

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 May 21, 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:**

2019 Limited Leaf Pick up program

Frank Fotia, offices on the 11<sup>th</sup> floor.

St. Joe County Recycling

Dr. Fleming moved to accept the 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) KEY TO THE COUNTY**

# **Key to the County**

*Presented to*

## **Linda O'Neil**

*Linda began working for St. Joseph County on February 28, 1977. She initially worked in the Child Support Division of the Prosecutor's Office. After approximately three (3) years, she transferred to the Adult Probation Department where she has served as the Administrative Assistant. Throughout the changes within our department, Linda has been a constant source of information and has always kept the office operational. She is dedicated to our staff, as evidenced by the regular tray of cookies and cards expressing care or concern over life events.*

*Her caring attitude and genuine desire to see the good in everyone will be greatly missed. Her tireless service to our Community, the Courts, and the County for over 42 years should not go unnoticed as she is retiring from her position as of July 5, 2019.*

*Upon the occasion of Linda's retirement after 42 years of continued service to the residents of St. Joseph County, we are proud to present this Key to the County in token of our sincerest gratitude and best wishes for the future.*

Andy Kostielney  
*President,  
Board of Commissioners*

Deborah Fleming, D.M.D.  
*Vice-President,  
Board of Commissioners*

Dave Thomas  
*Member,  
Board of Commissioners*

Linda O'Neal.

I have enjoyed my years of service here and many of the people that I have served. I have seen a lot of people come and go. In our office I feel we serve the community from our hearts. Thank you.

C)

### **Recognition of Washington High School 1969 Football Championship**

Whereas, Washington High School has a proud athletic history and adding to that legacy was the 1969 football team. They were ranked #4 and defeated the #1 ranked Elkhart High School team 13-8; in an exciting late game safety where Washington drove the ball to their twenty-yard line when time ran out. This snapped a 17-game winning streak for Elkhart High School in front of an amazing 13,000 fans at School Field; and

Whereas, the 1969 defense relinquished only 7 touchdowns all season, and the team defeated two other top ten ranked teams in the state, Michigan City 27-0 and East Chicago Roosevelt 33-7; and

Whereas, with the leadership of Coach Tom Roggeman and the tremendous dedication throughout the season of this team, nine players made All-Northern Indiana Conference out of twenty-two positions, and Carlis Phillips was voted most valuable player in the conference; and

Whereas, the Washington Panthers trailed Marion High School in the A.P. poll for four weeks, but in the final poll passed them to earn the top spot. After their victory over Elkhart they were voted #1 in the UPI poll and kept that ranking for the remainder of the season. This gave them a place in the history books for High School Football excellence as Indiana State Football Champions of 1969.

Now Therefore, let it Be Resolved that we,

The Board of Commissioners of St. Joseph County, Indiana, do hereby salute the team members and urge all our citizens to join us in paying tribute on the 50<sup>th</sup> anniversary, to the 1969 Washington High School Football Team Champions for their outstanding accomplishment.

**Signed this 21<sup>st</sup> day of May 2019**

Andy Kostielney  
*President,  
Board of Commissioners*

Deborah Fleming, D.M.D.  
*Vice-President,  
Board of Commissioners*

Dave Thomas  
*Member,  
Board of Commissioners*

Mr. Thomas. A commemorative road sign is being produced by the St. Joseph County Highway Department and it will be located permanently on Western Ave. just west of Mayflower Road in the east bond lane.

We have worked diligently and set a goal of \$1500.00 to raise for the athletic department at Washington. We raised \$2500.00. I would like to thank everybody at Washington for their support and effort in getting this accomplished. Our reunion date is August 30<sup>th</sup> at school field against Jim Town. We have people coming from all over for this reunion. So, there will be about 20-25 members of the team there. It should be a pretty good turnout. I would like to thank these gentlemen here for supporting and making this effort possible. Thank you everyone.

D)

EMPLOYEE OF THE MONTH

The employee of the month is Lisa Plencner.

