

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 July 3, 2018 at the hour of 10:00 a.m. (EST) at which time in the following members were present: Andrew Kostielney, and Dave Thomas were present.

PLEDGE OF ALLEGIANCE

PRAYER

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.

R&S 91801 P Pavement preservation package.

Pavement Solutions Inc
Middletown, IN

Rieth Riley
South Bend, IN

Walsh & Kelly Inc.
South Bend, IN

Bid amounts can be requested from Public Works.

Mr. Thomas moved to accept the above request as read and outlined.
Motion seconded by Mr. Kostielney.
Motion adopted by a 2-0 vote.

REPORTS AND REQUESTS FROM:

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 Mr. Kostielney.
Motion adopted by a 2-0 vote.

**B)
IN THE MATTER OF APPROVING
AN AGREEMENT WITH CGI
COMMUNICATIONS INC.**

Bill Schalliol, Economic Development, offices on the 11th floor.
This agreement is to prepare and develop eight video chapters about St. Joseph County to be used on our website and for other promotional materials. This company does this all over the region and country. Specifically, in Elkhart County and I believe in LaPorte County. Today's proposal is zero cost to the county. I am asking for your approval of this and your signatures on the attached letter.

Mr. Woods. I have reviewed the agreement it is for no cost.

Mr. Thomas. Did you notice that it says the expiration date is the 3rd anniversary?

Mr. Woods. I did. I understand it is a long-term agreement. I did discuss that with Mr. Fotia and pointed that out to him. There is a term to this contract.

Mr. Thomas. What is that term? Three years, right?

Mr. Woods. Yes.

Mr. Thomas. isn't that kind of uncustomary for the county don't we usually have a 30-60-90 day out in a contract.

Mr. Woods. We would typically have language like that if we were paying consideration for something but, in that conversation with Mr. Fotia that since this is no expense related to this for the county that was a term that seemed agreeable to the administrative staff here.

Mr. Thomas. There may not be a financial cost to the county but, I'm concerned there may be a moral or ethical one. I did go, they are not a local company. I did google them. There are some dissatisfied customers. Although there is not a cost to the county, if people are going to go out and solicit money, it's my understanding CGI wants to go after local vendors to then pay CGI money for a minimum of three years because that's how long this contract is locked into for. And these local firms can be made to pay these membership dues, advertising fees, which they don't have to pay but if they get a letter signed by the county government, dear valued business owner, we want you to pay money to a Rochester firm to advertise on these videos. I think we are losing something in our abilities to remain pure and objective when it comes to the selection of these businesses or the possibility that we are promoting one business over another and mainly that we are promoting a business from Rochester, NY. Again, I think there should be talent and businesses here in St. Joseph County that I am sure if approached would probably do the same thing. In the past I have publicly stated I would like to see videos. I would like to see them for training, for orientation of employees, welcoming new businesses that may want to develop here. Or for citizens like a roadmap through county government which could often confuse them. The County roadmap is far different from the general government 101 class they teach with the simple separation of administrative legislative and judicial. Not against the concept of videos, for the concept of videos. Not for using an out of state firm and not for promoting that firm to make money with our endorsement. I think our government should not be picking winners and losers about who gets endorsements and not.

Mr. Kostielney. I am not sure what half of that meant. So, sensing the temperature of the room....

Mr. Schalliol. I would ask that this be tabled till the next regular meeting.

Mr. Woods. Is this purely in trying to see if there is a solution or not that might involve legal counsel? If we get a termination provision that the agreement could be terminated providing 30, 60, 90 days written notice then everybody could walk away is that enough to satisfy the legal concerns or is it more of or is it Dave that you are just uncomfortable with this firm from New York and that's that?

Mr. Thomas. I have various concerns counselor, the legal issues of the time, the fact that I am sure we have local talent whether we pay them or not. I would rather pay somebody to do a good job for the taxpayers of this community than to have some other firm solicit money from our local firms with a letter of support from our government.

Mr. Woods. I understand that I was trying to see if I could get some language built into the term if that elevates what you need before I go down that road and spend resources and time.

Mr. Thomas. I appreciate that.

Mr. Kostielney moves to table.

Motion dies for lack of second.

So, by default the item is tabled.

Mr. Woods. There is no action on this agenda item.

C)
IN THE MATTER OF APPROVING
A YOUTH LEADERSHIP PROGRAM

Frank Fotia, Project Manager, offices of 7th floor.

