

WHITLEY COUNTY COMMISSIONERS

August 5, 2013

The Whitley County Commissioners met in a regular session on Monday, August 5, 2013 at 1:00pm in the Commissioner's Room located on the first floor of the Whitley County Government Center. Commissioners in attendance were Chairman George Schrupf, Vice Chair Don Amber and Tom Rethlake. Also in attendance were County Attorney Dan Sigler, Auditor Jennifer McGuire, Pam Smith, Michael Barton, Scott Wagner, Brandon Forrester, Cathy Broxon-Ball, Dr. Lisa Hatcher, Rick Shanks, Bill Smith, Sheriff Mark Hodges, Scott Jones, Craig Wagner, Christie Barkley-Post & Mail, Henry & Jean Janda, Katie Wagner, Stanley Crum and Joan Null.

IN THE MATTER OF THE COUNTY ATTORNEY: County attorney Dan Sigler addressed numerous legal matters for the County.

- Working with law firm Rockhill Pinnick LLP for the tax rate at the South Whitley Library
- Affidavit template for the Auditor's office for the new law effecting the Veteran's Exemption filing requirements
- Working with Brandon Forrester for INDOT Questionnaire on Title #6 for County Policies, bids and complaints from the Policy Manual
- Working with Auditor McGuire for the Tax Sale law suit issue in Circuit Court
- Amendment to the current EMS Agreement with Parkview was tabled for further review until the August 19, 2013 meeting by Rethlake, seconded by Amber and carried with a 3/0 vote to gather more information for a decision

The final Health Ordinance pertaining to the increase of fees for permits and the number of visits required annual was finalized and approved by Attorney Sigler. A motion to sign was made by Amber, seconded by Rethlake and carried with a 3/0 vote. The amendment to the language for the Ordinance #2013-14 Pertaining to the Accumulation of Junk and Trash was reviewed, a motion by Rethlake to sign, seconded by Amber and carried with a 3/0 vote. Also addressed from the Health Department was the Contract for their own attorney Lindsay Grossnickle, after the language was changed to ask for an alternate if Lindsay was not available to represent was corrected a motion by Amber to sign for approval, seconded by Rethlake and carried with a 3/0 vote. It was mentioned at this time that Attorney Sigler would be represented by John Whiteleather as an alternate. A new Policy regarding the use of Social Media was approved by Attorney Sigler for the HR Department, a motion by Amber to allow the change in the County Policy binders, seconded by Rethlake and carried with a 3/0 vote. Information was presented for the Contract between the Bowen Center and Whitley County a motion to table the Contract until a representative from Bowen attended the Commissioner meeting to answer some questions. Pam Smith will contact Bowen for the August 19, 2013 meeting.

Off duty of employment was discussed for deputies out of the Sheriff's department. Attorney Sigler will review any agreements with the other jurisdictions. Pam Smith will make Travelers aware of the co-employment and contact Steven Tobler for any concerns he would have in regards to lawsuits, liability or tort claims ramifications. At this time only three deputies work in other places but some officers cover security for events.

At this time the regular scheduled meeting was recessed to hold a formal hearing.

IN THE MATTER OF THE PUBLIC HEARING: Commissioner Schrupf opened the Hearing regarding a building located at 8075 S 200 East Columbia City, IN near the town of Laud. The current owner William L Hinen is hereby given 60 days or until September 9, 2013 to demolish or repair the structure at this location. This matter is in accordance to County Ordinance #05-91-05. Failure to comply will result in bids being taken to demolish the structure by the Board of County Commissioners. With no further comments from the public a motion to approve this request was made by Amber, seconded by Rethlake and carried with a 3/0 vote. Inspector Craig Wagner will address the bees at this location and the open cistern behind the structure.

At this time the Public Hearing was closed and the regularly scheduled Commissioner meeting was reconvened.

IN THE MATTER OF HEALTH DEPARTMENT: Scott Wagner from the Health Department had been in contact with the State representative from IDEM and there was not a Health law regarding the Willie Shepherd matter with manure runoff into his pond. Michael Ayllesworth the

District Representative for Whitley is aware of the situation and visited the location on July 30, 2013. With a suit already filed it may just be a Civil matter between the neighbors. Another matter presented by Scott was the contamination of the well located at the County's Tri-Lakes Park location. The contamination will require a treatment of chlorine and with the age of the pressure tank it may develop a hole. Bids went out to three local contractors and only one bid was returned in the amount of \$250 for the Chlorine treatment and \$225.00 if the County replaces the pressure tank at this time. After discussion a motion by Amber to accept the bid of \$475.00 to complete both projects at the same time, seconded by Schrupf and carried with a 2/0 vote with Rethlake abstaining from the vote.

