

Monday, December 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.

KIRPC REQUEST FOR BROWNFIELDS ASSESSMENT GRANT, LETTER OF SUPPORT

Emily Gross, the Community Development Planner for KIRPC, appeared before the Board to request a letter of support in regard to KIRPC's US EPA Brownfields Assessment Grant application. She advised some of the items the County will need to commit to: Meeting space—which she noted will be provided by the Starke County Economic Development Foundation; and Financial Funding—she advised any expenses will be paid by the SCEDF through their portion of the CEDIT Fund. Commissioner Danford made a motion to approve the letter of support, seconded by Commissioner Norem. The motion passed with all ayes, and the letter was signed by President Davis.

President Davis advised of the following changes to the posted agenda: Delete Ron Gifford of the SCEDF as he will be addressing the Board at the first meeting in January; Delete the proposed SCILL Center Agreement as was going to be presented by the Highway Department Superintendent since they are still working on the cost proposal; and add to the agenda Elaine Beaty of Morgan Stanley to discuss a feature of the Sheriff's Retirement Account.

Elaine Beaty, of Morgan Stanley, appeared before the Board to discuss Plan 457B of the Sheriff's Retirement Plan. She advised the proposal for Plan 457B was first presented to the Board in 2012 but was never followed through with and she would like to once again bring it to the Board's attention. Commissioner Norem suggested, since she would like to have the time to review it prior to discussing it, and also have both Commissioners Danford and Binkley and County Attorney Marty Lucas all also review it, the issue be presented at a future meeting of the Board, after the first of the year.

ATTORNEY LUCAS' OPINION IN REGARD TO BASS LAKE EASEMENT

Attorney Lucas advised he was requested to research the parcel of land that sits adjacent to the east of the Gulf Point Subdivision, and just west of the Bass Lake Beach, on the north side of SR10. Attorney Lucas advised he researched the parcel's history in the Recorder's Office and not only discovered the original plat of the land but also discovered a corrective plat which was buried between two files in that office. He stated his opinion, based on the plats, was that the parcel of land on the north side of SR10 between the Gulf Point Sub-Division and the Bass Lake Beach was actually the extension of CR600E, north of SR10. He noted CR600E, south of SR10, is maintained and is on the County Highway's Road Inventory, but that section of CR600E, north of SR10, is not. He advised though that the road actually extends to the lake water's edge. He noted CR600E is the meander line which divides the beach property from the Subdivision and was never part of any of the lots in the subdivision. He noted the Beach property owns up to the center of the road, the eastern side of that portion of CR600E. He also noted the road is the township division road between California Township and North Bend Township. He noted no part of the Gulf Point Sub-division is located in North Bend Township and no one is paying any property taxes on that particular parcel of land. Attorney Lucas stated in a County Road map which was created in the 1950s it is designated as part of that County Road which leads up to the water's edge and is in the right of way owned by the County. He stated that road is not in the County's road inventory, and pointed out it should not be part of the inventory as it is not maintained as a road.

Gulf Point Sub-Division Owner, Paul Blunder, stated he disagrees with Attorney Lucas' opinion. He stated he had his Attorney review all the documents and his attorney's opinion was that the CR600E ends when it intersects with SR10. Since there can't be a portion of SR10 that is both a state road and a county road that portion of CR600E could not extend on the north side of SR10. Mr. Blunder noted his attorney stated the State took over that parcel of 600E on the north side of SR10 when the State reworked the location of SR10 a few years back. Attorney Lucas stated he disagrees with that statement, that the property belongs to the State. Mr. Blunder stated that county road can't just jump over the State's portion since that portion of the road is not in the County's road inventory. Mr. Blunder inquired if Attorney Lucas located the lawsuit related to this property. Attorney Lucas noted he has not yet located it. Mr. Blunder stated he would like the other sub-division property owners to give their input but at this time the majority of them are down in Florida. Attorney Lucas noted there is no evidence that particular parcel was ever a part of that sub-division and stated the sub-division is not located in North Bend Township but all of it is in California Township, and that is how it is taxed. He stated in reviewing the tax information he discovered no one has been paying the property taxes on that parcel of land. At this time in the meeting IT Director Joe Short pulled up a picture of Bass Lake on the big screen for all to see and he pointed out the location of the property on the south west side of the lake. Attorney Lucas noted more research needs to be done and possibly that section of CR600E north of SR10 should possibly be maintained by the County as a road. He noted that parcel is not fee simple to the County but is a right of way. Mr. Blunder noted the lawsuit was presented in regard to a fence that was built on that property. Attorney Lucas stated the fence was an encroachment and the fence was moved back to be out of the way of the County's roadway. Attorney Lucas also noted the County has never sold that area and it was never included in that sub-division's property.

