

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 September 17, 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:

Frank Fotia, offices on the 11th floor.
Countywide Bridge inspection and inventory program in accordance with national bridge inspection standards for cycle years 2020-2022, Des. No. 1593056

American Structurepoint, Inc
Indianapolis, IN

DLZ
South Bend, IN

Janssen & Spaans Engineering, Inc
Indianapolis, IN

Lochmuller Group
South Bend, IN

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

Edison Road at Birch Road intersection 4-way flasher installation and 4-way conversion project

It has been requested that this be extended till September 24, 2019.

Dr. Fleming moved to accept the above request 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)
EMPLOYEE OF THE MONTH**

The employee of the month is Susan Laurita of the Veterans Service Office.
Kevin Kelsheimer, Veterans Service Officer, offices on the 3rd floor.
One thing that happened after that submission is Sue got involved with a Veteran that was having a heart problem, he was having trouble getting surgery. Sue got involved and within three weeks he was scheduled for heart surgery. That was a big accomplishment

on her part. When you have a Veteran that is in dire need she stepped in and she got the work done. He had his heart surgery and he is doing great. There is only two of us in our department and in 20 days we saw 557 people. Without her I couldn't do it.

C)
IN THE MATTER OF APPROVING
AN AIRPORT AUTHORITY
APPOINTMENT

Dr. Fleming nominates Jay Asdell.
Motion seconded by Mr. Thomas.
Mr. Kostielney calls for any other nominations. Seeing none nominations closed.
Motion adopted by a 3-0 vote.

D)
IN THE MATTER OF APPROVING
A HOTEL MOTEL TAX BOARD
APPOINTMENT

Dr. Fleming nominates John Anthony.
Motion seconded by Mr. Kostielney.
Mr. Kostielney calls for any other nominations. Seeing none nominations closed.
Motion adopted by a 2-1 vote.

E)
IN THE MATTER OF APPROVING
A MEMORANDUM OF UNDERSTANDING
REGARDING THE SOUTH SHORE LINE

Jamie Woods. Last week the County Council adopted a resolution that would authorize the County to issue what would be half of the amount of the double tracking which is in the principle amount of \$18.25 million. That was ratified and acknowledged this morning by the Redevelopment Commission. What is here for consideration is a MOU between the County and the City of South Bend and the City of South Bend's Redevelopment Commission regarding this project. The City and the County would agree to share equally in the total contribution of \$18.25 million. The City is agreeing to have a matching amount of \$9.125 Million that they will provide towards this project. Here are two minor changes from the agreement last week: One is the agreement at the request of the City will be executed by their controller and its Redevelopment Commission and that in paragraph 2 regarding responsibilities, because the City has not yet adopted their bond resolution as opposed to the County that has, the word use, the City agrees to use bonds, has been changed to, the City agrees to pursue bonds. I will advise the Commissioners, what if the City doesn't do what they say they are going to do, the option at that point and time is to have the Redevelopment Commission convene and any time before the issuance of the bonds the Redevelopment Commission can take action not to proceed with the bond closing. That is a failsafe for the County. I believe this agreement has been mutually negotiated between my office and the City Attorney's office.

Mr. Thomas. Not only is this an absurd waste of money but it appears to be absurd way of paying for it using New Carlisle TIF money to pay for double tracking in some other county. There are disputes over how to fund other needs in the county and other branches of government and to take our TIF money, and not even spend it in the TIF, and say it is going to pay bonds for this project is foolish. When I read the new contract that relates to the new contract, it is nice we are dropping the debt by half approximately but there is also a potential unknown debt regarding the issue of the South Bend station and what are our liabilities. Now we don't know what those debts are. It appears that if things do not go through the county is on the hook for everything and we even reimbursed South Bend for their expenses. That is not equal in my definition of the work equal. At the bottom or the first page it says whereas the State of Indiana has mandated, I think mandated is political spin. The County is offered this money, so I don't consider it a mandate. I will not. At the bottom of page two, it says further in the event that the double tracking project contemplated herein does not move forward etc.... I think from what I have read in the media there is going to be no federal funding. The state is taking over all the funding with

the counties and the state is redesigning the board of directors of NICD to control their massive investment they are going to make to replace the lack of federal funding. Is there federal fund or not? This contract refers to federal funding and then that brings the issue again if this doesn't happen due to no federal funding then are, we reimbursing South Bend for something?

