

BE IT REMEMBERED THAT, The Board of Commissioners of the County of St. Joseph met in a regular session in the County City Building on February 5, 2019 at the hour of 10:00 a.m. (EST) at which time in the following members were present: Andrew Kostielney, Dave Thomas, and Dr. Deborah Fleming D.M.D. were present.

PLEDGE OF ALLEGIANCE

PRAYER

The minutes of the last meeting were unanimously approved.

OPENING AND READING OF BIDS ON:

None

REPORTS AND REQUESTS FROM:

COMMISSIONERS

**A)
IN THE MATTER OF APPROVING
THE ACCOUNTS PAYABLE DOCKETS**

Dr. Fleming moved to accept the Accounts Payable Docket as read and outlined.
Motion seconded by Mr. Thomas.
Motion adopted by a 3-0 vote.

**B)
IN THE MATTER OF APPROVING
A REAPPOINTMENT TO THE
ALCOHOL AND TOBACCO
COMMISSION**

Dr. Fleming nominates John Schallioli.
Motion seconded by Mr. Thomas.
Mr. Kostielney calls for any other nominations. Seeing none nominations closed.
Mr. Thomas states that at the last meeting in an effort to be more open we have sent out a press release for the advertisement to the HBC Board. Did this need to be advertised.
Mr. Agostino. No.
Motion adopted by a 3-0 vote.

**C)
IN THE MATTER OF APPROVAL
OF RESOLUTION R-2-C-2019
ESTABLISHING MAJOR BRIDGE
FUND**

Mike Hamann, County Auditor, offices on the 2nd floor.
I am requesting that you consider reestablish the rates for the major bridge fund. For years the practice was to set the fund at a certain rate and that rate would stay stable. Twenty years ago it set at around .03 per \$100 of net assessed value for homeowners. It brought in sufficient money for ongoing maintenance, small maintenance of major bridges over 200 feet. The Commissioners were able to establish a long-range plan to rehabilitate bridges that needed more extensive work. The state legislative said that if you don't reestablish those rates on a timely basis those rates will decline. Our rate has declined to about 1.8 cents for a \$100 of net assessed value. So, now our County Engineer is not able to do the ongoing maintenance and to undertake a long-term process of rehabilitating our bridges. I think this would be a good time to try and reestablish that fund at that rate, 3.3 cents per \$100 of net assessed value. This would provide us with the money needed and a long-range plan to take care of our infrastructure. This will lead to some increased taxes for folks but, it is going to be about \$10-\$20 a year. If we don't act the rate will continue to drop.

Steve Dalton, Cender & Company, Maryville, IN.

I agree with this recommendation request. As an example of this on a \$200,00 home with standard deductions the net assessed value would be about \$98,000. That value would increase under this proposal by \$13.75 per year beginning in 2020. I would point out that looking over the last five years of tax rates, five years ago the tax rate that was attributable to the entire county was .7058 or .71 per \$100 of assessed value. We declined over the last five years. This year that rate has declined by .04. That would be \$40 per year over the last year. So, that means that a taxpayer's bill over the last five years has declined \$40. We are asking that it be allowed to increase back into that range, still less than it was five years ago by \$13-\$20 depending on the value of the property.

Mr. Thomas. If there were to be an increase that would not affect everyone, but because of circuit breaker people probably within the city or most town limits would not have an out of pocket increase. Is that true?

Mr. Dalton. That is true.

Mr. Thomas. Those in the city and towns who are at the circuit breaker caps that would not have an in pocket increase it would shift the current taxes they pay to where they go.

Mr. Dalton. That is true.

Mr. Thomas. So different entities schools, libraries, etc would have to surrender dollars for this fund.

Mr. Dalton. That is true. Those entities except for schools, they don't have the right to do so, have also increase their rates over the last ten, fifteen years while we have not. The cities, towns and townships have increased their rate to our detriment over those years. If anything, we are meeting them half way.

Mr. Thomas. Are you aware that New Carlisle is discussing starting a new fire territory?

