

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

Mr. Kostielney. The meetings will now be live streamed on WNIT.

OPENING AND READING OF BIDS ON: None

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
APPOINTMENT TO ST. JOSEPH
RIVER BASIN COMMISSION**

Mr. Thomas would like to appoint Roger Nawrot as the proxy for this commission.

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

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

**C)
IN THE MATTER OF APPROVING
A NYHART SERVICE AGREEMENT**

Peter Agostino, County Attorney.

These services will be in respect to accounting for the counties exposure going forward for health benefit funding. It is required to be done and the election as I understand it is for option one under the agreement which is set forth herein. Nyhart has done a very good job for the county over the years and I recommend that the agreement be approved.

Mr. Thomas. Is that a typo. Option one has GASB 75 and option two has GASB 45?

John Murphy. Rule number 75 kind of changes how that is calculated it used to be rule 45 it is not a typo it is just a new way of doing it.

Mr. Thomas. Option two did have GASB 45.

Mr. Murphy. We had an option to go to early adopt GASB 75. We are going to do that. It is less expensive it doesn't hurt us in any way.

Mr. Thomas. I trust you and I trust the counselor I just want to make sure that's not a typo. When I see 45 75. Look Mr. Murphy I see 45 75 and then a double 75. When one thing doesn't look like the other I want to make sure it's not a typo.

Mr. Murphy. It's not a typo.

Dr. Fleming moved to accept the above request with adoption of option one as read and outlined.

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

D)
IN THE MATTER OF APPROVING
A NATIONAL SERVICE DAY
PROCLAMATION

WHEREAS, service to others is a hallmark of the American character, central to how we meet our challenges, essential to the ability of mayors all over the country who depend on the altruism of volunteers to help provide for the well-being of our city and our residents; and

WHEREAS, participants in AmeriCorps and Senior Corps address the most pressing challenges facing our cities and nation by providing pathways to opportunity for young people entering the workforce, while offering seniors the opportunity to share their experiences creating and expanding programs that help low-income individuals and communities out of poverty, as well as supporting veterans and military families, providing health services, and helping communities recover from national disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities through efforts directed toward providing education, career skills, leadership abilities for those who serve, while addressing the critical needs of communities around the country; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, including 1,000 in Indiana, strengthening civic, neighborhood, and faith-based organizations; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, The Corporation for National and Community Service, which shares a common goal with mayors and county officials nationwide to inspire citizen engagement in the community, improve the livelihood of all residents, and strengthen the bonds of communities, is joining with mayors and county officials across the country to recognize the value of service on National Service Recognition Day-April 3rd, 2018.

Therefore, Mayor Pete Buttigieg of South Bend, Mayor Dave Wood of Mishawaka, and Commissioners Andy Kostielney, Deborah Fleming, D.M.D., and Dave Thomas of St. Joseph County, hereby proclaim April 3, 2018 as National Service Recognition Day, and we encourage residents to recognize the positive impact national service has on our community. We greatly appreciate the hard work and dedication that all AmeriCorps members provide throughout St. Joseph County, and for their constant willingness to get things done!

Signed and sealed this 3rd day of April two thousand and eighteen

Andy Kostielney
President,
Board of Commissioners

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

Dave Thomas
Member,
Board of Commissioners

Pete Buttigieg
Mayor, City of South Bend

Dave Wood
Mayor, City of Mishawaka

Jennifer Knapp Beudert, Manager of the Robinson Community Living Center, 921 Eddy. We would like to thank you for this recognition and National Service Recognition Day. I would like to recognize the members here today. We have four AmeriCorps programs that are represented here. We have people here from the Red Cross, Bridges out of Poverty, The United Way, and from the Robinson Community Learning Center AmeriCorps Program. These individuals give a year of their lives in service to the community. They help build our capacity to serve the members of our community. They interact directly with thousands of people teaching, helping in so many ways and they are placed in multiple agencies throughout the community. I don't know what our agency would do without them and I don't know what this community would do without them.

