

JUNE 28, 2010

Wabash County Council met in regular session on Monday, June 28, 2010 at the Wabash County Courthouse. Vice - Chairman James Kaltenmark offered prayer. Claude Markstahler led the pledge of allegiance. Chairman Mike Ridenour called the meeting to order at 5:00 P.M. with all members present: Ridenour, Kaltenmark, Gary Nose, Ted Little, Daryl Evans, Randy Curless and Markstahler. The proceedings of the meeting were recorded by Wabash County Auditor Jane Ridgeway.

The first order of business was to review the minutes of the April 26, 2010 meeting. There was one correction on page 2 paragraph 2 "property" tax should be "income" tax and Wabash County Sheriff Leroy Striker requested the attendee's list be amended. Evans made a motion to make the one correction and to amend the attendee's list; his motion was seconded by Curless and passed by a 7-0 vote. Next, the minutes of the May 24, 2010 meeting were reviewed. Curless made a motion to approve the minutes as written; his motion was seconded by Little and passed by a 7-0 vote. Next, the minutes of the June 6, 2010 Joint Executive Session were reviewed. Evans made a motion to approve as written; his motion was seconded by Kaltenmark and passed by a 7-0 vote.

Trula Cramer, Convention and Visitors Bureau Executive Director:

1. Introduced Whitney Myers as her successor, Cramer will be retiring June 30, 2010.
2. Presented the CVB 2011 Budget
 - A. Expecting \$104,751 from the Innkeeper's tax and has received 30% of this amount as of May. Cramer stated this percentage is a normal trend
 - B. Has a lease agreement with the Wabash County Museum for \$6,000 per month through 2013
 - C. Moved to Cinergy MetroNet for phone service due to high expense with the previous carrier
 - D. Changed domain hosting to Visionary Web due to increase in costs with previous carrier
 - E. Stated there was a decrease in phone service budget and an increase for promotion and marketing – the Tourism Board has requested that a new marketing plan be implemented in 2011.

Ridenour stated the state average growth quotient must not exceed 2.9% and requested Ridgeway contact the DLGF to see if CVS budget is reviewable by the Council due to the fact that the Innkeeper's tax is the sole source of income. Cramer stated presenting the budget is a courtesy from the CVB to the Council. Ridenour thanked Cramer for all the years of service with the promotion of Wabash County and for

keeping the CVB program running efficiently. Ridenour also welcomed Meyers to her new position as of July 1, 2010.

Darren Bates, of DataPitStop, discussed Wabash County civil budgets, estimated revenues, net AVS and circuit breakers for Wabash County Government. Bates stated the greatest predicted loss for the 2010 pay 2011 property tax collection will be due to the age cap or the over 65 circuit breaker exemption. For those who qualify, this exemption caps the taxes for the current year at no more than 2% of their last year's taxes. When this exemption took affect in 2008 pay 2009, many of the tax bills were at \$0; 2% of \$0 is still \$0. Bates stated legislators are reviewing this exemption due to the fact that so many counties have and will loose significant property tax collections because of the \$0 tax bills at the time the over 65 circuit breaker took affect. Ridgeway presented a circuit breaker GIS map showing where caps took affect in Wabash County.

Ridenour stated if any department head or trustee present wanted more information regarding the growth quotient and how to prepare budgets to contact Auditor Ridgeway. Ridenour stated the civil non-binding review will be done at the July Council meeting. Jan Roland, Chief Business Officer of the Wabash City Schools, requested the schools review be completed in August due to the fact that the school board would not have seen the budget prior to the Council meeting. Council agreed to review all the Wabash County/City Schools in August. Ridgeway stated George Helton of the DLGF will be holding budget workshops on July 21st and 22nd to help with the preparation.

The next order of business was to address Transfer Request No. 2010-09:

**TRANSFER RESOLUTION
NO. 2010-09**

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; NOW, THEREFORE:

SEC. 1 Be it ordained by the Wabash County Council of Wabash County, Indiana, that for the expense of said county government and its institutions for the year ending December 31, 2010 the following additional sums of money are hereby transferred and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same:

	Amount Requested	Amount Appropriated	AYE	NAY
DECREASE:				
	ADULT PROBATION USER FEE – 0060			

0060-0000-01-412-019 Wages				
-Clerical/Hourly	\$3,490.00	\$3,490.00	7	0

SEC. 2 WHEREAS, it has been shown that certain existing appropriations now have unobligated balances which will not be needed for the purposes for which appropriated, it is further resolved that the following existing appropriations be reduced in the following amounts:

INCREASE:

ADULT PROBATION USER FEE - 0060

0060-0000-01-412-015 Wages				
-Part-time/Mentor Coordinator	\$3,490.00	\$3,490.00	7	0

