

WHITLEY COUNTY COMMISSIONERS

September 5, 2017

The Whitley County Commissioners met in regular session Monday, September 5, 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 Schruppf, Commissioner Don Amber and Commissioner Thomas Western. Others in attendance were County Attorney Matt Shipman, County Attorney Dan Sigler, Auditor Jana Schinbeckler, Katie Wherry, Josh Lopez, Matt Reiling, Brianna Shroeder, Sarah Lopez, Joe Lopez, Tim Dygert, Tyler Coffelt, Kelley Sheiss, Joe Wolf, Mark and Alayne Johnson, Trisha Hinen, Barb Bratt, Rita Harness, Ray Rogers, Wendy Berning, Phyllis Boger, Mike Remaly, Pat Remaly, Emily Studebaker, Cory Studebaker, Kevin Ousely, BJ Howenstein, Melissa Lehman, Mick McOmer, Mary McOmer, Henry Janden, Jim and Anne Pliett, Cathy Byrd, Chris Mounsey, Pam Ousley, Betty Mills, Michael Mill, Brooke Werstler, Barbara Hofer, John Hofer, Mary Schrimshaw, Doug Driscoll, Neil Schrimper, Randall Keller, Nadean Lamle, Steve Cormany, Jeff Pyle, John Crampton, Brenda Shearer, Gary Lamle, Nelson Miller, Brent Emerick, Brian and Sonya Emerick, Linda Zimmerman, Susan Jones, Evan Jones, Max Zimmerman, Keith Schuman, Ron Cline, Sandy Hacker from Bippus State Bank, Linda Thomson from the Post & Mail, Maintenance Supervisor Mark Sturtevant, Tyler Roebuck from IN Whitley County, Sheriff Marcus Gatton, Janelle Schmitt and Jason Spencer from the Sheriff's Department, Joan Null, Whitley County Treasurer Laurrell Schroeder, Randy Cokl from the Town of South Whitley, Thormcreek Township Trustee Gene Heckman, Scott Wagner from the Health Department, Heidi Darley and Leslee Derbeck from STAR Insurance, Mary Hartman from the Peabody Public Library, Susan Lawrence from IN Farm Bureau, Judy Richards, John O'Connell and Hank Mazzola from Whitley Water Matters.

Chairman Schruppf opened the meeting with the Pledge of Allegiance.

IN THE MATTER OF THE COUNTY ATTORNEYS: County Attorney Matt Shipman stated that he has revised and given his approval for the Buchanan & Bruggenschmidt agreement for property tax legal services for the Wheeler property. Commissioner Amber made a motion to approve the agreement, seconded by Western and carried with a 3/0 vote.

IN THE MATTER OF THE ZONING TEXT AND MAP AMENDMENTS: Planning Director Nathan Bilger addressed the overlay with the Commissioners. The legal counsel discussed the overlay with Nathan and there are a few issues that need addressed in the overlay ordinance itself. Nathan recommended to the Commissioners to table the overlay ordinance until their next meeting. The next ordinance was the rezoning map amendment for the Lopez's on Etna Road which is for a little over 94 acres. The ordinance is to reclassify said property form the "AG" Agricultural District to "AGP" Agricultural Production District. The Plan Commission held a public hearing and they gave a favorable recommendation to the Commissioners with a vote of 7/2. The plan use is to have a chicken operation that exceeds the 3,000 limitation on confined feeding operations. Commissioner Amber made a motion to approve Ordinance 2017-09 for the rezoning, seconded by Western and passed with a 3/0 vote.

IN THE MATTER OF THE JAIL OUTDOOR RECREATIONAL AREA REPAIR: Maintenance Supervisor Mark Sturtevant presented a few different projects to the Commissioners for a favorable pass to Council. The first project was for the Jail outdoor recreation area structural masonry. The inside walls of the outdoor recreation area are exposed to the elements and the columns/pilasters supporting the steel beam that divides the covered and uncovered area is being exposed to the elements as well. An inside inspection of the block columns is needed to see if there are steel support columns inside or if the blocks are reinforced and filled with concrete. The blocks themselves show significant signs of distress and may be supporting the overhead beam themselves. Mark gave costs associated with opening, inspections and closing up the two columns. The inspection will allow Martin Riley to provide the necessary details and work description notes to allow qualified contractors to quote the necessary repairs. The inspection by Martin Riley is \$3,800.00 and the exterior restoration, if it needs completed, would be \$2,233.00 from Atlas Building Services, Inc. for a total of \$6,033.00. Commissioner Western made a motion to give a favorable pass to Council for the inspection and the restoration in the amount of \$6,033.00, seconded by Schruppf and passed with a 2/1 vote with Amber voting against. The second project request was for the Jail walk-in cooler and freezer refrigeration units but the Commissioners already gave a favorable pass to Council at a previous meeting. The next project was for the Jail water softener. The current water softener is approximately 25-30 years old and is basically worn out and no longer working correctly. Softener resin in a commercial setting has a life span of approximately 15 years. The average water usage at the Jail is 350,000 gallons a month. Based on this usage, softened water is crucial to maintaining proper equipment operation. Hard water is destroying equipment and valves which the Maintenance Department just had to replace a \$2,500.00 dishwasher booster heater due to lime build up. Mark received two quotes for water softeners. The first quote was from Heat Power Engineering for \$17,868.00 and the second quote was from Wien Shearer Mechanical for \$19,976.00. Commissioner Amber made a favorable pass to Council to approve the Heat Power Engineering quote for \$17,868.00, seconded by Western and passed with a 3/0 vote. The last project presented by Mark was for the Courthouse first section of tower repair. On August 8, 2017, Council approved the use of a specialized lift for inspecting the first and second sections of the Courthouse tower to determine the

extent of damage and estimated cost for restoration. The inspection revealed the upper section is in good condition, however, the base of the tower between the roof and the louvered section needs extensive work. In conclusion, a total restoration is needed and this requires an extensive amount of scaffolding. Due to the amount and size of pieces that have already fallen off, immediate action should be considered. The two quotes for the restoration that Mark received were from Atlas Building Services for \$121,289.00 and Trisco Systems Inc. for \$137,881.00. Commissioner Amber made a favorable pass to Council to approve the Atlas Building Services bid for \$121,289.00, seconded by Western and carried with a 3/0 vote.