Mr. Woods. You mentioned mandated, there is a statutory enactment by the State of Indiana that says in the event this county would not provide the \$18.25 million dollars the state could intercept that. We don't really know what that looks like. It doesn't really lay out how the state would intercept the counties money. So, is it mandated? They are going to take it, so I think that is mandated.

Mr. Thomas. But there was the mechanism describing how they are going to take money.

Mr. Woods. That is right. It just says they are going to take it. I could see as a worst-case scenario where they take CEDIT or general fund dollars and it could create a dire situation here on an ongoing basis. It seems to make sense. The payback plan, how that would work is the parties are going to jointly contribute \$18 million, using a round number, the initial money is being used for design, engineering, some other task associated with the project on the front end. If there is \$12 million of that spent, and that would leave \$6 million left, the county would receive that, and the county is agreeing that the city would get the first amounts of the refund up until their contribution amount. In that scenario the city would get \$6 million back. However, from conversations with representatives of NICD and IFA it is their belief that the monies that would be contributed by the four quarter counties would be spent. There is enough work to spend all if not almost all of the money right away. The refund issue may really be a non-issue. Secondly, I think it is important to point out as NICD has worked through this project it's had an outside rating agency evaluate the project and it's received very favorable ratings. There is a somewhat comparable, much larger project, performed in the Westlake area by NICD two years ago. Our ratings are at, or near, or exceed the favorability of those. It looks like this is a favorable project and plus if there is, there will not be substantial pay back.

Mr. Kostielney. I can also speak from a NICD configuration state and federal funding. So, the plan is, now the case is made to the federal government back in July. Their process is still being worked thru. We expect to get an initial rating from the feds by the end of this calendar year. The reason the state stepped in and increased their amount of contribution to this was because the federal government has since this was originally proposed at a 50/50 split, they have now gone down to a 38% share of the federal funding for projects such as this. With the state seeing that and knew there would be a potential short fall they took the almost unprecedented action of dedicating the gap of those funds, both in increase construction costs because of delay in time, and also the expected loss of federal revenue they were going to fill that shortfall. There are still plans on federal project and in the event this project does not move forward we will know at least by the end of this calendar year.

Mr. Woods. I think the intent of it was to make the project much more favorable to the federal government so they would invest money. Is the correct?

Mr. Kostielney. Correct.

Mr. Thomas. The change in the board has nothing to do with us.

Mr. Kostielney. They still have to be elected officials, they are just appointed by the Governor verses by position.

Mr. Thomas. When people want to sequester TIF money and not spend it they say, well we can't spend it outside the TIF but when they want to spend it outside the TIF they say oh we can in this case. Now here it appears to be a plan to take TIF money and spend it two counties away.

Mr. Woods. We have had conversations with our bond counsel Mr. Faccenda, myself, and Mr. Schalliol because the project supports activity within the district it was Mr. Faccenda's firm's opinion we are perfectly fine expending the TIF revenue for that purpose. It is statutorily compliant.

Mr. Thomas. I respect ~~both~~ of your opinions. *J. He. Co. firm*

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

Motion seconded by Mr. Kostielney.

Motion adopted by a 2-1 vote.

Mr. Kostielney. This has been a long process. I appreciate Mr. Woods efforts and working with South Bend. This is a better position than what we originally proposed.

This is always been a partnership with the City of South Bend when it came to funding. Mr. Thomas's point about the new train station, that is a conversation we need to have. This agreement does not commit us to anything. This is a truly transformational project for the economy.

Mr. Thomas. For clarification it definitely is not a partnership and it is not a joint venture.

