

## **Monday, September 16, 2013**

Pursuant to adjournment comes now the Starke County Board of Commissioners and meet in regular session at 7:08PM 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. Commissioner Davis advised to add the Access to care in regard to Starke County inmates at the Pulaski County Jail; and President Norem advised to also include setting a date for the Jail Project ground breaking ceremony, and setting a date for an employee grievance Executive Session.

### **RE: SKILLMAN/DLZ FINAL DESIGN ESTIMATE**

Scott Carnegie of DLZ and Scott Cherry of Skillman appeared before the Board requesting approval to move into the bidding phase of the Jail Project. Scott Cherry advised the cost estimates are now at approximately 10,222,607.00 and depending on the bids received will determine what alternates will be considered. Such alternatives would include completion of dayrooms G & H, at an approximate cost of \$821,991.00, which would increase the number of jail beds by 36 beds, noting the base bid is for a total of 109 beds. Mr. Cherry reviewed the calendar of upcoming events in regard to the Jail Project: September 19<sup>th</sup>: 1<sup>st</sup> advertisement for bidders and construction documents issued for bidding; September 26<sup>th</sup>: 2<sup>nd</sup> advertisement for bidders; September 27<sup>th</sup>: Pre-bid meeting at the Bailey Building; October 10<sup>th</sup>: Receive and open the construction bids; October 14-18<sup>th</sup>: Pre-award meeting with the low bidders; October 21<sup>st</sup>: Board of Commissioner meet to receive analysis of bids and assign bids to the Building Corporation; October 29<sup>th</sup>: Bond sale begins; November 12<sup>th</sup>: Bond closing; Skillman issues notice to proceed to contractors. November 12<sup>th</sup>: Commence construction. He noted a ground breaking ceremony could be scheduled between October 21<sup>st</sup> and November 12<sup>th</sup>. Commissioner Danford made a motion to approve the information as presented and authorize Skillman and DLZ to issue the documents for the construction bids. Commissioner Davis seconded the motion and it passed with all ayes. Attorney Lucas inquired where bidders can obtain a bid package. Mr. Cherry advised they can be obtained electronically, or else through the Starke County Auditor's Office, or through the Skillman Company. He also stressed any bidders with questions should not ask any of the Board of Commissioners or the County Council, but instead they should all be referred to the Skillman Company for the answers to their inquiries.

### **RE: LISA LEE/ICE MILLER**

President Norem advised the Building Corporation held a meeting that day at 1PM and instead of an adjournment of the meeting the meeting was recessed, and now the Board of Directors of the Building Corporation are present tonight: Ben Osinski, Ron Henigsmith, and herself. Lisa Lee advised on August 5<sup>th</sup> the Board of Commissioners approved a form of a lease proposed by the Starke County Building Corporation, and on August 19<sup>th</sup> the Starke County Council adopted a resolution determining the need for the jail project and pledging the CREDIT tax revenue to pay the bond lease rentals. She advised everything is in place for the Board of Commissioners to enter into the lease with the Building Corporation. She noted this is when the financing side and the construction side come together. She also expressed her hope for low interest bids on the bond issue. She advised the lease will list the maximum parameters—the amounts due and the length of time, and eventually the lease rental payment will match the bond. She also noted any excess CREDIT tax, after paying off the bond, will go into the Jail Operation Expense budget. She noted the bond issue will be backed by property tax in order to obtain better bond rates. Ms. Lee noted Todd Samuelson of Umbaugh will be present at the October 21<sup>st</sup> meeting and will present the bond documents. She stated even though the Building Corporation issues the bond the County will be the owner of the building, stressing it is the County's building. She advised having the Building Corporation issuing the bond is a financing mechanism. Commissioner Davis made a motion to open the public hearing in regard to the lease. Commissioner Danford seconded the motion, and it passed with all ayes. The public hearing was opened at 7:27PM. There being no public comments, Commissioner Davis made a motion to close the public hearing portion of the meeting. Commissioner Danford seconded the motion, and it passed with all ayes, closing the public hearing at 7:28PM. County Attorney Marty Lucas read Resolution 75-0920 into record authorizing the Board of Commissioners to enter into the lease with the Building Corporation. Commissioner Danford made a motion to approve the resolution, seconded by Commissioner Davis. The motion passed with all ayes. (A copy of the signed resolution is on file in the Auditor's Office.) Section 2 of the Lease states the Auditor is authorized and directed to initial and date a copy of the proposed Lease and to place the same in the minute book immediately following the minutes of this meeting and the Lease is made a part of the resolution as fully as if the same were set forth herein.