IN THE MATTER OF THE LUTHERAN EMS DISPATCHING: Sheriff Marcus Gatton stated to the citizens of South Whitley that at this point, the Whitley County Sheriff's Department is not able to dispatch Lutheran EMS Services. Sheriff Gatton commended the South Whitley residents and the South Whitley Board for their efforts and persistence in this matter. Sheriff Gatton stated to the Commissioners that the South Whitley residents and the South Whitley Board have done everything the Commissioners requested, including giving presentations so he requested they make a motion to approve the Sheriff's Department dispatching the Lutheran EMS for South Whitley. Commissioner Amber made a motion to allow the Sheriff to dispatch the Lutheran EMS just for South Whitley and the motion died for lack of a second.

IN THE MATTER OF THE CROY BROTHERS WELL ISSUE: Scott Wagner from the Health Department reiterated the well issue that has been discussed at the last few Commissioner meetings for the Pyle residence in Churubusco. Scott met with the Croy Brothers at the property and the distance to the sewer line and the existing pond area does meet all of the requirements for State and County codes. Scott sent the Commissioners and the Croy Brothers a letter in regard to a possible variance for them. If the Commissioners approve the variance, they will sign the covenant to indemnify the Commissioners and the Health Department, as well as, have it recorded to their deed. Commissioner Amber stated that builders in Whitley County need to know the ordinances and ensure that they know where the Health Department marked the well. Commissioner Amber then made a motion to accept the variance and waive the violation fee, seconded by Western and passed with a 3/0 vote.

IN THE MATTER OF THE 2018 SCHEDULES: Auditor Jana Schinbeckler presented the 2018 schedules to the Commissioners. The schedules included the Commissioner/Council meeting schedule, the accounts payable schedule, the payroll schedule and the holiday schedule. Commissioner Amber made a motion to approve the 2018 holiday schedule for the 5/2 employees, seconded by Western and passed with a 3/0 vote. Commissioner Amber made a motion to approve the Commissioner/Council meetings for 2018, seconded by Western and carried with a 3/0 vote. Commissioner Western made a motion to approve the payroll and accounts payable schedules, seconded by Amber and passed with a 3/0 vote.


IN A MATTER OF MINUTES AND CLAIMS: The minutes from the August 21, 2017 regular meeting were reviewed. Commissioner Western made a motion to approve the minutes, seconded by Amber and passed with a 3/0 vote. The minutes from the Joint Executive Session for the Commissioners and Council on August 22, 2017 were reviewed. Commissioner Amber made a motion to approve the minutes, seconded by Western and passed with a 3/0 vote. The minutes from the August 30, 2017 special Commissioner meeting were reviewed. Commissioner Western made a motion to approve the minutes, seconded by Schrumpf and passed with a 2/0 vote with Amber abstaining. The Commissioner's reviewed the payroll claims. Commissioner Western made a motion to approve the payroll claims, seconded by Amber and passed with a 3/0 vote. The claim distributions from August 21, 2017 through September 5, 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 THE MATTER OF OTHER BUSINESS: Commissioner Amber brought up his concern over the repairs that the County has been dealing with for County buildings. He stated in their last meeting that the City came and gave a presentation on the aquatic facility and they were short on their funding. Amber stated that the Commissioners did not tell the City they would not help fund the project; they asked they go before the County Council with the request. Commissioner Amber stated that he was disappointed when he read the paper about what the Mayor had to say in regard to the matter. Commissioner Schrumpf presented a request to use County facilities to the Commissioners. The request was from the Columbia City Fire Department for the Candy Giveaway on December 24, 2017 at the Courthouse from 6:00 to 8:00 PM. Commissioner Amber made a motion to approve the request, seconded by Western and passed with a 3/0 vote. Commissioner Schrumpf at this time asked the public for any questions or comments. There were individuals from the public concerned about why the Commissioners still did not approve the Sheriff to dispatch the Lutheran EMS for South Whitley. Commissioner Schrumpf stated that the Commissioners are open to meet with anyone from the public in regard to the matter and explain their reasons. The County is under contract with Parkview for five years and the Commissioners are more than willing to share their reasoning. President of Whitley Water Matters, John O'Connell, spoke on behalf of the Whitley Water Matters organization that started in April in response to large scale farming moving into the northern part of the County. He publicly stated that Whitley Water Matters is opposed to the Commissioners unanimous vote for the AGP zoning of the Lopez farm. They believe that it is precedent setting and they do not believe that enough research has gone into AGP zoning. Mr. O'Connell stated that they are concerned with how close farms are getting to the residential areas and lakes. He asked the Commissioners to not approve any future AGP zoning until the steering committee, which is not yet formed, reviews the comprehensive plan and creates ordinances that fit all members of Whitley County. The Commissioners thanked Mr. O'Connell for his time.


There being no further business and no further questions or comments from the public, Chairman Schrumpf adjourned the meeting at 1:50 pm.

WHITLEY COUNTY COMMISSIONERS


George Schrumpf, Chairman


Don Amber, Vice Chairman


Thomas Western

Attest: 
Jana L. Schinbeckler, Auditor

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