

STARKE COUNTY BOARD OF COMMISSIONERS
MINUTES
TUESDAY, SEPTEMBER 5, 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.

HIGHWAY – LEASED VEHICLE REQUEST

Dan Dipert, Starke County Highway Superintendent, came before the Board of Commissioners to continue the discussion on Leased Vehicles for his department. He introduced Angie from Republic Financing and Darrel Lindersmith from Lindco. Superintendent Dipert presented three different options for financing with Republic Financing. He advised Option 1 is \$583,572.60 which breaks down to \$116,714.60 per year. First payment would be due in 16 months. Option 2 is \$544,266.60 which break down to be \$108,583.32 per year. First payment would be due in 30 days. Option 3 is \$566,541.35 which breaks down to \$113,308.27 per year. The first payment would be due December 2024 and this is a yearly payment option not a monthly payment option. Commissioner Gourley stated that even when we do it this way that still allows the company to increase the price before we receive the vehicle which is what started this whole discussion. Superintendent Dipert agreed and he advised that, the current trucks they are still waiting for, the increase was increased by \$11,000 and we will not see those trucks until the first quarter of 2024. Darrell explained he is the equipment retailer that sells the equipment for the truck and is not affiliated with the chase sellers such as international and freightliner.

He advised they have been working with international and freightliner and unfortunately this is a common occurrence now regarding the wait time for the trucks and the price increases of the trucks during that wait time. Commissioner Binkley asked if this was just Indiana or are other states experiencing the same thing. Darrell explained that the wait time and prices increases on international, freightliners, and peterbilt trucks everywhere across the nation. Angie from Republic Financing advised she has been seeing the same thing. In reviewing the contract for the chase Attorney Schramm advised under Section 6 of the proposed contract (and Section 17) he would like to suggest an amendment to clarify that if the County does not take delivery of the truck(s) at the time they are ready, that the sole remedy from the dealer/manufacturer would be to keep any down payment we have made, and the County would be relieved of further liability. If they are not willing to provide this, perhaps we can bargain for a clause that states any increase in cost above 20% of the gross purchase price gives us the option to terminate the contract, and have any down payment returned. After further discussion the contract they want made by the next Commissioners meeting. Commissioner Gourley made a motion to reject the purposed contract as it is written now. Commissioner Binkley seconded the motion and the motion was approved with all ayes.

RECORDER TRAVEL REQUEST

Mandy Thomason, Starke County Recorder, came before the Board of Commissioners to request to travel out of state to a Fidler Conference. She advised Fidler pays for just about everything except for mileage. Commissioner Gourley made a motion to approve the travel request as presented. Commissioner Binkley seconded the motion and the motion was approved with all ayes.

SHERIFF – JOB DESCRIPTION CHANGE REQUEST

Jack Rosa, Starke County Sheriff, and Stacy Noonan, Starke County Chief Dispatcher, came before the Board of Commissioners for a request in change in job descriptions. Sheriff Rosa explained they would like to convert one of their Road Sargent positions into an Operations Commander. The pay will be exactly the same and the duties will include the Road Sargent duties as well as additional duties relating to an Operations Commander. Commissioner Binkley made a motion to approve the Operations Commander job description as presented. Commissioner Gourley seconded the motion and the motion was approved with all ayes. Chief Dispatcher Noonan explained she would like to change the job descriptions of three of her dispatcher positions to include additional duties but no additional pay is requested. The three position include Assistant IDACS Coordinator, Training Coordinator/CTO (Center Training Officer), and Night Shift Captain. After further discussion Commissioner Binkley made a

motion to approve the job description change requests as submitted by Chief Dispatcher Noonan. Commissioner Gourley seconded the motion and the motion was approved with all ayes.