President Norem advised the recessed meeting of the Building Corporation was now reconvened, at 7:33PM. Attorney Lucas advised the Resolution of the Building Corporation will be incorporated into the minutes of their meeting. Director Osinski made a motion to approve the lease, seconded by Director Henigsmith. The Building Corporation signed the lease. Lisa Lee advised the addendum to the lease is not addressed until following the bond closing. Director Henigsmith made a motion to adjourn the meeting of the Building Corporation, seconded by Director Osinski. The motion passed with all ayes, and the meeting was adjourned by 7:37PM. There was a brief discussion in regard to the scheduling of the Ground Breaking Ceremony. Mr. Cherry advised present for the ground breaking ceremony should be the Jail Committee, the Building Corporation, the County Council and the Board of Commissioners. The Ground Breaking Ceremony was scheduled for Thursday, November 7<sup>th</sup>, at 11:00AM, CST. Lisa Lee advised in regard to the closing of the bond issue, Attorney Lucas will receive a packet of information, and she would like to have the Auditor be available by phone during the day of November 12<sup>th</sup> to confirm the receipt of funds.

### **RE: CHANGE OF INSURANCE BROKERS/AGENTS**

President Norem advised after looking into other options for insuring the County it was discovered that Bliss McKnight offers the County the better insurance coverage and a lower deductible than the company the County is presently doing business with. Commissioner Danford made a motion to adopt the agreement with Bliss McKnight to insure the County for their property/liability insurance effective at Midnight that night. Commissioner Davis seconded the motion, and it passed with all ayes. President Norem advised Carrie Block of 1<sup>st</sup> Choice Insurance will become the Insurance Agent Representative for the County. Ms. Block advised the County should give 1<sup>st</sup> Source notice of their policy's cancellation for the liability insurance and in regard to the worker's compensation insurance to transfer the coverage to the new broker. President Norem advised she will send an email to Debbie Smith of 1<sup>st</sup> Source Insurance following the meeting advising her the cancellation will be effective at 12:00AM, 9/17/13. She noted Ms. Smith had stated at an earlier meeting there would be no penalty if the County wanted to cancel their policy with 1<sup>st</sup> Source at any time.

#### **RE: STATUS OF GORDON RITCHIE, VETERAN'S SERVICE OFFICER**

President Norem inquired if there were any objections to moving up the discussion of the status of the Veteran's Service Officer since Mr. Ritchie was present but feeling ill. There being no objections, Gordon Ritchie approached the Board. President Norem advised Mr. Ritchie had surgery and was not eligible for FMLA and Terry Turner had volunteered to temporarily fill in the position until the end of the year. Mr. Ritchie advised he had surgery in July and has complications from the surgery, and currently needs physical therapy. He stated he had been asking his doctor to give him a release to return to work and, he said, the doctor reluctantly gave him a release to return to work on September 23rd. Mr. Ritchie advised since he was still going to physical therapy and not feeling up to returning to work, and noting the veterans deserve 100% attention and he can't physically do that, he advised the Board not to hold the position open for him. Commissioner Davis inquired if he was tendering his resignation. Mr. Ritchie responded yes Ma'm. Commissioner Danford commented he knew Gordon had put his heart and soul into his responsibilities to the veterans. Mr. Ritchie advised he will put his resignation into writing. President Norem the Board can accept his resignation verbally but it is with great regret they accept the resignation. She noted the Board has appreciated everything he had done. She stated his written resignation, once received, will be read and put into the record.

#### **RE: COUNTY COUNCIL REDISTRICTING**

President Norem advised the Board of Commissioners met in a Special Session on Friday, September 6<sup>th</sup> to review and discuss the options presented in regard to the redistricting of the Starke County Council Districts. She advised at that meeting the Board had narrowed down the six options to two, Options 5 & 6. She stated since that meeting she had reviewed Option 6 and reshuffled some of the precincts coming up with Option 7. Clerk Skronski also reshuffled Option 5 and it has now become Option 8. President Norem noted the variance is 7.7% on Plan 7 and 8.4% on Plan 8. She advised Plan 7 is composed of the following: District 1—Jackson, Davis, Center 1 & 6, Oregon 3 & 2. District 2—Center 2,3,4,& 5, California 1 & 2; District 3—Oregon 1, Washington 1 & 2, North Bend; District 4--Railroad and all of Wayne Twp. Plan 8 is composed of: District 1—Jackson, Center 1, 3, & 6, Davis, Oregon 3; District 2—Center 4, 5, California 1 & 2, North Bend.; District 3—Oregon 1 & 2, Washington 1 & 2; District 4—Railroad and all of Wayne Twp. County Clerk Evelyn Skronski inquired as to whom authored Plan 7 and President Norem advised she had. Clerk Skronski questioned President Norem's ability to be able to vote on the plan since she authored it. Attorney Lucas advised yes President Norem would be able to vote on the selection since it would be no different than a state legislator who is allowed to vote on legislation he authored, and the Board of Commissioners act as the legislative function of the County. Commissioner Danford made a motion to approve the Plan 7 redistricting plan, seconded by Commissioner Norem. The motion passed with two ayes and one nay (Davis). Attorney Lucas was asked to prepare a resolution.

