

Monday, August 19, 2013

Pursuant to adjournment comes now the Starke County Board of Commissioners and meet in regular session at 7:06PM in the Annex meeting room, Knox, Indiana, with Kathy Norem, Kent Danford and Jennifer Davis present and the following proceedings were held to wit:

The meeting was called to order by President, Kathy Norem. She asked for any additions or corrections to the posted agenda. There being none she began the meeting with the first item on the agenda

RE: BASS LAKE BEACH & CAMPGROUND

Bass Lake Beach and Campground Lessee, Richard Callahan's Attorney, David Wallsmith, appeared before the Board to discuss the issues at the Beach and Campground. He advised Mr. Callahan could not attend the meeting. He presented to the Board a copy of the last Indiana State Health Department report from Douglas Williamson, dated August 1, 2013. The report states the inspection shows the beach and campground were in reasonable compliance. Mr. Wallsmith noted he was unsure exactly what reasonable compliance meant. He asked County Attorney, Marty Lucas, to list the County's contentions with the beach and campground. He also noted the present season ends on October 15th. President Norem asked Attorney Lucas to draft a letter stating the County's concerns, and specifically state the Indiana code and ask for their plan of action to correct the concerns. She advised she does want the request to be in writing. Mr. Wallsmith advised there are no written contracts with any of the campers, only a written receipt. President Norem advised the storing of campers year round at the campground is a violation of the lease agreement. Attorney Wallsmith advised he has not located that in the lease agreement; and he also noted campers who elect to stay there during the off season have their own facilities. Commissioner Davis advised Mr. Wallsmith the next meeting of the Board of Commissioners will be on Tuesday, September 3rd. Attorney Wallsmith advised, in regard to the Innkeepers Tax report, the copy of the filing that was previously submitted to the Board was for the months of May and June, and it was misleading to believe the majority of campers are considered long term campers. Attorney Lucas questioned their filing two months at once, since the Innkeepers Tax is to be submitted on a monthly basis, May's report due in June, June's report due in July, etc.

Mr. Wallsmith stated he had received the letter from the Board and acknowledges the statement of objections and the notice of default. Attorney Lucas advised there was no notice of default and there was no language in that letter that would have suggested that. He also noted he does not agree with the assumption that everything is OK. Commissioner Danford noted it took the Callahans from April to August to get everything fixed and functioning properly, and it happens every year. Attorney Lucas added that the State saying they are in reasonable compliance does not say there are no violation. Mr. Wallsmith advised he would like the County to address their issues with the Beach and Campground in a written document to the Callahans. President Norem advised his comments were duly noted. Commissioner Davis advised they will see them again on September 3rd.

RE: DAMAGE TO MARK SMITH'S PROPERTY

County Surveyor, Dennis Estok, appeared before the Board to present an update on the damage to trees on property owned by Mark Smith, in regard to the Yellow River Debris Clean-Up Project. He advised Mr. Smith had sent to the County a copy of letter he had received from the insurance company in which they advise there is no insurance coverage on that damage. Surveyor Estok advised he had sent a letter to the contractor, Thomas Excavating requesting their plan of action as to how they will be taking care of the damages to Mr. Smith's trees. Thomas Excavating advised they will be planting replacement trees but not during this time of the year. President Norem advised the situation needs to be completed by February 2014 since the County had received an extension on the closing of the grant through KIRPC. Attorney Lucas advised this is a positive plan of action. President Norem advised a copy of the agreement between Mr. Smith and Thomas Excavating needs to be submitted to KIRPC to be filed with the extension of the grant.

