

**WHITLEY COUNTY COMMISSIONERS**  
**November 5, 2012**

An Executive Session was held at 10:00 a.m. in the Commissioner's Room as advertised per the Indiana Open Door Law. The Session was held pursuant to IC 5-14-1.5-6.1 (6) with respect to an individual over whom the governing body has jurisdiction. (9) To receive information concerning job performance evaluation of an individual employee. In attendance were George Schrumpf, Tom Rethlake, Jen McGuire, Pam Smith, Denny Fenker, Mark Sturtevant, Michelle Sturtevant, Louie Mullins, and Gerald Gibson. No topics were discussed other than advertised and the meeting was tabled until further review from the Commissioners. The Executive session was closed.

The Whitley County Commissioners met in a regular session on Monday, November 5, 2012 in the Commissioner's Room located on the first floor of the Whitley County Government Center. Commissioners in attendance were Chairman Don Amber, Vice Chair George Schrumpf and Tom Rethlake. Also in attendance were Auditor Jen McGuire, Pam Smith, Dan Sigler, Jorell Tucker, Brian Eichman, Michael Barton, William Smith, Henry Janda, Scott Wagner, Joan Null, Stanley Crum, Francis Hoffman and Otto Boschet.

Commissioner Amber called the meeting to order.

**IN THE MATTER OF THE COUNTY ATTORNEY:** Dan Sigler, County Attorney, has reviewed a two year Agreement for Havel that was submitted to him from the Maintenance Department from Mark Sturtevant. Attorney Sigler will return the Agreement to Mark and have him present it to the Commissioner's for approval and signatures. Auditor McGuire worked with the Tax Certificate property that the County was being sued for from AACE Enterprise and allowed the Court order to prepare the Tax Deed completed for the transfer of the three parcels sold at Commissioner Certificate sale to be finished. Notice of the Tort Claim from the Ken Nunn Law Office reviewed.

**IN THE MATTER INTERLOCAL AGREEMENT:** Jorell Tucker presented the Commissioners with an Interlocal Agreement between the County and the Solid Waste District. After reviewing the Agreement the Commissioners want further explanation of the "Joint Board" that is described in 2.1 of the Agreement when this is already represented by the Solid Waste Board. The Agreement was tabled from the Commissioners for Attorney Sigler and Attorney Shipman from Solid Waste to review in regards to meeting the State statute requirements.

**IN THE MATTER OF ORDINANCE VIOLATIONS:** Scott Wagner presented an Ordinance Violation at property located on 6755 E St Rd #114 -92 Roanoke owned by Paul Shaw. Bids for the clean-up were due on November 1, 2012 and only bid was submitted by Shankster Brothers in the amount of \$5000 for the clean-up of this location. After discussion a motion to accept the bid from Shankster and put a lien against the tax parcel for the cost was made by Rethlake, seconded by Schrumpf and carried with a 3/0 vote. The second County Ordinance violation is for a meth house located at 156 Staunton Ave Churubusco owned by Caroline Jones. The home will have to be tested for Methamphetamine levels if they are present the home will have to be professionally cleaned and then retested to verify decontamination. The cost for testing will be applied as a lien against the property in the amount of \$1482.00 from Concentra. A motion to allow the testing was for the violation was made by Schrumpf, seconded by Rethlake and carried with a 3/0 vote.

**IN THE MATTER COUNTY HIGHWAY REPORT:** Michael Barton gave the Highway report. The paving project at Gateway Park for Economic Development is almost complete and waiting on the weather permitting yet this year. The pavement at Rail Connect Park will be replaced by concrete for the new entrance at Recycle Process because of the heavy truck usage. The railroad crossing on 600 E will be reviewed next year. Barton is working with Allen County on the Interlocal Agreement for the road work at County line. The letter for Notice to Bidders was signed by the Commissioner's and bids will be received until 10am and then opened at 11am on December 3, 2012. The balance of the salt contract was delivered to the Highway garage. Discussion from the Commissioners on if any funding will change in the 2013 year for the Highway from either Legislative changes or Wheel Tax rates.

**IN THE MATTER OF MINUTES AND CLAIMS:** A motion to approve the minutes from the Commissioner's October 15, 2012 meeting as presented was made by Rethlake, seconded by Schrumpf and carried with a 3/0 vote. Commissioner Rethlake had reviewed claims for distribution as of November 5, 2012 and after discussion a motion to allow claims was made by Rethlake, seconded by Schrumpf and carried with a 3/0 vote.