#### **RE: GOLF CART ORDINANCE**

President Norem advised after attending the Annual Meeting of the Bass Lake Property Owners' Association and listening to the many complaints in regard to golf carts being driven by children at the Lake, and after talking with both Boa Shores and Koontz Lake Property Owners Associations, and with the Sheriff and the Highway Department Superintendent, and after being asked by the BLPOA to create an ordinance it was decided the County needs to address the golf cart situation, and a golf cart committee was established. The committee, with the assistance of the "legalease" of Attorney Lucas, created an ordinance citing the rules and regulations of golf carts on the roads of Starke County. President Norem advised tonight will be considered the 1<sup>st</sup> hearing in the passage of the proposed County ordinance, which will also require publication in the area newspaper. Attorney Lucas sited the publication is due to the ordinance including penalty provisions. 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 portion of the meeting was opened at 8:07PM. President Norem listed some of the issues addressed in the proposed ordinance, and advised golf carts can only be driven on the County roads which have a posted speed limit of 35 miles per hour or less, and noted it does not authorize golf carts or SVPs (four wheeled utility vehicle) to be ridden on State highways. (A copy of the complete, proposed, golf cart ordinance is on file in the County's Auditor Office and is posted on the County's website.) Talia Reed, present in the audience, stated her concern that the required vehicle inspection performed by the Sheriff's Department will be putting an extra burden on that department, and also presented the question of liability if a defective vehicle passes an inspection. President Norem advised the concerns will be relayed back to the Police Department. President Norem noted there will be a \$25.00 annual permit fee, and with any violation of the proposed ordinance the violator could be subject to a fine not to exceed 250.00 per violation. Another issue of the proposed ordinance addressed was that no person shall use an SVP vehicle to tow any other item. After further discussions regarding the specifications listed in the ordinance, Commissioner Danford made a motion to close the public hearing portion of the meeting, seconded by

Commissioner Davis. The motion passed with all ayes and the public hearing was closed at 8:18PM. President Norem advised the 2<sup>nd</sup> public hearing will be held during the Oct. 7<sup>th</sup> Commissioner meeting.

#### **RE: UPDATE ON HOSPITAL CONSULTANT**

Commissioner Davis advised a letter from the County was sent to Dan Evans, the CEO of Iu-Health as the County's response to IU-Health's proposed health facility in Starke County. She advised the County has received a supportive letter back from Mr. Evans. Commissioner Davis advised the Council, at an earlier meeting, approved the appropriation of funding to allow the County to hire a consultant to assist the County in their decision of the future of health care services in the County. She advised the County has received a proposal for Providing Sustainable Local Access to Essential Health Care Services for the Community into the Future from JRB Healthcare Advisors of Zionsville, IN, with Jack Bebiak acting as the Consultant to the County. Attorney Lucas advised he has reviewed the proposal. Commissioner Norem made a motion to accept the proposal, seconded by Commissioner Danford. The motion passed with all ayes and Commissioner Davis, the Commissioner in charge of the hospital issue, signed the documents.

#### **RE: BOA SHORES COMPLAINT**

Guy Tardi, the President of the Boa Shores Property Owners' Association, appeared before the Board to advise of a situation at Boa Shores involving the ownership of a piece of property commonly referred to as the Triangle or the Boa Shores Park. Attorney Lucas advised a title search shows the County is the owner of that property, and Mr. Tardi provided a copy of Boundary Survey that was recorded on March 14, 1997. Mr. Tardi inquired if a legal survey would solve any property line disputes since one person is claiming ownership of part of the triangle piece. Attorney Lucas advised one can not claim ownership unless that person is paying the taxes on that property. President Norem advised Mr. Tardi to allow Attorney Lucas to check into the survey, and she will go with the County Surveyor, Dennis Estok, to have him identify the property markers, and to see if there are any encroachments.

#### **RE: PAYROLL AND VENDOR CLAIMS, MINUTES**

Commissioner Danford made a motion to approve the minutes of the September 3<sup>rd</sup> meeting and the September 6<sup>th</sup> 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 on 8/31/13 with a pay date of 9/6/13, in the total gross amount of \$179,799.54. Commissioner Davis seconded the claim, and it passed with all ayes. President Norem advised, in regard to the submitted vendor claims, the claim payable to DLZ in the amount of \$163,574.80 if paid in full would over expend the balance in that fund and she proposed only paying DLZ up to the balance in the Jail Project Fund, which was \$97,409.43. She advised she had spoken to Scott Carnegie of DLZ and he stated he was fine with the balance being carried forward and once the bond was issued the County could pay the balance. Commissioner Danford made a motion to approve the vendor claims including the reduction in payment to the DLZ Corp. Commissioner Davis seconded the motion, and it passed with all ayes. The total gross amount of approved vendor claims was \$163,932.38. Auditor Chaffins advised all departments were in compliance with the filing of their monthly financial reporting, but has discovered a situation in the manner the SCCC has been completing their form. She advised she will be addressing the situation with the SCCC Clerk. Auditor Chaffins also advised the SBOA Auditor has completed the County's audit for the 2012 fiscal year, and the exit conference was held, but the State has not yet released the report.