Commissioner Fleming convened this committee to come up with a proposal to help engage the youth of St. Joseph County in our local government to help teach them about what we do here at St. Joseph County and hopefully expose them to potential job

opportunities that exist within St. Joseph County so as they continue in their career they may consider coming to work for a local government wherever they end up living. This proposal lays out monthly meetings starting in October of this year. It will be open to all High School juniors and seniors. There is an application form that we ask a leader in the community also submits a letter of recommendation on their behalf. We brought this up at the department head meeting last month and all the departments listed here that were present are on board with putting together some type of presentation for the students that are chosen for this program.

Mr. Thomas. I like the scope of the idea, and the concept. I just don't know if it would be really successful especially with there are so many other groups trying to offer youth other things to do, scouting, 4-H, Farm Bureau, church groups, sports, gardening, etc. But, seeing that you have the support of the three fine ladies behind you who I have great faith and admiration in their dedication to the community. I am going to be a positive vote for this.

Mr. Kostielney. I applaud Commissioner Fleming for coming up with this idea with the group in front of us to bring it to fruition. I think it is exciting. one of the things that we struggle with in the county is how to we more effectively communicate the grid work that happens here in St. Joseph County with general public and especially our youth. I think it is a fantastic way that we can energize and hopefully bring more fresh ideas and faces into St. Joseph County.

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

Motion seconded by Mr. Kostielney.

Motion adopted by a 2-0 vote.

D)

IN THE MATTER OF APPROVING
AN EMPLOYEE OF THE MONTH
PROGRAM

Frank Fotia, Project Manager, offices of 7th floor.

I was asked to put this program together from Mr. Kostielney who was looking for a way to recognize the employees here at St. Joseph County and all the hard work they do. Once again this was brought to the department head meeting for review with some of the changes that they suggested in here have been included. Either a department head or two coworkers that nominate an employee that has been with the county for at least one year for this. The nominations would then be brought to the board of commissioners with the names of the person who made the submission as well as the employee being recommended. You act just like you do for health insurance appeals so that it is a completely blind process and the award would be based on solely the merits of the case, recommendation and not based on who would be receiving it.

Mr. Kostielney. Once again, a lot of great things happen here in St. Joseph County. We have a lot of great employees who do work tirelessly so we are trying to find more effective ways that we can recognize the great work that they do. This would be at least a good first step in doing that.

Mr. Thomas. Certainly, it is a new program and I have to wonder why in 200 years this county hasn't implemented this in the past. I know in the past it was discussed but not implemented. There were concerns that with such a vast number of highly qualified employees as someone being selected would be pretty slim. You can only have 12 a year and nearly 1400 employees. The concern, we certainly do have a lot of workers that are worthy of recognition. I am not against the concept. I do have a legal concern, Counselor have you looked into this matter?

Mr. Woods. No.

Mr. Thomas. Apparently, they want to gift the person \$25.00 in some manner. Could that be construed as ghost employment, payment without services.

Mr. Kostielney. How would it be ghost employment?

Mr. Thomas. Someone is being paid for something they didn't do or discrimination that two people did the same job and someone else is getting a bonus and someone else isn't. Several people talking at once.

Mr. Fotia. I ran this by Pete Agostino and he signed off on it. Actually, we put some other language in there regarding the antidiscrimination and the fact that the Commissioners

could end the program at any time. So, the legal language in there was put in by Pete Agostino.

Mr. Thomas. Is there a letter from Pete in there?

Mr. Fotia. No. I do have an email from him that I would be happy to forward to you.

Mr. Thomas. I would just appreciate to have a letter from legal just that he reviewed it and found it did not violate any state or county laws. I am not against the program I would just like to hear what Commissioner Fleming has to say. She has replaced Mr. Kovach who, yet again we didn't do this a few years ago so, I would like to hear what Commissioner Fleming has to say.

Mr. Fotia. In light of that and to get you the letter you requested I request that you table this.

Mr. Kostielney. No action is taken so we can table this matter.

Mr. Thomas moved to table the above requests as read and outlined.

Mr. Kostielney says motion is tabled.

KEY TO THE COUNTY

Key to the County

Presented to

Nicholas Molchan

Nicholas "Nick" Molchan started with the St. Joseph County Health Department on December 6, 2004; serving all fourteen years as Administrator for the Health Department. During his time with the Health Department, he has had a positive impact on his employees by being a supportive, caring and fair boss. Nick went above and beyond the duties outlined on his job description, and did so without question. Nick is a Registered Environmental Health Specialist, a Certified Licensed Pesticide Applicator, a Certified Pool Operator, a member of the National Environmental Health Association, the Indiana Environmental Health Association, the Indiana Vector Control Association, and the Regional Water & Sewer Board.

