

**MARCH 17, 2014
COMMISSIONERS**

REGULAR SESSION

COUNTY

The Pulaski County Board of Commissioners convened in Regular Session at 6:00 p.m. Eastern Time in the Commissioner's Room, at the Courthouse in Winamac, Indiana, the call to order by Larry L. Brady, President. Upon the Pledge of Allegiance the meeting began. Present also were Tracey Shorter, Vice-President and Terry L. Young, Commissioners, Kevin Tankersley, County Attorney and Shelia K. Garling, Auditor.

Also present, other than those who are on the agenda, were: Amber Tomlinson, Bud Krohn Jr, Jason Bunger, Greg Hildebrandt, Jeremy Wegner, Bob White, Gerry Brady, and Jeremiah Kopka.

IN RE: COMMISSIONERS MINUTES

The Minutes of the Commissioners Meeting of March 3, 2014, Memorandum of Executive Session on March 10, 2014, were approved as submitted upon a motion by Tracey Shorter, seconded by Terry L. Young. Motion carried.

IN RE: PAYROLL & OTHER CLAIMS AND ALLOWANCES

Payroll claims for the period (Hourly: February 16, 2014 – March 1, 2014) were received, considered and action taken thereon as shown on the Payroll Claim & Allowance Docket they were paid on March 14, 2014.

Regular Claims & Allowance Docket dated March 17, 2014 were received, considered, and action taken thereon as shown. Motion made by Tracey Shorter to pay claims and payroll as presented, seconded by Terry L. Young. Motion carried.

IN RE: HIGHWAY REPORT

Comes now, Mark Fox, Superintendent, brings the bid spec for advertising the following items, One 2014 ¾ Ton Heavy Duty Crew Cab Pickup Truck; One 2014 Tandem Axle Dump Truck; One 2014 Ditch Bank Rotary Mower; One 2014 diesel Tractor. Motion made by Tracey Shorter to move forward with the bid specs. Seconded by Terry L. Young. Motion carried.

Here is a list of the comp time from each employee and what we are paying out.

We are now working on the gravel roads, getting ready to patch the pot holes. Check with Jenny Keller, Surveyor regarding a couple of ditches. A dirt road Southeast of Nice's Bridge, county or private, it is private.

IN RE: MAINTENANCE REPORT

Comes now, Jeff Johnston to give his report. The Justice Center Roof Heating Units have been set up and are operational. Recycling Center Heaters and bailer will move on that on Thursday. I have 3 quotes on the concrete pads. The elevators at the annex are being fixed. Justice Center roof leaking won't leak for 20 years. There were no off duty emergency calls. Ants at the Courthouse and Annex, it is being taken care of. We have had 2 power outage at the Annex due to tree branches. There are no generators at the Health department. We have ordered 2 interior doors at the County home, should be here in 2 weeks.

Terry asked about defibrillators, how often are they checked? They are checked monthly.

IN RE: VEHICLES FOR SALE AND CREDIT CARDS

Comes now, Larry Hoover, EMA Director to bring list for DRMO items for Auction: 1006 AM General 5 t St Truck; 1985 International 5 T Cargo Truck; 1987 AM Genera 2.5 T St Truck; 2 Generators 60 Kw 400 Hertz. He was to get with Mark Fox, Highway superintendent to see if he has any surplus. Backhoe at Recycling is also on the list.

Credit Cards or fuel card no decision has been made. We are looking at several options regarding this. Sandbags are needed for flooding. Terry L. Young received a phone call from someone from Monterey requesting sand bags. Can get the Sandbags free but have to go pick them up in Indianapolis IN.

IN RE: SAFETY COMMITTEE LIST

Comes now, Jason Bunger to show them the safety committee list and ask their approval of who he has marked. The Commissioners agree with the safety committee list Jason showed them.

IN RE: EMS REPORT

Comes now, Nikki Lowry, EMS Director to give her monthly reports. We will be experiencing more transfers in the next several weeks. I am having staffing issues and am trying to keep everything covered. We do need to have 3 ambulances up and available. The ambulance from Wagner's in the fire was taken to Merrillville to be cleaned. Haven't heard back from them yet, I have talked with the adjuster. If it isn't property documented we will not be getting it certified. Discussion regarding, having equipment and vehicles services within a County department.