PLANNING COMMISSION – ORDINANCE UPDATE REQUESTS

Todd Jackson, President of the Planning Commission, came before the Board of Commissioners to continue the discussion in the request to update the Ordinance Establishing Definitions and Criteria for Dwelling, Ordinance Establishing Definitions and Criteria for Structures, and Amendment to The Code of Starke County. Todd explained that the only change in these ordinances is the change in acreage. They want to change 1.99 to 2 acres and 4.99 to 5 acres. Commissioner Gourley asked if the peeling paint and visible rust was already in the existing ordinance. Todd reaffirmed the only thing that was adjusted on this ordinance was the acreage requirements. Commissioner Chesak questioned the section of the ordinance where it talks about the storage container are being required to be kept behind the buildings. Todd explained that this ordinance had been in place for many years even before he started serving on the Planning Commission. Commissioner Binkley made a motion to approve the Ordinance Establishing Definitions and Criteria for Dwelling, Ordinance Establishing Definitions and Criteria for Structures, and Amendment to The Code of Starke County. Further discussion was had regarding the other sections within the ordinances and cleaning up those sections. Commissioner Gourley seconded the motion and the motion was approved with all ayes. Commissioner Gourley did advise he would like to start the process of looking at the full ordinances of these amendments and possibly cleaning them up further.

C.A.P.S. – SOLAR ORDINANCE REVISIONS

Citizens Against Progressive Solar (C.A.P.S) representatives Roberta Lee and Alisha Rios came before the Board of Commissioners with purposed Solar Ordinance Revisions. Commissioner Chesak asked where do other counties stand in regards to the ordinance changes they are requesting. Roberta stated that there are three other counties, she did not have the information with her tonight but she will look and let them know which three counties had aspects of the changes they are requesting in their own ordinances. Discussion was held regarding the set backs and how those setbacks were changed over the years. Roberta advised that when they go back to the 2019 solar ordinance the set backs were listed at 200 feet from the foundation of a primary dwelling and in the 2022 amended solar ordinance they took away the 200 feet and it is now 50 feet so they actually made the ordinance worse for neighboring properties instead of making it better. Alisha stated that in the solar ordinance the neighbors are supposed to be notified at the beginning of a project and they have yet to find a neighbor that was notified so they would like to know the Boards definition of “beginning of a project”. Mary Beaver, Planning Commission Administrator, stated that what they are referring to is stated in the revised ordinance and in the initial ordinance that was not required.

Mary stated that to initiate the process of the neighbors being notified this would happen when they come in and get the permit so that would be phase two of Mammoth and phase two of the Dunn’s Bridge Project. When phase two begins in those two projects the adjoining neighbors will have to be notified by Certified Mail. Roberta asked if this was done before or after signing the leases. Mary advised it would be after signing the leases. Commissioner Gourley advised there would be no government involvement until the permits are submitted. Justin Risner asked how many permits have been signed in 2023. Todd Jackson advised there have been zero. He explained they do not control the leasing side of it and they have no involvement in the leasing side. The leases are recorded in the Recorder’s Office. Roberta asked to verify that no permits, including Hoosier Solar, has come in since the amendment of the solar ordinance in 2022. Todd Jackson stated that is correct. Further discussion was held regarding the zoning and abatement process of the land the solar farms are being constructed on. Larry Wickert clarified that the zoning stays as agricultural but the zoning changes to utility. Roberta stated she does not know how that happens without a change in the zoning which would have allowed a public notification to take place.

Roberta then asked a question about the SB form and why zero boxes were checked. Attorney Schramm advised the executed form that he has appeared to have all the appropriate boxes checked. Auditor Oesterreich advised Roberta she could pick up a copy of that in the Auditors Office. Attorney Schramm advised that as far as why the council granted abatements within the Economic Development Agreement would be a question that they would need to ask the council. Further discussion was held by both Roberta and Alisha regarding a possible moratorium being set in place until further discussion can be held regarding the amendments they would like to be put in place within the existing solar ordinance. Todd Jackson advised that he has received the requested updates to the solar ordinance but has not done

anything with them as he is waiting for a joint meeting with the Board of Commissioners and the Starke County Planning Commission so that they can discuss how everyone wants to move forward with it. After further discussion was held regarding a moratorium and ordinances, Alisha asked what is the process for them trying to get an ordinance in place to stop any battery storage coming into Starke County. Todd Jackson advised that in terms of the battery packs there is new legislation with the State of Indiana as well as the National Firefighter Protection Association passed a new law in June 2023 that any new developments have to follow the rules and regulations of the NFPA and he believes it will be too hard for these existing companies in Starke County to do that. Todd advised they are in the process of adopting the NFPA as a referral to their solar ordinance.

