

WHITLEY COUNTY COMMISSIONERS
AUGUST 2, 2010

The Whitley County Commissioners met in regular session on Monday, August 2, 2010 in the Commissioner's Room located on the first floor of the Whitley County Government Center. Members in attendance were Chairman Michael D. Schrader, Vice Chairman Don Amber and Tom Rethlake. Also in attendance for all or part of the meeting were Auditor Linda Gerig, County Attorney Dan Sigler, County Coordinator Amy Crickmore, Brian Bills, Engineer Brandon Forrester, David Dunfee, Barbara Dunfee, Jackie Hake, Alan Tio, Planning Director David Sewell, William Todd Nichols, Highway Director Michael Barton, County Assessor Angela Adams, Jim Becher, Richard Eckert and Post and Mail reporter Chris Meyers. Chairman Schrader called the meeting to order at 1:00 p.m.

IN THE MATTER OF PREVIOUS MINUTES AND CLAIMS: The minutes of July 19 and the vendor claims for August 2, 2010 were approved as presented.

IN THE MATTER OF COUNTY ATTORNEY REPORT: Attorney Dan Sigler presented a Memorandum of Law regarding the County's responsibility to maintain unimproved land that has been dedicated as a street in a plat of subdivision. There is no statutory duty to maintain a road until a county itself has improved the road. By statute, it is the act of improvement by a county that makes a road part of the county highway system and that triggers the statutory obligation of maintenance. This memorandum was prompted by numerous easement issues coming before the Commissioners. Sigler stated there are still Junk and Trash Violations he is working on. In particular, Otto Boschet Jr., has failed to pay restitution back to the County. A letter was received from Boschet's attorney asking that the balance of \$2600 be forgiven. The letter stated that the County had done maintenance on a drain of Boschet's and that maintenance, in Boschet's opinion, was done poorly and cost him more money to correct the maintenance. Amber moved, seconded by Rethlake, to not accept the proposal. The motion carried 3/0. In the Loehr Case from Churubusco, the Summary Judgment Hearing has been postponed until September.

IN THE MATTER OF SPEED ZONE REQUEST: David and Barbara Dunfee of 328 S. Wolf Road were present to ask that a speed zone of 30mph be established on South Wolf Road between Old Business 30 and Old Trail Road. After further discussion, the commissioners stated that a study would be done to check for speeding vehicles on that section of road.

IN THE MATTER OF TRI LAKES PROPERTY OWNERS ASSOCIATION: William Todd Nichols, newly elected president of the Tri Lakes Property Owners Association, introduced himself to the Board and inquired about the new properties acquired from the Department of Natural Resources. Discussion was held, but no decisions were made.

IN THE MATTER OF SCHOOL BUS SAFETY PROGRAM: Indiana State Police Officer Brian Bills was present to update the Board on the School Bus Safety Program. Bills presented statistics from the 2009-2010 school year and targeted areas of violations. Bills explained how coverage will be handled during the upcoming school year to catch the offenders of passing or disregarding stop arms on school buses.

IN THE MATTER OF WHITLEY COUNTY TRANSIT: Jackie Hake was present to update the Board on the Transportation System operated by the Council on Aging. Hakes stated that 617 riders used the service in 2009. Hake is completing the grant application for 2011 and expects to receive \$159,000. To date, \$146,000 of stimulus money has been received and has been used to purchase two new buses, computers, software and training. Hake also stated that the Council on Aging has purchased an additional three acres of land south of the building for future use. Vice Chairman Amber asked Hake if thought could be given to transporting nursing home residents with minor injuries/illness back to nursing homes from the emergency room. Amber stated that the EMS or family members are not always available for these transports. Hake and Amber will discuss this matter further.

IN THE MATTER OF IT REQUESTS: Jim Becher was present with the third quarter request for updating computers, etc. The quote for the quarter is \$5,887. Amber moved to take a favorable recommendation to county council. After further discussion, Amber withdrew his motion. Becher also stated that the SQL Server is ten years old and is causing many programs in the Government Center to run very slow. The cost of replacement is \$8,000. No decisions were made on the request.

Chairman Schrader recessed the meeting in order to hold a public meeting, as advertised, on The American Recovery and Reinvestment Act of 2010 ("Stimulus Act").

IN THE MATTER OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2010: Economic Development Commission President Alan Tio was present with a resolution to designate Whitley County as a recovery zone under the Act. The County has been allocated \$1,240,000 of recovery zone economic development bonds and \$1,860,000 of recovery zone facility bonds and desires to designate a recovery zone and to allocate \$1,860,000 of Recovery Zone Facility Cap to construct a 50,000 square foot manufacturing facility at Park 30 Business Center to house the US operations of a private firm and deployment of proprietary technology valued at \$14,000,000 to provide sterilization of medical device, food and other agricultural products.

There being no public comment on the matter, the public hearing was closed and the regular commissioner meeting was reconvened.

Resolution No. 2010-08 was presented for consideration and signing. After further discussion, Amber moved, seconded by Rethlake, to approve and sign Resolution No. 2010-08. The motion carried 3/0. (See Resolution No. 2010-08 on file in the auditor's office). In another matter, Tio explained that a request to make Jefferson Township an Economic Revitalization Area (ERA) would be presented to county council members on August 3, 2010. The designation would be needed for Ag Plus to request tax abatement for expansion of their business. In going through this process, it was found that some of the land owned by Ag Plus was not zoned correctly. With Planning Director David Sewell present, Tio stated that the Board of Commissioners could request the zoning change on behalf of a taxpayer. After discussion of the matter, Amber moved, seconded by Rethlake, that the Commissioners would make the request for the rezoning to the Plan Commission. The motion passed 3/0.

IN THE MATTER OF UTILITY PERMIT REQUESTS: A permit submitted by Verizon North Inc. to do utility work in the road-right-of-way at 2585 N 950 E south of US 33 was approved.

IN THE MATTER OF COMMISSIONER REPORTS; Vice Chairman Amber recently attended a Road Safety Class at Purdue. Chairman Schrader is looking into possible grants for the Tri Lakes Park. Whitley County has been awarded the Association of Indiana Counties' Achievement Award for the county website. The award ceremony will be September 29 as part of the AIC Conference. Schrader reported that the window replacement at the courthouse has been completed. The next major project will be replacement of the sewer line under the courthouse.

There being no further business or public comment, the meeting was adjourned.

WHITLEY COUNTY COMMISSIONERS

Michael D. Schrader, Chairman

Don Amber, Vice Chairman

Tom Rethlake, Member

Attest:

Linda J. Gerig, Auditor