IN RE: BIDS FOR HEALTH INSURANCE

Larry Brady, Commissioner on discussion of bids for health insurance, if we chose to go with another insurance agency, if we have a refund from our premiums, if we bid out we will not get the refund. Motion made by Terry L. Young to cancel taking bids for health insurance out this year. Seconded by Tracey Shorter. Motion Carried.

IN RE: MALCON AGREEMENT FOR EMS

The MALCON agreement for EMS, Proposal for the Preparation 2013 Medicaid Ambulance Cost Report. Motion made by Tracey Shorter for Larry L. Brady, President to sign agreement. Seconded by Terry L. Young. Motion carried.

IN RE: FLEXIABLE CASH RENTAL AGREEMENT ON COUNTY FARM LAND

Motion made by Terry L. Young to approve agreement from Tim & Sue Alexander for the Cash Rent of County Farm 2014. Seconded by Tracey Shorter. Motion carried.

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COUNTY COMMISSIONERS

IN RE: RECYCLING/TRANSFER STATION REPORT

Comes now, Ed Clark, Manager to give his monthly report. We are separating the ones (.13) and twos (.22), plastics. No water in the building, it's draining but it's slow. We will continue doing what we are doing. The numbers from last year to this year will be inflated, because of the hail storm and the shingles from the roof damages and the Transfer Station for the Town of Winamac. The Town of Winamac made a chose, we will live with that.

Case backhoe, I would reach out to have it auction off and get rid of it.

We stopped taking recycling from the town of Winamac with the new company; we decided to try it for a week. The first week we received 2250 lbs. of recyclables and with 4 employees \$552.00 dollars labor cost paid to the hired help. The county lost \$400.00. We tried again the next week with 6350 lbs. of recyclables at 3 times from the week before. We cannot keep up with this. Ed said I made the decision to not continue taking the recyclables from the Town of Winamac. Motion made by Terry L. Young for the County to no longer receive the single stream recycling from the Town. Seconded by Tracey Shorter. Motion Carried.

IN RE: OFFICE OF RURAL AFFAIRS GRANT

Terry L. Young reaffirms payment for the office of Rural Affairs Grant of \$900.00 owed. Seconded by Tracey Shorter. Motion carried.

IN RE: NEW RESIDENT AT THE COUNTY HOME

Motion by Tracey Shorter to approve the new admission at the County Home. Seconded by Terry L. Young. Motion carried. The Auditor brought up that some of the information on the application is not being filled out. Debora Girton, Superintendent did not realize that the Commissioners were to sign the application. Tracey will talk with Deb regarding the process for a new resident. We will develop a check list for new admissions.

IN RE: AIRPORT LIABILITY

Liability Issue regarding the airport employee, the current employee has no objection to becoming a full time employee. I think it would be okay to make the recommendation to make him a county employee. Appoint a committee to discuss this, Jeremy Wegner, Doug Roth and Tracey Shorter if you would like. Motion made by Tracey Shorter to; at the County Airport, Bud Widner would be an employee of the County. A committee of Jeremy Wagner, Doug Roth and Tracey Shorter to discuss the airport. Seconded by Terry Young. Motion Carried.

IN RE: VACATED UNIMPROVED PLATTED ROAD

Motion made by Terry L. Young to approve to sign vacated unimproved platted road.. Seconded by Tracey Shorter. Motion carried.

**COUNTY OF PULASKI
ORDINANCE NO. 2014 – 03
VACATING UNIMPROVED PLATTED ROAD**

WHEREAS, the Board of Commissioners of Pulaski County is authorized to vacate public ways pursuant to Indiana Code, and

WHEREAS, Rex A. Manikowski and Vickie D. Manikowski, Husband and Wife, have requested to Board of Commissioners to vacate a certain unimproved sixteen foot platted road that has never been used for a road by the Manikowski's or any other party, which runs north and south through their real estate, with a majority of the road running through their pond, and

WHEREAS, proper notice was given to all abutting landowners, by certified mail, return receipt requested, and was likewise published in the Pulaski County Journal and Francesville Tribune, and

WHEREAS, a public hearing was held on Monday, March 10, 2014. Petitioners, counsel and remonstrator were heard and

WHEREAS, the Board of Commissioners have determined that the petition is in order and should be granted.