Frank Fotia. We are proud to nominate someone we feel kind of epitomizes the spirit of employee of the month. She goes above and beyond in everything she does. On top of working tirelessly to help bring on an implement a new jury management system, one week on a Sunday night there was a potential juror that was having issues with getting on the system that night and messaged on Facebook I texted her and we were able to get that issue resolved that night. Her other work in the community is also noteworthy.

Judge Broden. To add to that all the things we see in our court rooms every day. If anyone has the luck of sneaking into my office and seeing my organizational system you will know that the Circuit Court is in greater need of an administrator than we ever have been perhaps, but we appreciate that in each and every day, so we congratulate you.

Dr. Fleming. I would also like to thank Lisa because she has also been on my committee for the Youth Leadership Program that we started this year. It has been fabulous help that she has given us.

Mr. Thomas. I have thanked Lisa and praised her publicly for her great passion and efficiency and effectiveness. You have that passion you see it working with Dr. Fleming on the youth program, working with the various judges on different court programs.

There are so many great works that you do. Thank you.

Mr. Kostielney. You are everything that is right about County Government and about the people we hire here. Thank you so much for the work that you do especially keeping track of the two Judges you are tasked with is no small task.

E)

IN THE MATTER OF APPROVING  
AN ENERGY SAVINGS UPDATE

Jonathon Burke, Tactical Energy Group.

I have been serving as the project manager on the energy savings contract. I have a slide presentation that I will go through.

Please see video for presentation.

Dr. Fleming. I thank you for your effort with this and I appreciate everything you have done.

Mr. Kostielney. Thank you for your efforts. This was truly a win all the way around for everyone and this was a no-lose proposition. I appreciate your fortitude for over four years of trying to make sure this came together.

F)

IN THE MATTER OF  
THE PURCHASE OF VOTING  
SYSTEM EQUIPMENT FROM  
RBM CONSULTING LLC-  
DISCUSSION PURPOSES ONLY  
AND  
REQUEST APPROVAL OF UNISYN  
VOTING SOLUTIONS AGREEMENT

Catherine Fanello, 18441 Summerwyn Lane, South Bend.

The contract before you has a few components. First it contains the component of purchasing new voting equipment, which is represented on exhibit B. Exhibit A represents the services that would be provided by RBM through December 31, 2020.

After that we would negotiate a new four-year contract. Exhibit C is actually the Unisyn software license agreement because once we purchase the equipment we will be responsible for paying licensing fees on the software each year. The pricing for RBM after 2020 will include consulting, everything done prior and on election day, and the fee for licensing. These fees are in line with what we have paid in the past actually they are a little less. The equipment before you allows us to purchase equipment for all 146 polling locations. The pricing is in line with what we presented in February. I understand 3 million was appropriated. We are not having to finance that amount. We are going to use our \$264,000 of haba money, which is left over federal funds. We also be using this year's contractual fees that would otherwise be paid to RBM. This brings the financing total to \$2.5 million. There are only five certified vendors in the state. This is the equipment we would like to purchase. We have had a good working relationship with RBM and would like to continue that.

Andy Kostielney. Normally we would put out an RFP for this why are we not doing that? Ms. Fanello. Speaking with our County Attorney, Mr. Woods, we don't believe we have to at this time because we already have this equipment in place in absentee so we do want to purchase the same equipment, so we will have uniform equipment throughout the election process.

Mr. Woods. Under Indiana law you can proceed without the issuance of an RFP under several circumstances, one being, the equipment that you are acquiring are compatible with existing systems in the county. Here the RBM equipment as explained by Ms. Fanello is compatible with the equipment that we have for absentee ballots. To have the uniformity of election equipment in St. Joseph County so we have complete compatibility for purposes of service and troubleshooting on election day that would be appropriate under Indiana law. There is at least the ability by RBM to take back the old machines we have and dispose of them and they will do this as part of the agreement. This will also hold true with the CAD system as they will need radios and equipment to communicate with what they have with Motorola.

Dr. Fleming. Are we leasing these?

Ms. Fanello. We are doing a lease financing. It will be owned by the county at the end of the five-year period.

Dr. Fleming. Will we be reimbursed with money when they collect the old stuff?

