

**STARKE COUNTY COUNCIL  
MINUTES  
MONDAY, JULY 17, 2023**

Pursuant to adjournment comes now the Starke County Council and Starke County Board of Commissioners in joint session at 4:30 PM in the Annex Building Meeting Room, Knox, Indiana, with Dave Pearman, Anthony Black, Kay Gudeman, Howard Bailey, Cassandra Hine, Todd Leinbach, Norman (Bruce) Bennett present, Charles Chesak, Mark Gourley, and Don Binkley and the following proceedings were held to wit:

The meeting was called to order by Council President, Dave Pearman at 4:30 PM for the Starke County Council Regular Session.

Councilman Leinbach made a motion to approve the Minutes from June 19, 2023. Councilwoman Gudeman seconded the motion and the motion was approved with all ayes.

**PURDUE EXTENSION – FAIR BOARD AND 4-H COUNCIL FUNDING**

Councilman Pearman advised that several members of the Starke County Council were approached about possibly working together and creating something better, pertaining to the fair. Some the the council discussion began with funding options, such as the solar funding. He stated some council members agreed that there may be better ways to communicate with one another given all the members that are involved with the council, fair board, and 4-H council. He advised the concerns consisted of the quality of the fair itself, the attendance, and the charge for the midway. Councilman Pearman advised that this meeting is not to throw darts at anyone or criticize anyone its more about how we can all come to the table together and produce a better project together. Councilman Bennett asked what our current contribution is to the fair right now. Auditor Oesterreich advised they give \$12,500 to the Fair Board and \$10,000 to the 4-H Council. Councilman Bennett stated that he though by law if it is a board the council funds they usually have representation on the board. Councilman Bailey advised that they are not there to take the fairs money away, that is not what this meeting is about. In his experience with the fair you have to work with a budget and he believes they do that well. He advised there is a lot of upkeep. However, the council does here questions from different people and they don't know how to answer these questions that is why representation would be nice to have on the board.

Councilman Bailey advised the Fair Board and the 4-H Council are two different entities. He would like a member of the council or commissioners to be a part of the board so that they can go back to the community with answers to these questions. Councilman Leinbach agreed with Councilman Bailey they are not there to take their funding away. Discussion was held regarding how much members pay and that the kids are helping to fund the 4-H council as well. Councilman Bennett advised that the Starke County 4-H Fair is a direct representation on Starke County as a whole. Councilman Pearman stated that they feel since they provide funding to the fair they would like representation on the board. Bobby Binkley asked what he means by representation. Councilman Pearman advised they are looking for a voting member of the board itself. Mr. Binkley stated that would be a change in their bylaws and that would take several meetings to try and get that changed. He asked what the complaints were in regards to that they had received. Councilman Pearman advised it was the lack of vendors, lack of participation in the midway, and the price of the midway fees this year. Discussion was then held regarding the carnival and how they have been looking for a new carnival since the old carnival retired in 2020.

Councilman Bennett asked Mr. Binkley to work with them, they are not trying to take funding away they want to create more funding for the fair and work with its members to create a better fair for Starke County. Councilman Bailey would like to see someone from the council to be a voting member on the fair boards. Councilman Pearman asked what what the total budget of the fair board because he was under the impression that the counties funding is a big portion of the fair board budget. Mr. Binkley advised that it is a big part of their budget and they appreciate all of it, they are at \$16,000 just with the taxes, NIPSCO, insurance, and trash. When you add in lawn care it is up to \$20,000. Councilman Bennett asked what the commission off the auction brings in. Mr. Binkley advised it is between \$6,000 and \$8,000. Commissioner Gourley asked if the Fair Board and 4-H Council are separate entities then were does Purdue Extension come in? Julia Miller, the Purse Extension Director stated they have AG and Natural Resources, Health and Human Sciences and 4-H. 4-H is one of the arms that reaches out into the community. She advised that the 4-H Council is a part of Purdue Extension itself. Mr. Binkley advised that he would love for the fair to get a little bigger but they do not have the industry like Lake,

Porter, and LaPorte County has. He has spoken to the solar companies and they are even willing to give them donations to make the fair better. Councilman Bennett stated it feels like the fair board does not want the representation of the council on the board. Mr. Binkley stated that is not the case at all but he would like to see one of the actual council members on the board not someone the council would represent.

