

Monday, August 18, 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 and Kent Danford present and the following proceedings were held to wit:

Commissioner Danford called the meeting to order at 7:00PM. Commissioner Davis was absent from the meeting.

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. Mr. Wallsmith advised, his client Mr. Callahan, was not an employee of the County; he has submitted the notice of insurance coverage as was requested by the Board, and he has paid up, and even paid in advance, his Bass Lake Conservancy fees, and now they would like the Board to retract their statement that was made at the July 21st meeting in regard to the seasonal campers at the Bass Lake Campground and reducing their camping to a maximum time of two weeks. He noted Mr. Callahan has begun receiving notices from the seasonal campers stating they will not be returning which is causing damage to Mr. Callahan and stated he feels that this is an anticipatory breach of contract. County Attorney Marty Lucas asked him to refer to the specific area of the contract. Mr. Wallsmith advised the statement in the record was causing harm to Mr. Callahan's operation of the business and is asking the Board for a retraction. He advised since WKVI reported the Board's statement at the July meeting it is affecting Mr. Callahan's business. He noted he has requested a citing from which the Board made their decision of placing time restrictions on camping stating the Conservancy Land Act applies only to State Parks and not public parks, and the campground was a public campground. Attorney Lucas stated he disagreed with Attorney Wallsmith's analysis that they aren't violating the rules or that the rules doesn't apply to this ownership. Attorney Lucas read out loud the minutes of the July 21st meeting in which President Davis asked Attorney Lucas to prepare a letter in regard to the time limit on the campers. Attorney Wallsmith advised they had not received any notice of the action of the Board. Commissioner Norem stated she was not going to argue with them if the Board does or does not have the proper jurisdiction, and then advised them that a letter has not been completed. She stated since then the County created a Parks & Recreation Board and that is a potential game changer. She noted the County will be populating the members of the Park Board in September and the Park Board will be addressing that issue. Mr. Wallsmith again stated damage was done to Mr. Callahan because of the statements made and is an anticipatory breach of contract. Commissioner Norem stated his comments are duly noted. She stated she views the creation of the Park Board as a potential game changer on any previous comments that may or may not have been made. She noted the Board did not send out a letter stating the time limitations. She also noted the Board cannot censor the media as to what they report in the news. Mr. Wallsmith also advised he was aware members of the Board made representation to the Bass Lake Property Owner's Association that the County wants to terminate their contract lease with Mr. Callahan. Commissioner Norem again noted the Park Board will evaluate the situation. Attorney Lucas advised the Board is not happy with Mr. Callahan's performance but no action has been taken and no action has been finalized. Commissioner Danford stated the County is doing what they are doing because of all the complaints they have received on the conditions of the Bass Lake Beach and Campground. Attorney Wallsmith noted there are certain procedures to follow when terminating a lease. Commissioner Norem stated the procedure for the termination of the lease is stated in the lease. Attorney Lucas advised notices of default has been given in the past when there were issues. Attorney Wallsmith advised there isn't any wintertime camping, the campers are just stored there in the wintertime. Commissioner Norem noted the campground isn't a storage facility but they will have the Park Board address that issue also. Attorney Wallsmith stated a waiver of liability statements will be prepared in regard to any campers leaving their camper there throughout the winter season. Mr. Wallsmith inquired if the Board would take any public comment now or wait until the end of the meeting. Commissioner Norem stated she felt they could hear the public comment now but asked each person to limit their comments to 1-2 minutes per person due to the large amount of campers who were in attendance. The Board heard comments from current campers of the Bass Lake Campground. They included residents of Starke County, LaPorte County, Porter County and St. Joe County and all spoke of their support of the Campground and their concern if the time frame for camping is to be changed. They also advised if a restricted time frame for camping is established they will not be returning to that Campground.

AUDITOR BUSINESS:

Commissioner Danford advised since he was absent from the August 4th meeting the minutes of that meeting could not be approved until Commissioner Davis is present. Commissioner Norem made a motion to approve the vendor claims in the total gross amount of \$568,076.07. Commissioner Danford seconded the motion and it passed with all ayes. Commissioner Norem made a motion to approve the pay claim for the pay period ending 8/2/14 with the pay date of 8/8/14, in the total gross amount of \$186,814.98. Commissioner Danford seconded the motion and it passed with all ayes. Attorney Lucas presented the Release and Settlement Agreement that had been prepared in regard to the lawsuit with Kenneth Tomasko and was requesting the Board's approval and signatures. Commissioner Norem made a motion to approve the agreement, seconded by Commissioner Danford. The motion passed with all ayes and was signed by the Board.

IN OTHER BUSINESS:

Annex Building Custodian, James Coad, appeared before the Board to advise prior to the Courthouse Custodian requiring surgery and being presently on sick leave, he had scheduled himself to be off work this Wednesday, the 20th, to move his daughter down to college. He advised he could be at work until 10 that day and has already worked out arrangements to have both the Annex Building and the Courthouse locked at the end of the day. The Board advised him to go ahead with his plans for the day off.

Interim EMS Director, Keith Emigh, and EMS Clerk Marylynn Ritchie appeared before the Board in regard to establishing a light duty work policy for someone who is not on a worker's compensation leave. They advised the employee is on short term disability but their Doctor had advised the employee would be able to work perform light duty work but not her regular job duties. Director Emigh stated he does have office work for that employee. Commissioner Norem stated the County had encountered that situation with an employee earlier and it is their policy when the employee can't return to work in their normal duty they are not allowed to return to work.

Director Emigh inquired as to the three squad cars which the Sheriff had retired and the situation concerning the Board allowing the Planning Commissioners to drive the SUV the EMS Department is currently utilizing. He noted all three retired vehicles are in bad shape and any one of them would require a lot of repairs. He advised the least expensive repairs would cost approximately \$2,000.00 to \$2,500.00. The Board advised he should have the Highway Department mechanic choose the vehicle requiring the least amount and go ahead and get it repaired. They noted the SUV does not go to the Planning Commission until the EMS Department has a roadworthy vehicle to drive. Director Emigh inquired as to which budget those repairs are to be paid from. The Board advised the Auditor to use her discretion as to which of the following Funds was most readily available: Cumulative Capital Development Fund, the CAGIT Certified Shares Fund or the Commissioners' Portion of the CEDIT Fund.

With there being no further public comment, and there being no further business to come before the Board, Commissioner Norem made a motion to adjourn the meeting, seconded by Vice-President Danford. The motion passed with all ayes, and the meeting was adjourned at 8:03PM.

August 18, 2014

ABSENT _____
Jennifer Davis, President

Kathryn Norem

Kent Danford, Vice-President

Katherine Chaffins, Auditor &
Secretary to the Board of Commissioners

EXECUTIVE SESSION

Monday, August 25, 2014

The Starke County Board of Commissioners met in an Executive Session, at 10:00AM, in the Meeting Room of the Starke County Annex Building, Knox, IN with Commissioners Kathy Norem, & Kent Danford, County Attorney, Marty Lucas, and County Auditor, Katherine Chaffins present, and the following proceedings were held to wit:

The meeting was held to discuss a personnel matter pursuant to IC5-14-1.5-6.1part(b)(5). Absent from the meeting was Commissioner Jennifer Davis.

I can attest the only issue discussed at this meeting was in regard to the personnel matter.

The meeting was adjourned at 10:45AM.

Katherine Chaffins, Auditor &
Secretary to the Board of Commissioners

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I can attest the only issue discussed at this meeting was in regard to the personnel matter.

The meeting was adjourned at 11:42AM.

Katherine Chaffins, Auditor &
Secretary to the Board of Commissioners