

WHITLEY COUNTY COMMISSIONERS

February 6, 2017

The Whitley County Commissioners met in regular session Monday, February 6, 2017 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 Schrupf, Vice Chairman Don Amber and Commissioner Thomas Western. Others in attendance were Auditor Jana Schinbeckler, County Coordinator Pam Smith, County Attorney Dan Sigler, Jessica Grossman from Region IIIA, Linda Thomson from the Post and Mail, EDC President Jon Myers, Highway Engineer Brandon Forrester, Todd Geiger and Cindy Barnett from Purdue Extension, John Koch from Southeastern Equipment, Maintenance Manager Mark Sturtevant, Kevin Dunn Mobilitie LLC, Mary Hartman from the Peabody Public Library, Planning Director Nathan Bilger, Sheriff Gatton and Chief Deputy Sheriff Jason Spencer, Scott Wagner from the Health Department, EMA Director Amy Biggs, Joan Null and Stanley Crum.

Chairman Schrupf opened the meeting with the Pledge of Allegiance.

CHIP SPREADER BIG OPENING: The Commissioners stated that there was only one bid received for the Highway's new chip spreader. The bid was from Southeastern Equipment and the bid states 150 to 180 days for delivery but Brandon stated he believes it can be 90 to 120. Commissioner Amber made a motion to take the bid under advisement, seconded by Western and passed with a 3/0 vote.

IN THE MATTER OF THE COUNTY ATTORNEY: County Attorney Dan Sigler stated that he received a tort claim that has been referred to the carrier. It is a Blackburn and Green case for a motor vehicle accident that took place at the intersection of Wolf Road. They have in the tort claim that it was Whitley County Highway Department and INDOT were performing work on 30. Commissioner Amber stated that the County is not associated, it was specifically just INDOT. Attorney Sigler stated that there are some issues with Cintas in regard to cancelling their contract and he will be sending them a letter. In regard to the Diamond Street property, there have not been any decisions made yet. In regard to the ordinance allowing certain claims to be paid before the payable dates, Attorney Sigler stated he has reviewed the ordinance and gave his approval. After review of the ordinance, Commissioner Western made a motion to approve Ordinance 2017-02, seconded by Amber and passed with a 3/0 vote. In regard to the Samaritan property, the Indiana Department of Natural Resources sent documents that the Commissioners needed to sign to transfer the property to the State. The Commissioners previously approved the signing of the deed and they signed the deed during the meeting.

IN THE MATTER OF THE ORDINANCE REVIEW & COESSE SEWER: Scott Wagner from the Health Department presented an ordinance amendment to the Commissioners. The amendment is for Ordinance 2011-04 because State law has changed and the amendment would make this ordinance current. All that is changing is the number of the State law. The State Department of Health no longer reviews County ordinances to check whether they comply, it is the Health Department and the County legal department's responsibility. Commissioner Amber made a motion to approve the new Ordinance 2017-03 and the amendment, seconded by Western and passed with a 3/0 vote. In regard to the Coesse sewer, the School Board is allowing the County to connect to their drainage catch basin. Scott has contacted Mr. Wigent and he has given Scott quotes as to what it will cost to connect to the storm water drain. Scott announced to the Commissioners that the Health Department has a new logo for accreditation. Scott showed the new logo to the Commissioners and stated that it is the national symbol for public health. In regard to the sewer issue with Mr. Downing, there is another bill to Premier Earth for \$907.75. Commissioner Amber made a motion to pay the bill, seconded by Western and carried with a 3/0 vote.

IN THE MATTER OF THE VEHICLE UPDATE & STIPEND PAY: Sheriff Gatton came before the Commissioners to make a request in regard to the 2010 Chevrolet truck the County

owns that is used for the Drug Task Force. Over time the Drug Task Force vehicles get compromised by using them for their intended purpose. Sheriff Gatton is requesting the authority to look into a program of trading the vehicle in and getting a different vehicle. If the trade in does not cover the cost of the new vehicle, the difference would be paid out of Commissary funds. He is requesting the Commissioner's approval to implement this program and trade in the vehicle around every year and a half or whenever the vehicle is compromised. The vehicles will be used vehicles and they would start looking locally to purchase the vehicles. Commissioner Western made a motion to give Sheriff Gatton the authority to start the program, seconded by Amber and passed with a 3/0 vote. Chief Deputy Sheriff Jason Spencer presented a request to the Commissioners in regard to the cell phone stipend for Justin Yagel who is the newest merit officer. Jason asked for a start date of February 1st. Commissioner Amber made a motion to approve the cell phone stipend for Justin Yagel, seconded by Western and passed with a 3/0 vote.

