

**STARKE COUNTY BOARD OF COMMISSIONERS**  
**MINUTES**  
**MONDAY, FEBRUARY 6<sup>th</sup>, 2023**

Pursuant to adjournment comes now the Starke County Board of Commissioners and meet in Regular Session at 5:00 PM, in person at the Starke County Annex Building, Knox, Indiana, with Charles Chesak, Mark Gourley, and Don Binkley, present and the following proceedings were held to wit:

The meeting of the Board of Commissioners was called to order by Commissioner President Charles Chesak directly at 5:00 PM.

**SHERIFF – OPIOID REQUEST**

Sheriff Rosa and Chief Deputy Hudgens came before the Board of Commissioners to request the use of the Opioid funds. Sheriff Rosa is requesting a new camera system to monitor things that are happening in the county. Chief Deputy Hudgens explained that are asking for ten stationary units and one mobile unit. They will have the ability to track vehicles and collaborate with other units when the vehicle in question in entering or leaving Starke County. Chief Deputy Hudgens advised that the Units themselves are \$2,500 per unit per year and for the mobile unit it would be \$3,000 per year. There would be a 2-year agreement in place. Additionally, there is a one-time set up fee of \$350 per device. He also stated that Flock will take care of all the permitting for them to be able to put on state roads or NIPSCO polls, Flock will handle all the permitting requirements. After a discussion regarding the warranty, Attorney Schramm advised to approve the purchase subject to modification of the warranty system. Commissioner Binkley made a motion to approve the purchase of the Flock Cameras subject to possible modification of the warranty system and to be paid from the opioid funds. Commissioner Gourley seconded the motion and the motion was approved with all ayes. Commissioner Chesak asked Sheriff Rosa to explain his modifications of the towing schedules. Sheriff Rosa stated that they added two more companies to the towing call list. He has divided the areas a little different and he has checked the numbers. One particular individual had two times as many towing calls as anyone else so they stretched that area out. Sheriff Rosa also indicated that towing calls are at the Sheriff's discretion. He advised the way they have projected it every tow company will get around 100 tows per year. Sheriff Rosa advised that this will not hinder the driver of the vehicle asking for a specific tow, as long as the situation is not dire, the driver will be able to choose the tow.

**PLANNING COMMISSION – COMPUTER REQUEST**

Mary Beever, Starke County Planning Commission Office Manager came before the Board of Commissioners to request new computer equipment. Mary provided a Dell Quote to the Board for review. The equipment was a total of \$5,337.18, this would be for four towers, three monitors, one stand, and one laptop. She also provided a quote for the Microsoft licenses, this was for \$1,573.40, and this would be separate from the equipment quote. She is asking for this because the two monitors she has upfront, the resolution on them is very low and hard to view. After further discussion, Commissioner Gourley made a motion to approve the total purchase request of \$6,910.58 to be paid from the Cumulative Capital Development Fund. Commissioner Binkley seconded the motion and the motion was approved with all ayes.

**ASSESSOR – TRAVEL POLICY**

Michelle Schouten, Starke County Assessor came before the Board of Commissioners to request a travel policy exception. She advised she understands from the handbook that travel for county business that is less than 50 miles from the county courthouse should not involve an over-night stay. However, there are several issues that I believe should be a sufficient reason to make a one-time exception to this rule. She stated they may or may not know, any person in my office who is going to be doing any kind of work with assessments (other than basic data entry) has to be a Level III certified assessor/appraiser. Jody and I have already acquired this designation. When I recently had an open position in my office, I included in the job description that anyone hired would have only 2 years maximum to become a level III. My newly hired deputy, Goldie, has just completed her second course, passed her second test, and obtained her Level II certification. She now has five more classes to take with closed book tests at the end to obtain her Level III.