Mr. Dalton. I have discussed that with them in the past. I was not aware they were doing so this year.

Mr. Thomas. Are you aware of the South Bend School corporation is desperate for money and wanting a referendum?

Mr. Dalton. Yes.

Mr. Thomas. With these concerns and the suffering of many entities. Some departments would go down as well correct?

Mr. Dalton. Correct by a very small amount.

Mr. Thomas. With the assessed values going up, even though the tax rate goes down in theory you can still make more money in taxes.

Mr. Dalton. As the percentage becomes a larger piece.

Mr. Thomas. People with a five-digit zip code would probably have a tax increase.

Mr. Dalton. Many of the unincorporated of St. Joseph County would have an increase.

Mr. Thomas. Reads a portion of the Voice of the People submitted by Jamie O'Brien in reference to the tax increase.

I feel this tax is wrong. Counselor, I don't think this public hearing on this tax was legally advertised.

Mr. Agostino. I believe that if the only word left out was public before hearing I don't think that is material.

Mr. Thomas. What about this board not having authorized this publication?

Mr. Agostino. I don't think that is required.

Discussion held on this matter. Final decision is to ratify the giving of the notice if so desired.

Jessica Clark, County Engineer, offices on the 7th floor.

On the major cumulative bridge fund what this fund is specifically used for is it is eligible for structures that are 200 ft or more in length. We have about 24. The majority are river bridges, railroad grade separations and or a few other structures. These are major transportation corridors that this money is used for. Based on our most recent bridge inspections we have approximately 12 structures that we need to do major rehab and repair on. Those dollars plus the annual maintenance needed to keep the bridges operational is approximately \$13.1 million. The revenues we currently collect are short of that. These are needs that need to be completed. I would encourage the boards support in re-establishing these rates.

Mr. Thomas. When money goes into this fund it can only be spent on certain things it is for this fund only.

Ms. Clark. Correct. Per Indiana code there are strict guidance on how those expenditures can be spent.

Mr. Thomas. If it was in the general fund where it is unrestricted it could also be spent on bridges correct?

Ms. Clark. If that was a priority.

Mr. Thomas. If the money was unrestricted it could be spent anywhere. Just for reference purposes \$13.1 million seems awful low is that just the 20% match or did you already deduct the 80% match from the government.

Ms. Clark. This is for only those 24 structures based on the inspection of those for repair, rehabilitation and maintenance needs. That is the 100% figure.

Mr. Thomas. So, in theory the \$13.1 million, 80% would be paid for by federal grants.

Ms. Clark. Not necessarily. In the next five years we do not have any federal aid available for these types of projects. They are already committed within our area.

Mr. Thomas. Federal and state could appropriate money?

Ms. Clark. That is out of our control.

Mr. Thomas. In the last five years how many major bridges have we repaired where we did not receive an 80% match from the government.

Ms. Clark. We have not we have been able to utilize the federal aid program. Prior to that it did not we were using local funds. With respect to a specified fund it is good to have that because then we are able to build that five- or ten-year plan because we know what funding is coming in with expected revenue verses trying to on an annual basis request an appropriation. Most of these projects are five-year projects. We can't plan a budget going year to year on that. We have to be able to save money over time.

Dr. Fleming makes a motion to ratify the notice.

Motion seconded by Mr. Kostielney.

Debra Durall, 21677 Auten Rd, South Bend, IN.

I need to clarify the action being taken.

Mr. Thomas. Currently the motion is, does this board have the legal right to even discuss this matter, has it been legally advertised. I say it has not been.

Mr. Thomas goes on to give his interpretation of the ratification advised by counsel.

Counsel interjects that he is not being accurate.

Mr. Agostino. The motion before the board is to ratify the giving of the notice. Due to a question about if it was authorized. That is the notice of the hearing where you can voice any concerns about the rate increase of the bridge fund. They are not acting on that question right now. They are simply clearing up the issue of the notice being properly authorized. I personally think that it was appropriate and legal. I have advised the board if there is any doubt at all they can ratify it and that makes the record 100% clear that there is no question about if the notice was authorized. That is what they are acting on.

