

STARKE COUNTY BOARD OF COMMISSIONERS
MINUTES
TUESDAY, FEBRUARY 22, 2022

Pursuant to adjournment comes now the Starke County Board of Commissioners and meet in Regular Session at 9:30 AM, in person at the Starke County Annex Building, Knox, Indiana, with Charlie Chesak, Mark Gourley, and Bryan Cavender, present and the following proceedings were held to wit:

The meeting of the Board of Commissioners was called to order by Commissioner President Charlie Chesak directly at 9:30 AM.

HIGHWAY – MONTHLY REPORT

Dan Dipert, Superintendent of the Starke County Highway Department came before the Board of Commissioners to present his monthly report. Superintendent Dipert advised they currently have 4 open spots for CDL drivers, they have 12 full-time drivers, along with 2 part-time CDL drivers, and 1 part-time working on getting a CDL. They are currently advertising for 3 positions: full-time CDL driver, mechanic, and construction inspector. Superintendent Dipert advised that the CCMG 2022-1 has been submitted and they are just waiting on approval. The CCMG 2021-2 all bids will be turned into INDOT on 2/23/2022, Reith Riley was awarded the bid. He advised he is working on a spec sheet for a new tandem truck and they did receive a quote from Krutz for the dump bed. Superintendent Dipert stated that construction inspection for Bridge #7 went to United Consulting. Bridge #137 is on schedule and Bridge #59 we should find out in March if we got more funding. He advised they did receive complaints about the recent plowing including not enough salt/sand put down, hitting mailboxes, missed roads and subdivisions, he said they are dealing with those issues the best they can with being 4 drivers short.

Superintendent Dipert advised that they have changed the CDL law now as far as how you obtain your CDL. They are looking at becoming a CDL training center. Superintendent then spoke about the Road Usage Agreements. He advised that NextEra has submitted their Road Use Agreement he would like to look over that and discuss it. He advised he has signed all the Driveway Permits for Mammoth. He then handed out packets to the Board of Commissioners for review. He advised the blue lines are the truck routes that the solar company is allowed to take. The red lines indicate Highway 10 and Highway 35. He advised the yellow boxes with the numbers are culverts. Superintendent Dipert highlighted some key points about the article he passed out about what heavy truck traffic does to roadways. AASHO is the American Association of State Highway Officials and they are basically the “experts” when it comes to roads. Even though the AASHO Road Test was developed in the ‘50s, it is regarded by the experts in the industry as: The rule of thumb for comparing damage caused by vehicles with different weights, in terms of axle loads. (The equation is in the article). It points out in the article that a single semi weighing 40 tons, with 8 axles causes 625 times more damage, per axle than the typical 2 axle sedan.

Superintendent Dipert stated that other factors can be vehicle speed, the number of wheels on each axle, as well as the pavement design itself. From what I’ve learned about roads, this damage does not happen only to the surface of roads. A lot of the damage from “Heavy Traffic” is done to the road’s foundation or base. This damage rarely shows up immediately and takes time until the damage is visible on the surface of the road. Our roads, culvert pipes, and structures; were never designed to withstand the amount of traffic that this project requires. Additionally, our roads, culvert pipes, and structures; were never designed to withstand the heavy loads this project requires. In the affidavit Mammoth expressly consents to make all repairs to the roads they are using. Every single foot of roadway will be heavily damaged because of this project. Unfortunately, roads cannot have different levels of repair. A road is either fixed by performing certain actions or it remains in the same distressed condition. Since every stretch of road used by this project is going to be damaged, we need to discuss what Mammoth considers to be repaired.