RE: NEW COUNTY JAIL, WATER ISSUES

President Norem advised there is an issue with the water capacity at the new jail site. She advised the City of Knox has a 10 inch pipe carrying water up to the new jail site, but in between that 10 inch pipe and the City's water tower, there is a 6 inch pipe that reduces the flow of water. The required rate to be in compliance with the fire protection requirements is to have a water flow of 750 gallons/minute, but presently there is only a water flow of 500 gallons/minute. Territorial Engineer, Bob Aloï, has been involved with the County and the City in discussing the possible solutions. He advised a loop could be created looping Henry Drive to Edgewood Drive, which would go by the Nursing Home, and then be connected to the 10 inch pipeline. In order for that loop to be constructed it would require receiving an easement from the property presently owned by Dennis and Chuck Estok. President Norem noted the County has restrictions of the time frame in getting the water issue resolved, as the County could be saving a considerable amount of capitalized interest if the Sheriff's Offices could be moved into the new jail site, by May 2014, in the building the County purchased from Mark Bailey. Mr. Aloï advised the cost of that project could be approximately \$50,000.00, 700 feet of pipe at \$50.00 per foot, totaling \$35,000.00; a water hydrant for approximately \$3,000.00; and the repairs to the City's streets/roads for approximately \$10,000.00. President Norem advised the two other solutions would be the installation of a temporary above ground water tower with an estimated cost of \$67,000.00 or a permanent underground water storage tank with an estimated cost of \$177,000.00. She noted the looping project would require a 20 foot easement from the property owner. Chuck Estok was not in attendance, but Dennis advised both Chuck and himself agree they will be willing to donate the easement to the County, with no expense to the County. He noted they have no intention on developing the sub-division and they are willing to donate the easement. He advised it also will be helping the City. He asked that someone be responsible for the documentation paperwork and he noted he would like to see the drawings. President Norem asked that Dennis put his offer into writing and sign it, so nothing would be misstated when she attends the City of Knox' Council meeting that will be held on Tuesday evening, August 20th. Mr. Aloï inquired if the Estoks would be interested in conveying the road, with a 66 foot right of way to the City. Dennis advised not at this time, as the City is not even working on a project that would require that roadway. President Norem advised she had met with Mayor Chambers and the Mayor would like the County to pay for all the expense involved in the looping project, replacing

the 6 inch piping with a 10 inch pipe. Commissioner Danford inquired why the 6 inch pipe could not just be replaced with the 10 inch pipe instead of completing the looping process. Mr. Aloï advised the City is having some other issues with their water system, since it is an antiquated water system. Attorney Lucas suggested, as an alternative, the County request an abatement on their water rates since the rates are based on piping the water, delivering the water, and not the actual water itself. President Norem also noted the bid documents will be going out in approximately one month's time. Council President, Dave Pearman, suggested the County may be able to reduce the size of the fire pump in the new jail. President Norem stated she would like to see both President Pearman and Attorney Lucas attend the City Council meeting also. She also thanked the Estoks for their donation. Mr. Aloï advised they are probably looking at an estimated \$37,000.00-\$38,000.00 as the cost of the pipes, adding the project should not exceed \$50,000.00. Commissioner Davis made a motion to work with the City, install the pipeline, and cap the cost at \$50,000.00 and have the project completed by April 1st with the City completing the work. Commissioner Danford seconded the motion, and it passed with all ayes.

RE: PLANNING COMMISSION'S PROPOSED AMENDMENT FOR THE VACATING OF SUBDIVISIONS

President Norem advised at the last meeting the Planning Commission had submitted a proposed amendment to the Code of Starke County to allow for the Vacation of a subdivision plat. She advised the 1st reading of the amendment was made on August 5th, and this was the 2nd reading. Commissioner Davis made a motion to approve the ordinance, seconded by Commissioner Danford. The motion passed with all ayes and the Amendment was signed.

RE: COUNTY COUNCIL REDISTRICTING

Attorney Lucas summarized the need for the County Council redistricting, per IC 36-2-3-4. He advised the need exists for the redistricting due to a more than 10% variance in population between the four districts. He noted a special meeting can be called by the County Auditor to address the redistricting proposals and he advised multiple proposals are encouraged. He noted there are specific requirements that the redistricting proposals need to comply with such as not to changing any precincts boundary line, and the attempt to keep whole townships. President Norem advised they had just picked up the packet of information out of their mailboxes that evening so they had not reviewed it prior to the meeting. Clerk Skronski advised the population per district was taken from the 2010 census. President Norem noted the Indiana Code was not stated in the information she received, and advised the code calls for the redistricting being the responsibility of the County Executive to establish and divide the districts. Attorney Lucas advised the redistricting needs to be completed prior to the end of the year, and not to gerrymander in the redistricting proposals. Dan Bridegroom commented that he read the IC Code and noted the Commissioners are by ordinance to redistrict the current districts. Kenny Wallace commented that this will be no different than what the State did when they redistricted their districts. Commissioner Davis inquired as to the asking for proposals. Attorney Lucas advised the proposals are to be submitted to the Board of Commissioners and they will need to pass an ordinance establishing the new districts. Mr. Bridegroom commented the redistricting should have been completed in 2010. Attorney Lucas stated they need to have a plan that can withstand a court challenge, noting if the County doesn't redistrict someone could sue the County, and if the County doesn't complete the redistricting correctly, someone could sue the County. Commissioner Davis inquired as to the time frame of completing a proposal, and President Norem advised in two weeks, ready for their next meeting. She suggested they hold a special meeting to discuss the proposals, and it was decided to schedule the special meeting on Friday, September 6th, at 2PM. She noted the election board has already completed a proposal, and would also expect the Republican Party and the Democratic Party both to also submit proposals. Kenny Wallace, the Chairman of the Starke County Democratic Party, advised they were not interested in submitting a proposal, noting he is on the Election Board, and is happy with the Election Board's proposal. Commissioner Danford made a motion to meet on September 6th, seconded by Commissioner Davis. The motion passed with all ayes. President Norem advised the meeting could last a couple of hours, and noted the County Council has scheduled a meeting for that same day, beginning at 5:30PM.