Motion passes by a 2-1 vote.

Debra Durall, 21677 Auten Rd, South Bend, IN.

I think bridges are near and dear to everyone's heart. I would never want to advocate for not taking care of our bridges. Where are the 24 bridges located.

Mr. Kostielney. Any bridges in the City are the Counties responsibility.

Ms. Durall. I would like to hear how many bridges are in the New Carlisle area. How many of these bridges fall into TIF areas? Can TIF funds be used for public improvements and maintenance on roadways and bridges and those ramps leading up to those bridges? I think we should be able to use TIF funds for these kinds of things. If you want to raise taxes do that for the other things that need to be funded in this area that are currently being shorted.

Judith Robleski, 515 S. Meade, South Bend, IN.

Ms. Clark mentioned that there are 12 scheduled for repairs within the next six years.

Where are these 12 structures? Since these are heavy truck areas, in-between Western and Sample this is a no truck zone but then I found out it is only for trucks that are loaded.

How do we know if a truck is loaded or not? Trucks do more damage than the average taxpayers' vehicle. What about these trucking industries pitching in?

Dr. Fleming moved to accept the above request as read and outlined.

Motion seconded by Mr. Kostielney.

Mr. Thomas. I am sure TIF money could be shifted over to pay for bridge repairs if necessary. Yes, a lot of the bridges are in the city limits. It seems the cities should help pay for the bridge repair. This is a two-part tax. There is also some people want to raise the Cum Cap Development tax. This is unnecessary and unwanted and will cause more harm than good.

Mr. Kostielney. For clarification, this Cum Bridge action is only taken by the Board of Commissioners. The Council will have nothing to do with this particular piece we are doing today.

Dr. Fleming. My understanding is that this is for infrastructure updating and improvement. If you want to not fix the potholes in the area because often times in order to get the bridges done in the past, we have had to use money from the road funding. It would be a good investment. In the last 12 years this has dropped so much we have not been able to maintain the amount of money needed. Other counties have maintained theirs.

Ms. Clark. With respect to TIF funds and not just those funds the county has historically utilized other revenue sources to help with these expenditures. For the legal boundary areas, no the bridges are not in TIF areas. They may exist within city areas but those are not monies we have access to. With respect to the county TIFs there are no structures in any of those areas. However, you can be serving that area with those types of improvements. The majority of work that needs to be done is maintenance rehabilitation, deck replacements those types of things. They are mostly river bridges.

Mr. Kostielney. Any rate increase to our taxpayers is significant. It is something we try to do as a last resort. Keep in mind this is what the overall framework of what property taxes are in St. Joe County. In this case the rate is going up but we have seen in other cases where the rates go down. If we look at a five-year window we stay within that same rough area. Other entities try to keep that rate at a balanced level, so we keep property taxes even. We have seen a tax reduction for taxpayers the last three years. So, the citizens have seen the benefit of it. We have done a tremendous job at curtailing spending. We do the best we can to provide the best level of service to our taxpayers for the lowest dollar amount possible. I think it is though that leadership that we have seen tax rates decrease multiple years. So, now we are trying to balance that back up where we are still, our taxes are lower than they were five years ago. I am in favor of dedicating funding for infrastructure. I would like to dedicate this funding to bridges because it has been slowly robbed every year. We have made tax adjustments in the past for other departments due to their rates falling down. So, we tried to put them back up by redistributing the resources more effectively. As a result, these departments are in better shape than they were several years ago. This is the same thing we are trying to do to address the issues we have with the bridges.

Motion adopted by a 2-1 vote.

COUNTY POLICE
IN THE MATTER OF APPROVING
AN AMMENDMENT TO
IN TOUCH CONTRACT

That is a contract amendment to extend out the pharmaceutical portion of the health care for inmates at St. Joseph County. This would extend it until the end of the year.