IN THE MATTER OF REPLACING THE COURTHOUSE HEAT PUMPS: Maintenance Manager Mark Sturtevant requested a favorable pass from the Commissioners to the Council to replace five heat pumps this year at the Courthouse for \$45,000.00. In 2014, the Commissioners and Council agreed to replace two heat pumps per year. Mark stated that they are getting worse before they can be replaced and he would like to change that to replacing five per year. Up to this point, five have been replaced and they added an additional heat pump so there are six new altogether out of nineteen. The expected life span of a heat pump is 10 to 15 years and some of the current pumps are 26 years old. Commissioner Western made a motion for a favorable pass to Council to approve the \$45,000.00 to replace five heat pumps, seconded by Amber and passed with a 3/0 vote.

IN THE MATTER OF THE WHITLEY COUNTY 4-H PROGRAM UPDATE: Todd Geiger gave an update to the Commissioners for the 4-H Program. The Whitley County 4-H Program is available to all kids in 3rd grade through 12th grade. There are nearly fifty kids who live outside of Whitley County and a handful of kids that live outside the State of Indiana that are enrolled in the County's 4-H program. There were 748 kids that participated in the 4-H program in 2015-2016 with 631 in traditional programs and 117 were part of the mini programs. There were also 189 adult volunteers that helped during the week of the fair or assisted in the different clubs. There are a total of 36 clubs and 56 different projects that kids could participate in. Of the 56 projects, only 11 of them are livestock related. For the 2016-2017 4-H year, there are new projects and clubs. New non-traditional clubs include Junior Beekeepers, Growing Gardeners, Whitley County Jr. Barnstormers and Robotics. In the traditional 4-H program BBQ Grilling, Recycling, Aquatic Science and Shooting Sports: BB/Rifle have been added. There is a new program in place as well called the 4-H Stem Connection. This program allows for the Junior Leaders in the 4-H youth, who are trained as "teens as teachers" and they lead the activities with the kids in the schools. They are teaching different things to 2nd graders and up. Todd stated that he is excited about all of the new programs and projects they are able to offer in the coming year. The Commissioners thanked Todd for the update and his time.

IN THE MATTER OF THE APPROVAL AND ACCEPTANCE OF PARTIAL REPLAT OF MAGIC HILLS ESTATES: Planning Director Nathan Bilger presented a partial replat to Magic Hills Estates. It creates two additional building lots and increases the size of three existing lots. This replat was presented to the Plan Commission in December and was approved per some conditions. The conditions have been addressed in the revised plat. There is a non-access easement along the County Road so no driveways would be accessed from the County Road. There is a portion of a right-of-way that is being vacated. Commissioner Western made a motion to approve the replat of Magic Hills Estates, Commissioner Amber seconded with discussion. Commissioner Amber asked Nathan why there is a septic easement for Lot 28. Apparently when the house went in, the soils were not good enough to locate the septic system on the lot itself so they came to an agreement with the golf course for an easement. The easement carries forward through the plat. After this discussion the motion passed with all in favor.

IN THE MATTER OF THE BROADBAND INTERNET PROJECT: EDC President Jon Myers stated that he has been working with the Redevelopment Commission, the Mayor and Commissioner Schrupf for the last year trying to put together a project. The project is to bring fiber optic internet infrastructure to the County. There has been progress made on the project but the City of Columbia City is still in some negotiations in regard to maintenance agreements and pole attachments. Jon has prepared a memo for the County Council because the Redevelopment Commission has recommended a 100% ten year tax abatement to be adopted by the Council. This is rather than doing a 20 year TIF district which would have a large cost associated with it. The City will also have their own abatement for the company. The company, which is Metronet, is working with Northeastern REMC to use their poles for pole attachments. They will run the fiber starting in the southern part of the County and move their way north. REMC is hoping to work with Metronet to take the fiber throughout the entire County to be able to reach every residence within the County. The current speeds available with the current providers have 5 to 25 megabits per second and Metronet will allow a gigabyte per second. This is important particularly to the County's manufacturing and logistics industries because they are becoming more dependent on the internet to run their businesses. Jon stated he just wanted to give the Commissioners an update on the project and he will be presenting the abatement request to Council tomorrow at their meeting. Commissioner Schrupf stated that the Commissioners may be asked to pay a \$50,000.00 Cedit payment to get the project started and then at the latter part of the project, another \$50,000.00 for a total of \$100,000.00 out of Cedit funds. The Redevelopment Commission is providing \$100,000.00 for two years for a total of \$200,000.00 for the project.

