

# ATTN: THIS IS A DRAFT--NOT YET APPROVED BY COMMISSIONERS

October 18<sup>th</sup>, 2010

Pursuant to adjournment comes now the Starke County Board of Commissioners and meet in regular session at 7:00 p.m. in the Annex meeting room, Knox, Indiana, with all members present and the following proceedings were held to wit:

The meeting was called to order.

## **IN RE: PAYROLL CLAIMS**

Jennifer Davis moved to approve the 10-2-10 payroll claims seconded by Kathy Norem with 3 ayes.

Jennifer Davis moved to approve an individual payroll claim for one that got kicked back on the direct deposit seconded by Kathy Norem with 3 ayes.

## **IN RE: MINUTES**

Several changes were requested on the October 4<sup>th</sup> minutes. Kathy Norem moved to wait until the corrections were made before approving the minutes seconded by Jennifer Davis with 3 ayes.

## **IN RE: HOMES AT KOONTZ LAKE ALLEGED TO BE ON PARK PROPERTY**

Joan Darflinger called Kathy Norem and Dan Bridegroom and stated that her property sits partly on park land at Koontz Lake and there is a tree on the park land that is leaning and she wants to know who will pay if the tree falls on her home. Dan Bridegroom stated that the property is deeded to the state. Martin Lucas, County Attorney, researched this and said that if the tree is a hazard the owner of the property should remove the tree. Kathy Norem said that the commissioners could look at the tree and see if there is a danger. Martin Lucas further stated that this park land is a public dedication and he is not sure if it is the state's or the county's, but if it is a danger, the owner of the property the tree is on could be held responsible.

John Knight, another property owner at Koontz Lake, presented a survey of the area showing which part of the houses is on the park land. He states that Mrs. Darflinger built her deck around the tree in question.

Kathy Norem said that she told Mrs. Darflinger to be here at the meeting to plead her case, so she does not want to go out there.

Dan Bridegroom said that he cannot find where the county owns the property although Mrs. Darflinger was sure that they did.

Kathy Norem said that she is not doing anything unless Mrs. Darflinger appears at a meeting.

## **IN RE: COMMUNITY CORRECTIONS ADVISORY BOARD APPOINTMENT**

Pat Mitchell requested that the commissioners fill a vacancy on the Community Corrections Advisory Board. The position has to be held by an ex-offender. They found one who is in a narcotics program. Her name is Ladonna Bradley. Jennifer Davis moved to appoint Ladonna Bradley to a four year term starting now and ending December 31<sup>st</sup>, 2014 (a little over four years) seconded by Kathy Norem with 3 ayes.

## **IN RE: ANIMAL CONTROL**

Thomas Bozart the proposed animal control officer appeared at the commissioners' request. Dan Bridegroom read a sample contract between the county and the humane society.

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Martin Lucas, County Attorney, has drafted a contract between the county and Mr. Bozart at \$12 per animal plus mileage at the state's rate per mile, but with a minimum of \$4 per animal for transportation fees. His home base will be his home and he will be dispatched by the Starke County Sheriff's Department. Mr. Bozart will be contracted, not an employee of the county.

The auditor is to send the contract to the commissioners and Mr. Bozart when it is received from the county attorney.

Mr. Bozart asked what he should do if a dog is running down the road and no one has called. The commissioners told him to call the sheriff's department and ask if he should pick it up.

Kathy Norem moved to approve the contract subject to Mr. Bozart's approval seconded by Jennifer Davis with 3 ayes.

## **IN RE: OREGON TOWNSHIP FIRE TRUCK GRANT**

Edwin Buswell with K.I.R.P.C. presented the commissioners with a resolution to apply for a grant for the Oregon Township Fire Truck. This is a \$150,000 grant request. This is their second application. They had lost some points on the specs on the first request as there were some contradictions. Edwin stated that no one showed up at the public hearing regarding this. Kathy Norem moved to approve the pursuit of the grant seconded by Jennifer Davis with 3 ayes. Kathy Norem moved to approve resolution #2010-23 seconded by Jennifer Davis with 3 ayes.