Dr. Fleming moved to accept the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

HEALTH DEPARTMENT
IN THE MATTER OF APPROVING
TO ADVERTISE AN RFP FOR
LEASED VEHICLES

Amy Ruppe, Finance Manager, offices on the 8th floor.

This is a request to advertise for 14 vehicles.

Dr. Fleming moved to accept the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

INFORMATION TECHNOLOGY
IN THE MATTER OF APPROVING
A TECH REFRESH CONTRACT

Mike Hamann, Auditor, offices on the 2nd floor.

We are asking for approval of the 4th out of the 5-year tech refresh contract. This is part of our leasing program. We have one more year to go then we will start over once those current leases roll off to get new things again, so we can continue to upgrade our technology.

Scott Senff, IT Director, offices on the 2nd floor.

We will be working with DRCB, Assessors, Voter Registration, as well as a mobility refresh for the County Council and Commissioners. The amount of this lease is \$126,727.22. I consider this an enormously successful program.

Mr. Thomas. Is Civitas included in that amount.

Mr. Senff. Yes.

Mr. Kostielney. I would like to also give my thanks and for getting with Ray on one of the issues we had from a CAD standpoint of technology upgrades within PSAP so we could roll them into this tech refresh whenever it is appropriate. I think it will be overall a nice savings and helping them function more properly.

Dr. Fleming moved to accept the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

JUVENILE JUSTICE CENTER
IN THE MATTER OF APPROVING
TO APPLY FOR THE JUVENILE
DETENTIONS ALTERNATIVE
GRANT

Sheryl Rush, Probate Court, 1000 S. Michigan.

This is a request to apply for a \$54,523.00 grant.

Dr. Fleming moved to accept the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

IN THE MATTER OF APPROVAL
TO APPLY FOR THE COMMUNITY
CORRECTIONS GRANT FROM IDOC

This is a request to apply for a \$278,771.00 grant.

Dr. Fleming moved to accept the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

PURDUE EXTENSION
IN THE MATTER OF APPROVING
OF EXTENSION CONTRACTUAL

Rachel Rawls, Purdue Extension.

I am asking you to retroactively approve this. Being new I did not know the proper procedures but have since learned them and in the future will be done correctly.

Dr. Fleming moved to ratify the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

DEPT. OF PLANNING, PUBLIC WORKS, AND ECONOMIC GROWTH:

CONSENT AGENDA

Development / Subdivision Requests
Description
Irrevocable Letter of Credit Westwood Knolls Subdivision
Irrevocable Letter of Credit New Prairie Knolls Subdivision, Phase III
Irrevocable Letter of Credit New Prairie Knolls Subdivision, Phase IV
Irrevocable Letter of Credit Boulder Bay Subdivision
Irrevocable Letter of Credit Stone Oak Farms Subdivision
Irrevocable Letter of Credit The Farms Subdivision

Special Event Requests
Description

Traffic Regulatory Requests
Description

Project Completion Affidavit
Description

Jessica Clark, County Engineer, office on the 7th floor.

A)

IN THE MATTER OF APPROVAL
OF INDOT LPA SUPPLEMENTAL
AGREEMENT FOR AUTEN TRAIL
FROM LAUREL TO SR. 933

This revises the letting to match when the federal aid dollars are available for use.

Motion made by Dr. Fleming to accept the recommendation of the Department of Public Works in reference to the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

B)

IN THE MATTER OF APPROVAL
OF PRELIMINARY ENGINEERING
AGREEMENT FOR PIERCE ROAD
RECONSTRUCTION FROM US 31
TO MIAMI HWY.

This agreement outlines the responsibilities of each party and establishes a not to exceed amount of \$1,152,350.00 for the services rendered.

