

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 January 2, 2013 at the hour of 10:00 a.m. (EST) at which time in the following members were present: Andrew Kostielney, Dave Thomas, and Marsha McClure were present.

ELECTION OF OFFICERS:

The meeting is called to order by Chief Deputy Teresa Shuter.
The first order of business is to elect the officers for the calendar year 2013.
Ms. Shuter asked for nomination of President.
Marsha McClure nominates Andy Kostielney for President.
Motion seconded by Dave Thomas.
Motion adopted by a 3-0 vote.
The meeting was then turned over to Mr. Kostielney to continue.
Ms. McClure nominated Mr. Thomas as Vice President and Mr. Kostielney seconded.
Motion carried 3-0 vote.
Mr. Kostielney and Mr. Thomas extend a warm welcome to Marsha McClure.

The minutes of the last meeting were unanimously approved.

Next on the agenda was to approve Department Appointments for 2013, they are as follows:

DEPARTMENT APPOINTMENTS:

Peter J. Agostino	Deputy County Attorney
Frank J Agostino	Deputy County Attorney
Kathleen Cekanski-Farrand	Deputy County Attorney
Jessica Clark	County Engineer
Queenie Evans	Human Resources Director
Mike Godsey	Assistant Building Engineer
Robert Hedl	Building Engineer
Mitch Heppenheimer	Assistant County Attorney
Roger Mathia	County Highway Commissioner
Cheryl Pluta	Purchasing Manager
Mark P. Telloyan	Deputy County Attorney(eff. 2/1/13)
Jamie C. Woods	Deputy County Attorney(eff. 1/1/13)
Anthony Zappia	County Attorney
William A. Zimmerman	Emergency Management Director
Kevin Kelsheimer	Veterans Affairs

Mr. Thomas moved to accept the above list as read and outlined.
Motion seconded by Ms. McClure.
Motion adopted by a 3-0 vote.

OPENING AND READING OF BIDS ON: NONE

REPORTS AND REQUESTS FROM:

SHERIFF:
IN THE MATTER OF APPROVING
A QUOTE AWARD FOR PRISONER
TRANSPORTATION VEHICLE

It is recommended that the quote award go to Gurley Leep with a final cost of \$39250.00.

Mr. Thomas moved to accept the above quote award as read and outlined.
Motion seconded by Ms. McClure.
Motion adopted by a 3-0 vote.

COMMISSIONERS

A)
IN THE MATTER OF APPROVING
THE ACCOUNTS PAYABLE DOCKETS

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

B)
IN THE MATTER OF APPROVING
THE CONSENT AGENDA.

Permission was requested to approve the following consent agenda:

Surplus Requests	
Department	Description
Purchasing	Broken HP Printer; various obsolete furniture items

Travel Requests		
Department	Description	Cost Estimate
Assessor	Indianapolis, IN / January 15-18, 2013	\$787.30

Motion was made by Mr. Thomas to accept the consent Agenda.
Motion seconded by Ms. McClure.
Motion adopted by a 3-0 vote.

BOARD OF PUBLIC WORKS:

A)
IN THE MATTER OF APPROVAL
OF A FINAL CHANGE ORDER
R & S 91201 D-2 MAINTENANCE
ASPHALT OVERLAY PROGRAM

The final amount of this project is \$1084713.53.

Motion made by Mr. Thomas to accept the recommendation of the Department of Public Works in reference to the above final change order as read and outlined.
Motion seconded by Ms. McClure.
Motion adopted by a 3-0 vote.

B)
IN THE MATTER OF APPROVAL
OF SUPPLEMENTAL AGREEMENT
NO. 1 FOR ENGINEERING SERVICES
CONTRACT FOR WATER SYSTEM
AND SANITARY SEWER INFRASTRUCTURE
IMPROVEMENTS WITHIN ST. JOSEPH
COUNTY TO SUPPORT A PROPOSED
GENERATION FACILITY IN
ECONOMIC DEVELOPMENT DISTRICT
NO. 2

The supplemental agreement outlines the revised scope of services and compensation for work performed not to exceed \$181910.00.

Jessica Clark, St. Joseph County Engineering, offices on the 7th floor.

