

Tuesday, September 3, 2013

Pursuant to adjournment comes now the Starke County Board of Commissioners and meet in regular session at 9:00AM 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. President Norem inquired if there were any additions or corrections to the posted agenda. There being none, President Norem advised the meeting will begin with the County Treasurer, Kasey Clark.

RE: POLICY FOR COUNTY EMPLOYEES WITH DELINQUENT COUNTY PROPERTY TAXES

County Treasurer, Kasey Clark, appeared before the Board to discuss the situation when County employees are delinquent on the payment of their personal property and real property county taxes. She advised a policy to address this situation has been prepared by County Attorney, Marty Lucas. She noted the employees will first receive a written notice advising them they will have fifteen days to address the delinquency and if it is not paid, per Indiana Code, a deduction will be taken from their pay checks to satisfy the delinquency. She noted though the Indiana Code does not state the percentage the County is allowed to deduct from the employee but it should follow the same procedures as a garnishment, which can be a maximum of 25% of the employees' net pay. Attorney Lucas advised the Indiana Code actually states "Persons the County owes money to. . ." which, he noted, would also include any Vendors of the County who have delinquent taxes along with the County's employees. Deputy Auditors CarLa Thomas and Suzanne McCarty were present at the meeting. Deputy Auditor Thomas, the Accounts Payable Deputy Auditor, noted her concern as to how to handle the Vendor deduction since it would involve the timing of the Vendor claims process. After a brief discussion of the process, it was decided that the Treasurer and the Accounts Payable Deputy will stay current with the listing of current County vendors with delinquent taxes. Also decided was if an employee is listed on a parcel of property with others, the employee would be responsible for the delinquent taxes of that parcel. The only exception to that policy would be Corporations. Commissioner Danford made a motion to approve the policy as written, and review the effectiveness of the policy at the end of one year. Commissioner Davis seconded the motion, and it passed with all ayes.

RE: VACATION OF ROAD IN THE MONTEREY RESORTS

Attorney Leroy Gudeman appeared before the Board to request the approval of the vacation of a road, Lemon Street, in the Monterey Resorts. He stated the notice was published in The Leader but has not yet received the Notice of Publication from the newspaper. He also advised the surrounding landowners/taxpayers have been given proper notice. County Highway Superintendent, Rik Ritzler, appeared before the Board and advised the road/street was developed as part of the sub-division but was never maintained. Attorney Lucas inquired if the Auditor's Office had received the Notice of Publication and Auditor Chaffins advised the Auditor's Office did not receive it either. Mr. Gudeman advised there have been no objections from the adjacent landowners. Commissioner Davis made a motion to open the public hearing portion of the meeting, seconded by Commissioner Danford. The motion passed with all ayes, and the public hearing began at 9:22AM. Mr. & Mrs. Roy Kent were present for the meeting and inquired as to what happens to the property when it is vacated. President Norem advised the property would revert to the adjacent property owners, which in this case, are the Kents. Betty Dotlich advised she had seen the Notice of Vacation published in The Leader. Hearing no more public comments, Commissioner Danford made a motion to close the Public Hearing portion of the meeting, and to take this item under advisement, and table it until the next meeting. The motion was seconded by Commissioner Davis. The motion passed with all ayes and the hearing was closed at 9:24AM. President Norem advised the next meeting is scheduled for Monday, September 16th, at 7PM.