The first class needed to be taken for the Level III is the IAAO course 101 "Fundamentals of Real Property Appraisal". It is offered this month in Merrillville. Assessor Schouten advised she googled the

distance from the courthouse to the classroom/testing site. It is 46 miles. This is 4 miles short. For these classes, we are required to be in the classroom all day, usually longer than a normal work day. Then we have homework every night and need to study because there is a closed book test at the end. She knows how difficult this can be because she has already taken these classes. Traveling to and from the classroom would seriously cut into Goldie's study time. Also, once at home she would have other real-world distractions like child care which would further cut into her study time. The DLGF only pays for each class once for each person. If an assessor employee fails the test the first time, the county has to pay the class fee the second time. She would really like to give Goldie the best possible chance of passing the test which she believes requires some real uninterrupted study time.

Also, we are talking about hour-long drives to and from Merrillville in February which could mean driving in bad weather. This could cause late arrivals to class and/or cut further into study time. Another argument for being able to stay in a hotel in Merrillville is that she would be able to find a study buddy. She advised when Jody and herself took the classes, they took them at the same time and were able to study together. When Tori took them, she quickly made a friend from another county in her first class and then proceeded to schedule all of her classes at the same time as her friend. This way they could study together. Also, most of the classes she took had late night study groups available to those who were staying on-site. This is another big advantage to help the student pass the test. Assessor Schouten advised she compared the cost of staying in a hotel verses traveling back and forth from the classes, it is a \$70.81 difference, which is \$70.81 more to stay in a hotel. Commissioner Gourley advised he does not like inconsistencies when dealing with requests like this as they had a similar request last year from Department Heads for the AIC conference. After further discussion Commissioner Binkley made a motion to approve the travel policy exception. Commissioner Chesak seconded the motion and the motion was approved with 2 ayes and 1 nay.

#### **SCEDF – CONTRACT/RIGHT TO FARM ORDINANCE**

Lisa Dan, Director of the Starke County Economic Development Foundation came before the Board of Commissioners to discuss the SCEDF Contract and the Right to Farm Ordinance. Director Dan advised, as part of the six county AG strategy they are involved in, it was a recommendation to have the Right to Farm Ordinance in place. It is a rural initiative and they will be having the Planning Commission review and approve this prior to the Board of Commissioners approval but she is letting the Board know that it will be coming. She advised that the Right to Farm Ordinance is only for existing farms and the ordinance is modeled off of the Pulaski County Ordinance. Director Dan also wanted to bring up the SCEDF contract again as it is getting close to the end of their existing contract. She advised that the portion of the contract that discusses the Firewell, she wanted them to know that she will still be managing the Firewell until they want to do something different with that. The only other things to consider would be that last year they had \$40,000 set aside; they would like to increase the funding to their organization by \$20,000 rather than having \$40,000 set aside. They would also like to extend the time period of the contract. Commissioner Chesak advised he would rather see a two-year contract rather than a three-year contract. Commissioner Chesak also suggested increasing the funding by \$10,000 rather than the \$20,000. This would make the yearly contribution to \$89,480 per year for the two-year contract. Director Dan will update the contract and come back to the next Commissioner's Meeting for approval.

#### **HIGHWAY- LOCAL ROAD SAFETY PLAN/ARPA**

Dan Dipert, Superintendent of the Starke County Highway Department came before the Board of Commissioners to discuss the Local Road Safety Plan and ARPA money. Superintendent Dipert advised that back in November he attended an LTAP presentation on Local Roads Safety Plans. In 2019 LTAP and INDOT got together and started a pilot program regarding the Local Road Safety Plan. He stated that if you have this plan in place there are grants out there available that will pay 90/10. One is a Federal Grant called SST4 and one is through Indiana that is called IHSP. These grants will help pay for a number of different projects. He advised Montgomery County is buying two new brush cutters with this grants and they are about \$150,000 apiece and only have to pay 10% of that purchase. Superintendent Dipert then reviewed different sections of the example Local Road Safety Plan from Boone County. He is planning on having a dollar amount at their next meeting of what it will cost to have this plan put together, he is figuring on around \$35,000 - \$45,000. Commissioner Chesak asked how often the plan would need updated. Superintendent Dipert stated the plan would need updated every five years. He stated that the funding is one in September and one in December. He would like to have this in place to apply for this year's funding.