IN THE MATTER OF THE MOBILITIE CELL TOWER PERMIT: Kenneth Dunn from Mobilitie presented two right of way permits to the Commissioners. The first permit request is located is on West County Line Road and Highway 24. The second is on East Business 30 and Tower view Drive. Mobilitie is a company that provides infrastructure for data transport primarily to the cellular industry. The company is a certified local exchange carrier with the Indiana Regulatory Commission. This certification is what allows this company to apply for their poles to be placed in the road right of way as utility poles. The poles are 110 feet high but there could be a ten foot antennae that is put on top of the pole for a total of 120 feet. The reason for the height of the pole is because they use microwave dish wireless communication so they need the height for line of sight to get above the tree line. Commissioner Amber asked why the company would want to place them in the right of way rather than private property. Kenneth explained that they are in the same scope as fiber optic. Fiber optic companies rarely put their lines on private property, it is almost always in the road right of way. Mobilitie has the same regulatory authority of any fiber optic company but the difference with fiber optic is that the poles are usually existing poles, not ones that have to be put up. The Commissioners asked that the agreement be rewritten with terms that they are requesting. They would like to receive a security for the company case of a bankruptcy and that they County would not be liable for the poles. Commissioner Schrupf stated he would like to research this further with the other Commissioners. Commissioner Western made a motion to table the requests at this time, seconded by Amber and passed with a 3/0 vote.

IN THE MATTER OF THE HIGHWAY DEPARTMENT: Highway Engineer Brandon Forrester stated that Southeastern Equipment, the vendor for the chip spreader, will be able to meet the request of 90 – 120 day delivery. Brandon stated that he gives a favorable recommendation to approve the bid from Southeastern Equipment. Commissioner Amber made a motion to approve the Southeastern Equipment bid, seconded by Western and passed with a 3/0 vote. Brandon presented a letter of understanding from INDOT for an unofficial detour. The unofficial detour is due to INDOT replacing two small structures on State Road 14. The unofficial detour will be south on County Road 700 East and east on County Road 1150/County Road West 650 South and north on County Road south 900 West. Commissioner Amber made a motion to approve the unofficial detour, seconded by Western and passed with a 3/0 vote. Brandon stated that he will be attending the Council meeting to request the approval of a salary ordinance amendment to change one employee from truck driver status to operator status. This is for the employee who is going to be the chief operator for the Highway's bucket truck. There are extra funds appropriated in the budget

to cover this salary change. Commissioner Amber made a motion for a favorable pass to Council, seconded by Western and passed with a 3/0 vote. Brandon brought up the fiber optic project for Parkview which is being done by Indiana Fiber Network. He stated that Allen County charges for utility permit requests and recommends that Whitley County should potentially start to have a fee for the requests. Commissioner Amber stated he would like Brandon to prepare a proposal for the fee committee for them to approve. In regard to putting calcium chloride on gravel roads, Brandon stated that there is a form to request calcium chloride to be put in front of someone's house. There is a specific amount of feet that is done and then if the homeowner wants the calcium chloride on more than the specific amount, they will have to pay additional fees. In regard to right-of-way permits, the first request was from Nipsco. They are requesting to install mediums pressure gas main to replace a single customer station off of a high pressure gas main located on State Road 14 and 800 East. Commissioner Amber made a motion to approve the request, seconded by Western and carried with a 3/0 vote. The second Nipsco request is to replace a regulator station that was damaged in January on County Line Road 800 East from Indiana Creek Road to Chopine Road. Commissioner Western made a motion to approve the request, seconded by Amber and passed with a 3/0 vote. The third Nipsco request is to install a medium pressure gas main along the east side of County Road 800 E – 92. Commissioner Amber made a motion to approve the request, seconded by Western and passed with a 3/0 vote. Another request was from O.R. Colan Utility and Infrastructure on behalf of the AEP Indiana Michigan Transmission Company, Inc. The request is to bore under the railroad coming out of the Gateway Station and ending near the existing line running parallel with US Business 30. The overall purpose of the project is to add a telecommunication line in order for substations to communicate between each other. Commissioner Amber made a motion to approve the request, seconded by Western and passed with a 3/0 vote. The next request was from QC Communications for an emergency repair of bad fiber optic cable that affects customer service on E Willie Court and South Medallion Boulevard. Commissioner Amber made a motion to approve the request, seconded by Western and carried with a 3/0 vote. The last right-of-way permit request was from Century Link. This is to provide a new customer at 5925 E Rail Connect Drive with service on County Road 600 East. Commissioner Western made a motion to approve the request, seconded by Schrupf and passed with a 3/0 vote.