RE: GLEN FLAHERTY, KOONTZ LAKE PIER ISSUE

President Norem advised Glen Flaherty is the owner of two parcels at Koontz Lake on either side of Calumet Ave., which is a County Public Right of Way. Rik Ritzler, Highway Dept. Superintendent advised the County maintains Pottawatomie to the Lake, but not Calumet Ave. Mr. Flaherty advised Calumet Ave. is an old fire lane. He advised the issue is with his pier and if his pier is located in the easement. It appears that 3'6" of the pier may be in the County's easement. President Norem advised Mr. Flaherty had first proposed to purchase the easement property from the County, but that is not allowed by the County. Attorney Lucas advised it is the Board's call if a pier could be placed there and he inquired if Mr. Flaherty had a survey showing the placement of the pier and on whose property it is on. In response to Mr. Flaherty's concerns with liability, President Norem advised he could avoid any liability by removing the pier. Commissioner Danford made a motion to not allow anything to be placed/installed on County easements. Since there was no second from Commissioner Davis, President Norem seconded the motion. Commissioner Davis questioned the accuracy of the survey and the area that belongs to the county as a public easement. Superintendent Ritzler advised the GPS records are accurate to within three feet. Attorney Lucas advised the issue is with the riparian rights of the County, noting the county road ends at the water line. He added, there is an existing County Policy that no property is to be placed in the County's riparian right, and in that case, the County is the riparian owner. Mr. Flaherty advised if he removed the pier someone else would put up another pier. President Norem advised no one else will be able to put up a pier either. President Norem suggested he either move the pier over the 3 ½ feet to his own property per the survey, and if there is a question in regard to the survey he should hire a surveyor to define the exact locations. President Norem called for a vote of the motion presented by Commissioner Danford. The motion passed with two ayes and one nay (Davis). Mr. Flaherty apologized to the Board for taking up so much of their time.

RE: EMS MONTHLY REPORT

Clerk MaryLynn Ritchie and EMS Director Paul Mathewson appeared before the Board to present their monthly report. Clerk Ritchie advised the number of runs is remaining pretty consistent, and the revenue is up again. She advised if the department can average a monthly number of runs of 157 for the next four months they would reach a yearly total of 2000 runs. President Norem asked if a line could be added to her report showing the year to date totals and compare them to the year to date totals from 2012. President Norem also inquired as to why the advanced transfers were run out of the North Judson base. Director Mathewson and Clerk Ritchie advised the North Judson base handles the advanced transfers since they don't want to take the paramedic out of the County, only when necessary when they are on an ALS call. Clerk Ritchie advised a total of \$170.28 had been collected from the Starke County Clerk, Small Claims Court and a total of \$170.00 from Collections Attorney, Jonathan O'Hara. EMS Director Mathewson advised the County had been nominated for a Public Relations Award. He stated he had attended the awards presentation but the County did not win the award. He noted being nominated was an honor for the EMS Department and the County.

RE: COUNTY HIGHWAY DEPT. MONTHLY REPORT

Highway Department Superintendent, Rik Ritzler, appeared before the Board to present his monthly report. He submitted a prepared written report stating the County's mowing program is almost complete. The final mowing cycle has begun, and after completion the mowing will be done on an as needed basis. He advised a total of 69 miles of road improvements have been completed in 2013, with an estimated total of 111.25 miles to be completed by the end of 2013. He advised the goal for 2014 is 156 miles of road improvements. He noted a total of "actual service life years added" to roads in 2011 were 217, in 2012 a total of 40; in 2013 a total so far of 411.5 with an anticipated total of 548.75 before the end of the year, and the goal for 2014 is 925 life years, since the County will be receiving the additional funding from the State. Superintendent Ritzler noted the Bridge 43 Replacement will begin on September 4th, and is anticipated to be completed by November 30th. He advised drivers should use an alternate route such as SR23. (A copy of the complete report is on file in the Auditor's Office.) The Superintendent presented a document in regard to the CR300E project that required the President's signature. Commissioner Danford made a motion to approve the signing of the cover sheet, seconded by Commissioner Davis. The motion passed with all ayes and the document was signed by President Norem. Superintendent Ritzler advised he had received word back from the State in regard to their survey of traffic at the intersections of SR23 & SR8 and Toto Road and US35. He advised the State study showed neither stop lights nor caution lights were warranted at this time. The Superintendent presented an Application For Permit of Underground Utility Installation from United Telephone, on CR100W approximately ½ mile south of CR800S. Commissioner Danford made a motion to approve the permit, seconded by Commissioner Davis. The motion passed with all ayes and the permit was signed. President Norem inquired as to when the County will see the results of the Major Road Collector Study, and the Superintendent advised it should be within the next few months. President Norem complimented the Superintendent on the spectacular report.

