

Monday, September 15, 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, Kent Danford and Jennifer Davis present and the following proceedings were held to wit:

President Davis called the meeting to order at 7:00PM.

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 has completed a complete re-tiling of the restrooms at the Campground and has been painting the facilities at an approximate cost to Mr. Callahan of \$7,000.00. Mr. Wallsmith then advised Mr. Callahan has received a listing of thirty eight seasonal campers who stated they will not be renewing for next year, and he presented it to Commissioner Davis. Mr. Wallsmith advised Mr. Callahan could be looking at a loss of revenue as each seasonal camper is \$2,100.00 per year and also added, eight of those campers have also boat slips at \$450.00 per slip. Once again Mr. Wallsmith brought up the claim of the anticipatory breach of contract. County Attorney, Marty Lucas, quickly objected to any future discussion in regard to an anticipatory breach. Attorney Lucas stated he is making a self-serving statement and there has not been a finding, or any basis for an anticipatory breach. Attorney Wallsmith stated he is asking the Board of Commissioners to retract their earlier statement of the fifteen day maximum limit on camping. President Davis advised in her review of the document of the listing of campers who are stating they will not return for next year, that there were a lot of duplicate names. She also noted the issue in regard to the camping limit of 15 days had been thoroughly discussed at the last monthly meeting. She stated they were informed at that time the newly created Park Board will be addressing that issue. She added the Board is only looking now at the issue of not allowing any campers to be there over the winter months so it does not become a storage area. Attorney Lucas asked Attorney Wallsmith if he had received any notice from the County in regard to the fifteen day limit. Attorney Wallsmith advised he has not received any notice from the County and he has not either received the statutory code he had asked for. Attorney Lucas advised the criteria for the campgrounds was cited from the Federal Land and Water Conservation Fund, that it is not an Indiana Code. President Davis stated again that the 15 day issue will be addressed by the Park Board and possibly that restriction may not happen. She added it is not the Board of Commissioners' goal to establish an argument match between attorneys, but they only want the beach and campground to be cleaned up and looking nice. Mr. Callahan added that the Media stated the 15 day limit as a matter of fact and that is what his customers hear. Attorney Wallsmith noted he has not recently received any complaint forwarded to him by the Commissioners. All three Commissioners noted none of them had received any recent complaints. Mr. Callahan stated he has been fielding complaints left and right since the Board of Commissioners made that 15 day statement at their meeting since the campers believe what is reported by the Media. President Davis stated the Commissioners do not want to run a beach and campground; they just want a strong and beautiful beach and campground and for it to be made the best ever. She also noted the comments she does receive from the public have more to do with the Board not ever requesting Mr. Callahan provide any type of financial statements, not ever asking him what he collects in rentals. She added, she doesn't feel that is the board's business and they don't ask for his revenue or expenses since that is his business. Attorney Wallsmith asked for a repudiation of the previous 15 day board statement. President Davis advised him the Park Board will address that and added the Park Board is being populated; two appointments were made by the County Council and the Commissioners will be naming their appointment that night. She noted it does require a political balance and the appointees' party affiliation will require verification.

AUDITOR'S BUSINESS

Commissioner Norem made a motion to approve the minutes of the September 2nd meeting, seconded by Commissioner Danford. The motion passed with all ayes. The finalized minutes of the August 25th meetings were signed. Commissioner Norem made a motion to approve the payroll claim for the pay period ending on August 30th, with a pay date of September 5th, in the total gross amount of \$184,784.42. Commissioner Danford seconded the motion, and it passed with all ayes. Commissioner Danford made a motion to approve the vendor claims in the total amount of \$419,532.38 seconded by Commissioner Norem. The motion passed with all ayes. Auditor Chaffins presented the Board with a report of the current Fund Balances and a report of the current status of the receipt of Estimated Revenues for the year. The Auditor also reported that all Departments had been compliant in their Monthly Financial Reporting except for the Health Department and she has been in contact with them to complete their report.