HIGHWAY DEPARTMENT SUPERINTENDENT RRP FOR AN ENGINEERING COMPANY IN REGARD TO THE REPLACEMENT OF BRIDGES 1 & 71

Superintendent Ritzler advised back in 2001 the County had 92% of their bridges considered deficient; in 2012 68% of the bridges were considered deficient; and now when Replacement Bridges 1 & 71 are completed the deficiency percentage will be down to 14%. They expect to be at zero percent deficient by 2019. He noted Bridge Replacements 1 & 71 will be completed next summer. He advised they had sent out a RFP for the engineering of both those bridge replacements and received four responses. He noted they were for Bridge 1 (on CR700N over the Robbins Ditch, .2 mile west of CR500E: USI Consultants \$51,000.00, Frost Engineering \$45,037.00, Donohue \$57,000.00 and Jones Petri & Rafinski (JPR) \$30,904.00. The RFPs received on Bridge 71 (on CR100E over the Smith Ditch, .5 miles north of SR10): USI Consultants \$60,000.00, Frost Engineering \$43,537.00, Donohue \$47,500.00 and Jones Petri & Rafinski \$30,904.00. He advised JPR was able to keep their costs down since they are familiar with the other bridge replacements they already did for the County. He also noted in their last four bridge projects they had given the County a price quote of \$35,000.00 per bridge but their costs per

bridge ended up being only \$24,000.00 each. He stated Frost Engineering was the engineering firm on the Bridge 27 Emergency repair work, and he would have to recommend the Board goes with either JPR or Frost Engineering. Commissioner Danford made a motion to accept JPR's two price quotes for the engineering of the Replacement of Bridges 1 & 71 in the total amount of \$61,808.00. Commissioner Norem seconded the motion and it passed with all ayes. Superintendent Ritzler also advised he has two INDOT Projects once again requesting their signatures. He advised the first time they signed the paperwork they hadn't dated the documents at that same time. He noted INDOT requires a signature and date at the same time. He noted one set of paperwork was for their signage agreement, and the other is for the bridge inspection contract. Commissioner Danford made a motion to approve the signage of the documents, seconded by Commissioner Norem. The motion passed with all ayes. The Board signed and dated the documents.

HIGHWAY DEPARTMENT SUPERINTENDENT EMPLOYMENT CONTRACT

President Davis advised the Board has been discussing the possibility of offering an employment contract to Superintendent Ritzler because of the great job he has been doing. She advised Commissioner Danford reviewed the proposed contract with Attorney Lucas and they had made a revision to the original proposal. Commissioner Norem advised Attorney Lucas had forwarded the revised contract to the Commissioners for their review and she had forwarded the proposal on to Superintendent Ritzler for his review. She stated the Superintendent had some proposed changes to the contract: He would like the term of the contract to be a two year contract with a 3-6 month extension so that the contract does not expire at the same time there will be a two member Commissioner change, at the end of their current terms. She stated she had spoken about this extension request with Commissioner-Elect Don Binkley prior to the beginning of this meeting and he is OK with the contract term extension. She noted the Superintendent's second request was in clarifying the termination clause in the contract. He suggested having an unemployment Judge to determine if it is or is not termination for just cause. He suggested this would be less expensive to the County than if in the event his employment is terminated his only recourse would be a lawsuit for wrongful termination. Attorney Lucas noted an Administrative Law Judge's (ALJ) job was to rule on those cases. He noted it is a novel suggestion and would streamline the process, but he doesn't have a clear opinion on this request if it can be done or not at this. Commissioner Norem also noted the salary line in the contract is blank for now but the Council has already approved the budgets for 2015. Council President Dave Pearman advised the total budget has been approved, the only way his pay could be increased if there was a budget line to transfer it from, but the total budget amount cannot be increased. Commissioner Norem stated in the salary blank it should be stated per Council approval but not to be less than the current budget amount. Attorney Lucas stated the Commissioners could recommend a pay range but the pay would require Council approval. Commissioner Norem made a motion to approve the contract with the 3 months term extension, and the salary to be listed as not to be less than the budget set by the Council in their 2015 budget. She suggested they compare the pay in surrounding counties. Commissioner Danford seconded the motion and it passed with all ayes. Also Commissioner-Elect Binkley, who was in attendance, agreed with the contract offer. The changes were made to the contract, and the document was signed by all parties. The Board of Commissioners did make it clear however this was a special situation as to why he was being offered a contract. It was because of his great work and accomplishments while he has been in charge of the Highway Department. They advised no other appointed Department Head should assume or expect they will be offered an employment contract, because this was the only time it will happen.