RE: PINE TREES AT THE ANNEX BUILDING

Annex Building Custodian, Jim Coad appeared before the Board to request approval to remove the pine trees/evergreen trees from the east side of the Annex Building as they have become quite overgrown and covering the sidewalk. Commissioner Danford made a motion to approve the request, seconded by Commissioner Davis. The motion passed with all ayes.

RE: AUDITOR'S BUSINESS—MINUTES, PAYROLL CLAIM, VENDOR CLAIMS

Commissioner Danford made a motion to approve the minutes of the August 19th meeting, seconded by Commissioner Davis. The motion passed with all ayes. Commissioner Danford made a motion to approve the payroll claim for the pay period ending August 17th, with a pay date of August 23rd, in the total gross amount of \$181,387.93. Commissioner Davis seconded the motion and it passed with all ayes. President Norem advised, in regard to the vendor claims, Deputy Auditor, CarLa Thomas had included a note inquiring if the claim submitted by the EMS Director, in the amount of \$40.00, for his reimbursement of the awards dinner would fall under the travel policy. Commissioner Danford made a motion to allow the full reimbursement amount of \$40.00, seconded by Commissioner Davis. The motion passed with all ayes. Commissioner Danford made a motion to approve the vendor claims in the total gross amount of \$630,692.74. Commissioner Davis seconded the motion, and it passed with all ayes.

RE: JAIL WATER ISSUE

Bob Aloï, of Territorial Engineering, appeared before the Board to discuss the jail water issue. He advised the estimated cost to replace the approximately 770 feet of the City of Knox's water lines would be \$42,890.00 and the engineering fees of \$5,620. He also noted the bid will be listing two mandatory alternatives, one for the cost of \$2,375.00 and the other for the cost of \$1,575. He noted the two alternatives did not pertain to the jail's water issue but issues the City wanted addressed. In the ensuing discussion it was noted an additional fire pump will be required at an estimated expense of \$75,000.00, but Mr. Aloï noted the need for a fire pump should have been included in DLZ's original plans. President Norem advised the Board will need to decide to go with the upgrade to the City's water pipes and possibly the expense of an additional pump, or to go with the inground water tank at a cost of approximately \$177,000.00. She also noted alternatives 1 and 2 or applied to the City of Knox, and not the County. Commissioner Davis made a motion to accept the proposal for the 770 feet of water pipe replacement with the addition of a booster pump if needed and also include the two alternative plans. Commissioner Danford advised he would not second the motion if it includes the two alternate plans. President Norem advised the motion dies for a lack of a second. Attorney Lucas stated he is concerned the expense of the water pipe replacement would not be funded by the bond proceeds since that was a project of the City of Knox's Municipal Water System, and suggest they speak with Lisa Lee for her advice prior to the Board's decision. Commissioner Danford inquired as to the life expectancy of an inground tank. Mr. Aloï advised that was a DLZ question. President Norem advised the Board will be meeting in a Special Meeting on Friday the 6th at 2PM to discuss the redistricting of the Council districts and possibly this issue could be tabled and decided on Friday at that meeting. Attorney Lucas advised he had just attempted to email Lisa Lee, but received a message that Ms. Lee will be out of the Office until September 12th. President Norem noted the additional pump would be an expense of the jail project, and if the city expense was not considered a part of the jail project, the County could pay for the expense out of the CEDIT Fund, Commissioners' portion, noting if additional appropriations are required it can go in front of the County Council. Auditor Chaffins suggested proposing to the Council the re-appropriation of the CEDIT funds allowing more funding for the Commissioners' portion. Council President Pearman, who was present for the meeting, stated he was alright with the issue coming before the Council. Commissioner Danford made a motion to approve the City's proposal in the amount of \$42,890.00 for the pipe replacement and \$5,620.00 in engineering fees, and the cost of a pump if necessary, but not either alternative 1 or 2. He noted the motion was not to exceed a total of \$48,510.00. Commissioner Davis seconded the motion and it passed with all ayes. President Norem stated the project has to be completed by April 1, 2014 in order to save the County's taxpayers on the capitalized interest of the jail bond project. Commissioner Danford made a motion to advise the City of Knox the project has to be completed by April 1, 2014. The motion was seconded by Commissioner Davis and passed with all ayes. President Norem noted the temporary above ground tank with an estimated cost of \$67,000.00 would only service the existing Bailey Building and not the new jail portion that will be added to the Bailey Building so that is why it was never an option. She also noted the County would like for the City of Knox to consider the abatement of their water line expense off the County's water billings for the next ten years. Attorney Lucas advised he will compose a letter to the City listing the County's proposal. President Norem noted the County will only be paying for the cost of the materials and the check will not be made payable to the City of Knox but to the Vendor for the materials, up to the proposed amount, \$42,890.00. Following the decision was a discussion in regard to the installation of a fire well to supply the additional water flow needed in the event of a fire. President Norem advised the issue will be discussed with DLZ asking for their opinion of the cost and feasibility of a fire well.