Mr. Kostielney. I have had the pleasure of working with the AmeriCorps Program over the last six or seven years. Just what a tremendous asset they are to our community. The level of detail, the attention to detail, the amount of work and effort they have put in to make our community a better place is amazing. Just the thousands of hours they give each year to make South Bend, Mishawaka, and St. Joseph County a better place to live and raise their families is very impressive. So, thank you very much for all that you do for our community.

Dr. Fleming. I would like to thank you for your service and help in our community.

Mr. Thomas. Likewise, I repeat the words of our fellow commissioners. It is a great program thank you.

Dr. Fleming moved 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 R-5-C-2018
PROPERTY ELIGIBLE FOR TRANSFER
TO NON-PROFIT CORPORATION
FOR USE FOR THE PUBLIC GOOD

Mitch Heppenheimer, County Attorney, 704 W. Washington.

We are here to talk about three parcels of real estate they are,
906 Portage 908-910 Portage 736 California.

These are parcels the commissioners hold tax sale certificates upon. I am requesting that the resolution seeking bids from nonprofits for the three parcels. The bids need to be received by May 1st. I will be back then to see who submits bids and if we have a winning bid we'll ask the Commissioners to approve that resolution and take the next step to proceed in awarding the properties.

Mr. Thomas. I would like to thank counselor and nonprofit working on this every year. I think we get closer and closer. It would be great discounted housing for seniors it would help stabilize a neighborhood. It would be a very good project.

Mr. Heppenheimer. That's one of the nonprofits have expressed an interest certainly and we welcome all nonprofits to submit bids. There is certain criteria that the statute sets out that the Commissioners will follow. If we have multiple bids the Commissioners will use that criteria. The property has been there a long time and it is vacant. It was a bakery at one time and more recently was Ford vending.

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

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

F)
IN THE MATTER OF APPROVAL
RESOLUTION R-6-C-2018
APPROVING AND ADOPTING
A UNIFORM BRANDING POLICY
FOR COUNTY DEPARTMENTS

Frank Fotia, Project Manager, offices on the 7th floor.

This is a resolution that codifies the work that our contracted branding company has been working on for the last 4-5 months making uniform usage of the logos and other branding materials across departments. So, when residents interact with any department in the County they have the same look, same feel. They know they are working with the County. This has implications for customer service and economic development for the area. It goes hand in hand with the other work that we are doing. I will say that the company Naissance is wrapping up at the end of April and that will conclude all of their design work on the components that we have asked them for.

Mr. Thomas. I believe this process predates your working on the 7th floor. You mentioned the consultant, I believe there have been multiple consultants on this process. Do you know how many consultants and how much money was spent on this process?

Mr. Fotia. I do not. As you said this does predate me. I have only worked with Naissance. I believe they were contracted out for a regular separate retainer each month. I think it is \$5600. Maybe Bree can speak to this.

Mr. Thomas. I think it was multiple contracts not to exceed this or that.

Bree Roberts, Purchasing Director, 7th floor.

It was a monthly retainer through April and it is \$5750 per month. Basically, not to exceed that limit at the end of April. We then discussed we would basically revisit the contract. I don't think that needs to happen. They have been doing the work since the beginning.

Mr. Thomas. How many months of \$5750 were these people paying. PAID (OK)

Ms. Roberts. I believe it was since October. The end of October would have been the first payment made.

Mr. Thomas. Was this the primary consultant?

Ms. Roberts. Yes. This is the only branding company we contracted with.

Mr. Thomas. I think there were other consultants that were going to subcontract it. Maybe that didn't happen. There were multiple contracts. Are you aware that there were multiple contracts on this?

Ms. Roberts. No. For branding Naissance has been the only company we worked with. There are additional projects through Economic Development going on so, you might be thinking of Sigh Enhancement Services. They are doing the plan for the building, looking at restructuring, and space allocation.

Mr. Thomas. Ya, I was thinking just the issue of the logo.

Ms. Roberts. Not in my time at least.