E)

IN THE MATTER OF APPROVING
OF BILLS PASSED BY THE ST
JOSPEH COUNTY COUNCIL

<u>BILL NO.</u>	<u>ORDINANCE NO.</u>
81-19	69-19
82-19	70-19
83-19	71-19
80-19	72-19
70-19	73-19
52-19	75-19
72-19	76-19
73-19	77-19

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

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

ADULT PROBATION
IN THE MATTER OF APPROVAL
TO APPLY FOR PARTNERSHIP
FOR EDUCATION AND PREVENTION
OF SUBSTANCE ABUSE GRANT

Jesse Carlton, Chief Probation Officer, offices on the 4th floor.

This is a request to apply for the above grant.

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

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

HEALTH DEPARTMENT
IN THE MATTER OF APPROVAL
OF RESOLUTION R-9-C-2019
IMMUNIZATION FEE CHANGES

Mark Fox, Department of Health, offices on 8th and 9th floors.

This is a request to add two vaccines to our stock and to adjust the prices of a few vaccines to cover our costs.

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

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

HUMAN RESOURCES
IN THE MATTER OF APPROVAL
OF BIOMETRIC SCREEN OPEN
ENROLLMENT 2020

Kim Karkiewicz, Human Resource Director, offices on the 7th floor.

This is the contract for biometric screens. These are wellness screens that we do yearly.

In the past onsite has done a very good job. We are requesting the contract and it is a little different this year. We are not doing the finger poke, it will be a vein puncture. This will

give more information. The cost has only increased at \$5 to do the vein puncture. We are asking for your approval.

Mr. Kostielney. I appreciate you pushing this because one of the things we try to focus on from an employee standpoint is how to find the best health care and then from a preventative standpoint between this and the clinic all these things we take into focus on, how do we keep our employees healthy.

Mr. Thomas. Again, thank you for doing this.

Dr. Fleming. I am thankful for moving forward to help our employees.

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

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

DEPT. OF INFRASTRUCTURE, PLANNING, AND GROWTH:

A)

IN THE MATTER OF APPROVAL
OF A CONTRACT WITH
JENNIFER HENTHORN

Frank Fotia, offices on the 11th floor, Bill Schalliol, offices on the 4th floor.

This contract is for part time services. We merged offices earlier this year and have four different ways of organizing things electronically and on paper. As we move forward it is very important to have a centralized system for our files. Ms. Henthorn has worked with those file systems so she is familiar with them and how our department functions. We are looking to use her expertise to continue to do that with the rest of the files.

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.

B)

IN THE MATTER OF APPROVAL
OF INDOT CONTRACT R-37480
MCKINLEY HIGHWAY FROM
ASH ROAD TO CORWIN STREET
INTERSECTION IMPROVEMENT
WITH SIGNALS

This is the report for final inspection, and we request your approval.

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.

C)

IN THE MATTER OF APPROVAL
OF BRIDGE NO 62 OVER YELLOW
BANK CREEK BRIDGE REPLACEMENT
ON WALNUT ROAD, DES NO 1383398
CONSULTANT SELECTION AWARD
CONSTRUCTION INSPECTION
SERVICES

We recommend the proposal from DLZ Indiana LLC be accepted.

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.

**ADD ON:
IN THE MATTER OF APPROVAL
OF INDEMNITY & CONSENT TO
ENCROACHMENT AGREEMENT
AT 56859 HOLLYWOOD BLVD**

This agreement is the same as others of this type in the past. The County will be held harmless from and responsibilities, liabilities, loss, damage, or injury of any claims.

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:

Mr. Kostielney. There was a question at the Redevelopment meeting this morning about an update on Timothy Road. We have applied for a permit from IDEM, it was initially rejected so we reapplied. That work is out to bid. We still have yet to receive the permit once it we have it the work shall be done and on track to be finished by the end of October. The other issue is that an adjacent property owner is less than thrilled that the work is being done because they anticipate there being further impacts on their property.

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.