IN OTHER BUSINESS

In regard to the resignation of Paul Warnke to the Koontz Lake Regional Sewer District Board, Commissioner Danford made a motion to appoint Daniel Buchniec to finish the remainder of Mr. Warnke's term. Commissioner Norem seconded the motion, and it passed with all ayes. President Davis asked the Auditor to send out a letter in the morning and notify the KLRSD Board of the appointment. Commissioner Norem made a motion to appoint Marcia Bedrock to the newly created Park & Recreation Board. Commissioner Danford seconded the motion and it passed with all ayes. Commissioner Norem advised the term of their appointee is for two years; the Council's appointees are for a two year term and a four year term, while the Judge's two appointees will serve a one year term and a three year term. She noted the terms are set by state statute.

President Davis advised there has been a request to change the health care provider for the County's workers' comp claims from the Knox/Winamac Clinic back to Healthlink. She advised she contacted the Director of the Knox/Winamac Clinic, Kathy Robb, to advise her of this request. President Davis stated the Board could table this issue for now since Director Robb is willing to come in and speak to the Board or they could agree to the change in providers. The consensus of the Board was to wait another thirty days to make a decision and asked the Auditor to place this issue on the agenda for the October 6th meeting and requested Deputy Auditor, CarLa Thomas, who handles the insurance coverage for the County, to be present for that meeting also.

President Davis stated she had been asked by Director Robb to write a letter of support for the Knox/Winamac Clinic for a grant application and asked if it was alright with the Board. No one had any objections to writing the letter of support.

PUBLIC COMMENT

At this point in the meeting, Attorney Wallsmith reappeared stating he just had a paper to deliver. President Davis noted the great job MJ Bendt, The Leader correspondent, had done for her taking the lead in the creation of the Wood-Starke event that was held at the Knox Park, noting the event was a great success. Mary Perren, correspondent for WKVI, stated she took offense to the statements made against the media by Mr. Callahan and Mr. Wallsmith. She advised she didn't appreciate being accused of not reporting the full story. She stated she also played the recording of the entire portion of the meeting involving the Bass Lake Campground on the air in its entirety. Ms. Perren also noted the stories are posted on the WKVI website for anyone to see. MJ Bendt also stated they are doing their best in fully reporting the whole story; it is not just a biased report. Clyde Haniford stated the \$7,000.00 that Mr. Callahan spent on the re-tiling of the Campground should be a maintenance issue and should not be subtracted from the rent. Attorney Lucas advised Mr. Callahan had not made a claim for that expense. Terry Turner, Veterans' Service Officer, advised his department will soon be online with the VA Hospital, and should be able to reduce the time spent and paperwork in the submission of VA claims.

Dallas Hester, a Starke County resident, residing on the Starke-Pulaski County line inquired as to what he could do to handle dogs in their area. He advised both his grandchildren and himself had almost been bit by dogs in that area. He stated he has contacted the Starke County Police Department many times but Starke County does not have a leash law like Pulaski County does. He stated the extensively barking dogs are a nuisance, sometimes barking for three to four hours at a time and asked as to what could be done in that situation. He stated there are caged dogs, dogs running loose, and dogs who are tied up all in that area of the County. Sheriff Oscar Cowen who was present at the meeting took down Mr. Hester's information and advised him an Officer would be out there the next day to investigate the situation. Mr. Hester inquired if the County had a noise ordinance in place. Attorney Lucas advised a noise nuisance is a civil liability and the Sheriff does not have jurisdiction, noting in this instance he would have to file a suit against his neighbor, the owner of the dogs. President Davis addressed Mr. Wallsmith's return to the meeting. Attorney Wallsmith advised they were not attacking the media that they had just been stating the amount of the damage caused by the reports that were on the radio in regard to the 15 day limit. Mary Perren noted the news report wasn't just about the fifteen day limit but all the news in regard to the Bass Lake Campground. President Davis reminded Mr. Wallsmith of what was stated at the August meeting: the creation of the Park Board was a game changer and now the issue of a fifteen day camping limit was in the hands of the Park Board.

Commissioner Norem made a motion to adjourn the meeting, seconded by Commissioner Danford. The motion passed with all ayes and the meeting was adjourned at 7:50PM.

September 15, 2014

Jennifer Davis, President

Kent Danford, Vice-President

Kathryn Norem

Katherine Chaffins, Auditor &
Secretary to the Board of Commissioners