NOW THEREFORE, BE IT ORDAINED, that the unimproved sixteen foot platted road as per Eden Subdivision Plat, as the same runs through the boundary of petitioner's real estate per their petition, shall be and hereby is vacated. The legal descriptions and drawing of the undeveloped platted road being vacated is per the survey attached to the petition. According to Indiana Law, the adjoining land owners will acquire title to the roadway.

This Ordinance shall be in full force and effect immediately upon its passage and signing.

Presented to the Board of Commissioners of Pulaski County, Indiana, read, and approved this 10th day of March, 2014. Signed this 17th day of March, 2014.

**BOARD OF COMMISSIONERS OF
PULASKI COUNTY, INDIANA**
/s/ Larry L. Brady, President
/s/ Tracey Shorter, Vice-President
/s/ Terry L. Young
ATTEST: /s/ Shelia K. Garling,
Auditor, Pulaski County

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IN RE: VACATED UNIMPROVED PLATTED ROAD (cont.)

Prepared by: Daniel S. Tankersley, Attorney at Law, Winamac Indiana

IN RE: RESOLUTION ESTABLISHING AIRPORT RENTAL FUND

This "RESOLUTION ESTABLISHING AIRPORT RENTAL FUND PULASKI COUNTY, INDIANA" was tabled.

IN RE: RESOLUTION ESTABLISHING MAILBOX POLICY

Motion made by Tracey Shorter to sign and approve the resolution establishing the mailbox policy.
Seconded by Terry L. Young. Motion carried.

**RESOLUTION ESTABLISHING MAILBOX POLICY, PULASKI COUNTY, INDIANA
RESOLUTION # 2014 - 01**

This Resolution of the Pulaski County Commissioners is effective this 17th day of March, 2014.

WHEREAS, IC § 36-1-3-1 et seq. permits any County in the State of Indiana to exercise any power to perform any function necessary to the public interest in the context of its county or internal affairs, which is not prohibited by the Constitution of the United States or the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other to another governmental entity;

WHEREAS, the Board of Commissioners of Pulaski County is the County executive and legislative body and is by law authorized to adopt ordinances and resolutions for the administration of its governmental affairs;

WHEREAS, the Board of Commissioners of Pulaski County desire to establish or implement a uniform and consistent policy with respect to mailboxes located within the public right-of-way which have been damaged as a result of highway usage or highway operations;

NOW THEREFORE BE IT RESOLVED AND ESTABLISHED by the Board of Commissioners of Pulaski County:

1. Pulaski County and the Pulaski County Highway Department shall not be responsible and assume no responsibility for repairing or replacing any damaged mailboxes when:
 - a. The mailbox is located less than three feet from the edge of the pavement to the face of the mailbox regardless of the circumstances causing the damage;
 - b. The mailbox is damaged as a result of objects, snow, sleet, ice water, or other precipitation thrown by a plow;
 - c. The mailbox is found to have been in an unsound condition prior to the damage, regardless of the circumstances causing the damages; or
 - d. The mailbox is damaged by any person who is not acting under the direction or at the request of Pulaski County.
2. Except as provided in Paragraph One (1) above, Pulaski County, Indiana through the Pulaski County Highway Department shall be responsible for replacing or repairing damaged mailboxes when:
 - a. The mailbox is physically struck by a Pulaski County owned and operated maintenance truck;
 - b. The mailbox is physically struck by a Pulaski County owned and operated snowplow; or
 - c. The mailbox is physically struck by a snowplow owned and operated by a subcontractor performing precipitation removal operations at the request of the Pulaski County Highway Department.
 - d. Any other reason that may subject the County of Pulaski to liability exposure in the opinion of the County attorney.
3. Damaged mailboxes that are replaced by the County of Pulaski pursuant to this Resolution shall be new but not necessarily identical to the damaged mailbox. The decision of whether to provide compensation, or engage to provide services to repair a mailbox is solely within the discretion of the Pulaski County Highway Superintendent for paragraph 2(a)(b)(c) and the County Attorney under paragraph 2(d). The County of Pulaski and the Pulaski County Highway Department shall not provide any approaches to a mailbox.