IN THE MATTER OF THE COUNTY ENGINEER: Brandon Forrester presented documents showing the request to Vacate a portion of County Road 700 East and extend the Vacation. The railroad crossing will be removed from this location and move to Tillman Road in Allen County. Brandon has been in contact with Doug Rees-Evans from Steel Dynamics and they are performing an Engineering Study for this location at SDI regarding liability erosion and cul de sac with no outlet. This will change the truck entrance from 800 East. The Ordinance will be addressed at the August 19, 2013 Commissioner meeting for approval after the advertisement and letters out to adjoining property owners. Brandon also discussed the Title #6 Compliancy from INDOT and the RFP's for proposals for Letters of Intent for Bridge Inspections were due back by September 9, 2013.

IN THE MATTER OF SHERIFF'S DEPARTMENT: Sheriff Hodges wanted to give a big "Thanks" out to Brandon Forrester and Michael Barton regarding the replacement of a new culvert on Cleveland Road after the damage from the recent storms. Sheriff Hodges and Scott Jones addressed the Commissioner's for the upgrade of the current computer system that runs the Dispatch department and the XP equipment is now out of date. Discussion of the entire plan needs to be overviewed with some direction on what sort of equipment and radios are going to be used VFW or 800 Broadband so that all the equipment is covered to be replaced in compatible with each other instead of being pieced.

IN THE MATTER OF EMERGENCY MANAGEMENT: Cathy Broxon-Ball gave an update of the chemical fire at C & R Plating that involved the Hazmat personnel. Poor man power and only five Hazmat members responded, that is why Fort Wayne was called to contain. Also a lack of equipment to submerge the chemical was required. Also questioned was the guideline for contacting the nearby businesses of the threat involved in the situation. The emergency guideline was "Shelter & Place: which means keep inside and shut down the air flow from the outside. Also discussed was a new trailer from a Health Department Grant for 2012-2013 to replace the current red disaster trailer. Delivery date should be August 23, 2013. The former trailer was donated by Kim Rieff and will be a County auction item unless Mr. Rieff wants the trailer back.

IN THE MATTER OF COUNTY HIGHWAY DEPARTMENT: Michael Barton, Highway Supervisor, let the Commissioners know the new County Dump truck will be picked up Wednesday morning. A better seat will be installed and the aftermarket items from WA Jones will be installed. A request from Alan Tio from EDC still needs the Railroad crossing cut down on 600 East for the entrance to the Rail Connect Park location. Four taxpayers on 400 East around 1000 South want to share the cost to chip and seal 600 feet with the County. Half the cost will be the County the other half will be paid by the property owners. Discussion on the 100 miles of gravel roads still located throughout Whitley County.

IN THE MATTER OF MINUTES AND CLAIMS: Minutes from the July 15, 2013 meeting were reviewed a motion by Rethlake to approve as presented, seconded by Amber and carried with a 3/0 vote. The claims disbursements for August 5, 2013 were reviewed by Commissioner Amber, after discussion a motion by Amber to approve the claims, seconded by Rethlake and carried with a 2/1 vote with Rethlake casting the nay vote.

IN THE MATTER OF UTILITY PERMITS: A Utility Permit from CenturyLink for the placement of buried cable from the intersection of County Road 600 West to Old Trail Road going west for a length of 2786 feet. A motion to approve was made by Rethlake, seconded by Amber and carried with a 3/0 vote. The second permit from CenturyLink for the placement of 547 feed of buried cable on the Raber Road west of Mowery Road. After discussion a motion to sign the permit was made by Amber, seconded by Rethlake and carried with a 3/0 vote.

IN THE MATTER OF THE COUNTY COORDINATOR: Pam Smith presented a Request to Use County Facilities for the Walk to Remember from Demoney-Grimes on Saturday August 10, 2013 from 7:30 -8:00 am at the Courthouse gazebo. After discussion a motion to allow was made

by Amber, seconded by Rethlake and carried with a 3/0 vote. Pam stated she would contact the Bowen Center to discuss the cost of contracted visits by County employees at the next scheduled meeting. Pam also requested a stipend for her personnel cell phone in the amount of \$30.00 per month. After discussion of the need a motion to allow was made by Amber, seconded by Rethlake and carried with a 3/0 vote.

IN OTHER BUSINESS: The monthly Vehicle Inventory from the Sheriff's department was reviewed. The request for a proposed CEDIT incentive project for Sound Ideas was postponed for further review. The 2013 certified Tax Sale list was given to the Commissioners the sale will be held on October 15, 2013 at 10:00am. Auditor McGuire gave the Commissioners the 2014 CAGIT and CEDIT disbursements for Whitley County for budgets.

The regular meeting was adjourned.

WHITLEY COUNTY COMMISSIONERS

George Schrumpf, Chairman

Don Amber, Vice Chairman

Tom Rethlake

Attest: _____
Jennifer McGuire
Auditor