

August 18th, 2008

Pursuant to adjournment comes now the Starke County Board of Commissioners and meet in regular session at 3:45 p.m. in the Annex meeting room, Knox, Indiana, with Kevin Kroft absent, and the following proceedings were held to wit:

IN RE: HIGHWAY

It was reported that paving was to begin this week.

It was also reported that the highway department is not planning any lay offs.

IN RE: MINUTES

Mark Milo moved to approve the 8-14-08 minutes seconded by Kent Danford with 2 ayes.

IN RE: STARKE COUNTY INTERIM REPORT

Jim Shilling stated that in 2003 or 2004 the commissioners were approached to help with a grant. The National Park Service was in charge and every city, town, county and state throughout the nation was surveyed for National landmarks. The D.N.R. was in charge of these surveys in Indiana.

Jim wanted to present each of the commissioners and the auditor with a copy of the Starke County Interim Report—Indiana Historic Sites and Structures Inventory. He had previously found out that we'd never received a copy. A copy of this report is on file in the Auditor's Office.

IN RE: PAYROLL AND CLAIMS

Mark Milo moved to approve payroll seconded by Kent Danford with 2 ayes.

Kent Danford moved to approve claims seconded by Mark Milo with 2 ayes.

IN RE: WESTERN 10 FT. OF LOT 34 LATIMER'S CEDAR POINT

Leon Kipp appeared to question a letter from County Attorney, Martin Bedrock. Martin stated that he rendered an opinion on 9-1-07 concerning the ownership of the western 10 feet of Lot 34 in Latimer's Cedar Point. His opinion after documentation was received from Steve Dodge in March of 2008 is that Starke County owns ½ interest without restrictions and ½ interest with restrictions.

Martin said that to totally resolve the problem, they would probably need to go to court.

Mr. Kipp stated that Mr. Bishoff has been given citations by the D.N.R. and that a letter was given to the commissioners at the 9-4-07 meeting (he came to the Auditor's Office to get a certified copy of said letter) and that the letter given to the D.N.R. was different and he wanted to show the commissioners that they never received the 2nd letter that was given to the D.N.R.

Martin stated that he wrote the 2nd letter because he had received a copy of the Shehan deed after writing the 1st letter, which changed his opinion. The board and Martin both feel that this needs to be decided in court. Martin also stated that in the 2nd letter he mistakenly referenced the Shehan deed and it should have been the Weninger deed.

Jim Bischoff stated that Mr. Torcel with the D.N.R. gave him permission to moor his boats there and then 2 weeks later, Brian Culbreath with the D.N.R. told him he couldn't moor his boats there.

The commissioners stated that if the county has riparian rights, the commissioners extend those rights to the public.

IN RE: KEY FOR NEW SURVEYOR'S CLERK

Mark Milo moved to approve a key for the Surveyor's new clerk, Stefanie Thompson, seconded by Kent Danford with 2 ayes.

IN RE: DRUG FREE COMMUNITY FUNDS

Jenni Carter submitted the grant designations for the Drug Free Community Funds for the commissioners' approval in the amount of \$36,370. Mark Milo moved to approve the request to go before the council seconded by Kent Danford with 2 ayes.

IN RE: POSSIBILITY OF ASBESTOS AT COUNTY JAIL

Jeff Larrison with United Consulting, per the commissioners' request, reported that I.O.S.H.A. wants the fact recognized that there could be asbestos at the county jail. The county needs to write a letter to Mr. Robert A. Kattau, Director of Industrial Compliance, stating that there is the potential that there is asbestos at the county jail since it was built in 1976.

Jeff also stated that, per Mr. Kattau, in order to potentially avoid future problems, an inspection needs to be done identifying where the asbestos is. The locations of asbestos would then need to be given to anyone doing any work at the jail, such as repairs, maintenance, etc. This would help to limit the commissioners' liability.

IN RE: ABANDONED BRIDGES

Mark Milo stated that he had been contacted by someone who would like to purchase an abandoned bridge to sell for salvage. The commissioners asked Jeff Larrison if this was viable. Jeff stated that if the bridge is not on the bridge inventory and not recognized as historical, it could be sold for salvage or anything else the commissioners wanted to do with it.

Jim Shilling thinks that this bridge might be on the Indiana Historic list of bridges.

If the commissioners do decide to sell it, it would be put up for auction and sold to the highest bidder.

IN RE: GRANT FOR THE "800" TOWER FOR THE SHERIFF'S DEPT.

Randy Abbey needs approval of a letter and needs the letter signed by Kevin Kroft for a grant for the "800" tower. Mark Milo moved to approve seconded by Kent Danford with 2 ayes.

IN RE: EMERGENCY MANAGMT. PLANNING GRANT REIMBURSEMENT

Mark Milo moved to approve the E.M.P.G. reimbursement grant for the 2007 agreement seconded by Kent Danford with 2 ayes.

IN RE: E.M.S. EMPLOYEE UNDER AN EXPIRED F.M.L.A.

Randy Abbey reported that his employee who has been on F.M.L.A. realizes that we cannot hold her position as she is past the 12 weeks. She has not been released for work and still has to have more surgery. Per the Starke County Employees' Handbook, this means that her position is terminated and she realizes this. The commissioners requested that Randy send her a letter asking for her resignation since she is unable to return to work.

IN RE: ANIMAL CONTROL

The Auditor reported that there was only \$527.40 balance in the animal control account after the 2nd quarter payment to the humane society was made. The commissioners said that they were not asking for any more money this year and for the Auditor's Office to call the animal control officer and the sheriff and tell them to use discretion as the money is almost gone for 2008.

IN RE: TAX SALE PROPERTY COURT RULED TO REVERSE

The court ruled on a tax sale property where the home was partially on one lot and partially on another lot. The ruling was to reverse the tax sale and refund the money. The deeds had already been issued and the previous owner had applied for and received the surplus. Martin Bedrock wrote S.R.I. regarding this and they wrote back and stated that the Auditor, the Treasurer and S.R.I. were not at fault. The commissioners feel we should have been represented in court. No decision was made at this time.

IN RE: STARKE MEMORIAL HOSPITAL TAXATION OF PROPERTY

The County Assessor had sent a letter to Principal, the company leasing the hospital, and told them that the property is now being taxed as a "for profit". Martin Bedrock, County Attorney, wanted to know if the Assessor had heard anything from the hospital regarding this. Ed Hasnerl who is on the hospital board stated that it had not been discussed at a board meeting.

Mark Milo stated that he felt the hospital administration should have come to the commissioners before building the new building.

IN RE: PROPERTY DISPUTE BETWEEN SCHRADERS & GILBERTS

Martin Bedrock reported that there is a property dispute between Lane Schrader and Larry Gilbert. He stated that Mr. Schrader had two separate surveys done, but he doesn't agree with either of them. Mr. Schrader wrote the County Surveyor, Mark MacKillop, that he was going to move the section markers. Martin has been in communication with Mark MacKillop and the Schraders' attorney regarding this.

There being no further business to come before the board, Mark Milo moved to adjourn seconded by Kent Danford with 2 ayes.

Kevin Kroft, President

Kent Danford, Vice President

Mark Milo, Member

Michaelene J Houston, Auditor