Mr. Thomas. That may predate you too. I recall there were multiple votes. Thank you both for your help and answers. The concept of a logo is good and generally in business. But, in this case I think this has been a huge waste of staff time and a huge waste of taxpayers' money. The logo doesn't even really look good. I would like to see a full accounting of the multiple contracts and the multiple payments to how many vendors was spent on this at some point. It is really hard to accept this. It doesn't seem to look good, I know when it was presented a year or two ago it was going to try and be some synergy with the Chamber of Commerce and there grow St. Joe County and why we were giving them lots and lots of money. You know they changed their name from St. Joe County Chamber of Commerce to South Bend Mishawaka Chamber of Commerce. Something like that. They changed their name and logo and additionally it was supposed to synergize with the county and it just has gone a whole other way. Which is their right. I am concerned about this issue this uniform policy and other elected officials their rights under their own authority. Again, this is a good concept but I think the whole, as much money and effort that's been dumped in it is just wasteful and obscene. I would like to see a full accounting one day.

Mr. Kostielney. I would just like to thank you Frank and Bree for your work. I know this was brought to us a couple of years ago as a way to move forward to try and standardize our branding to try and help from a website stand point and other things so we had some consistency across county departments. There's a difference of opinion as to how well things look. I think its achieved what we're trying to accomplish. Once again it kind of help build some energy and I do think it, to Commissioner Thomas' point, I do think it builds some synergy. I don't know that it was designed to partner with the Chamber of Commerce in any stretch but it was a way to try and bring more County departments under one roof and help us move forward in a standardized fashion. I appreciate all the work that you have done.

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

Motion seconded by Mr. Kostielney.

Motion adopted by a 2-1 vote.

G)
IN THE MATTER OF APPROVAL
RESOLUTION R-7-C-2018
APPROVING AND ADOPTING
A SOCIAL MEDIA POLICY
FOR COUNTY DEPARTMENTS

Frank Fotia, Project Manager, offices on the 7th floor.

This is to govern the use if not only if the county has one but there are already to my knowledge four departments that have social media pages. The parks, the police department to name a couple. This policy once adopted would be able to govern all of those as well as the one the county uses its exports and legal disclaimers that need to be put on there because anything that is put on social media is part of the public record. This would then allow us to have a county Facebook page and some other social media to promote the stuff that all the departments are doing in the county. Notify citizens, keep them apprised of other deadlines. It would help supplement the transparency that is happening the transparency that's happening on the website as well.

Mr. Woods. I think it is important to keep in mind that as the county ramps up its efforts to become more involved on social media to promote economic development, be able to share information with the citizens. That some other units of government that have ramped up on those efforts have created what's called a public forum and they have actually had lawsuits and other challenges to removal of posts and things of that nature. A lot of those suits were successful against the units because they didn't have a uniform policy and apply things uniformly with some standards. So, to have this policy in place before you really go into that full emerging of getting information to the public and creating a county facebook page is appropriate. I think it will save us from having those types of issues arise here in St. Joseph County.

Mr. Kostielney. One of the challenges we face in county government as a lot of organizations as well, how do we effectively communicate with our constituents. So, one of the ways that we're trying to is having WNIT come in and record our meeting. Improving our web page so citizens can go on the main page and report any questions or concerns they may have. To open up a larger social media presence so we can once again communicate more effectively with our citizens and they can provide feedback for us is what we are trying to do. I appreciate you taking steps to move forward with that.

Mr. Thomas. Again, like the last issue I feel the concept well intended and the liability issues do concern me. But, so do freedom of speech and the rights of the other elected officials. I think most Americans learned last week, at least fifty million of them learned that Facebook is not a good thing to be on. Social media concept website internet, good things but restricting other elected official's ability to do what they wish to do, restricting Americans or county employees of human rights, free speech rights I am not a fan of.

Mr. Kostielney. I don't believe we are infringing on anyone's free speech rights if they are representing St. Joseph County in an official capacity then we would like to have at least some guidelines for which that communication can take place. So, any communication they choose to commit on their own time or as a private citizen certainly, this does not impact that at all. We just want to give some guidelines as we communicate with the public so we have some legal protections and it is to kind of give a sense of direction. But, once again elected officials are able to do under their own rights what an elected official is able to do.