A discussion was then held regarding some non-profits in Hamlet who feel like they have been shut out from the fair itself. Councilman Bennett advised he is not in favor of cutting anyone's funding but they just want representation on the board. Councilman Pearman made a motion to request the Fair Board and 4-H Council to grant a seat to the Starke County Council on both of these boards. Councilman Leinbach seconded the motion. Councilman Bailey advised they do not want to take over the fair board they just want one seat on both boards. He also wants to see this appointment work just as hard as the current board members do. However, other council members did not agree with taking such an active role on the board. Mr. Binkley does not agree that it would be someone who the council appoints and not someone who is a member of the council itself. He feels it should be a council member not someone that they would appoint off the council. The motion was approved with 6 ayes and 1 abstention. Commissioner Binkley asked if the American Legion was taken off the fair board. Mr. Trustee advised that he has not seen the American Legion vote in over 30 years.

Commissioner Gourley asked Mr. Binkley if the extent of the participation ends with the vote the Commissioners get for a member every year. Mr. Binkley advised that their meetings are open and the Commissioners are welcome at any of their meetings during the year before they jump to "we want a member on the fair board". Councilman Pearman then took public comments regarding the fair board and 4-H council funding. Councilman Pearman and Councilman Bennett asked about the fee for being a vendor in the Community Building during the fair. Mr. Binkley advised that there is a list of providers that they sent out to get vendors in the building. This year they only received 12 of those letters back. Mr. Binkley advised that rates were not increased this year for the vendors. He stated that they had a meeting after the fair and they are talking about making some changes and one of those changes is to open the Community Building to all vendors not just non-profit vendors. He said in talking to a lot of the non-profits they see no benefit in being there for 6 days. Further discussion was taken from public comment regarding the process of the fair itself and what has been done in the past years.

## **BZA – PAY INCREASE**

Mary Beaver, Starke County Planning Commission Administrator, came before the Starke County Council and Board of Commissioners to request a pay increase in part time pay for 2023. Councilman Pearman advised this is stemming from the budget workshops and the discussion of raising the part time pay January 1<sup>st</sup>, 2024 but he believes the Planning Commission want this to happen now. Mrs. Beaver explained that the BZA Secretary has left and she still has not received any applications. Some feedback on Facebook from some people is that due to the rate of pay for part timers in the county has caused no applications to be turned in. She believes it would be helpful to have the part time help bumped up to \$15 per hour. Councilman Pearman does not have a problem with this being completed now for all the departments as long as they don't have to do any additional appropriations. Commissioner Gourley asked if there was something that prevents us from using other part timers within the county to fill this vacancy. Auditor Oesterreich stated that they could use other part times within the county as long as they don't go over the 130 hours per month. Mrs. Beaver stated she needs that person in the BZA office certain days a week. Commissioner Gourley asked if there was a minimum number of hours that it has to be staffed. Mrs. Beaver advised at least three days a week.

Mrs. Beaver advised she is having people apply for variances and she is taking the application but she is not taking their money because she has no one in the office to do that extra work. She is not taking their money until she has a secretary to do that work and right now she is stuck in limbo because they are unable to schedule any variance hearings. A discussion was held regarding the part time workers who are working right now in the Treasurer's Office and the Clerks Office. Mrs. Beaver advised that her solution to this is that her part time code enforcement officer is willing to become full time and she would be willing to take on the roll of code enforcement and BZA secretary. Councilman Pearman does not want to put the Commissioners on the spot tonight but the guidance as far as what to do with that position should come from the Board of Commissioners. The intention was not to have them here tonight and to put them on the spot. Councilman Bailey advised that the code enforcement office is not just a clerical job she is out on the road enforcing Starke County codes. Councilman Pearman advised the consideration would be some departments may have the money to go up to \$15 but some may not.

He would still like a recommendation from the Board of Commissioners to increase the pay now prior to January 1<sup>st</sup>, 2024.

Councilman Bennett advised he is bothered by the fact that we are not allowing these processes to move forward now. He advised we have a portion of the public that is not getting a service right now and asked if the code enforcement officer could help with the BZA stuff. Mrs. Beaver advised the code enforcement officer has a second job so she can't work more but she would like to have a full-time job. She has also informed her that she is looking for a full-time job now. Councilman Bennett asked if anyone was waiting for a BZA meeting now. Mrs. Beaver advised that she does have a few waiting but she has no secretary that can do the work. Councilman Black made a motion to table this issue until the Board of Commissioners meet and decide regarding what they would like to do with the part time pay and/or the full-time position. Councilwoman Hine seconded the motion and the motion was approved with 5 ayes and 2 nays from Councilman Bennett and Councilman Bailey because he does not want to see anyone in Starke County having to wait for public services.

