems to cover the majority of the issues that were brought up. He suggested the rules be posted and known as the "Shewski Road Rules". Bass Lake Fire Chief, Les Jensen, inquired as to the exact location of the county's property lines. Attorney Lucas advised this area, even though it is a more valuable piece of real estate, is still a county road and should be treated the same as all the other county roads. Commissioner Bridegroom made a motion to approve this agreement and those Bass Lake property owners pay to post the rules and make the sign. The motion was seconded by Commissioner Davis and passed with all ayes. He advised they contact the Highway Superintendent and the Fire Chief to post the sign in the correct location.

PTABOA BOARD APPOINTMENTS

County Assessor, Rhonda Milner, appeared before the Board to present two persons to be named to the PTABOA Board, Ed Hasnerl and Jody Czerniak. She advised Ms. Czerniak will be receiving her Level 2 assessing certification this summer. Commissioner Bridegroom made a motion to appoint Jody Czerniak and Ed Hasnerl to the PTABOA Board, seconded by Commissioner Davis. The motion passed with all ayes.

IN OTHER BUSINESS

President Norem advised, since the Harvest Festival will be held in the park this year, the Commissioners were asked to allow travel trailers to park in the parking lot on the north side of the Moose Lodge. The Harvest Festival will be held the last weekend of August.

Highway Superintendent, Steve Siddall, presented paperwork in regard to the CR300E SR8 project that required a signature. He advised the construction work on Bridge 9 is ahead of schedule. But, he noted Bridge 62 has not progressed as far as Bridge 9. He also passed out the highway department's annual report that was sent to the State. He noted that in regard to the Eagle Creek situation, County Surveyor Estok and he will look at the situation on Wednesday and take measurements. He also advised the Commissioners have established their time to review their roads: Commissioner Norem on Thursday, May 31st at 9:30AM; and Commissioner Davis on Friday, May 25th. He noted each of the Commissioners will be allowed three miles of roads.

Debbie Mix, of Boa Shores, inquired as to when the County Highway Department will be painting the crosswalk on CR210 at Boa Shores, and Superintendent Siddall advised it had already been completed.

Terry Turner advised the Memorial Day ceremony will take place on Monday, Memorial Day, at 9:00AM, at the County Courthouse Memorial Monument.

EMA Director, Ted Bombagetti, appeared before the Board to advise them he will be taking a few weeks off due to a surgery he was having at the end of May. He advised the surrounding counties' EMA Directors will cover for him. President Norem stated they appreciated all of his work and wished him the best of luck.

Auditor Chaffins advised that more and more departments are requesting they be able to pick up their paychecks on the Thursday prior to the payday on Friday. She noted initially it was the highway department and the WIC Office that received their pay checks on Thursday. The Commissioners advised the county pay day is officially Friday and no department should receive their paychecks early. They asked the Auditor to send out a memo to each department and notify them of the change. Commissioner Bridegroom also suggested the person, who picks up the pay checks, should be required to sign for the checks, so that it is documented as to who picked them up.

President Norem reviewed the listing the Auditor had presented of the issues that were addressed at the SBOA Auditor's Spring Conference, which was held May 15th-May 18th. Auditor Chaffins noted the meeting agenda is not required to be posted when the meeting notice is officially posted to be in compliance with the ODL 48 hour posting. She asked for a cut-off time to not allow a change to the agenda because lately it has become common practice to continually update the agenda's posting prior to the meeting. They set the cut-off time to be at the end of the business day on the Thursday prior to the regular Monday meeting. If someone has a matter that they want addressed by the Board, and miss the Thursday cut-off for posting the agenda, they can attend the meeting and the issue will be addressed during the Public Comment portion of the meeting. President Norem also advised the Hospital Committee should be following the Open Door Law, to post a notice of any upcoming meetings, and also post the information of the county's website.

Other noteworthy items from the Conference was the requirement for the newly elected county auditor and county treasurer be required to obtain 9 hours of training during their first year in office, and complete a total of 40 hours of training by the end of their third year in office.

They also discussed the new state requirement that any department that receives cash payments (cash and checks), deposit the monies daily with the county auditor. A failure to comply with this requirement could result in a Class A misdemeanor.

Auditor Chaffins advised any taxing unit that has an appointed Board would need to have their annual budget receive a binding approval by the County Council. It is a new requirement beginning with the 2013 budget and would affect taxing units such as the NJ-SP School's budget, the Airport's budget, the County Solid Waste department's budget, and the Koontz Lake Sewer District budget. If this new requirement is not followed, both the taxing unit and the county will have their 2013 budget penalized for not being in compliance.

Commissioner Davis suggested the Budget Workshop, the County was planning on holding for the department heads, be conducted at the monthly meeting of Department Heads. She noted the next such meeting will take place at 1:00PM on Monday, June 4th.

There being no further business, Commissioner Davis made a motion to adjourn the meeting, seconded by Commissioner Bridegroom. The motion passed with all ayes, and the meeting was adjourned at 9:50PM.

May 21, 2012

Kathy Norem, President

Dan Bridegroom, Vice-President

Jennifer Davis

Katherine Chaffins, Auditor &
Secretary to the Board of Commissioners