IN A MATTER OF MINUTES AND CLAIMS: The minutes from the January 17, 2017 meeting were reviewed. Commissioner Western made a motion to approve the minutes, seconded by Amber and passed with a 3/0 vote. The Commissioner's reviewed the payroll claims for January 30, 2017. Commissioner Amber made a motion to approve the payroll claims, seconded by Western and passed with a 3/0 vote. The claim distributions from January 17, 2017 through February 6, 2017 were reviewed by the Commissioners. A motion to approve the claims was made by Commissioner Western, seconded by Commissioner Amber and passed with a 3/0 vote.

IN OTHER BUSINESS: Jessica Grossman from Region IIIA gave an update to the Commissioners. Region IIIA is a six county planning commission that began in 1974. The six counties include Huntington, Whitley, Wabash, Lagrange, Noble and Steuben. They have a seven person staff and specialize in community development, economic development, transportation and housing. Commissioner Amber is a member of the Executive Board for Region IIIA. They are designated as an economic development district which qualifies the six counties for opportunities for funding through the economic development district that would otherwise not be offered to them. Region IIIA does a large amount of grant writing and grant services for the counties that are members. The invoice that Whitley County receives from Region IIIA is not dues, it is a matching amount that goes to match an EDA grant that they have. Commissioner Amber stated that Whitley County's need for Region IIIA is not as much as another County's but he does believe the County should pay their share of the matching grant. He stated that the County needs to take advantage of the programs they offer. The Commissioners asked Jessica to attend a Council meeting in the near future to explain to benefit of Region IIIA to them as well. EMA Director Amy Biggs stated that she communicated to the Commissioners at their last meeting that she had hired a Deputy Director. Since she has hired a new Deputy Director, Amy stated that she has the funding available in her budget to purchase a phone specific for the use of EMA. She is requesting permission from the

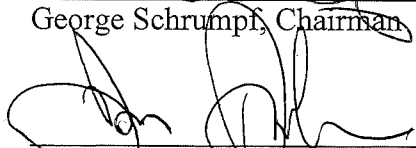
Commissioners to purchase this phone. Commissioner Western made a motion to approve the request, seconded by Amber and carried with a 3/0 vote. Amy also wanted to give the Commissioners an update regarding the radios and the programming that is required by the State. The State would like to perform the P25 cutover in mid-February. The IDs that are required to come from the State to the County before any vendor can touch them to program them is being held up based upon information that they have not received from J & K Communications. This has to do with the equipment being qualified to be upgraded. There is nothing that the County can do at this time and Amy is in constant contact with J & K Communications to get it worked out. EF Johnson sells J & K Communications radios and EF Johnson keeps the ID number on a list. J & K then distributes the radios and their list does not match the EF Johnson list. In regard to the Whitley County Council on Aging grant, the Commissioners reviewed the fourth quarter voucher for operating year 2016 under grant EDS #A249-16-G150154 Project #18034620. The federal share of the grant for reimbursement was \$48,495.00. After reviewing the invoice, quarterly operating data report and quarter trip denials, Commissioner Amber made a motion to approve the fourth quarter voucher for operating year 2016, seconded by Western and passed with a 3/0 vote. Commissioner Amber stated that the fee committee met on Friday, February 3rd to review the fees for driveway permits and buggy plates/stickers. The request for the driveway permits was for the fee to go from \$20.00 to \$50.00. Commissioner Amber made a motion to approve the fee change for driveway permits, seconded by Western and passed with a 3/0 vote. The fees for buggy plates and stickers is \$35.00 each and the request was to change to fee to \$60.00 each. The Auditor's Office will begin selling the plates and stickers on March 1st and they are considered late after May 15th. The cost will then go up to \$70.00 each. Commissioner Amber made a motion to approve the fee change for buggy plates, seconded by Western and carried with a 3/0 vote.

There being no further business and no further questions or comments from the public, Chairman Schruppf adjourned the meeting at 3:55 pm.

WHITLEY COUNTY COMMISSIONERS



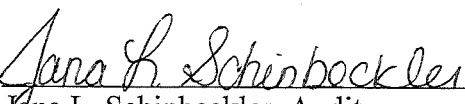
George Schruppf, Chairman



Don Amber, Vice Chairman



Thomas Western

Attest: 

Jana L. Schinbeckler, Auditor