**IN THE MATTER OF LETTER OF AUTHORIZATION:** A Letter of Authorization was presented to the Commissioners from Thomson Reuters(formerly Manatron) for the services of providing property tax bills, escrow bills property tax statement comparisons, envelopes, data processing and all mail preparation services for the 2012/2013 Whitley County Tax billing cycle. The printed material cost is \$7797.80 if returned by Dec 17 and the mailing cost will be \$6700.19 for a total of \$14,497.99. After discussion a motion to sign the Letter of Authorization was made by Rethlake, seconded by Schrumpf and carried with a 3/0 vote.

**IN THE MATTER HEALTH BOARD APPOINTMENTS:** The County Commissioners appointments to the Health Board for Dr. Richard Dickmeyer and Grace Lotter expire on December 31, 2012. Both individuals have been contacted and have agreed to serve another four years through Dec 31, 2016. A motion to approve the appointments was made by Rethake, seconded by Schrumpf and carried with a 3/0 vote.

**IN THE MATTER OF UTILITY PERMITS:** An utility permit to install 1362 feet of 3” plastic gas main to service 5352 & 5355 E 700 South was presented to the Commissioners from Nipsco, County Engineer Brandon Forrester has reviewed and approved. A motion to sign the permit was made by Schrumpf, seconded by Rethlake and carried with a 3/0 vote. The second utility permit for the use of the ROW a distance of 110’ along CR 550 E north of US #33 from Frontier. After discussion a motion to sign the permit was made by Schrumpf, seconded by Rethlake and carried with a 3/0 vote.

**IN THE MATTER OF COUNTY CAR:** Commissioner Amber presented a new Purchase Agreement from City Ford to replace the totaled car from Planning & Building for Craig Wagner. The amount of the new Ford Fusion will be \$18,592.37 the refund from Travelers was for \$16,600 so the additional cost will be \$1992.37 coming from Cum Cap for this replacement. After discussion a motion to allow the purchase was made by Schrumpf, seconded by Rethlake and carried with a 3/0 vote.

**IN THE MATTER OF HAVEL CLAIM:** Commissioner Amber presented the final bill from Havel for \$77,314 on the work done for the new boilers and chiller units at the Courthouse. The bill was expected to be paid out of the 2013 CEDIT program, but since there is still funds available from the 2012 CEDIT wanted to present it to Council to pay early and not wait until 2013, After discussion it was determined to present to Council on Wednesday and see if it could be paid early.

**IN THE MATTER OF DNR PROPERTY:** Commissioner Schrumpf has been in contact with the State DNR in regards to the property in Thorncreek known as the Fish Hatcher and Camp Samaritan. At this time the County will be deeding the Fish Hatchery property back to the State and then it will be put back on Auction from the State, a motion by Rethlake to go ahead with preparing the deed work, seconded by Schrumpf and carried with a 3/0 vote. The Camp Samaritan property will be given to Camp Whitley, and they are working with Brian Bills to comply with the 501C paperwork for a Non- Profit.

**IN THE MATTER OF REQUEST TO USE COUNTY FACILITIES:** Pam Smith, County Coordinator, presented a request from the Columbia City Parks Department to use the Gazebo and Courthouse lawn for the VA Marathon from Thursday November 8 until Sunday November 18, 2012. Rethlake made a motion to allow the use, seconded by Schrumpf and carried with a 3/0 vote by the Commission.

**IN OTHER BUSINESS:** The Whitley County Retail Food Establishment Ordinance #0-90-17 is being updated and reviewed for changes from the Health Board. Longevity Pay for 2012 will be paid out on November 19, 2012 for County employees who qualify. Border Energy agreement for propane gas pricing will be reviewed. Commissioner Rethlake attended the Economic Forum from Star Bank and also presented the Commissioners the findings from the Risk Management Board that met with Travelers and how the “Recommendations” will be reported back to the insurance company on procedures to implement safety throughout the departments that need to be improved. Auditor McGuire reported there is still over 1700 Homestead not verified in Whitley County and will have to be removed for the 2012 pay 2013 tax year bills are processed. Two notifications from IDEM were discussed one for the Geller Ditch that will affect the drainage in Whitley County that was denied and the other is for the Permit for Steel Dynamics for their cooling towers and storage bins located at 2601 Co Rd 700E. The CNAV’s (Certified Net Assessed Values) were submitted to State and Whitley County is on track for on time billing for the 2013 tax year.

With no further business or comments from the public the meeting was adjourned.

**WHITLEY COUNTY COMMISSIONERS**

\_\_\_\_\_  
Don Amber, Chairman

\_\_\_\_\_  
George Schrumpf, Vice Chairman

\_\_\_\_\_  
Tom Rethlake, Member

Attest: \_\_\_\_\_  
Jennifer McGuire  
Auditor