Superintendent Dipert stated that in the Affidavit the Developer and the Starke County Highway Department shall complete a survey of the existing condition of roads to be utilized near construction of the project. He would like to know: What is included in the survey? Who is paying for it? He advised USI will do paver and video it for \$8000, pre and post. Superintendent Dipert would also like to know if there is a pre survey, post survey. Define near construction? Also, what about culverts survey? USI will do load and inspection rating for \$10,000. He advised there are 27 culverts and the replacement costs of all of those culverts is \$296,045. He then talked about the entrances into the solar fields. Councilman Pearman advised that the solar companies already have their own firm that does all the paver ratings and videoing the roads. He asked Superintendent Dipert if he is saying we needed to hire our own. He said

stated no he is just making sure it is going to get done. Councilman Pearman advised the solar companies will also be conducting their own rating of the culverts in the area as well. Commissioner Chesak and Commissioner Gourley advised they are concerned that if details do not exist in the affidavit about using engineering aspects in surveying the roadways and culverts then it will not get done. Attorney Schramm advised that the problem here is that Starke County already had an ordinance in place and this is a first time project for Starke County as opposed to White county who has been doing this for many years and have received many incentives and economic advancements from their projects. Currently Starke County has an ordinance that states that they provide an affidavit without a whole lot of detail. He said 1. We have an ordinance already that contains an affidavit that states X but we are going to ask for XYZ but where we can bridge that gap is the Economic Development agreement so that when they are getting a substantial abatement for real or personal property taxes over the next 10 and 20 years, it would be a good negotiation tactic that states well the road affidavit says this but this is what we also expect. He believes that a lot of Dan's concerns could be addressed in this way.

Chris Shelmon, Attorney from Gutwein Law, advised that the origin of this came trying to mirror the ordinance but they are certainly open to discussing certain concerns and address those. Of course the assumption is that if there is damage it is there unless they can prove that it was preexisting. With that understanding when they are doing the surveys if they can't demonstrate that it was not them it is going to be them. What they did with the extra cushion was that if anything was not fixed the county gets the 5% on top of the repair costs. He advised if there is more stuff down the line just bring it up because they are more than willing to talk about it and do what they can to keep moving. Dan asked what does the terms "near construction" mean and it is his understanding that they are breaking ground March 1st so the survey needs to be done right now. Councilman Pearman stated that when a company gets a permit like Mammoth has of course they would like to break ground right away. Attorney Schramm stated that the public hearing the the ERA will be March 21st and then the EDA will follow after that point. Attorney Shelmon advised that the term "near" is referring to the proximity of the location. Commissioner Gourley stated that probably needs to be spelled out more. Attorney Shelmon stated they do not have a survey prior to mobilization.

Superintendent Dipert stated that March is Frost Law season and the company should not be on the roads until something is in place. Councilman Pearman asked Dan if he will be doing any of the surveying himself as the prior Superintendent had the equipment to do that. Commissioner Gourley stated that is what they did for the NIPSCO project and in the immediate term this is probably how this should be done until they can get their surveys completed. Attorney Schramm's recommendation is that because the permit has been issued they could get a surveyor out there as soon as possible to get a recording of geography evidence. There does not have to be critical evidence taken right away from an engineering prospective. If there is camera footage that would help. Superintendent Dipert advised he would like to see a passer rating done plus a video of all the roads. Councilman Pearman stated that in speaking with both Mammoth and NextEra that is a part of the process that they are going to complete. Superintendent Dipert then advised that the cost of repairs are as follows:

Stone - \$30,000 per mile

Chip Seal - \$110,000 per mile

2" HMA \$175,000 per mile

3" HMA \$262,500 per mile

He also stated that any road that needs grinded up shall be cement stabilization (6%) with 3" of #53 cover with a 2% slope, estimated cost of \$110,000 per mile. The 5% seems low with inflation at 20%. After some discussion Commissioner Gourley advised the 5% is not for the compensation of inflation. They would already be paying the direct costs, they 5% is for the trouble of having to do it.

Superintendent Dipert stated they should stipulate to Mammoth that they will be responsible for all repairs during the construction of the project. He advised that the developer shall be responsible for placing and maintaining signage in compliance with Indiana manual on uniform traffic control devices for "designated solar road". He advised that during the entire construction of the project, developer shall use a commercially recognized dust palliative to control airborne dust created or contributed to by the developer parties on gravel designated roads. Watering alone shall not be considered a sufficient dust control measure. Developer should have 24 hours to apply, and non-compliance will result in a \$500 fine. Commissioner Gourley asked why there would be a fine of \$500. Attorney Schramm advised they could possibly look at putting that into the EDA. Truck routes and fines and penalties was discussed. Surveyor Crase suggested going with the Truck Route Ordinance that is already in place, he believes there is a section regarding the fines and penalties that the county could charge.

