

## **WHITLEY COUNTY COMMISSIONERS**

**December 5, 2016**

The Whitley County Commissioners met in regular session Monday, December 5, 2016 at 1:00 pm in the Commissioners' Room located on the first floor of the Whitley County Government Center. Commissioners in attendance were Chairman George Schrumpf, Vice Chairman Don Amber and Commissioner Tom Rethlake. Others in attendance were County Attorney Dan Sigler, Auditor Jana Schinbeckler, Kim Wheeler from the County Council, Highway Engineer Brandon Forrester, Terry Rhodenbaugh, Shawn Ellis from Interfaith Mission, Linda Thomson from the Post and Mail, Planning Director Nathan Bilger and Scott Wagner from the Health Department.

Chairman Schrumpf opened the meeting with the Pledge of Allegiance.

### **IN THE MATTER OF THE PUBLIC HEARING FOR THE REQUEST OF VACATION:**

The public hearing was in regard to a request to vacate a certain drive in the Plat of Forest Park Addition to Crooked Lake. The hearing petition was filed by Debby A. Vincent, Joan H. Devoe, George M. Hoster, Jr., Barbara C. Hoster, Steven W. Hoster and Jane S. Hoster. The Commissioners find the area to be vacated has for many years had the appearance of vacant land, and apparently has not been used by the public or others as a walk or easement. The adjoining landowners have been given proper notice of the vacation request.

There being no further business or public comment, the public hearing was closed and the regular Commissioner meeting reconvened.

### **IN THE MATTER OF THE PUBLIC HEARING FOR THE REQUEST OF VACATION:**

Commissioner Rethlake made a motion to approve the vacation, seconded by Amber and passed with a 3/0 vote. The ordinance for the vacation was presented to the Commissioners. Commissioner Amber made a motion to approve Ordinance 2016-13, seconded by Rethlake and passed with a 3/0 vote.

**IN THE MATTER OF THE COUNTY ATTORNEY:** Attorney Sigler received a letter from a lawyer regarding a prisoner within the jail. The prisoner had some complaints and Attorney Sigler will ask the Sheriff if he has already responded to the letter. Sigler presented the Commissioners with an agreement for Matt Winger in regard to the PERF decision to certify that his position was PERF eligible when he was an employee for Whitley County. Commissioner Amber made a motion to accept the agreement, seconded by Rethlake and carried with a 3/0 vote. Attorney Sigler presented the draft agreement in regard to the Wheeler property to the Commissioners. Scott Wagner in the Health Department will monitor the cleanup of the property and the time frame given was 30 days to obtain an assessment and 60 days for remediation; overall all cleanup has to be done within 180 days unless the County extends it. Mr. Wheeler has already requested a quote for the cleanup. Commissioner Rethlake stated that the City needs to be included in this agreement as well. Sigler is preparing written consents for this agreement with the City of Columbia City, County Auditor and County Treasurer. The Commissioners tabled the Winger agreement until the next meeting. Attorney Sigler has received the Narcan policies and procedures. The County needs something in writing stating that it will not affect the County's liability insurance from the insurance company.

**IN THE MATTER OF THE WELL EXEMPTION:** Scott Wagner from the Health Department presented a well exemption request to the Commissioners for Terry and Patricia Rhodenbaugh. The exemption is for a new addition that will be within ten feet of the current well. Commissioner Rethlake made a motion to approve the well exemption request, seconded by Amber and passed with a 3/0 vote.

