

STARKE COUNTY BOARD OF COMMISSIONERS
MINUTES
FRIDAY, SEPTEMBER 1, 2023

Pursuant to adjournment comes now the Starke County Board of Commissioners and meet in Regular Session at 9:00 AM, 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 9:00 AM.

JOHNSONS SUBDIVISION

The Board of Commissioners are meeting with Superintendent Dipert in regards to the new roadway construction of Johnson's Subdivision. Superintendent Dipert advised that there are some issues with the project. He stated that the plans for the subdivision show a two-acre retention pond that does not exist, and there are supposed to be swells and culverts installed in certain areas that will run to the retention pond. Bob Aloï advised that the side swells have to be cut in, along with the culverts be installed which will all run to the retention pond. He stated phase one was already approved by the Commissioners as well as the City of Knox. He stated the City approved the entire subdivision and the county approved the phase one construction of the road on 5/7/2007. During phase one the first pipe was put in but it is not to spec and the swells were not put in. Bob advised that his next staking is from the centerline of the road to where the asphalt goes but what he has to stake now is not going to be correct until all the infrastructure is in. Commissioner Chesak asks if they need to hold off on finishing the road until the Developer finishes the rest of the specs that have been listed. Commissioner Chesak stated yes, they need to put the road on hold until they figure out the drainage issue.

Bob stated that lots 9, 10, 11 were bonded for the road improvements. There was a bond that the Board of Commissioners signed at that time saying that I am going to take three lots as collateral, now whether or not they met that requirement he does not know. Bob stated that when they began phase one of this subdivision he had to get approval from the City of Knox for the subdivision itself but he had to go to the Board of Commissioners for the road portion and the drainage portion of the road. Bob advised that many years ago the county made it very clear to him that they are in charge of the roads and that is why they had to approve the designs of the county roads. Auditor Oesterreich asked Lonnie Boley, City Planning Commission Director, why he said (in a prior meeting with Superintendent Dipert) that this would set a precedence for future subdivisions. Mr. Boley advised that is the county agrees and they pay for the construction of this road, which has never been done before he thinks the county will be responsible for future developments. Auditor Oesterreich advised she did speak with the County Attorney and they disagree only because the only reason we are agreeing to do all this is because back in 2007 we started getting paid for a road that was not even finished. It will not set a precedence unless it is the exact same situation.

Mr. Boley advised that he will not be approving any additional permits in the Johnson's Subdivision until this situation is cleared up. He advised the City is willing to get rid of their red tape if the county writes a letter releasing the City from all liability. Auditor Oesterreich advised this would not be good for the county to release the City from all liability if 15 years down the road we are sued for flooding in a basement. Commissioner Chesak agreed. He stated there is no sense in completing the road if the drainage is not put in prior to the roadway. Mr. Aloï stated that the whole drainage system consists of swells that run along the road as well as ditches that are located behind the homes which all drain to the retention pond. Superintendent Dipert asked if it is possible to pay the State back from what we have taken and to start this from the beginning. Auditor Oesterreich advised either way we approach this is going to be difficult. After further discussion it was decided the Commissioner Binkley would speak to Bruce Johnson about the installation of the swells, two culverts, and the retention pond. The Highway Department would be responsible for the extension of the culvert that is already installed and the road construction. Commissioner Binkley will discuss the payment of the project with Bruce Johnson as well and it was agreed that the county could be responsible for a portion of the cost for the installation of the swells.

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 10:05 AM.

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Charles Chesak, President

Mark Gourley, Vice-President

Don Binkley, Member

Rachel Oesterreich, Auditor and Secretary to
the Board of Commissioners