Ms. Clark explains that this agreement is a supplemental agreement to an existing agreement that was approved previously through the Board of Commissioners and the Redevelopment Commission last December. This is coordination with a proposed power company that is looking to locate near our IN-TEK, IN-KOTE area. The reason for this supplemental is the company that the County has been dealing with has had some changes internally. They are looking at a larger demand for water at the proposed facility. They are also looking at different technology for the water treatment need. We need to revise the feasibility report that was prepared last December. This agreement lets them revisit the cost estimate update it to increase costs for the increase of water. This would give the County a chance to build a water treatment plant out there that could serve the needs of future opportunities out there. What they are asking for now in theory will cost less this would be an opportunity for the County to build a plant that could accommodate more users in the future. Therefore those cost estimates need to be looked at. The water testing that was done will also need to see how that will affect the wells nearby, if at all.

Mr. Thomas thanks her for her thorough report.

Motion made by Mr. Thomas to accept the recommendation of the Department of Public Works in reference to the above agreement as read and outlined.

Motion seconded by Ms. McClure.

Motion adopted by a 3-0 vote.

OLD BUSINESS: NONE

PUBLIC COMMENTS:

Michael Wertenberger, 61480 Miami Rd., South Bend, IN.

Mr. Wertenberger discusses an ongoing problem with the highway department for the past fifteen to sixteen years. I put rocks out in my front yard to keep cars from running off. I am right at a "t" street. They are constantly pushing the rocks in the grass. They say they are in the right of way. If they are going to enforce the right of way rule they need to enforce it throughout the county. There are a lot of rocks in the right of way. Monday morning I had Mr. Feirrell come out and load up all my rocks and take them to the Highway department garage. If they are going to enforce the rocks in the right away rule lets do it for everybody. Mr. Thomas was a no show that day as repeated attempts have been made to get you out there. I have called several times and no show. I need someone I can work with. I can't go to the Highway department because Roger Mathia is the one who started all this. I can't go to Woodland because of Charlie Feirrell. The biggest problem is a no passing zone. It is a "t" street people turn and people behind them try to go around them on the left going south and on the right going north. They run into my yard. Pictures are shown as examples of damage. Police reports were filed. Basically it is a harassment issue. In 2005 I talked to Bob Kovach and he got the Police Department out there to slow them down a little bit.

Mr. Kostielney says normally you would work through the Commissioner in that district and if Mr. Thomas is agreeable to get you guys together and see what the issues are and see if they can get resolved.

Mr. Wertenberger says that numerous letters and certificates of mailings and I have heard nothing. Mr. Thomas was supposed to meet with us on the 12th or 13th and he did not show. He was supposed to drive by and he never did, he was supposed to call I gave him two numbers to call he said he called twice there is no message and no caller id showing he called. This is why I sent you a letter. Charlie Feirrell sent a letter saying they were going to move the rocks not remove them. They did that on Monday but he basically stole the rocks he removed them and moved them to the Highway garage and then he has the nerve to say I can come and pick them up. I paid for a light pole to be put out there. I need someone to work with me and get my rocks back.

Mr. Thomas replies to Mr. Wertenberger comments. I believe that the comments pertaining to me are untrue. He first contacted me on October 12, 2012 I returned that call and he used minor profanity and complained about the trimming of the trees on the corner of Diamond Point and Miami. I suggested he file a claim with Mr. Wickies' office. I told him I would talk with Mr. Wickie, Mr. Feirrell, and Mr. Mathia. He mentioned that they were never respecting him or giving him what he wanted. I went by the property and inspected it I felt they should have cut down more trees as they are in the right of way and a safety hazard for visibility. I advised him to deal with our claims department which

is proper procedure. Since then I have received a letter from Mr. Wertenberger threatening legal action. I think that as a Commissioner what I can say and do is limited and could be a pending case against the County.

Mr. Wertenberger says if I can not get declination from the Commissioners then it won't pay for a claim for those trees how can I file a suit?

Mr. Thomas says he is not a lawyer.

Mr. Wertenberger says he sent a letter.

Mr. Kostielney says a letter is forth coming. There has been some turnover in our liability department and you will get that letter by the end of this week.

A short discussion is held about the rocks and the right of way again with mention of rocks in the pictures.

Mr. Wertenberger discusses the letter from Mr. Feirrell again in reference to moving the rocks not removing them. This is not adding up.

Mr. Thomas says that a letter will be coming by the end of the week if not the day.

Mr. Wertenberger says that is about the trees not the rocks how will the rocks be handled.

Mr. Thomas says a complaint for that will need to be filed or maybe it can be addressed in the letter.

Mr. Kostielney says he would need to talk to the Highway Department.

Mr. Wertenberger asks who to talk to in the future.

Mr. Kostielney says that would normally be the Commissioner in your district. We will see what can be done about this.

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 Ms. McClure. Meeting recessed by a 3-0 vote.