## **IN RE: GRANT FOR DEBRIS REMOVAL IN YELLOW RIVER**

Dennis Estok, Surveyor, and Edwin Buswell with K.I.R.P.C. stated that there are major log jams, erosion and debris in the Yellow River. They are requesting permission to apply for a grant that would be at no cost to the county as there is not a required match for this. Dennis stated that the K.R.B.C. will provide any additionally needed funds. An income survey has to be done and Dennis will check into how the survey would be paid for. The cost of the survey is about \$2500.

This grant does not count against any other grants as this is a disaster grant. Kathy Norem moved to proceed on the grant for the Yellow River seconded by Jennifer Davis with 3 ayes.

## **IN RE: WORKMAN'S COMPENSATION INSURANCE**

The county's workman's compensation insurance carrier requested that the county require random drug testing for the jail employees, sheriff employees, and E-911 employees as well as the highway employees. Starke Memorial Hospital is doing the testing now for the highway employees. It would be a lesser charge for these employees versus the highway employees as they aren't required to have the INDOT testing which is more stringent. The insurance carrier stated that we have to do 10% of these employees per year.

Community Corrections test offenders for drugs with a cost of \$18 per person. We could set up a random system through community corrections.

Sheriff Oscar Cowen requested that all county employees be tested. Due to the cost the commissioners are only going with what the insurance is requesting.

Forensics Fluid is the company community corrections uses and Kathy Norem will call and have them give a presentation. She will also find out about the alcohol portion of the testing.

The commissioners also discussed adding anyone who drives a county vehicle not already covered in the previous request. The commissioners asked Martin Lucas, County

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Attorney, to check on whether an elected official who drives a county vehicle can be required to take the test.

Kathy Norem moved to proceed seconded by Jennifer Davis with 3 ayes.

## **IN RE: BASS LAKE BEACH AND CAMPGROUNDS**

Dave Wallsmith, attorney for Richard Callahan, presented an “additional interest schedule” in the Bass Lake Beach and Campgrounds liability insurance coverage.

He requested that the commissioners approve the two claims to be applied to the lease payment—one for \$13,949.72 and one for \$5,212.46. Kathy Norem moved to approve the \$5,212.46 seconded by Jennifer Davis with 3 ayes. Jennifer Davis moved to approve the \$13,949.77 seconded by Kathy Norem with 3 ayes.

Mr. Wallsmith submitted three requests for improvement work to be done in the spring. Dan Bridegroom said these are all things that need to be done. Dan suggested approving the plumbing portion up to \$3,577.10. This will bring the northern building restrooms up to code.

Dan Bridegroom stated that the estimate for the two screen doors seemed excessive and is requesting more clarification on the description of what the doors are going to be and to have them get more than one quote.

Kathy Norem moved to approve all the plumbing, electrical and fans up to \$3,577.10 seconded by Jennifer Davis with 3 ayes. They are not approving the screen doors until they receive further clarification.

Mr. Wallsmith informed the commissioners that the engineering plans for the application of pier permits was incomplete and he is taking over applying for the permits and noticing of adjoining property owners.

Mr. Wallsmith asked about the campsites that would be used for overflow only at the campgrounds. This will not be a capital improvement going against the lease payment. He is requesting approval to proceed with the campsites for overflow on certain holidays only. Dan Bridegroom stated that he is not ready to make a decision as it is too soon after compliance.

Martin Lucas, County Attorney, stated that it was completely clear that the commissioners did not issue a directive on the campsites nor did they choose an engineer and it is not part of the capital improvement.

## **IN RE: DRUG AND TOBACCO FREE STARKE COUNTY BOARD**

Sheriff Oscar Cowen and Jennie Carter requested that the commissioners pass an ordinance prohibiting the sale or use of synthetic cannabinoids in Starke County sold as K2, Spice, Mr. Smiley, and Kaboom. This product has not been tested by the food and drug administration and they don't know the affects of the ingestion or long term affects of this substance. Ordinances are being passed all around the state. There are synthetics added to this that could be dangerous. It has the same effect as marijuana and does not show up on a drug test as marijuana. It is sold as incense. A kid can purchase it. There was much discussion on the pros and cons and probabilities.

Martin Lucas, County Attorney, suggested passing a nuisance ordinance until they can decide whether or not to advertise an ordinance banning it. The commissioners could advertise an ordinance and have a public hearing. Kathy Norem moved to advertise an ordinance and have a public hearing seconded by Dan Bridegroom with 2 ayes 1 nay (JD).