Ms. Fanello. No, they will dispose of the equipment however, in the contract there is a provision that if the county was to reduce polling locations they would take back the tabulator scanner part of it and trade it in for two freedom vote tablets.

Mr. Thomas. For clarification we are discussing three items now. The resolution which is discussion only, the one-year extension, and the possible purchase of \$2.8 million of new equipment correct?

Ms. Fanello. Correct except on the service component we already have a contract with RBM actually through 2021. However, we would change this if we are going to buy new equipment.

Mr. Woods. All of these are for discussion purposes we are not acting to vote on anything today. We wanted to give you a chance to review the information and then bring it back at a later date.

G)  
IN THE MATTER OF APPROVING  
A COMMUNICATIONS TOWER  
EASEMENT AGREEMENT

Ray Schultz, Executive Director PSAP, 58266 Downey Ave.

Some time ago when the communication system was taken over by the county we were absorbing Mishawaka's towers into our system. That happened about two years ago. This agreement is a long-term agreement with the Sisters of St. Francis. It is \$50,000 in total payment not due till September 2021. This is to make sure we have coverage for all of our first responders, so they can have constant communications with each other.

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

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

H)  
IN THE MATTER OF APPROVING  
A REDEVELOPMENT COMMISSION  
BOARD APPOINTMENT

Dr. Fleming moved to nominate Brian Pawlowski.  
Motion seconded by Mr. Kostielney.  
Motion adopted by a 2-1 vote.  
Are there any other nominations? Seeing none nominations closed.  
All those in favor of appointing Brian Pawlowski 2-1 motion passes.

I)  
IN THE MATTER OF APPROVING  
BILLS PASSED BY THE ST. JOSEPH  
COUNTY COUNCIL

<u>BILL NO.</u>	<u>ORDINANCE NO.</u>
37-19	40-19

Dr. Fleming moved to approve ordinance 40-19 as read and outlined.  
Motion seconded by Mr. Thomas.  
Motion adopted by a 3-0 vote.

36-19	41-19
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Dr. Fleming moved to accept the above ordinance 41-19 as read and outlined.  
Motion seconded by Mr. Thomas.  
Motion adopted by a 3-0 vote.

BUILDING DEPARTMENT  
IN THE MATTER OF APPROVAL  
OF COMPLIANCE ORDER AND  
NOTICE OF DEMOLITION

Charles Bulot, Building Commissioner, 125 S. Lafayette.  
I come to you for a compliance order and notice for a demolition hearing to be held on  
June 18, 2019.  
A listing of these can be found at the Building Department with all updates.

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

**DEPT. OF INFRASTRUCTURE, PLANNING, AND GROWTH:**

CONSENT AGENDA

Development / Subdivision Requests	
Description	
Special Event Requests	
Description	
Fallen Heroes Ride	
Traffic Regulatory Requests	
Description	

Project Completion Affidavit
Description

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.

Bill Schalliol, Executive Director of Economic Development, offices on the 4<sup>th</sup> floor.

A)

IN THE MATTER OF APPROVAL  
OF CHANGE ORDER # 6-SITE  
ENHANCEMENT SERVICES

This is the final request for additional signage for additional signage. We have been working with the IT office to get signage to make them be in compliance from a recent audit from the FBI. We are asking for an additional funding in the amount of \$1,375.00.

Mr. Thomas. You say this is the final request and I think it was about 6-8 months ago when that was going to be the final request and I noted then that as all this movement is going on from building to building this could be nonstop contacting these people for more signs. I was not a fan of this. I don't think this is the final request.

Mr. Kostielney. To Mr. Thomas' point is this a result of a change of election or staff member relocating?

Mr. Schalliol. This is not it is specific to an action that the IT office has undertaken as part of a security and safety audit.

Motion made by Dr. Fleming to accept the recommendation of the Department of Infrastructure, Planning and Growth in reference to the above request as read and outlined.

Motion seconded by Mr. Kostielney.

Motion adopted by a 2-1 vote.

Mr. Kostielney. What started this was the need to be ADA compliant which is required by law and we were not in compliance.