AUDITOR BUSINESS: VENDOR CLAIMS, PAYROLL CLAIM, MINUTES, MONTHLY FINANCIAL REPORT

Commissioner Norem made a motion to approve the minutes of the December 1st meeting, seconded by Commissioner Davis (since Commissioner Danford was absent from the meeting). The motion passed with all ayes. In regard to the Vendor Claims Docket Attorney Lucas noted there was a question in regard to a claim by Attorney Martin Bedrock for attorney fees related to past tax sale. Attorney Lucas stated he was questioning the amount of the claim, and the possibility the claim was being paid from the wrong Fund. He stated he wanted to look into the billing. Commissioner Norem made a motion to approve the vendor claims docket except for the claim presented by Attorney Bedrock. Commissioner Danford seconded the motion and it passed with all ayes. The net total of approved vendor claims docket was \$660,026.67. Commissioner Danford made a motion to approve the payroll claim docket for the pay period that ended on December 6th with a pay date of December 12, in the total gross amount of \$194,000.14. Commissioner Norem seconded the motion and it passed with all ayes. Auditor Chaffins advised all the monthly departmental financial reports were submitted on time and are all in compliance. She then presented a listing of the 2015 pay dates and advised there were three pay dates that will be falling on 2015 holidays and they were Good Friday, Thanksgiving, and Christmas. Commissioner Norem made a motion to approve the pay date for Good Friday to be on Thursday, April 2nd; the pay date for the Thanksgiving Holiday to be on Wednesday, November 25th, and the pay date for the Christmas Holiday to be on Wednesday, December 23rd. Commissioner Danford seconded the motion and it passed with all ayes. Auditor Chaffins advised her department has set up a meeting with current and newly elected department heads to go over information and policies for 2015 such as the pay and vendor claim schedules and important HR information, to be held on Monday, December 29th.

IN OTHER BUSINESS

Commissioner Norem made a motion to approve the key request to grant IT Assistant, Brian Pinson, a key to the Annex Building. Commissioner Danford seconded the motion and it passed with all ayes. Commissioner Norem advised December 23rd is the closing date for the receipt of appointment letters for anyone interested in serving on a County Board. She advised that would give the Board time to check on the voting records of those applicants that are filling political party required positions.

EMA Director, Ted Bombagetti, appeared before the Board to discuss the situation in regard to the Fire Chief, Les Jensen, of the Bass Lake Fire Department and his prior request for a Letter of Concurrence. He advised Fire Chief Jensen had appeared at an earlier Commissioner meeting to request a Letter of Concurrence, requesting permission to put one of the County's Tact Channels on their BLFD license. But, Director Bombagetti advised when he was processing that paperwork he discovered a letter in which the Bass Lake Fire Department Fire Chief had given authorization to a privately owned ambulance service in the County to have access to one of the fire department's channel on their license. That letter of authorization was dated February, 2014. Fire Chief Jensen advised in that letter the authorization was given due to the fact the owner of the ambulance company was on the Bass Lake Fire Department. He advised that is a concern that a private outside agency could possibly have that radio access. Attorney Lucas stated at the time the request for the Letter of Concurrence was made by the Fire Chief he did not disclose he had given authorization to that ambulance company. He inquired as to how the Board wanted to handle this. President Davis stated she was concerned with the allowing of a private ambulance service access to