The Board of Commissioners agreed to allow Dan to move forward with this project and bring them pricing information at their next meeting. Superintendent Dipert expressed that he would like to use ARPA funds for this project. Attorney Schramm advised this would not have to be bid out as this is a service contract. Superintendent Dipert advised that he did look into the service contract for opening up 600E between 25N and SR8. He advised it will cost around \$50,000 to have this done. The Board of Commissioners all agreed that there are higher priority projects to look into it. They do not want to move forward at this time with looking into the 600E project. Superintendent Dipert stated that Bridge #7 is going into construction phase this year. The bid that came in for the construction was \$700,000 over what they had projected. It went from \$1.2 million to being a \$1.9 million dollar project. He advised after discussions with INDOT, INDOT will be covering the additional costs of the project.

## **SCILL CONTRACT**

Jim Hernandez, Director of the SCILL Center came before the Board of Commissioners to discuss the SCILL contract. Director Hernandez advised he is asking for a three-year contract and an increase in funds for SCILL. They did \$40,000 last year and then received an additional \$29,000 from the funds that were set aside. He would like to have four quarterly payments rather than having a set aside amount for budgeting reasons. Commissioner Gourley stated with the amount the SCEDF wants that would leave \$70,000 in the appropriation for SCILL. Director Hernandez advised they have not had to spend any money toward steal this year. They have been getting their steal from Crown Point, Bailmaster as donations to the SCILL center. They also are trying to start a new fire and rescue program and tonight they are starting their 30<sup>th</sup> adult welding class. Commissioner Chesak stated it is more realistic for SCILL to have a three-year contract. Commissioner Binkley asked how much SCILL received from the county last year. Director Hernandez stated they received a total of \$69,483. Commissioner Chesak advised he would be fine with providing the SCILL center \$70,000 per year. After further discussion Commissioner Gourley made a motion to approve the three-year contract with \$70,000 per year with SCILL. Commissioner Binkley seconded the motion and the motion was approved with all ayes.

## **AUDITOR BUSINESS**

Commissioner Binkley made a motion to approve the payroll claims in the amount of \$286,844.81 including deductions in the amount of \$76,817.06 for pay period ending 01/21/2023 and payroll date of 01/27/2023. 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 \$462,831.74. Commissioner Binkley seconded the motion and the motion was approved with all ayes. Commissioner Gourley made a motion to approve the minutes for January 17, 2023. Commissioner Binkley seconded the motion and the motion was approved with all ayes.

## **OTHER BUSINESS**

Councilman Bennet advised he put Dolores Bennet's name in for the hospital board but the hospital board wants her to resign her position as a surgical nurse at Plymouth to be able to serve on the hospital board. He did not realize there would be a conflict and he is under the impression that Dolores may want to remove her name. Commissioner Gourley asked why this would be a conflict. Attorney Schramm advised the conflict is not from the county's standpoint and we do not have the ability to force someone to resign their position elsewhere. He stated that the hospital may have an internal hospital policy and the hospital, along with naming 1 to 3 representatives and tell us what their requirements are. If the hospital has something in place saying that this would be a conflict that is one thing but if not then we cannot require an individual to resign their current job posting to take an appointment. Attorney Schramm stated from his understanding it is not a legal conflict that is prosecutable because there are already safe guards put in place legally. He is thinking this is a conflict internally with the hospital but they would have to provide those guidelines they have in place and he would like them to produce that information. Commissioner Binkley asked if they would need to go by the Hospital Boards recommendation. Attorney Schramm shared information from IC 16-22-2-11 Vacancies on Governing Boards:

- Sec. 11. (a) Except as provided in section 12 of this chapter, whenever a vacancy occurs on the governing board, the existing governing board shall submit a list of the following:
- (1) At least one (1) but not more than three (3) candidates for each vacancy to be filled to the appointing authority.
  - (2) Qualifications for assessment of a candidate for each vacancy.
    - (b) For each vacancy, the appointing authority may do one (1) of the following:

- (1) Appoint one (1) of the candidates submitted by the governing board.
- (2) Request and receive from the governing board a second list of at least one (1) but not more than three (3) candidates.
- (3) Appoint an individual who meets the requirements concerning board members and who was not named in the initial list submitted by the governing board.