Mr. Thomas. If an elected official has their own website for their department then another government branch should not be dictating to them what they mean and page two under definitions says social media sites means content created by individuals, individuals could be anybody. Read the rest of the article it treads where people civil rights should not be treaded. That's my opinion.

Mr. Fotia. I believe it defers to the department head where applicable and if there is an elected official then it would defer....

Mr. Thomas. Does it say that in the paragraph?

Mr. Fotia. It does in 3.7. So if there is a department head it would defer to them.

Mr. Thomas. But that is not in the definition of number two sir. Why should you as project manager on the job for a few months in a very high salary be telling every other person in this government what they should be doing and what they are allowed to like and not like. I use like in the terms of this...

Mr. Kostielney. Where in this document does it say that? Where does it dictate.

Mr. Thomas. Which portion?

Mr. Kostielney. What you said. Show me in this document.

Mr. Thomas. Right here where he says 3.7 or the project manager to the Board of Commissioners as applicable.

Mr. Kostielney. What does that say that they can like or not like or anything else. Where does it say that?

Mr. Thomas. You have to go back to definition two.

Mr. Kostielney. Where does it say it there?

Looking.

Mr. Fotia. I believe he is referring to 3.8 which would be language that our County Attorney put in there so that people don't (several people talking at once)

Mr. Thomas. May not respond to likes. May not share or retweet or participate etc. Those are all infringements on peoples' civil rights to speak.

Mr. Kostielney. Those are not infringements on their individual rights. Those are infringements on when acting in an official capacity. That is not about what they care to do in their personal communications.

Dr. Fleming moved to approve the above resolution as read and outlined.

Motion seconded by Mr. Kostielney.

Motion adopted by a 2-1 vote.

IN THE MATTER OF APPROVING A BURN AMNESTY

This will be held from April 29-May 6, 2018. It is subject to appropriate weather and it is in response to the ordinance that was passed by the County Council a number of years ago that allows for a one-week period in the spring and in the fall to burn leaves. We did not do that this past fall partly because of that we want to honor that commitment that's in the council ordinance.

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

Motion seconded by Mr. Kostielney.

Motion adopted by a 2-1 vote.

COUNTY CLERK IN THE MATTER OF APPROVAL FOR MEDIA CONVERSION CONTRACT WITH FIDLAR TECHNOLOGIES

Terri Rethlake, County Clerk, offices in the basement of the court house.

We would like to take the paper that we have in our vault for marriage licenses and from 1989-2015 and have them converted from paper to digital and also microfilm for perpetual storage.

This is with Fidlar Technologies for scanning, conversion, enhancement of images, grouping and indexing into our Fidlar A VIS/Laredo system South Bend marriage license records beginning in the year 1989 through 2014. The total investment in the project \$46,903.91.

This will greatly improve response to public records requests. The Clerk's perpetuation fund will pay for the perpetuation of these marriage licenses.

This is mostly in response to the new secure ID request that we keep getting citizens coming to get copies of their marriage licenses and dissolutions for proof of their identity and name changes for this ID. It will help us in the long run.

Dr. Fleming. Thanks for updating us and bringing us into the 21st century.

Mr. Thomas. I also thank the honorable clerk. Not only for the great idea but finding the funding to pay for it.

Mr. Thomas. What is the volume of space you're going to fill.

Ms. Rethlake. We will take a whole wall of paper out. That is about 25-40 boxes of paper.

Mr. Kostielney. We appreciate you embracing technology and making it easier to work with our citizens.

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

Motion seconded by Mr. Thomas.

Motion adopted by a 3-0 vote.

BOARD OF PUBLIC WORKS:

Development / Subdivision Requests
Description
Irrevocable Letter of Credit Fernwood Subdivision, Section Three
Irrevocable Letter of Credit Cloverleaf Farms Subdivision, Section III
Interstate Forestry, Inc. Project Edison Road – Smilax Road to 29910 Edison Road Bond Number 36BSBHW3250
Special Event Requests
Description
PHM Education Foundation 2018 Silver Mile 5K Run for Education
Traffic Regulatory Requests
Description
Request for Approval of Traffic Regulatory Resolution – NO THRU TRUCKS Restriction on Elmer Avenue from Western Avenue to Grant Road
Request for Approval of Traffic Regulatory Resolution – 25 MPH Speed Limit Regulation on Brownstone Drive from End of Road to Adams Road
Request for Approval of Traffic Regulatory Resolution – STOP Sign Regulation on Brownstone Drive from End of Road to Adams Road
Project Completion Affidavit
Description

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

A)
 IN THE MATTER OF APPROVAL
 OF ON CALL SERVICES AGREEMENT
 FOR MCCORMICK ENGINEERING LLC

This is as needed for storm water related services and other various engineering services. The work performed is not to exceed \$75000.00.

