

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 March 5, 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.

Peter Mullen, County Auditor, was present and recorded the minutes of the meeting.

OPENING AND READING OF BIDS ON: NONE

REPORTS AND REQUESTS FROM:

JUVENILE JUSTICE CENTER:
IN THE MATTER OF APPROVING
AN IN-LINE TRANSFER

A)

The following in-line transfer has been requested.

From: 1122-11141-013-0797	community service restitution	\$7300.00
Into: 1122-11646-013-0797	secretary/program support	\$1300.00
1122-11950-013-0797	part time	\$2000.00
1122-14840-013-0797	insurance	\$4000.00

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

B)

The following in-line transfer has been requested.

From: 1000-11078-000-0025	chief probation officer	\$1500.00
Into: 1000-11616-000-0025	supervisor of probation	\$1500.00

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

C)

The following in-line transfer has been requested.

From: 1000-32350-000-0025	postage	\$1500.00
Into: 1000-32053-000-0025	public relations	\$1500.00

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

SHERIFF DEPARTMENT:
IN THE MATTER OF APPROVING
OF A BID AWARD FOR 2013
COUNTY POLICE VEHICLES

It is recommended that the award for seven Ford police Interceptors go to Jordan Ford in Mishawaka for a total price of \$193380.00.

It is recommended that the award for eight Chevy Police Impalas go to Gates Chevrolet in Mishawaka for a total price of \$131352.03.

Mr. Thomas moved to accept the above bid 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
Prosecuting Attorney	Various obsolete scanners, printers, a computer monitor and a camcorder

Travel Requests		
Department	Description	Cost Estimate
Community Corrections	Indianapolis, IN / March 20-22, 2013	\$610.00
Community Corrections	Indianapolis, IN / April 18-19, 2013	\$697.94
Prosecuting Attorney	Fort Worth, TX / April 16-18, 2013	\$1,720.00
Public Defender	Indianapolis, IN / March 15, 2013	\$3,133.00
Sheriff	Elkhart, IN / March 13-14, 2013	\$395.00

Motion was made by Mr. Thomas to accept the consent Agenda as read and outlined.

Motion seconded by Ms. McClure.

Motion adopted by a 3-0 vote.

C)

**IN THE MATTER OF APPROVING
ORDER ESTABLISHING PRECINCTS**

St. Joseph County, Indiana by and through the Board of Commissioners hereby establishes precincts for the county, pursuant to IC 3-11-1.5-34, Renaming or renumbering precincts. No precinct boundaries are being changed.

Mr. Kostielney reiterates that no boundaries are being changed.

Mr. Thomas moved to accept the above order as read and outlined.

Motion seconded by Ms. McClure.

Motion adopted by a 3-0 vote.

D)

**IN THE MATTER OF APPROVING
AN APPOINTMENT TO THE
ST. JOSEPH COUNTY REGIONAL
WATER AND SEWER DISTRICT
BOARD**

Mr. Thomas moved to nominate Michael Dobson to the above Board as read and outlined.

Mr. Kostielney calls for any more nominations, there are none.

Motion seconded by Ms. McClure.

Motion adopted by a 3-0 vote.

BOARD OF PUBLIC WORKS:

A)
IN THE MATTER OF APPROVAL
OF A BID REQUEST FOR 2013
BITUMINOUS PATCHING MATERIAL

This is requested to be advertised on March 8 and 15, 2013 with a bid opening on March 26, 2013.

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

Motion seconded by Ms. McClure.

Motion adopted by a 3-0 vote.

B)
IN THE MATTER OF APPROVAL
OF AN AMENDED IRREVOCABLE
STANDBY LETTER OF CREDIT
FOR WHIPPOORWILL VALLEY
SOUTH

This is drawn on Teachers Credit Union in the amount of \$173547.00 and expires on October 31, 2013.

Motion made by Mr. Thomas to accept the recommendation of the Department of Public Works in reference to the above amended irrevocable standby letter of credit 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, Indiana.

Mr. Wertenberger discusses the three minute rule with Mr. Kostielney for clarity.

Mr. Wertenberger discusses an interview with Mr. Thomas on February 27, 2013. In the interview Mr. Thomas made the assertion that the best way to keep your lawn from being torn up is by placing driveway markers at the edge of the pavement. By doing this the snowplow driver can see where the edge of the road is. This brought up questions as to who Mr. Thomas was speaking for, himself, the other Commissioners, his district or all districts. Keep in mind that this issue should be County wide. If these markers are placed on the edge of the road isn't this in violation of the right of way. If they are allowed in the right of way then is placing the field stones in the right of way then kosher. In the interview the newscasters said to contact the highway department if your lawn is torn up and they will come out in the spring and fix it. My question is why don't they acknowledge that to every resident in the County? Nobody knew about that until somebody called the County Highway Department. Other comments are in reference to misleading comments made by Mr. Thomas at the January 2nd meeting. Mr. Thomas said comments were untrue my definition is basically he is calling me a liar. Mr. Thomas stated he called me on October 12, 2012 this was a phantom phone call. The incident happened on October 22 the response of the tree trimming. He is saying that contact was made prior to the trees being trimmed. He said the trees are in the right of way and also that the trees were cut down. Had he been out there the trees were not cut down they were

butchered. He stated that he went by the property and inspected and he felt they should have cut more trees down. They didn't cut any trees down. More discussion of trees being trimmed. There is a difference between trimming and cutting. No trees were cut down. In response to the trees being in the right of way there is no right of way so how can they be in the right of way. A map is in packet of that area.

Mr. Thomas says that he was speaking for himself. This is in reference to an interview with ABC 57 and these are also edited interviews. As said in the past if you have a problem with the County then there is due process and you can file a claim. If the claim is found to be valid then the county would certainly give assistance to the homeowner and rectify the situation and in many cases that's planting grass seed in the spring.

Short discussion held on whose three minutes were being used.

Mr. Thomas continues in reference to the usage of cutting and trimming of trees, these two words can be used interchangeably. In regards to the January 2nd meeting you attended there were several statements that you made that were untrue. At that meeting you supplied letters in writing to me and the other Commissioners that you were going to take legal action and due to that I am limited to what I can and can't say. Although I have not went through this paperwork you just gave me I am sure that if I checked with my engineering department that Diamond Point does have a right of way and if not Miami Road does. I will reiterate again that the highway was very sparse in trimming the trees if I had been there I would have recommended that more limbs be trimmed.

Mr. Wertenberger says now you are saying trimmed instead of cutting down.

Mr. Thomas says if you have problems with the term cutting branches then I will use your terminology of trimming.

Mr. Wertenberger also says he has a letter from Mr. Wickie which we had a meeting set up.

Mr. Thomas says that at the last meeting you asked for information that Mr. Kostielney supplied you with.

As the discussion continues Mr. Kostielney steps in to suggest that this be continued out of this venue.

Mr. Wertenberger says that was suggested before and nobody had gotten back with him.

Mr. Kostielney says that a letter had been sent out to him in regards to that.

Mike Kruk, St. Joseph County Treasurer, offices on the 2nd floor.

Mr. Kruk says he is just doing a follow up to correspondence sent to the Commissioners. This was to request the replacement of some obsolete equipment in our office. I would like you to weigh in on the matter before the Data Board meeting and if you don't have the paperwork I can get that to you. The other thing is correspondence that I email in regards to a resolution that we held off in passing in our finance meeting in January. If you get a chance to look at that we can then move forward in trying to make some investment opportunities in our County.

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.