

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 June 23, 2015 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

The minutes of the last meeting were unanimously approved.

Michael J. Hamann, County Auditor, was present and recorded the minutes of the meeting.

OPENING AND READING OF BIDS ON:

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

Pavement Preservation Package

Asphalt Restoration Services South Bend, IN	Base Bid D \$61075.00
Pavement Solutions Middletown, IN	Base Bid A \$415329.25 B \$46355.00 C \$219250.00
Reith Riley Construction Co. South Bend, IN.	Base Bid C \$203000.00 E \$14800.00 F \$328120.00
Walsh & Kelly South Bend, IN.	Base Bid E \$17750.00 F \$296720.00

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

Maintenance Asphalt Overlay Program

Reith Riley Construction Co. South Bend, IN.	\$1688713.84
Walsh & Kelly South Bend, IN.	\$1697713.84

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

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
 THE CONSENT AGENDA.

Permission was requested to approve the following consent agenda:

Settlement Requests	
Department	Description
Sheriff	One Broken Fax Machine

Surplus Requests	
Department	Description
Prosecuting Attorney	Broken or Obsolete: 2 Power Connect Switches, 2 Laptops; 1 Fax Machine, 3 Boxes Misc. Computer Parts; 9 Desk Chairs; 1 Desk Wall Cabinet Unit
Superior Court	1 Printer

Travel Requests		
Department	Description	Cost Estimate
Assessor	Monticello, IN / June 25, 2015	\$77.21

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

C)
 IN THE MATTER OF APPROVING
 A CONTRACT FOR ANIMAL
 CONTROL AND SHELTER SERVICES
 FOR JULY 1, 2015 THROUGH
 DECEMBER 31, 2015

This contract would be for services from July 1, 2015 thru December 31, 2015. This contract was extended several months ago till the end of June. At that time the County Council was in the process of beginning to restructure and reorganizing the County animal ordinance. So they have asked for another six months for this process.

Mr. Thomas asks if this is in committee.
 Mr. Kostielney says no but they are doing an adjustment to the current ordinance but that is just tweaking a small part of it. There is still a large portion being looked at now. Ruth Szyarto, 32766 Early Rd., New Carlisle, IN.
 Ms. Szyarto says I am here today representing the nearly 700 members of the St. Joseph County Animal Welfare League, a group that was formed in response to the humane society's horrible treatment of our members. We are asking you not to approve the proposed contract with the humane society without including a clause that penalizes the humane society if they continue to flat out lie about the number of animals being euthanized. Why you are even contracting with an organization that has admitted to dishonesty related to the contract totally eludes me. Do you even care that they are lying to you? Do you not care about the numerous emails you have received complaining about this contract. The county council has said they received more complaints about this contract than all other county contracts combined. Your complete lack of response tells me you don't care at all about what we taxpayers want to see happen. I have asked each and every one of you to clarify for me Mike Kruk's convoluted explanation of humane society statistics and apparently no one can. This is a deplorable use of taxpayer dollars when you can't even explain the services you are contracting for. As stewards of our tax dollars this is nothing short of irresponsible on your part. I now challenge each of you to answer these questions. How many animals were doa last year? How many were alive but counted as doa? Why in the world are you allowing the St. Joseph County humane society to continue reporting live animals as doa? Since you have refused to meet with me, I am asking for answers at this time.
 Mr. Kostielney says thank you.

Ms. Szyarto says so no answers. When do we get some answers?

Mr. Thomas says that he has called her at least a dozen times and you have not answered the phone. Yes I have received numerous emails from you.

Ms. Szyarto interrupts stating that Mr. Thomas has not called her or left messages.

Mr. Kostielney asks for Ms. Szyarto to let the Commissioners speak without her interrupting as they let her speak.

Mr. Thomas says yesterday he called three times alone.

Mr. Kostielney again tells Ms. Szyarto not to interrupt as no one interrupted her and they are due the same respect.

Mr. Thomas says that as far as the St. Joe Humane Society whether we like them or not they are currently the only established and functioning service provider in St. Joseph County that will provide service 24 hours a day, 7 days a week, rain or shine. There has been a lot of talk and advice given via email, verbally, that I am sure will factor in during the negotiations over the next six months. Hopefully some of the Council ordinances that are being processed might even address some of these issues.

Dr. Fleming says we have had lots of conversations with the Humane Society and we are hoping the County Council will come up with ordinances that will refresh and renew the contract but for now in order to maintain what we at least have going on it is necessary that we renew the contract for six months. We are working threw it while we move forward. That is why the Humane Society is there and we have no other option at this point in time. But we are going to work with them to improve the services, so that is what we are working on.