Superintendent Dipert stated Section E in his discussion talks about having the use of non-designated roads by developer vehicles bigger than one-ton trucks shall be fined \$1,000. Fine applies to any use by

developer of a non-designated road, per vehicle (over 1 ton), per trip per mile or portion thereof. Developer shall pay all fines to the county within thirty (30) days of receipt of proper notice and fine. Commissioner Gourley asked if it would be right to enhance this for one particular user when we already have fines in place in the truck route ordinance. Councilman Pearman agreed and especially why would we do this is they are plan on repairing them. Attorney Schramm stated we have their Attorney here on record stating they are going to makes repairs as necessary and they will be working with us so it is now a part of the minutes and on record. Surveyor Crase asked Attorney Schramm if these road agreement issues is any reason to hold the permit until the information is turned into them. Attorney Schramm stated that is the ordinance states you complete XYZ to get a permit and they have done that then legally you have to issue the permit ad you can't hold it up and require something additional.

EMS MONTHLY REPORT

Nancy Coad, Clerk for Starke County EMS presented the Board of Commissioners with the financial report for February. Commissioner Chesak read off the amount we have received from small claims in the amount of \$25.00. He then advised that they had received \$485.94 from Jonathan O'Hara. Eric Wood, Starke County EMS Director then gave his operations report. He advised January has been a good month for them. Only one truck has had to be repaired being 0514 (2015 Chevy-Diesel-Grovertown) Valve stem replacement for the duel tires. He advised he has hired one part time EMT that starts on Thursday and one part-time Paramedic, still waiting on background check. This still leaves them two paramedics short. He does have quotes for ambulances and they are set aside until they know what to do with the quotes. Director Wood stated that in conversations with AccuMed they advised him of some areas that the EMS department are undercharging and could be charging more for.

KOONTZ LAKE EASEMENT

Josiah and Jody Klinedinst came before the Board of Commissioners with an easement concern. Josiah advised that this past summer they purchased a piece of property on this easement. They have not determined who owns this easement or what it is for. They would like to know what this easement is and who owns it. Attorney Schramm advised they may want to have a locate done to see if there are utilities located within the easement because if there are active and buried lines it could be easements that date back to the early 1900's. Attorney Schramm advised that if they do not find utilities on the easement then they could go to the Records Office and see if they can find the records of this property on microfilm.

AUDITOR BUSINESS

Commissioner Cavender made a motion to approve the minutes from Monday, February 7, 2022. Commissioner Gourley seconded the motion and the motion was approved with all ayes. Commissioner Gourley made a motion to approve the vendor claims docket for a total in the amount of \$236,493.73. Commissioner Cavender seconded the motion and the motion was approved with all ayes. Commissioner Cavender made a motion to approve the payroll claims in the amount of \$261,836.01 including deductions in the amount of \$75,584.18 for pay period ending 02/05/2022 and payroll date of 02/11/2022. Commissioner Gourley seconded the motion and the motion was approved with all ayes.

OTHER BUSINESS

Commissioner Gourley made a motion to appoint Isaiah Collins to the Starke County Planning Commission. Commissioner Cavender seconded the motion and the motion was approved with all ayes. Commissioner Gourley made a motion to appoint Tom Bush to the Starke County Park Board. Commissioner Cavender seconded the motion and the motion was approved with all ayes. Commissioner Gourley made a motion to approve the GIS Agreement. Commissioner Cavender seconded the motion and the motion was approved with all ayes.

PUBLIC COMMENT

With there being no further public comments and no further business, Commissioner Cavender made a motion to adjourn the meeting. Commissioner Chesak seconded the motion and the motion was approved with all ayes. The meeting was adjourned at 10:54 AM.

TUESDAY, FEBRUARY 22, 2022

Charlie Chesak, President

Mark Gourley, Vice-President

Bryan Cavender, Member

Rachel Oesterreich, Auditor and Secretary to
the Board of Commissioners