Motion made by Dr. Fleming to accept the above recommendation in reference to the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

C-H)

IN THE MATTER OF APPROVAL
2019 ST. JOSEPH COUNTY HIGHWAY

ANNUAL BIDS FOR:

- *bituminous patching materials.
- *drainage pipe & structure, guardrail and bridge material
- *fuel, oils, lubricants, and misc. materials
- *liquid bituminous materials
- *miscellaneous aggregates
- *traffic paint and signage materials

It is requested that these be advertised on February 8th and 15th with a bid opening on February 26, 2019.

Motion made by Dr. Fleming to accept the above recommendation in reference to the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

**ADD ON: PSAP
IN THE MATTER OF APPROVAL
OF AN AMENDMENT TO TYLER
TECHNOLOGIES, INC CONTRACT**

Raymond Schultz, Executive Director, 58266 Downey Ave.

This is to add a CAD interface. There is a project that is supported by many fire departments in the county. This is called pulse point.

Jaren Kilian, Assistant Fire Chief, 18355 Auten Rd.

Pulse Point is a mobile application that works across all smart phones. This application alerts citizen responders to an emergency event at the same time as the fire department and other emergency services are notified. If someone is within distance of that emergency event their phone would be alerted. This is a voluntary notice if the app is downloaded. It also notifies responders in the community of AED locations. With your consideration we would like to push forward with this project.

Mr. Thomas. I understand that may also include AED locations as well.

Mr. Kilian. It does. This would be something that ties into the CAD as well.

Dr. Fleming moved to accept the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

OLD BUSINESS:

**IN THE MATTER OF APPROVAL
OF AN EMPLOYMENT AGREEMENT**

Dr. Fleming makes a motion to untable the above request.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

Mike Mesh, Attorney, 131 S. Taylor.

This is a modified employment agreement for Dr. William Bruinsma, Executive Director of the JJC. We have addressed all concerns.

Dr. Fleming moved to accept the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

PUBLIC COMMENTS:

Joseph Shabaz, South Bend, IN.

I previously addressed this group about a situation at the Ducomb Center in reference to direct deposit and power of attorney and have not heard anything back from the County.

Also, I filed a complaint on behalf of my wife in late September and I still do not have an answer. I am here to ask someone to give me an answer to my complaint.

Mr. Kostielney. At the last meeting were you able to sit down and talk to Jamie Woods our Attorney?

Mr. Shabaz He never contacted me.

Mr. Agostino. I believe I spoke with you. I forwarded some releases to you for some information.

Mr. Shabaz. Yes you asked me to release some information that constituted me giving you discovery without there being a cause of action. I am not prepared to do that.

Mr. Agostino. It was information that we would need to evaluate.

Mr. Shabaz. That is interesting because in her presentence investigation report it talked about the very thing we had discussed.

Mr. Agostino. I would be glad to talk to you further after the meeting.

Debra Durall, 21677 Auten Rd, South Bend, IN.

I would like to express my appreciation to the county for all of the good work they are doing on the bike paths. The Auten bridge does not have pedestrian walk way. It is a highly used road and very dangerous. I would like to suggest as part of the bridge improvement to add pedestrian crossings to any of these bridges that are being improved.

Ken Carter, Town Council President for New Carlisle.

The Town Council of the Town of New Carlisle supports planned and measured growth that supports the Town's utility investments, that supports the health of the aquifer and surrounding ecosystems and supports the New Carlisle comprehensive plan which includes preservation of the character of our town.

Mr. Thomas. Does this mean the town council voted to keep things more natural?

Mr. Carter. All we are concerned with is contamination of the ground water, pollution of the air in that area.

Judith Robleski, 515 S. Meade, South Bend, IN.

I would like to know if TIF districts include money for maintenance to roads and bridges.

Mr. Kostielney. They do.

There being no further business to come before the Board at this time, Mr. Kostielney asked for a motion to recess, Mr. Thomas so moved, seconded by Dr. Fleming. Meeting recessed by a 3-0 vote.


ST. JOSEPH COUNTY COMMISSIONERS

*Please refer to the St. Joseph County website for the full audio and visual of the St. Joseph County Commissioners meeting if needed.