Mr. Kostielney says to specifically answer your questions at this time, I cannot do so. I email you sent was to explain a convoluted, as you said, response from Mike Kruk. I don't believe it is appropriate for me to address what someone else meant in there correspondence that they shared with someone else. We have heard your concerns and pass them along to Council. Have you been contacted by Council to be part of the process or to at least be brought in as they start to have conversations to rework the ordinance.

Ms. Szyarto says two months ago I met with Rafael Morton and I have not heard a word since then.

Mr. Kostielney says that he doesn't believe anything has happened since then in relationship to this. They are working through this process and that is why they have asked us to extend this contract. All we do is enforce the ordinance that the County Council passes. The mechanism in which we do so is the contract with the Humane Society. There is no other organization right now that is capable of providing those services with the St. Joseph County. We don't have any other options.

Ms. Szyarto asks if they have looked into creating your own animal welfare or how much it would cost to contract with the South Bend. Have you looked into alternatives? What do we need to do so that we can get some answers? You guys have not answered one single thing.

Mr. Kostielney says those are questions to the Humane Society not the Board of Commissioners. You are having issues with the Humane Society and quite frankly the conversations that have been going back and forth have been less than genuine on both sides from the information that I have seen.

Dr. Fleming states that we have passed on the concerns to the Humane Society and we are working with them and the County is moving forward with the ordinance. We are hoping that we can move forward and have wonderful community outreach and services from the Humane Society. But for now we have to move forward with this contract until the Council changes the ordinance and we can move forward from there.

Ms. Szyarto asks why in the contract have you not address that they need to be honest.

Dr. Fleming says this is not a new contract it is a renewal.

There is more comments about the truth issue as it being an opinion and not fact, also comments again about a statement from Mike Kruk. Ms. Szyarto expresses her displeasure of this outcome.

Motion was made by Dr. Fleming to accept the above request as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

D)
IN THE MATTER OF APPROVING
RESOLUTION NO. R-C-9-2015
APPROVING A FIRST AMENDMENT
TO THE INTERLOCAL AGREEMENT
FOR THE ELIMINATION,
REORGANIZATION, AND
CONSOLIDATION OF PUBLIC
SAFETY ANSWERING POINTS
IN ST. JOSEPH COUNTY, INDIANA
AND OTHER RELATED MATTERS

Randy Rompola, Faegre, Baker, & Daniels, 202 S. Michigan St.

Mr. Rompola says that the purpose of the amendment is to allow the City of South Bend to prepay the portion of the bond that they are obligated to pay with respect to the bonds that the County issued for the PSAP facility through 2017 to address certain outstanding bonds that the City has in place in respect to the County Economic Development income tax revenue they receive. Once those bonds are paid off in February the amendment would provide that the county would then have the first call on that portion that the city is obligated to pay. The second point of the amendment is to allow both the City of Mishawaka and South Bend to replace or substitute the CEDIT intercept pledge and replace it with the public safety LOIT. What the City of South Bend would like to do is use some of their CEDIT revenues for other purposes and by allowing the LOIT pledge to substitute for the CEDIT that would allow them to do that. South Bend and Mishawaka have both approved, the South Bend Council approved it last evening and the County Council has already approved it as well.

Council states this meets with his approval. The transition from CEDIT to LOIT, there is an intercept mechanism first so the money goes to the county.

Mr. Thomas states that it is the public safety LOIT funds covering public safety.

Mr. Kostielney says right.

Motion was made by Dr. Fleming to approve the above resolution as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

E)
IN THE MATTER OF APPROVING
THE PRESENTATION OF THE
KEY TO THE COUNTY TO
MISHAWAKA HIGH SCHOOL
WRESTLER TOMMY FORTE

Proclamation read by Dr. Fleming acknowledging the accomplishments of Tommy Forte.

Dr. Fleming presents Mr. Forte with the key to the county.

Dr. Fleming tells Mr. Forte that he may take this with him to his new place in Buffalo, New York and offers him congratulations on his accomplishments. These are the kinds of students and citizens of St. Joseph County that we need to lift up because they are such fabulous athletes, students, and citizens of our community. We need to lift them up and recognize them because they do such a great job and such hard work. I appreciate them.

Mr. Forte says he would like to thank his family because without them I wouldn't be here today. I would like to thank my coach Charlie Cornet for pushing me this year and all of the support.

PURCHASING:
IN THE MATTER OF APPROVING
AN UPDATE TO COUNTY
PURCHASING

Scott MacKenzie, Purchasing Manager, offices on the 7th floor.

Mr. MacKenzie goes over the updated purchasing policies. Requisitions will be done via the computer by “softcopy” this is in an effort to cut back on paper costs and efficiency. This will take effect on July 20, 2015 faxed or “hardcopy” requests will be denied and returned.