**IN THE MATTER OF THE HIGHWAY DEPARTMENT AND PUBLIC RIGHT OF WAY ORDINANCE:** County Highway Engineer Brandon Forrester presented a public right of way ordinance to the Commissioners. The Commissioners reviewed the ordinance and stated they

would take it under advisement. Commissioner Amber made a motion to table the ordinance for utility poles in a right of way, seconded by Rethlake and passed with a 3/0 vote. Brandon shared with the Commissioners some information regarding a developer. He sent a compliance letter to the developer who has been attempting to receive a partial release for the letter of credit he has on file for improvements. There have been issues with this developer in the past, such as not receiving inspections or contacting the Highway Department before paving. Brandon reported to the public that the public bids were opened at 10:30 AM. Brandon presented an agreement that was written in 2009 which is for the County Engineer to perform certain functions of the County Surveyor. The Drainage Board, the Commissioners and the County Surveyor are all part of this agreement. The current surveyor and the newly elected surveyor are not licensed surveyors or licensed engineers. Attorney Sigler stated that the agreement needs to be rewritten with the newly elected surveyor. In regard to the chip spreader, Brandon and Kevin went to North Carolina to look at the used chip spreader and decided they did not want that piece of equipment. There have been other chip spreaders that they have looked at but they are beginning to think it may be best to purchase a new chip spreader. Brandon is going to talk to a local company on Thursday to receive a price for a new chip spreader. There are different options that Brandon is looking into in regard to equipment purchases for 2017. He would like to purchase a chip spreader, another skid loader and another pickup truck within the next year or so. In regard to a utility permit from Century Link to place buried cable facilities along East Business 30 from 1201 East to 1609 East Business 30 for a length of 2500 ft. and Brandon gave his approval for this utility permit. Commissioner Rethlake made a motion to approve the utility permit, seconded by Amber and carried with a 3/0 vote.

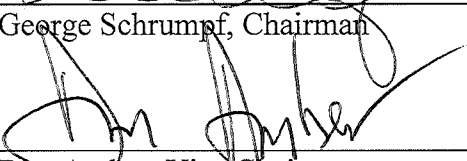
**IN A MATTER OF MINUTES AND CLAIMS:** The minutes from the November 21, 2016 meeting were reviewed. A motion to approve the minutes was made by Commissioner Amber with one correction. The minutes under In the Matter of the Highway Department state, "Brandon stated that he will be presenting a reappointment for Mike Schrader for the next year to the Commissioners". It should read, "Brandon stated that he will be presenting a reappointment for Mike Schrader for the Drainage Board to serve a three year term to the Commissioners". Commissioner Rethlake seconded the motion and the motion passed with all in favor. Commissioner Rethlake seconded the motion and passed with a 3/0 vote. The claim distributions from November 22, 2016 through December 5, 2016 were reviewed by the Commissioners. A motion to approve the claims was made by Commissioner Amber, seconded by Commissioner Rethlake and passed with a 3/0 vote. The Commissioner's reviewed the payroll claims for December 5, 2016. Commissioner Rethlake made a motion to approve the payroll claims, seconded by Amber and passed with a 3/0 vote.

**IN OTHER BUSINESS:** In regard to the Surveyor, Commissioner Schrumpf stated that the County Surveyor and the County Attorney are not covered under the County's health insurance plan. Commissioner Amber made a motion that the County Surveyor is not covered under the County's health insurance plan because of working less than 29.5 hours per week, seconded by Rethlake and passed with a 3/0 vote. Commissioner Schrumpf gave the Proclamation for Whitley County on Sunday, December 11, 2016 as Indiana Statehood Day and Bicentennial. He proclaimed that at the County of Whitley Indiana this 11<sup>th</sup> day of December, 2016 on the 200<sup>th</sup> anniversary of Indiana Statehood and in the 240<sup>th</sup> year of the Independence of the United States of America. Commissioner Rethlake reported that there are 103 individuals in the jail and 68 in Community Corrections which 50 are male and 18 are female.

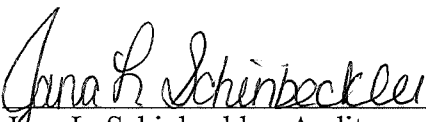
There being no further business and no further questions or comments from the public, Chairman Schrumpf adjourned the meeting at 2:17 pm.

**WHITLEY COUNTY COMMISSIONERS**

  
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George Schrumpf, Chairman

  
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Don Amber, Vice Chairman

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Tom Rethlake

Attest:   
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Jana L. Schinbeckler, Auditor