Larry Wickert stated that in regards to the two projects that are moving forward being Mammoth and Next Era are going to amount to 3,500 acres that are going to be taken out of agricultural production. Starke County has 125,00 acres of agricultural production. So that amounts to 2.8 percent of Starke County's acres is what has been taken out of production for these two projects. He advised the reason there is around 15,000 acres of land leased is being the companies put all the land they can into a lease around the project area they are looking at. Then they condense all the land they can, so the entire farm is leased but only a small section may be used for the panels. Larry further explained how the land owners are paid for the different lease options that are offered by the solar companies. After further discussion Roberta asked what their next steps are as far as the purposed amendments to the solar ordinance. The Board of Commissioners asked Auditor Oesterreich to organize a joint meeting between the Board of Commissioners and Planning Commission. Todd Jackson wanted to clarify the setbacks in the earlier discussion, he advised that the old ordinance the setbacks of 200 feet were from the foundation at the time and in the amended ordinance the setbacks are now 50 feet from the property line not the foundation because his people do not have the authority to walk on someone else's property to measure from the foundation. This is why the setbacks were updated to 50 feet from the property line instead.

BASS LAKE SECOND PUMP DISCUSSION

Commissioner Binkley explained to Attorney Schramm that he would like him to look into the placement of the second pump at Bass Lake. Dorral Industries had made an agreement to put the second pump on a private property owners land rather than putting it on county owned property. He would like to know why they decided to use a private property owner rather than county owned property. Commissioner Binkley stated that it is his understanding they went to the Bass Lake Property Owners for permission but they never came before the Board of Commissioners. Furthermore, the individual is receiving \$30,000 per year for the contract from Dorral for the second pump on his property. A representative from the property owner's association stated that their board had voted not to get involved with the solar stuff because they did not know enough about it. Further comments were made in regards to different recollections of how the second pump agreement came to be on private property. In conclusion Attorney Schramm is asked to reach out to the legal council of Dorel in regards to this issue.

HINE – LEGISLATIVE UPDATES

Councilwoman Hine provided the Board of Commissioners with an overview of keys points to the legislative updates that had just passed this legislative session and went in place July 1, 2023. The documents can be picked up in the Auditor's Office for anyone interested in the updates.

AUDITOR BUSINESS

Commissioner Binkley made a motion to approve the payroll claims in the amount of \$283,159.82 including deductions in the amount of \$74,205.94 for pay period ending 08/19/2023 and payroll date of 08/25/2023. 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 \$568,062.84. Commissioner Binkley seconded the motion and the motion was approved with all ayes. Commissioner Binkley made a motion to approve the minutes for August 23, 2023. Commissioner Gourley seconded the motion and the motion was approved with all ayes.

OTHER BUSINESS

Commissioner Chesak advised California Township Sheri Bartoli that they are going to hold off on the appointment to the Township Advisory Board until the next Commissioners Meeting.

PUBLIC COMMENT

Steve Hauser made a comment regarding the towing procedures in Starke County because he believes there are a lot of problems right now with the towing procedures in regarding other companies not following what they are supposed to be doing. He does not understand why he is not able to tow anywhere in the county at all, he is the only one that does not have any county calls. Commissioner Binkley advised he has spoken with the Sheriff today and they are going to look at numbers and get back to him. Commissioner Gourley requested a copy of that information as well when it becomes available. Steve advised that Pitstop and T&T have been driving wreckers around without any plates on them and nothing on the sides. He has pictures of an accident they went on and they had a truck out there that was not plated and not insured and he checked and it never had been plated or insured to them. He advised he did talk to the DOT as well. Commissioner Binkley agreed that the DOT needs to handle that.

With there being no further public comments and no further business, Commissioner Binkley made a motion to adjourn the meeting. Commissioner Gourley seconded the motion and the motion was approved with all ayes. The meeting was adjourned at 7:08 PM.

TUESDAY, SEPTEMBER 5, 2023

Charles Chesak, President

Mark Gourley, Vice-President

Don Binkley, Member

Rachel Oesterreich, Auditor and Secretary to
the Board of Commissioners