RESOLVED AND ESTABLISHED this 17th day of March, 2014.

PULASKI COUNTY COMMISSIONERS

/s/ Larry Brady, President
/s/ Tracey Shorter, Vice President
/s/ Terry Young

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IN RE: RESOLUTION ESTABLISHING MAILBOX POLICY(Cont.)

ATTEST: /s/ Shelia K. Garling, Auditor, Pulaski County

IN RE: JOINT ORDINANCE DIRECTING THE PLACEMENT OF STOP SIGNS

Motion made by Terry L. Young. Seconded by Tracey Shorter. Motion carried. This will also be taken to the County Council for approval.

ORDINANCE: 2014-04

JOINT ORDINANCE DIRECTING THE PLACEMENT OF STOP SIGNS

WHEREAS, The Board of Commissioners of Pulaski County and the Pulaski County Council have the power to regulate traffic on any highway in the county highway system under the authority of I.C. 8-17-1-40, I.C. 9-21 and pursuant to the Joint Ordinance enacted on August 8, 1994; and

WHEREAS, The Board of Commissioners and Pulaski County Council have determined that a stop sign needs to be placed at each of the following intersections: 1.) 500 North and 300 West; and 2.) 200 North and 300 West.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of Pulaski County and the Pulaski County Council that after the erection of appropriate STOP signs all traffic shall be required to stop at the intersection of 500 North and 300 West; and 200 North and 300 West. The effect of this ordinance shall be to cause traffic coming from any direction to stop and to proceed only at such time as it is safe and clear to do so.

Violation: Any person who violates any portion of this ordinance shall be guilty of a Class "C" infraction pursuant to IC § 9-21-8-32 and 9-21-8-49.

Effective Date: This ordinance shall be in full force and effect upon passing by the Pulaski County Board of Commissioners and Pulaski County Council and publication for two consecutive weeks pursuant to IC § 36-2-4-8(b).

Passed and adopted by the Board of Commissioners of Pulaski County on this 17th day of March, 2014 and the Pulaski County Council on this ____ day of March, 2014.

PULASKI COUNTY COMMISSIONERS

/s/ Larry L. Brady, President
/s/ Tracey Shorter, Vice-President
/s/ Terry L. Young
ATTEST: /s/ Shelia K. Garling, Auditor, Pulaski County

IN RE: DECISION ON PETITION TO VACATE

Motion made by Tracey Shorter to approve and sign decision to vacate, seconded by Terry L. Young. Motion carried.

DECISION ON PETITION TO VACATE

The Pulaski County Advisory Planning Commission hereinafter referred to as "Commission" met in public hearing on May 28, 2013 at 7:00 p.m. in the Commissioners Room at the Pulaski County Courthouse. The matter before the Commission was a Petition filed by Larry Brown, Linda Brown, and Melvin Brown to vacate lots that they own in the Tippecanoe River Land Development, Phase No. 1 pursuant to IC § 36-7-4-711. Notice of the public hearing was properly published and sent to all the appropriate owners of record pursuant to IC § 36-7-4-711 (d). The Commission having heard evidence and testimony from the Petitioners now finds as follows:

1. That the Petition is approved by unanimous vote of the Commission, in its entirety pursuant to IC § 36-7-4-711 (f) and further finds that:

- a. the conditions in the platted area have changed so as to defeat the original purpose of the plat;
- b. it is in the public interest to vacate part of the plat; and
- c. the value of the part of the land in the plat not owned by the Petitioners will not be diminished by the vacation.

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IN RE: DECISION ON PETITION TO VACATE (Cont.)