Motion made by Dr. Fleming to accept the recommendation of the Department of Public Works in reference to the above final agreement as read and outlined.
 Motion seconded by Mr. Thomas.
 Motion adopted by a 3-0 vote.

OLD BUSINESS: none

PUBLIC COMMENTS:

Dave Lang, 17530 Bending Oaks Ct., Granger, IN.
 I would like to thank the Commissioners for all of their work on the leaf proposals you put together last month. I am looking forward to see what comes out of that. Is this for two collections of leaves in the fall and no spring service. Is that correct?
 Mr. Kostielney. No. There was a sample contract that was included to show the framework of the contract it was not limiting three passes in fact it was the opposite.

What the hope is we are opening this up to any possible solution vendors may come up with. To that end there is a pre-bid meeting at 9:00 on Monday that anyone interested in bidding or not bidding can come and get questions answered.

Mr. Thomas. You are the President of your association correct?

Mr. Lang. No I am not. I am the Treasure.

Mr. Thomas. How does your group feel about leaf burning?

Mr. Lang. We have had a number of complaints in our area for people who have breathing conditions in our area when we do have leaf burning. I think when you look at our area our streets are weird, there are golf courses throughout that and are not necessarily part of the property we own.

Mr. Thomas. Smoke reduces visibility where there are children and could get hurt.

Mr. Lang. That could be an issue too. I think it is more our streets don't have space for burning. Everything is two lanes. When we have leaves it is a one lane world at best.

Mr. Thomas. Thirdly the concern of fire.

Mr. Lang. That could be a big issue too.

Peter Agostino, 131 S Taylor.

I am here on behalf of the Town of Roseland. I have placed before you the St. Joseph County property card and a picture diagram of a piece of land that belongs to the county that's located within the Town of Roseland at the corner of Cleveland and 933. This parcel was given to the county by the toll road commission. I have attached the originating deed for that as well. The Town of Roseland would like to request that parcel be transferred to them from the County. They would take over the maintenance. It is located next to a cemetery that is owned by Clay Township. I am asking that this be reviewed and put on the upcoming agenda.

Mr. Kostielney. Give this information to Jessica and make sure they don't have any plans for that property.

Matt Meersman, 509 Edgewater Dr., South Bend, In.

I work as the director of the St. Joseph River Basin Commission. I want to thank you for your participation and update the board on the commission. We were created in 1988 by the assembly to provide a forum for the discussion, study, and evaluation of water resource issues of common concern and foster cooperative planning and coordinated management of the basins water and related land resources. St. Joe County is one of six counties in the St. Joe River Basin in Indiana. South Bend and Mishawaka are two of seven cities that are members as well. Back in this legislative session there was a bill that went through that expands our scope originally created to address water quality issues. It has been expanded to include flood mitigation. Especially with all the flooding that we've had we want to encourage you guys to let us know how we can be a better resource to the County. We are looking forward to working with the surveyor's office on drainage issues as well as the soil and water conservation district. Our offices are here on the 11th floor.

Mr. Thomas. Thank you for your work. You can't have life without clean water. That is one of our precious resources. We have one or two water boards you might be interested in sitting in on. We have a sewer and water and we have a second one.

Mr. Kostielney. That is the Kankakee.

Mr. Meersman. That would be our sister organization. Different purpose and stuff but the idea is if we can be a resource we work with the drainage board on the Juday Creek task force and try to be available.

The sewer and water board works with the Granger sewage problem. The plant in Wyatt.

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.


ST. JOSEPH COUNTY COMMISSIONERS