The appointing authority shall consider the list of qualifications submitted by the governing board under subsection (a)(2) when making an appointment.

(c) If the appointing authority requests and receives a second list of candidates under subsection (b)(2), the appointing authority may do one (1) of the following:

- (1) Appoint one (1) candidate named in the second list.
- (2) Appoint an individual who meets the requirements concerning board members and who was not named in the second list of candidates submitted by the governing board.

(d) The appointment for a vacancy shall be made not more than sixty (60) days after submission of the initial list of candidates under subsection (a).

(e) If the vacancy occurred due to the expiration of a member's term and the vacancy is not filled within sixty (60) days of the expiration date, the member whose term expired is automatically reappointed for another term.

(f) Each candidate submitted by the governing board must meet the requirements concerning governing board members.

[Pre-1993 Recodification Citations: 16-12-1-3(f), (j), (k), (l), (m), (n); 16-12-1-3.1(d), (e), (f), (g), (h), (i); 16-12-2-2(c), (d), (e), (f), (g); 16-12.1-2-2(c), (e), (f), (g), (h), (i).]

*As added by P.L.2-1993, SEC.5. Amended by P.L.56-1995, SEC.4; P.L.80-2011, SEC.7.*

Commissioner Gourley would like to know why there is a requirement to attempt to make Dolores quit Saint Joe. He would like to know where it is coming from. Attorney Schramm stated if they have something in there bylaws or have adopted something as a hospital board trustees he would like to see them produce it. Commissioner Gourley asked Dolores what she would prefer to do: either remove her name from the appointment list or do they need to look into this further for her appointment. Dolores advised she would like to be on the Knox Hospital Board but also keep her full time employment with Saint Joe. Commissioner Gourley would like the hospital to provide more clarification as far as what they have in writing as far as organizational to their board. Commissioner Gourley suggested waiting on taking action on the second spot as well until they receive more information from the hospital board.

Commissioner Binkley made a motion to appoint Erland Henry and Joanne Bailey to the CVC Board. Commissioner Gourley seconded the motion and the motion was approved with all ayes.

Commissioner Gourley made a motion to approve the Agreement for Services regarding the Food Contract Services. Commissioner Gourley seconded the motion and the motion was approved with all ayes.

Auditor Oesterreich asked to go into contract with Malcom. She stated that Starke County purchases gasoline and diesel fuel for on and off-highway vehicles and equipment and the purchase includes paying Indiana Fuel Taxes. There is a way we can get a refund of those taxes we pay through the Indiana Department of Revenue Special Tax Division. Malcom would perform this work for that county at minimal cost. The fee for this service would be no more than \$1,500 per quarter with a 50/50 split of the refund. After further discussion Commissioner Binkley made a motion to approve the contract with Malcom. Commissioner Gourley seconded the motion and the motion was approved with all ayes.

Commissioner Gourley advised he has been in contact with US30 Coalition and they would like another proxy from Starke County for the committee. Commissioner Binkley suggested Commissioner Gourley's stepfather. Commissioner Gourley will float the idea by him and some other individuals he had in mind.

## **PUBLIC COMMENT**

With there being no further public comments and no further business, Commissioner Gourley made a motion to adjourn the meeting. Commissioner Binkley seconded the motion and the motion was approved with all ayes. The meeting was adjourned at 6:44 PM.

**MONDAY, FEBRUARY 6<sup>th</sup>, 2023**

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Charles Chesak, President

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Mark Gourley, Vice-President

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Don Binkley, Member

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Rachel Oesterreich, Auditor and Secretary to  
the Board of Commissioners