2. That the following lots in the Plat of the Tippecanoe River Land Development, Phase No. 1, Tippecanoe Township, Pulaski County, Indiana, more particularly described as Lots 7,8,9,10 in Block D and Lots 24,25,26,27,28,47 and 48 in Block E, shall be vacated.

3. That the Commission confirms that lots had been previously vacated but are not yet consolidated in the Tippecanoe River Land Development, Phase No. 1, Section 9 including in Block D Lots 49, and 50, Lots 11 through 22, Lots 2,3,5 and 6; in Block E Lots 1 through 8 and Lots 13 through 22.
4. All of the streets that are vacated and limitations are set out as follows:
 - a. Cove Road remains entirely open and shall not be vacated.
 - b. Waterfall Road is vacated in its entirety.
 - c. Apple Road remains open to the east boundary of Section E Lot 12 and Section D Lot 11 but;
 - d. Apple Lane is closed in its entirety east of the above referenced line in paragraph c.
5. There are no restrictive covenants subject to be considered at this hearing.
6. That no objections were heard from the notified adjoining land owners in the Plat.
7. The Commission approves the joining of all the vacated lots in the Plat to property owned by the petitioners in the South ½ of Section 9, Township 31 North, Range 1 West of the 2nd Principle Meridian, in Tippecanoe Township, Pulaski County, Indiana.

The Commission formally approves the vacating of the Plat as specified in the above referenced paragraphs. The descriptions of the Plat and lots shall be vacated and those lots shall be consolidated into one parcel when the petitioner submits the appropriate survey for recording in the Pulaski County Recorder's Office. At the time the survey is recorded, the records in the Auditor's and the Assessor's Office shall be changed to reflect the consolidation, and the necessary adjustments to any assessments and taxes shall be made.

The Commission forwards this matter to the Pulaski County Commissioners for their approval and recording with the Pulaski County Recorder's Office pursuant to IC § 36--7-4-711 (g) and any recording costs are assessed to the Petitioners.

Dated: _____
Pulaski County Commissioners

/s/ Larry Brady, President
 /s/ Tracey Shorter, Vice President
 /s/ Terry Young

"I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law." /s/ Kevin Tankersley

THIS INSTRUMENT PREPARED BY:

Kevin C. Tankersley
 Attorney at Law
 P.O. Box 363
 115 W. Main Street
 Winamac, IN 46996

IN RE: TREASURER SEMINAR APPROVAL

Motion made by Terry L. Young to approve conference on April 7, 2014 for Mardell Retschlagg to attend the annual SRI incorporated Tax Sale Seminar in Indianapolis IN. Seconded by Tracey Shorter. Motion carried.

IN RE: KIRPC – FINANCIAL SETTLEMENT/EXPENDITURE REPORT

Motion made Tracey Shorter to have Larry L. Brady, President sign the expenditure report. Seconded by Terry L. Young. Motion carried.

IN RE: OFFICIAL BONDS

Motion made to approve and sign official bonds by Tracey Shorter for David Weber, David Dare and Michelle Grostefon. Seconded by Terry L. Young. Motion carried.

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IN RE: DOLLAR GENERAL

Larry L. Brady sent a letter to Dollar General changing the name on the account and it was accepted.

PUBLIC COMMENT:

Bud Krohn welcomed Gerry Brady to Harrison Township. Asked if we need the skidster? Yes
How is the contract with Tim and Sue Alexander? Fine
Alexsondra Haschel comment on Town of Winamac recycling.

The meeting was adjourned at 7:42 p.m. Motion made by Tracey Shorter, seconded by Terry L. Young. Motion carried. The next regular meeting will be held on Monday, April 7, 2014 in the Commissioners Room, in the Courthouse at 6:00 p.m. Eastern Time.

Signed and dated this 7th day of April, 2014
PULASKI COUNTY BOARD OF COMMISSIONERS

Larry L. Brady, President

Tracey Shorter, Vice-President

Terry L. Young

ATTEST: _____
Shelia K. Garling, Auditor, Pulaski County