## **ORDINANCE ESTABLISHING SOLAR EXPENSE FUND**

Councilman Pearman advised that in the first two agreements with the solar company he had recommended not to pass through the county money as income. Why don't we just have the solar companies pay it. Moving forward they are talking about changing and creating a fund for receiving those fees and then have the county pay out. Attorney Schramm advised that capital improvement projects, including solar is not listed under his retainer agreement with the county. At that time, the thinking was why burden the taxpayers with those expenses, it should be shouldered by the solar companies. Next Era for example would pay directly to the Engineer or the Attorney, Hoosier approached them advising they do not want to pay expenses in that manner they would rather have a fund created for that purpose. The ordinance reads as follows:

**WHEREAS**, the County Council for Starke County, Indiana (the "**Council**"), is responsible for the performance of various fiscal responsibilities for Starke County, Indiana (the "**County**"); and

**WHEREAS**, the County is expecting to receive applications for permits, as well as requests for abatements and other County-level incentives from commercial solar companies; and

**WHEREAS**, the County wishes to establish a fund for the receipt of moneys from any commercial solar company applying for permits, abatements, and other County-level expenses, for any and all costs related to engineering, accounting, legal, and other professional services for any work performed by the County for the same; and

**WHEREAS**, the County undertakes the establishment of this fund to alleviate any burden to the County taxpayer, so that any and all fees related to any commercial solar permit, abatement, or other incentive is not payable from County tax moneys.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of Starke County, Indiana, that the following Ordinance Establishing a Fund for the Receipt of Solar Expense Funds for Starke County, Indiana, is hereby adopted as follows:

### **Section I.**

#### Establishment

1. **The Starke County Solar Expense Fund.** Be it now resolved that the Starke County Auditor is hereby authorized to create a new Fund for the receipt of the aforementioned funds. Such fund shall be called the Starke County Solar Expense Fund, Fund #4120 (the "**Fund**").

2. **Non-Reverting.** The Fund shall be a perpetual fund, and expenditures can be made from the Fund only for those purposes as enumerated in this Ordinance.

3. **Authorized Use of Funds.** Moneys received by the Fund enumerated in this Ordinance may be used for the following permitted purposes:

- (A) Engineering, Accounting and Legal Expenses related to any and all work performed for the County by any engineer, accountant or attorney related to Commercial Solar Installations or other solar-related matter. This shall include all

engineering, accounting, and legal expenses for any permit, abatement, or other County-level incentive sought by any commercial solar company.

## **Section II.**

### Effective Date

1. **Effective Date.** The Starke County Litigation Settlement Fund shall be established as of the date of passage of this Ordinance, and shall be of perpetual existence, or until this Ordinance is duly repealed.

After further discussion Commissioner Gourley asked if Hoosier Solar was wanting to do this ordinance or their comfort level Attorney Schram advised they would rather have a fund set up and does not want to structure it like Next Era had it set up. Councilwoman Hine believes how they had it structured with Next Era there is a feel of impropriety to it. Not against the County Attorney but there is an appearance a impropriety to it. Councilman Leinbach advised he does not feel there is any impropriety to the agreements that have been made in the past. Councilman Pearman presented the ordinance for a motion for approval or denial. After further discussion Councilman Pearman made a motion to accept the ordinance as read and establish the funds to be able to receive money from the solar companies. Councilman Leinbach seconded the motion and the motion was approved with 5 ayes and 2 nays.

### **911 FUNDS – SHORTFALL**

Councilman Pearman advised that the expected Revenue for Fund 1222 for the remainder of 2023 is \$156,500 and the expected Expenditures are projected at \$189,165.50. Councilman Bennett made a motion to approve paying the shortfall from Fund 1222 from the ARPA Lost Revenue Funds. Councilman Gudeman seconded the motion and the motion was approved with all ayes.

### **OTHER DISCUSSION**

Commissioner Binkley presented the Travel Expense Policy and have asked the council to review as well for any suggestions as to what may need to be updated.

### **BOARD REPORTS**

With no other business or public comment to come before the Starke County Council, Councilwoman Gudeman made a motion to adjourn the meeting at 6:37 PM. Councilman Black seconded the motion and the motion was approved with all ayes.

## **JULY 17, 2023 STARKE COUNTY COUNCIL**

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Dave Pearman, President

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Kay Gudeman, Vice-President

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Todd Leinbach

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Norman (Bruce) Bennett

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Howard Bailey

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Anthony Black

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Cassandra Hine

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Rachel Oesterreich, Starke County Auditor

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 6:37 PM.

**MONDAY, JULY 17, 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