#### **IN OTHER BUSINESS:**

President Norem inquired as to the status of the IDEM compliance with the old County landfill site. Attorney Lucas advised he has been experiencing difficulty in reaching Mr. Cieslieski's Attorney. He advised he has a creative way to solve the situation and he will be contacting IDEM and Weaver & Boos.

President Norem advised the Board had been asked to schedule an employee grievance, and would like to have the Executive Session scheduled prior to the October 7<sup>th</sup> meeting so a decision in regard to the grievance could be made at the meeting on the 7<sup>th</sup>. The date of time of the Executive Session was set for Thursday, October 3<sup>rd</sup>, at 10:00AM. (The time of the meeting has since been changed to begin at 9:00AM.)

Commissioner Davis advised the Sheriff had been contacted by Pulaski County in regard to the Starke County Inmates' access to health care which is pertaining to medical and dental care while being housed in the Pulaski County Jail. Attorney Lucas reviewed the document sent by Pulaski County. Sheriff Cowen advised Pulaski County wants Starke County to provide authorization for their inmates care. He noted Pulaski County no longer had the same health care provider for their inmates as Starke County and also stated they are seeing a substantial savings with the new company. Attorney Lucas advised the document is unclear, but noted Starke County is responsible for their inmates. He advised the Board should approve the document and return it to Pulaski County. Commissioner Davis noted the proper signatures were not being required on the document. Attorney Lucas advised the agreement should be signed by both the Sheriff and the Commissioner in charge of the Jail, Commissioner Davis. Commissioner Danford made a motion to approve the agreement, seconded by President Norem. The motion passed by all ayes. The Sheriff advised Randy Brown is no longer the Jail Commander. He advised the current Commander is now Seth Johnson.

Auditor Chaffins inquired, in regard to the new insurance policy, part of the "O'bamacare", the County is to send information to all County employees and the County needs to decide the mode of delivery of the notice. President Norem advised to attach the notice to the employees' paychecks but it was pointed out that the employee is mandated to sign showing they received the paperwork. It was decided to have the department head, when distributing the paychecks to the employees in their department, to have the employee sign the document prepared by the Auditor's Office, showing the employee's receipt of the insurance notice.

President Norem advised the County as of midnight that night will be changing insurance companies. The insurance agent will be changing for the worker's compensation insurance but the actual insurance company will remain, IPEP. The liability insurance will be changing from 1<sup>st</sup> Source Insurance, to 1<sup>st</sup> Choice Insurance, and Bliss McKnight. She also advised she would like to see the County shop the health insurance coverage for 2014. Terry Turner advised he had completed the training he attended and passed the test. He distributed copies of the Certificate of Training he received. He also advised he would like to attend a conference in October. Commissioner Davis made a motion to approve his conference attendance, seconded by Commissioner Danford. The motion passed with all ayes. He advised he has funding in his budget for the conference expense. President Norem asked Commissioner Davis to post the advertisement for a Service Officer, the replacement for Gordon Ritchie.

#### PUBLIC COMMENT

Debbie Mix, of Boa Shores, appeared before the Board and stated she believed she was the person Mr. Tardi was referring to at Boa Shores. She advised the property the Mix' own at Boa Shores is land locked and the area next to their home is that triangle parcel Mr. Tardi was speaking of. She noted, during a recent gathering of Boa Shore residents, some individuals had parked their vehicle and blocked the driveway exit to the Mix home, and they had asked the individual to move their vehicle. She believes that is Mr. Tardi's issue. The Board will be requesting Mr. Tardi to submit his complaint in writing to see exactly what the dispute is.

A question was asked of the Board in regard to the use of golf carts at the Bass Lake Campground and if the carts could cross SR10 to enter into the Bass Lake Beach area. The Board advised the use of golf carts in the campground, and crossing SR10 is allowed, but they are not allowed to drive the golf carts down SR10.

Debbie Mix inquired as to the procedure of getting a speed limit sign posted on CR625S. The Board advised she would need to begin the process with the Highway Department Superintendent.

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 9:17PM.

**September 16, 2013**

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Kathy Norem, President

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Jennifer Davis, Vice-President

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Kent Danford

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Katherine Chaffins, Auditor &  
Secretary to the Board of Commissioners