Nick is well liked by fellow County employees and has a great working relationship with the departments in the County City building. Nick Molchan has been an excellent asset to St. Joseph County and will be greatly missed.

Upon the occasion of Nicholas Molchan's retirement after 14 years 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.

Andrew T. Kostielney, President

Dave Thomas, Member

Mr. Kostielney. I remember serving on the County Council when Nick came to us from Marshall County. We were very lucky to have him. He served the health department but

the citizens of St. Joseph County very well. His institutional knowledge and demeanor will be greatly missed. We are very grateful for your service and the key to the county is the highest honor we're able to bestow upon a citizen of St. Joseph County so, thank you very much.

Mr. Molchan. I want to thank the Commissioners, but I also want to thank my staff. I have met a lot of very dedicated staff not only here but across the state that do their best. Sometimes in very hard times to do what is necessary to protect the citizens and I really appreciate those people I've worked with not only the 14 years here but the 32 years in public health in this state. Thank you very much.

DEPT. OF HUMAN RESOURCES
IN THE MATTER OF APPROVING
A SAFETY CONSULTING
AGREEMENT WITH GIBSON
INSURANCE AGENCY

Mr. Kostielney moved to table the above requests as read and outlined.
Motion dies for lack of second.
Therefore tabled.

DEPT. OF PROCUREMENT
IN THE MATTER OF APPROVING
2017-2018 FY PRINTED MATERIALS
PRICING EXTENSION THROUGH
6-30-2019

- A) Sections:
I. C. Continuous
II. L Laser Cut Sheets
III. R. Receipts
IV. U. Unit sales
V. S. State forms

Bree Roberts, Office of Procurement, offices on the 7th floor.

This is an extension of our previous awards going forward for our fiscal year 2018-2019. This will end 6-30-19.

Mr. Thomas. Is there a reason why section E envelopes wasn't renewed?

Ms. Roberts. As I outlined in the letter, because of the difference in how they are printed. A lot of our departments have moved to our branded envelopes and since pricing was for our previous samples we are unable to renew.

Mr. Thomas. So, it is the price of the new logo?

Ms. Roberts. No, it's simply that the sample is different.

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

Motion seconded by Mr. Kostielney.

Motion adopted by a 2-0 vote.

B.) Approve release of 2018-2019 FY branded materials RFQ

This kind of goes hand in hand again because our samples are different, and we added business cards which was not on their previously. This is basically a different way of getting this done. The RFQ release will happen today right after this meeting. I will post it on the website and it would close after a 7-day period on July 10th. I have asked these be submitted by email.

Mr. Kostielney. I appreciate you, one of the concerns we have had, especially from a business card stand point, we have had different departments going out and getting their own business cards and if we can kind of centralize and warehouse that so we can hopefully save some money.

Mr. Thomas. This has to do with branding, which I have not been a supporter of. So, I will not be supporting this.

Mr. Kostielney. So in all fairness this is all business cards that are being done regardless of branding, this is taking place because regardless of what logo we use we had individual departments who were going out doing it themselves and spending more money than we would be.

Mr. Thomas. I think some offices were printing them in house.

Mr. Kostielney moved to table the above requests as read and outlined.
Motion dies for lack of second.
Therefore tabled.

BOARD OF PUBLIC WORKS:

Development / Subdivision Requests
Description
Subdivision Improvements Performance Bond North Pointe Shores

Special Event Requests
Description

Traffic Regulatory Requests
Description

Project Completion Affidavit
Description

Mr. Thomas moved to accept the above request as read and outlined.
Motion seconded by Mr. Kostielney.
Motion adopted by a 2-0 vote.

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

A)
IN THE MATTER OF APPROVAL
OF R&S 91601 D-1 MAINTANENCE
ASPHALT OVERLAY PROGRAM
FINAL CHANGE ORDER

This is a decreased amount of \$485,114.88. The revised contract amount will be \$3,002,503.78.

Mr. Thomas. These funds will go back to whatever fund they came out of?
Ms. Clark. Correct.

Mr. Thomas moved to accept the above request as read and outlined.
Motion seconded by Mr. Kostielney.
Motion adopted by a 2-0 vote.

B)
IN THE MATTER OF APPROVAL
OF R&S 91701 D MAINTANENCE
ASPHALT OVERLAY PROGRAM
FINAL CHANGE ORDER

This is our asphalt overlay program from 2017. The decrease to this is \$327,982.84. The revised contract amount is \$3,715,342.18.