Dr. Fleming says she is very excited to be moving forward with this to decrease the cost and increase the efficiency and turnovers. I think it is a good way of improving the counties technology.

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

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

**PROBATE COURT:
IN THE MATTER OF APPROVING
TO APPLY FOR THE JUVENILE
ACCOUNTABILITY BLOCK GRANT**

Pete Morgan, Executive Director JJC, 1000 So. Michigan St.

Mr. Morgan states that this grant is to reduce juvenile offending through supporting accountability based programs that focus on offenders and state and local juvenile justice systems. There are 12000 new programs.

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 SAFETY COMMUNICATIONS CONSORTIUM:
IN THE MATTER OF APPROVING
A BID AWARD FOR 911 ADMIN
TELEPHONY EQUIPMENT
A. AN ENHANCED 911 SERVICE AGREEMENT
B. A MASTER AGREEMENT
C. AN AVAYA EQUIPMENT AGREEMENT FOR PRIMARY CENTER
D. AN AVAYA EQUIPMENT AGREEMENT FOR BACK UP CENTER**

Todd Gears, Executive Director PSAP, 701 Sample St.

Mr. Gears states that last summer it was requested for qualifications of specifications to outfit the new 911 center with all the new technology that is needed. AT&T was the selected vendor. There has been much negotiation with AT&T throughout this process. There are several agreements, one is with ATT it is for a ten year service model. The other two are for AVAYA they would only price out at five year service models. This is to outfit both the primary center in Mishawaka and the backup facility at the South Bend PD. This is an outstanding deal for the County and the consortium.

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

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

BOARD OF PUBLIC WORKS:

**A)
IN THE MATTER OF APPROVAL
OF A BID AWARD FOR R&S
91501/1-1: MISCELLANEOUS
ROAD RESURFACING/
REHABILITATION IN DISTRICT
1 SUBDIVISIONS**

It is recommended this be awarded to Rieth Riley in the amount of \$1287869.95.

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 A BID AWARD FOR R&S
91501/2-1: MISCELLANEOUS
ROAD RESURFACING/
REHABILITATION IN KINGSWOOD
ESTATES, MIAMI TRAILS AREA,
AND OTHER SUBDIVISIONS

It is recommended that this be awarded to Walsh & Kelly, Inc. and also using the alternate bid item to haul away asphalt milling material in the awarded bid amount of \$807481.59.

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.

C)

IN THE MATTER OF APPROVAL
OF THE MISHAWAKA AVENUE
BRIDGE REHABILITATION OVER
THE ST. JOSEPH RIVER &
MERRIFIELD PARK CONNECTOR,
CONTRACT NO B-30481: CHANGE
ORDER NO. 10 RATIFICATION FINAL
CHANGE ORDER

Change order no. 10 results from INDOT's requirement to balance out control items and transfer items between the two funding sources on the project in order to finalize the project and match the funding allocation between the two sources. The adjustment totals \$180295.97; however, this is not an increase to the contract amount.

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.

D)

IN THE MATTER OF APPROVAL
OF A FINAL CHANGE ORDER
22655 MADISON ROAD EMERGENCY
CULVERT REPLACEMENT

The final amount of the project is \$32700.00.

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.

E)

IN THE MATTER OF APPROVAL
OF A LETTER OF CREDIT CASH IN
FOR AUGUSTINE LAKE SUBDIVISION

This is drawn under 1st Source Bank dated June 13, 2014, in the amount of \$60000.00. This must be presented by or before June 30, 2015.

Mr. Thomas says that he just previously mentioned to counsel and engineering to work together and in the future when we do cash in bonds we know in the rare cases where there

are extra funds available and returned to the developer the true county cost can be determined including legal fees, engineering, and processing fees and make sure we are not refunding money we could possibly keep.

Counsel asks Ms. Clark what work remains to be done in Natures Gate II?

Ms. Clark says there may be some drainage issues but mainly surface core, asphalt, and final restoration. This is one that was just sitting. The developer actually came to us and asked us to cash it in because he is not going to finish it.

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.

**ADD ON
IN THE MATTER OF APPROVAL
OF A MEMORANDUM OF
UNDERSTANDING BETWEEN
THE COUNTY HIGHWAY AND
THE TEAMSTERS LOCAL UNION
NO. 364**

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

Ms. Clark says this is an MOU between our Teamsters 364 and St. Joseph County Board of Commissioners on behalf of the Highway Department. We have an extension through June 30th, negotiations are ongoing. We have current bills before the Council for their consideration at the July meeting. We are asking to extend for the additional two months for that to be resolved through the council so we can finalize the wage rates within that agreement. Finalize the contract and have that all complete for your approval prior to August 31, 2015.

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.

OLD BUSINESS: None

PUBLIC COMMENTS:

Mr. Thomas says the County fair will start July 3rd.

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