Sheriff Oscar Cowen is to check and see if the state lab can test for this.

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Martin Lucas will prepare ordinances based on other counties' ordinances.

## **IN RE: ENERGY GRANT MATERIALS**

Dan Bridegroom reported that a semi load of materials is coming for the energy grant repairs. He wants to store them in the glove factory. They will have to give the contractor a key so he can get in during the day to get the materials. Steve Siddall, Highway Superintendent, is to turn the alarm system off in the AM and Carl Goodrich or James Coad is to turn it back on at night.

## **IN RE: SHERIFF DEPARTMENT'S SHOOTING RANGE**

Dan Bridegroom stated that the sheriff's department has a 25 foot shooting range at the highway garage property and they are looking to expand it. The commissioners want to know who is paying for the design, the materials, etc. The insurance company said it would have to be a certain design and there is a potential for an increase in the insurance—approximately \$3,000 per year, and who will pay for that. The expansion is due to training with automatic weapons. The commissioners also want to know how safe this would be in an environmental aspect.

Jennifer Davis wants to see a cost analysis, where the funds would be coming from and man hours to do this. Dan Bridegroom wants to look at what other counties have done.

Dan Bridegroom would like the sheriff and Mr. Don Ferguson, the training officer, to come before the commissioners to discuss this.

## **IN RE: BEACH ROAD AT BASS LAKE**

George Lausten sent a letter to the commissioners. He wants to vacate a section of Beach Road. The Auditor is to send him a letter with the packet of requirements for road vacation.

## **IN RE: STARKE COUNTY FIREWORKS**

The Mayor of Knox sent a letter to the commissioners with plans for the 2011 Starke County Fireworks event being held July 2 and beginning in the afternoon.

## **IN RE: "HEALTH ISSUE" WITH A TAXPAYER**

There is a "health issue" with a taxpayer who frequents the annex building. Dan Bridegroom is checking into IC Code 16-20-1-25 and the wording on it. There was much discussion and they are going to talk to the health officer as well.

## **IN RE: FIRE PANEL UPGRADE**

Jennifer Davis had a letter from Carl Goodrich about the fire panel upgrade. He doesn't feel it needs to be upgraded at this time.

## **IN RE: STARKE COUNTY BURN BAN**

Dan Bridegroom read the burn ban in effect. Ted Bombagetti, EMA Director, is to get clarification from the state fire marshal on what fines we can impose. Martin Lucas, County Attorney, stated that it would be a class B misdemeanor and that would include fines as well as possible imprisonment. The ban has been extended due to lack of rain and is still in effect at this time and until further notice.

## **IN RE: HIGHWAY 23 PROJECT FOR KOONTZ LAKE DAM**

INDOT presented the commissioners with an offer of \$550 for a parcel of land #75-03-11-203-012.000-009 in order to proceed with the Koontz Lake Dam Project on Highway 23. Jennifer Davis moved to accept the offer seconded by Kathy Norem with 3 ayes.

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## **IN RE: JAIL ROOF REPAIRS**

It was reported that jail roof repairs are to be done by John Bochnika.

## **IN RE: OVERTIME PAY FOR TERMINATED EMPLOYEE IN TREASURER'S OFFICE**

Kathy Norem asked what was happening regarding the terminated employee in the treasurer's office who requested overtime pay. Jennifer Davis stated that the treasurer had told her she would take care of it. Nothing has been done that the commissioners know of so they will be checking on this.

## **IN RE: RELEASE OF A PLANNING COMMISSION BOARD MEMBER**

Kathy Norem asked what Martin Lucas, County Attorney, had found out about getting rid of a planning commission board member. He stated that since his re-appointment was coming up in January that the commissioners should not renew the appointment.

## **IN RE: POSTING OF JOB OPENINGS**

Dan Bridegroom stated that pursuant to the employee handbook, all job openings are to be posted through the auditor's office and the auditor is to be informed where and when it was posted.

There being no further business to come before the board, Jennifer Davis moved to adjourn.

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Dan Bridegroom, President

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Kathy Norem, Vice President

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Jennifer Davis

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Michaelene J. Houston, Auditor