Mr. Thomas moved to accept the above request as read and outlined.
Motion seconded by Mr. Kostielney.
Motion adopted by a 2-0 vote.

C)
IN THE MATTER OF APPROVAL
TO EXTEND THE REVISED OSMOSIS
SYSTEM & MAINTENANCE
AGREEMENT-JUDAY CREEK ESTATES

This is an extension of our program from 2015. We are looking to install up to an additional 6 RO units then continue the 2-year maintenance period.

Mr. Thomas moved to accept the above request as read and outlined.
Motion seconded by Mr. Kostielney.
Motion adopted by a 2-0 vote.

D)
IN THE MATTER OF APPROVAL
OF THE SUPPLEMENTAL DESIGN
SERVICES AGREEMENT NO. 1 FOR
THE AUTEN TRAIL BIKE &
PEDESTRIAN FACILITY

The supplemental is necessary to revise the design parameters. As we started BP pipeline has an easement that is through this project and through their course of review they have determined that they are not going to let the project be built in their easement. So, we have to redesign it to switch to the north side of the road and this is a supplemental to accommodate the redesign based on BP's comments. It'll be to perform these services in an amount not to exceed \$276,755.00.

Mr. Kostielney. How long did it take to let you know that you were not going to be able to use their...

Ms. Clark. At least a year and a half.

Mr. Thomas. Do you feel that was an excessively long time?

Ms. Clark. Well we have been working back and forth with their engineers and administrative departments and making various revisions, so it would be accepted but at the end of the day there is one person that signs off and that person decided to say no.

Mr. Thomas. From your professional experience as our consultant do you think our offer was fair?

Ms. Clark. Absolutely.

Mr. Thomas. I hope everybody remembers this next time BP asks us for a favor.

Mr. Thomas moved to accept the above request as read and outlined.
Motion seconded by Mr. Kostielney.
Motion adopted by a 2-0 vote.

E)
IN THE MATTER OF APPROVAL
OF PRELIMINARY ENGINEERING,
RIGHT OF WAY, & CONSTRUCTION
ENGINEERING SERVICES PROJECT
AWARD-APPROVAL OF CONSULTANT
SELECTION FOR THE PRIERCE ROAD
RECONSTRUCTION FROM US 31
TO MIAMI HWY.

We recommend that the Lochmueller Group, which includes Abonmarche, Christopher B Burke, and McCormick Engineering for this contract.

Mr. Thomas moved to accept the above request as read and outlined.
Motion seconded by Mr. Kostielney.
Motion adopted by a 2-0 vote.

OLD BUSINESS:

IN THE MATTER OF APPROVING
AN ENGINEERING SERVICES
AGREEMENT FOR THE GAS
EXTRACTION SYSTEM OPERATIONS
AND GROUNDWATER MONITORING
AT THE BEVERL D CRONE
RESTORATION PARK

Motion made by Mr. Thomas to untable the above requested item.

Motion seconded by Mr. Kostielney.

Motion adopted by a 2-0 vote.

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

The agreement before you is to continue our gas extraction system operations and groundwater monitoring, as required by IDEM at our Beverly Crone restoration park site. The contract is a 7-year contract from 2018-2024. Not to exceed \$257,430.00.

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

Motion seconded by Mr. Kostielney.

Motion adopted by a 2-0 vote.

PUBLIC COMMENTS:

Mr. Thomas. The fair is still going on. We have the young boy scout Mr. Cooper here. He is working on his communications merit badge from troop 122 of the Osceola United Methodist Church.

Betsy Kovatch, Valparaiso, IN.

I am here on behalf of K-9 officer Flash. Flash is a 5 ½ year old male German Shepard, approximately 1 year ago my brother a K-9 officer with the St. Joseph County notified the Sherriff that he had applied for a position with a private consulting firm to work overseas. Approximately two months ago he was informed that he was to report for training in his new position on June 18th. At that time notification to the Sherriff was made. He was then informed that Flash's future with the department was undecided. During Mikes last week he was informed that Flash would be reassigned to a new handler. This immediately caused concerns with me and many others. When Mike and Flash were assigned as partners the working relationship took months to cultivate as Mike was Flash's second handler with the department. There were countless hours of training and developing a bond that would allow them to work safely as a team. My concern now is the stress that flash will be under with this transition. He is not a young pup as before. A petition was started to appeal to the Sherriff to allow Flash to retire. The petition as of yesterday had 110,600 signatures. The Sherriff responded to the inquires and petition on their Facebook page stating that Flash was in a private kennel while a new handler is being chosen. I have pictures that I can show you of this. My concern is for Flash's health and well-being today and in the future. He became a member of our family and I am fighting for him as I would any other member. If the plan was to assign Flash to a new handler I with the transition had taken place months ago to avoid Flash being put into the living situation he is in now. There have been many offers by community members to purchase or sponsor new K-9 officers, so Flash could retire. One being Karen Smith. The sheriff's response on the Facebook page there was the reference to the liability of releasing a highly trained K-9 to a nontrained family member. I personally spent a lot of time with Flash and would have no reservations of signing a liability release for the county that I would take full responsibility for his care and actions upon retirement. I would like to thank you for your time and consideration.