RE: VERIZON CONTRACT

Attorney Lucas advised he had reviewed the contract with Verizon for the cell phone coverage he had received from IT Director Joe Short. He advised the contract is a standard government contract and does allow for an early termination without any fees, and he does recommend the contract to the Board. Commissioner Danford made a motion to approve the contract, seconded by Commissioner Davis. The motion passed with all ayes. Director Short advised the contract will cover both the County's phones and the Sheriff's Department's air cards. President Norem advised him to switch over any County phones than are no longer under contract with AT&T.

IN OTHER BUSINESS:

President Norem distributed a calendar of the month of September and asked the other Commissioners to record the days they are available to be in the Commissioners' Office during the month.

President Norem advised, in regard to the request for the posting of "no jumping off the bridge" signs at Koontz Lake, she is looking into how other Counties handle similar situations, and will also speak with the INDOT.

In response to the Letter of Non-Compliance the County received from IDEM in regard to the old County Landfill, Attorney Lucas advised he has spoken with Mr. Ciesielski's attorney and suggested a meeting be set up with one Commissioner and the attorneys to discuss the mowing of vegetation, the cutting down of brush/trees, and the possible purchase of the property from Mr. Ciesielski. President Norem advised the Commissioner in charge of the Landfill is Commissioner Danford.

Commissioner Danford advised he has spoken to someone that could do the mowing and he is willing to meet with the attorneys. President Norem requested the Auditor add this issue to the September 16th meeting's agenda, and she advised she would like to see a price quote presented at the meeting on Friday, September 6th showing the expense to mow and clear the brush on the property.

President Norem noted in response to an earlier letter to NIPSCO in regard to their Reynolds/Topeka Route, she had received a response from NIPSCO. The Company advised they had already chosen a route that only passes through the lower southeast portion of Starke County.

Commissioner Davis advised the Sheriff had his exit conference with the SBOA Auditor on the Department's 2012 audit and there were no exceptions and no comments.

President Norem advised they had received the August monthly report from the Interim Service Director, Terry Turner, and noted she would like to see monthly update reports from all Department Heads.

PUBLIC COMMENT

Clyde Haniford of Bass Lake inquired as to the status of the letter that was being sent to Mr. Callahan and his attorney, Mr. Wallsmith. Attorney Lucas advised it has not yet been prepared. President Norem advised they are proceeding with an abundance of caution. Commissioner Davis advised Mr. Callahan was asked to be present for today's meeting but did not appear. Terry Bowser, a regular camper at the Bass Lake Campground advised he will be making an appointment to meet with a Commissioner in their Office to discuss several issues at the Bass Lake Beach and Campground.

There being no further business, 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 11:23AM.

September 3, 2013

Kathy Norem, President

Kent Danford

Jennifer Davis

Katherine Chaffins, County Auditor
& Secretary to the Board of County Commissioners