IN OTHER BUSINESS:

IDEM Violation

President Norem advised the County had received a letter from the Indiana Department of Environmental Management notifying the County that IDEM had inspected the property that once was the County landfill, and the County was written up for the high overgrown vegetation. IDEM is requiring the vegetation be mowed and maintained within 45 days of the date of the letter, which was July 31. Attorney Lucas advised thus far he has not been able to find any appraisers who were willing to appraise the old landfill property and he will have to increase the price the County was willing to pay for the appraisal. (The County had previously discussed the possibility of purchasing the old landfill property from the present owner, Steve Ciesielski.) Council President Pearman inquired if the vegetation could be burned in a controlled burn. President Norem advised, due to the installation of the methane gas vents, she didn't agree with the burning suggestion. Attorney Lucas advised he will contact Mr. Ciesielski's attorney to advise his client the County will need to be able to cut down the trees and mow the vegetation. He suggested the County obtain a couple of quotes from different mowing companies, noting they need to be aware of the location of the methane gas vents. President Norem advised Commissioner Danford to work with Attorney Lucas in creating a plan of action. Commissioner Danford advised he will do that.

CR300E SR8 PROJECT

Commissioner Danford made a motion to approve the signing of a letter to the EDA, a Request for Amendment in regard to extending the start of the construction deadline, for the CR300E SR8 project, from October 26, 2013 to April 26, 2014. Commissioner Danford made a motion to approve the letter, seconded by Commissioner Davis. The motion passed with all ayes, and the letter was signed by President Norem. (Bob Aloï picked up the signed letter from the Auditor at the end of the meeting.)

President Norem advised she has received a complaint in regard to kids jumping off the bridge that goes over the dam at Koontz Lake. She advised she had received the call from the President of the Koontz Lake Association stating he had spoken with the State and the State advised the County Commissioners are required to pass an ordinance that states no one is to be jumping off the bridge at that location before the State can post any signs. President Norem asked Attorney Lucas to draft such an ordinance.

RE: PAYROLL AND VENDOR CLAIMS, MINUTES

Commissioner Davis made a motion to approve the minutes from the August 5th meeting, seconded by Commissioner Norem, since Commissioner Danford was absent from that meeting. The motion passed with all ayes. Commissioner Danford made a motion to approve the vendor claims as submitted, in the total gross amount of \$630,692.74. Commissioner Davis seconded the motion, and it passed with all ayes. Commissioner Danford made a motion to approve the payroll claim for the pay period ending 8/2/13, with the pay date of 8/9/13, in the total gross amount of \$184,126.88. Commissioner Davis seconded the motion and it passed with all ayes. Auditor Chaffins advised, in regard to the Monthly Financial Reporting, all departments who are required to submit a monthly report are all in compliance. She also advised the SBOA Auditor is currently auditing the County.

IN OTHER BUSINESS:

President Norem advised the EMS Director, Paul Mathewson, has rescinded his resignation and will remain on as the Director.

Substitute Veteran Service Officer, Terry Turner, advised the Board he will be attending a training session during the week of September 9th and will be gone for the week. The cost of the training is \$1,500.00 but it is not an expense to the County. He advised he will be receiving a national accreditation to comply as a Veteran's Service Officer.

PUBLIC COMMENT

President Norem inquired of those in attendance if there were any comments. There being none, President Norem congratulated Dan Bridegroom on his appointment to the Election Board. Commissioner Danford made a motion to adjourn the meeting, seconded by Commissioner Davis. The motion passed with all ayes, and the meeting was adjourned at 8:45PM.

August 19, 2013

Kathy Norem, President

Jennifer Davis, Vice-President

Kent Danford

Katherine Chaffins, Auditor &
Secretary to the Board of Commissioners