B)

IN THE MATTER OF APPROVAL  
OF FIRST AMENDMENT TO  
RECIPROCAL LICENSE AGREEMENT  
WITH ST JOE VALLEY METRONET INC

Several months ago we started the process to seek a grant from the Economic Development Administration Federal arm of the Department of Commerce. We were awarded that grant a couple of months ago. This will allow us to build 24 miles of new conduit and 27 miles of fiber wire will be pulled within that conduit as well as 3 miles of preexisting conduit built as part of the energy center project. This would then be able to service the western part of St. Joseph County with dark fiber. We are asking for your approval of first amendment to the Reciprocal license agreement with St. Joe Valley Metronet and St. Joseph County. In 2006 the original partnership was formed. This amendment is specific to the new fiber conduit being built for this project. We hope to be operational late this year or early next year.

Mr. Kostielney. I think this is fantastic that we are able to continue and expand our relationship with Metronet. This truly is one of the most valuable resources we have in St. Joseph County. As we find more and more access to good rich fiber is as important piece of infrastructure as there is as a road, water, as electricity to help, not just the business climate but our citizens, schools and everyone.

Mr. Thomas. I do like the Metronet but, I have not been a fan of all the projects in New Carlisle. Is this the same project as where we got the federal grant for \$1.2 million to run into Navistar?

Mr. Schalliol. Actually, we will run it down US 20, down Timothy Rd, south on Timothy to St. Rd 2 and back to Mayflower and Western. That area. It isn't specific to Navistar, but it will serve Navistar as well as other businesses.

Mr. Thomas. The county had to match that grant?

Mr. Schalliol. Yes, it is actually \$2.1 million total grant 1.5 by each party. Those funds have been appropriated.

Mr. Thomas. Have the Commissioners approved that?

Mr. Schalliol. We haven't brought forth a contract to approve that yet. But, when it is appropriate we will do that.

Mr. Thomas. Although a fan of the Metronet, it was sold that it would or represented that it would benefit schools and libraries. There are no schools and libraries on the track.

Mr. Schalliol. I would note that we are looking at addendum one to the project where we would take a loop in between the library and the school to service both. That is a piece of the project that hasn't been formally announced.

Mr. Thomas. I still can't support it.

Motion made by Dr. Fleming to accept the recommendation of the Department of Infrastructure, Planning and Growth in reference to the above request as read and outlined.

Motion seconded by Mr. Kostielney.

Motion adopted by a 2-1 vote.

C)

IN THE MATTER OF APPROVAL  
OF A CHANGE ORDER-CONTRACT  
WITH ANTHONY P MOLNAR

I believe Commissioner Fleming caught an error. On the document says to end 2018.

Mr. Fotia. A corrected one was given, and the corrected date should be December 31, 2019.

Frank Fotia, offices on the 11<sup>th</sup> floor.

They have not been able to meet as often as they liked so they are asking for an extension of the existing contract.

Motion made by Dr. Fleming to accept the recommendation of the Department of Infrastructure, Planning and Growth in reference to the above request as read and outlined.

Motion seconded by Mr. Kostielney.

Motion adopted by a 2-1 vote.

D)

IN THE MATTER OF APPROVAL  
OF CONSTRUCTION ENGINEERING  
SERVICES AMENDMENT NO 1 FOR  
CLEVELAND ROAD RECONSTRUCTION  
AND BRIDGE CONSTRUCTION FROM  
ST JOSEPH RIVER TO SR 933  
CONSTRUCTION

Jessica Clark, County Engineer, offices on the 7<sup>th</sup> floor.

This adds scope to the agreement, but it is not increasing the fee. We are just using unused monies and putting them into a different scope. Specifically related to the deck off of the river. There were certain components that require specific inspections and verifications.

Motion made by Dr. Fleming to accept the recommendation of the Department of Infrastructure, Planning and Growth 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  
BID REQUEST R&S91901 MISC  
ROAD RESURFACING/  
REHABILITATION IN VARIOUS

COUNTY SUBDIVISIONS

This is a request to advertise on May 24 & 31, 2019 with a bid opening on June 11, 2019.