one of the channels of radio frequency. Attorney Lucas suggested they withdraw their Letter of Concurrence and ask for additional information from the Fire Chief, and allow him time to respond. It Director Joe Short, Council President Dave Pearman, and Director Bombagetti are all Volunteer Firemen and all stated this was an unusual situation, authorizing a private company to allow them access to a tach license. Director Bombagetti advised the Letter of Concurrence would allow the ambulance company, since they already received access through the BLFD Chief, to have access to the County's new Tach Channel since the Letter of Concurrence applies to that new Tact Channel. Director Bombagetti recommended the County suspend the present Letter of Concurrence and issue a new one specifically stating by the addition of a paragraph that the letter only applies to the Bass Lake Fire Department, and no other agency. He added, any new assignments should also require the County's authorization. Commissioner Danford made a motion to approve the recommendation of Director Bombagetti, seconded by Commissioner Norem. The motion passed with all ayes. Director Bombagetti advised he will contact both parties. Attorney Lucas advised he will confer with Director Bombagetti first.

2015 MEETING TIMES

Commissioner Norem advised after conversing with Commissioner Danford and Commissioner Elect Binkley she would like to propose the meeting times being changed for 2015. She suggested the Board of Commissioners to continue meeting on the 1st and 3rd Mondays of each month. On the first Monday they should meet at 6PM, and on the 3rd Monday they will meet following the Council meeting which begins at 5:30PM. She noted they are still working on the possible posting of those meetings so the meeting could begin immediately following the Council meeting and not have to wait until 7PM. She did advise though the first meeting in January will be on Thursday, January 8th at 10AM which will be the yearly organizational meeting. She advised the Board will recess for lunch and then reconvene the meeting at 2PM at which time the bids from Skillman for the jail project courtroom build out will be opened. She advised the bid opening was advertised by Skillman.

County Service Veterans' Officer Terry Turner thanked the Board of Commissioners for allowing him to serve in that capacity.

Council President Pearman asked the Board to prepare any questions they may have when they address Craig Felte of IU Health-Starke in regard to his 3rd Quarter Capital Asset Report. Commissioner Norem advised she will not be able to attend the December 29th Council meeting. President Davis advised she will be in attendance.

Jerry Frost of Frost Engineering appeared before the Board to discuss their awarding the next two Bridge Replacement Engineering contracts to JPR instead of Frost. He stated they should look past the price of the project and see what else their company could do for the County. He stated he felt the last few bridge replacements done in the County were actually too big and they didn't need that big of replacement bridges. He advised what his company provides is quality work and a lower risk for the Building Contractor.

Betty Dotlich advised the Judge has dismissed the appeal that had been filed in 2013 by the Fords. Now the case will be returned back to the BZA.

President Davis advised after serving on the Board of Commissioners for the last five years this was her last meeting. She stated she is looking forward to serving on the County Council.

With there being no public comment and no further business 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 8:31PM.

December 15, 2014

Jennifer Davis, President

Kent Danford, Vice-President

Kathy Norem

Katherine Chaffins, Auditor &
Secretary to the Board of Commissioners

EXECUTIVE SESSION

MONDAY, JANUARY 5, 2015

The Starke County Board of Commissioners meet in an Executive Session, at 4:00PM, in the Office of the Starke County Annex Meeting Room, Knox, IN with Commissioners Kathy Norem, Donald Binkley & Kent Danford, County Attorney, Marty Lucas, and County Auditor, Katherine Chaffins present, and the following proceedings were held to wit:
The meeting was held to discuss and review applicants for board positions pursuant to IC 5-14-1.5-6.1part(b)(10).

I can attest the only issue discussed at this meeting was in regard to the board appointments/appointees.

The meeting was adjourned at 5:48PM.

Katherine Chaffins, Auditor &
Secretary to the Board of Commissioners