

**WHITLEY COUNTY COMMISSIONERS**  
**APRIL 5, 2010**

The Whitley County Commissioners met in a regular session on Monday, April 5, 2010 in the Commissioner's Room located on the first floor of the Whitley County Government Center. Commissioners in attendance were Chairman Michael D. Schrader and Tom Rethlake. Vice Chairman Don Amber was absent. Also in attendance for all or part of the meeting were Auditor Linda Gerig, County Coordinator Amy Crickmore, County Attorney Dan Sigler, George Schrumpf, Gene Heckman, GIS Coordinator Dan Weigold, Engineer Brandon Forrester, Planning Director David Sewell, Alan Tio, Charles Acheson and Post and Mail reporter Chris Meyers. Chairman Schrader called the meeting to order at 1:00 pm.

**IN THE MATTER OF PREVIOUS MINUTES AND VENDOR PAYABLES:** The minutes of March 15 and the vendor payables for April 5 were approved as presented.

**IN THE MATTER OF COUNTY ATTORNEY:** Dan Sigler stated that a inmate had filed suit in Federal Court claiming that it was detrimental to him being held longer than 48 hours before his arraignment. The case will be reviewed by a Federal Judge and a ruling made. Sigler states that holding a prisoner longer than 48 hours before an arraignment is an exposure to the County. Sigler reported that the contract with Parkview for EMS services is still in the hands of Parkview's attorney. An Affidavit relinquishing interest in right-of-way to the Logansport and Northern Indiana Railroad was presented by Sigler. The Affidavit was prepared by Benton E. Gates, Jr. for the benefit of adjoining land owners. The right-of-way has been abandoned and the railroad ceased to use the property for railway purposes for more than twenty years and the property would revert to adjacent property owners.

**IN THE MATTER OF WEBSITE REPORT:** Dan Weigold and Brandon Forrester spoke on their recent opportunity of presenting WhitleyGov website construction at a program sponsored by the Association of Indiana Counties. Recognition should be given to departments that made the website possible. The Payment Center continues to be finalized.

**IN THE MATTER OF COMMISSIONER REPORTS:** Chairman Schrader discussed a generator maintenance contract from McAllister. The contract for the Government Center generator is \$1010/year and the Jail generator is \$924/year. The contract would cover a three-year period. Rethlake moved, seconded by Schrader, to approve the contract with McAllister for generator maintenance and the motion carried 2/0. Commissioner Rethlake reported that he has been making community visits on different complaint issues.

**IN THE MATTER OF GRANT ACCEPTANCE:** County Coordinator Amy Crickmore presented a grant acceptance request for Whitley County Community Corrections from the Indiana Department of Correction in the amount of \$423,684 for the grant period of July 1, 2010 to July 1, 2011.

**IN THE MATTER OF COUNTY HIGHWAY REPORT:** Michael Barton reported to the Board that the new highway truck should be delivered by May 6, 2010. Barton is considering the rental of a milling machine to be used during the months of May and June. The machine could be leased at \$18,000/month. Whitley County is on the list for consideration to receive money from the Jobs Bill. The highway department is working daily on filling pot holes.

**IN THE MATTER OF ZONING ORDINANCE AMENDMENT:** Planning Director David Sewell was present with a request to amend the AG Agricultural District regulations of the Whitley County Zoning Ordinance. The amendment would add the use of plant nursery (including office, retail and landscaping services) to the list of Special Exception Uses in the AG Agricultural District regulations. The Plan Commission voted 7-0 to send a favorable recommendation to the Board of Commissioners on this amendment. Ordinance No. 2010-04 was presented for consideration and signing. Rethlake moved, seconded by Schrader to approve Ordinance No. 2010-04. The motion carried 2/0. (See Ordinance No. 2010-04 on file in the auditor's office)

**IN THE MATTER OF COUNTY FACILITY USE:** County Coordinator Amy Crickmore presented a request for use of the courthouse lawn and gazebo for the National Day of Prayer Committee on May 6, 2010. Rethlake moved, seconded by Schrader, to allow the request and the motion passed 2/0. A request received from the Whitley County Patriots to hold a rally at the north door of the courthouse on April 15, 2010 was approved by a motion from Rethlake and seconded by Schrader. The motion carried 2/0.

**IN THE MATTER OF CYPRESS POINT:** Engineer Brandon Forrester was present to voice his concerns regarding a new subdivision, Cypress Point, being developed on County Road 800 East in Allen County. Forrester sited work that would need to be completed on County Road 800 East on the west side of the road in Whitley County. Forrester is concerned about a turn lane with respect to Beal Taylor regulated drain; a multiplate culvert under CR 800E and private tile outlets at the NE corner of the area. Whitley County would require, from Allen County, right-of-way cut permit and that the plan be approved by the County Engineer and Commissioners. Forrester asked if a performance bond for improvements within the right-of-way would be required and the Board agreed it would be necessary. Rethlake stated that more information would be needed before spending county money on the project. Forrester will do more checking with Highway Supervisor Michael Barton regarding any stimulus money being available for the project. Forrester was instructed to forward his concerns and comments to Allen County.

**IN THE MATTER OF CELL PHONE CONTRACT:** Amy Crickmore asked if a decision could be made on a new cell phone contract. There are a few issues remaining that need clarified. Rethlake moved to allow Chairman Schrader to sign the contract when issues have been resolved. Schrader made the second to the motion and the vote was 2/0.

**IN THE MATTER OF NEW TIF AREA:** Alan Tio of the Economic Development Corporation was present to explain several Resolutions needing signatures for the establishment of a new TIF area and its financing. Resolution No. 2010-05, Approving A Declaratory Resolution And Economic Development Plan Of the Whitley County Redevelopment Commission And Approving The Order of the Whitley County Plan Commission, was presented. After discussion, Rethlake moved, seconded by Schrader, to approve Resolution No. 2010-05. The motion carried 2/0. (See Resolution No. 2010-05 on file in the auditor's office). Resolution No. 2010-06, Approving An Amending Declaratory Resolution And Economic Development Plan of the Whitley County Redevelopment Commission and Approving The Order Of The Whitley County Plan Commission, was presented. After discussion, Rethlake moved, seconded by Schrader, to approve Resolution No. 2010-05. The motion carried 2/0. (See Resolution No. 2010-06 on file in the auditor's office). Resolution No. 2010-07, Resolution Of Board Of Commissioners Approving The Issuance Of Bonds And Notes, was presented. Rethlake moved, seconded by Schrader, to approve Resolution No. 2010-07. The motion carried 2/0. (See Resolution No. 2010-07 on file in the auditor's office).

There being for further business or public comment, the meeting was adjourned.

**WHITLEY COUNTY COMMISSIONERS**

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Michael D. Schrader, Chairman

Absent  
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Don Amber, Vice Chairman

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Tom Rethlake, Member

Attest:

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Linda J. Gerig, Auditor