Motion made by Dr. Fleming to accept the recommendation of the Department of Infrastructure, Planning and Growth 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:**

Dan Carter, 25285 W. Edison Rd., South Bend.

I am here to request that the county create a quiet zone at the railroad crossing at Pine Road and Country Club Road in Warren Township. These two crossings have the flashing lights and the gates already there, the only thing they need is the median barrier and this would satisfy the supplemental safety measures required for these quiet zones. According to the FRA the estimated cost would be twenty-six thousand dollars just for these two crossings. I'd like the county to consider this because just for the improvement of the quality of life in my area. I have talked to several other officials about four crossings but my request for now is just for those two roads.

Mr. Kostielney. I believe you have had some conversations with Frank and they have begun to put some numbers together, so I think we can continue to look at that. One of the issues is anytime we look to work with the railroads they work on their time and their schedule versus anyone else's. But, we will certainly look at that.

Eric Boyd, 822 W. Plymouth, Bremen, IN.

I own Boyd and Son Funeral Home and a member of the Indiana Funeral Director Association. I am here to talk about the transport company the county uses for the coroner's office. That funeral home in particular. One issue is the bidding process. There is no public information given to local funeral homes about the bidding process for that transportation bid. When I questioned the county about the bidding process, I was told there weren't any bids but when contacted again they said they did take bids. So, there is a little bit of an issue with that. The other thing is the issue of holding bodies for payment. The funeral home that is contracted with to transport the bodies has been holding the bodies for payment and nonpayment has been refusing to release those bodies to other funeral homes after the families have expressed an interest in a transfer. In the state of Indiana that is illegal. The code for that is 25-15-a-1-3. Yesterday I spent about an hour at the transport holding facility with the Sheriff's office to try to obtain a person who wanted to transfer with no avail. I have spoken to the State inspector's office this morning regarding that and trying to resolve it. What I am asking for is transparency with the bidding process. I am asking that the information be given to all funeral homes, both black and white and also asking the information being processed be published in the South Bend Tribune so everyone has an opportunity to bid on that. We are also asking that an audit be done of information regarding coroner's cases and where those bodies are going and whether those families are given their constitutional rights.

Mr. Kostielney. I am sure you are aware the Coroner is duly elected in their own rights and is free to operate their office the way they see fit. But, we can certainly take these issues that you raised and look into them.

Mr. Thomas. I don't think that the Coroner or this body has ever discriminated against anybody for race, creed, you made reference to black and white, that doesn't apply to this panel or this County. So, you're from Bremen maybe you didn't know that.

Mr. Boyd. I am from South Bend.

Mr. Thomas. Thank you for being here and paying taxes and using our schools.

As far as the railroad, I am glad you are working with Frank and Jessica. Working with the railroad can be difficult. Thank you for your patience.

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

I am speaking about the article in the South Bend Regional Chamber article. My main comment is that like much of the county information there is no real meat to it. There is



no author listed for the article and there are things said in the article that are not backed up by specifics. In particular I have recently been informed the county hoped and, in some cases, directed that information not be shared with the public. Secondly, the issue if significant acreage would be taken from farmers only for utilities. It has come to our attention that some key county members were involved in rolling back the HB1165 bill which protected the farmland in New Carlisle area except for utilities. If there is no interest in that farm land I would like to know why the conservation protection for the farm land was deemed not desirable. Thirdly, the last part of the article it seems the county hasn't been clear about their plans. As someone who can attend these meetings I will say there has not been dozens of meetings there has been one, eleven months ago. All other meetings have not let the public speak. I would like to know when these meetings occurred and who was invited.

Mr. Thomas. Did it say which local officials fought against it?

Ms. Durall. I am not at liberty to say. The article does not list them. We got this information from one of the Legislatures.

Mr. Kostielney. It sounds like your questions are for the Chamber of Commerce and the folks down state who took the action. This body did neither of those things.

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

Reads a letter submitted to the South Bend Tribune printed April 6<sup>th</sup>.

Mr. Thomas. We will be celebrating Memorial Day in 6 days. Please remember to observe this day.

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.