Mr. Thomas. Your brother left the County Police Department last year or recently?

Ms. Kovatch. Just three weeks ago.

Mr. Thomas. It is customary, because county assets are the property of the taxpayers, which the commissioners guard for the taxpayers and it's usually customary that if an

officer retires the Sheriff asks to retire the revolver and release it to the leaving officer. In this case he is not retiring he is leaving. How long had he been with the force?

Ms. Kovatch. With the County, four years. Three years with Flash.

Mr. Thomas. Do you know if there has been any talk of his revolver being retired to him or any talk of Flash being retired to him?

Ms. Kovatch. I don't know I wasn't involved initially in the conversations. I know he was upfront with them a year ago when he applied for this job.

Mr. Thomas. The dog is 5 ½ years old and been with your brother for three. Do you know what is the life of a Patrol dog?

Ms. Kovatch. Anything you look up it says 4-7 years of patrol. It says year 4/5 you start watching the dog close to make sure he is as quick and agile and can respond as needed. Karen Smith, St. Joe County resident.

Ms. Smith. I was approached in 2011 by the Sheriff's Department to purchase a dog. I did that. It took about three months and Panzer was presented to the Sheriff's Department. It's not an insignificant cost to purchase one of these animals. But, the cost to the officer becomes a member of his family. They work, sleep, ride, eat together. I can only imagine the heartache that has been placed upon, not only Flash, as a K-9 officer to be separated from anybody he's ever known to be put into a concrete kennel. There are no other dogs that I am aware of at that kennel. He is alone and doesn't know why. Dogs don't think that way. I am sure he thinks he has done something wrong. I am willing and have been approached to purchase another dog. I am willing to do that today. The problem being they don't have a handler qualified for a new dog let alone one that's already been thru two handlers. I don't know what the odds are of him bonding successfully with a third handler at his age, but I am going to guess they are extremely low. I am asking for Flash's freedom. Let him go home, let him retire with his family. The only family he really knows.

Mr. Thomas. You bought this dog in the past and you are willing to buy another one.

Ms. Smith. Absolutely.

Mr. Thomas. Including the cost of training.

Ms. Smith. Absolutely. It ends up to be around \$10,000.00.

Mr. Thomas. Wow, that is very generous on you and your past donation and pledge for the future. I think it is worthwhile for the Commissioners to investigate this matter legally and see what the Sheriff has to say. I imagine there has been negotiations or talk between your brother and the Sheriff's office.

Ms. Kovatch. We have tried the Sheriff and I have been playing phone tag for about 1-2 weeks.

Mr. Thomas. I would make a motion for our legal department to send a formal letter to the Sheriff to consider letting Flash retire in the manner described to his handler.

Mr. Woods. That is not a legal issue.

Mr. Thomas. Someone is going to have to write a letter it's probably going to be a lawyer.

Mr. Woods. I am not signing my name to that letter telling the Sheriff of St. Joseph County what to do with a dog that is under his training care and control. If you want to send your own letter you can send your own letter. I am not telling Mike Grezgorick how to run his department.

Mr. Thomas. It was a letter suggesting not telling. Secondly, if it is a County asset it would be under the purview of the Board of Commissioners just as a car or a revolver is. So, it was just to ask to consider the proposal of letting Flash retire, accepting a brand-new dog that is properly trained.

Mr. Kostielney. I don't think that would have to do a motion. This is not a binding action that we are taking. If we would like to have someone on behalf of the Board of Commissioners reach out to the Sheriff's Department and inquire as to the status and where things stand, I think that is a more measured and appropriate approach especially given there is communication and dialogue that has been taking place and still has yet to be concluded. If you would please reach out to the Sheriff and get a sense for where this stands.

Mr. Woods. I am happy to do that and report back to you two gentlemen. Is that fair enough?

Mr. Kostielney. That is fantastic. Thank you.

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 Mr. Kostielney Meeting recessed by a 2-0 vote.

 
ST. JOSEPH COUNTY COMMISSIONERS