Chief Probation Officer Dallas Duggan and Circuit Court Judge Robert McCallen discussed that the current Juvenile Court Program is not working. The youth in the system are continuing in the system as adult offenders. Duggan stated he and Judge McCallen would like to begin a mentoring program using local volunteers to work with the youth. Probation User Fees were used to hire a part-time Mentor Coordinator, Rick Tolley, to work no more than ten (10) hours per week with the volunteers. Duggan stated they are looking into additional funding that will maintain this program at no cost to the county. Brian Bassett, part-time Probation Field Officer and Tolley will work together for the next six (6) months to implement the mentoring program. Little made a motion to approve the request to transfer \$3,490 from Adult Probation User Fee Wages-clerical/hourly to Part-Time Mentor Coordinator; his motion was seconded by Nose and passed by a 7-0 vote. Ridenour thanked both gentlemen for their proactive efforts. Little commended Duggan and his entire department for their participation in the 5K run.

This was presented to the Wabash County Council, read in full, and adopted on the 28th day of June, 2010, by the above aye and nay vote.

The next order of business was to discuss the proposed amendment to the Wabash County Police Retirement Plan to increase the retirement age from 50 to 52. Wabash County Sheriff Leroy Striker stated the Merit Board met in late February and approved the increase of the retirement age from 50 to 52. Striker presented a proposed amendment prepared by the actuarial firm McCready and Keene Inc. reflecting this change. Council discussed their concern with the required amount equal to 24% of each new employee's yearly salary to be placed in the pension fund. Nose stated the civil process fees are not enough to cover the funds required to keep the pension self sufficient as was originally presented. Nose stated this problem is due to the fact that the Council was not given all the information necessary prior to voting on the pension plan. Nose stated we need to address

this concern before we move forward with any other hiring or changes. Striker stated he presented all documentation that was available at the time and nothing was withheld. Ridenour stated he does not have the information that Striker states was presented. Markstahler stated the Council was told that the pension plan was between the Sheriff's Department and McCready and Keene and Council had no say in the matter. Striker stated the 24% was not just due to the age changing from 55 to 50. It was also due to a poor market, widow benefits and survivor benefits. Striker stated when the error was found that there were not enough civil process fees to cover the plan, as was first believed by all parties, alternative funding was pursued to help off-set the insufficient amount. County Attorney Steve Downs stated there are three (3) options: 1) if there is evidence to prove that misrepresentation of information occurred, litigation is a possibility but it would be difficult to prove; 2) termination of the pension plan with the understanding that you would have full benefit payout on termination; 3) look at a retirement age that will make this plan work. Little stated McCready and Keene needs to run an analysis of the pension plan costs for each age from 50 to 55. Commissioner Scott Givens stated changing the age from 50 to 52 according to McCready and Keene will only lower the amount to be given by the County approximately \$10,000 per year. Striker stated this type of analysis can take thirty (30) to sixty (60) days to complete and there is a need before that time to consider adding officers to the force. Nose stated any new hires would start at the 24% pension contribution. Nose suggested that part-time officers be hired until the retirement plan issues are resolved. Ridenour requested Ridgeway contact McCready and Keene to run this analysis. Nose made a motion to table the amendment to the pension plan until more information is obtained; his motion was seconded by Evans and passed by a 7-0 vote.

Ridenour also discussed his concern with accusations made in the newspaper and with constant issues with the Sheriff's Department. Striker expressed his respect for the Council, but feels communication between himself, Council and Commissioners has been inadequate. Little stated he chose to keep his communication within the Council meeting due to harsh e-mails from Striker in the past. Nose stated he preferred for all Council members to be present when addressing county issues.

Ridenour read an Order of the Board of Commissioners which requires Sheriff Striker, on or before July 10, 2010, to either resign as Sheriff or as a full-time teacher at Heartland Career Center. Nose asked if the Council has the right to vote on this motion. Downs stated the Sheriff shall attend meetings and Council is entitled to order the Sheriff to make a decision. You can issue any orders that are within the right of

county government. The bottom line is taxpayers are paying his salary as Sheriff and he is obtaining a second paying position. Nose stated they cannot change the salary. Downs stated the issue is do you agree with the Sheriff having a second position. Evans made a motion to approve the Order to the Sheriff; his motion was seconded by Little; no vote was taken. Striker stated his full-time position is for the remainder of the calendar year and he will continue to attend meetings and provide all information as required by county. To say I will not get my duties done is not true. I will accomplish my work as Sheriff. It is documented that I have always worked hard. Other county officials have part-time jobs and are not reprimanded. Striker stated he could handle both positions for the remainder of his term and if not he would step down from one position. Little stated he was concerned if you take the teaching position you are removing yourself from the public from 8am to 3pm during peak hours. Striker stated the officers are capable and qualified to handle any situation. Striker stated from 8am to 3pm he does not have walk-ins but does have phone calls and responds immediately. Striker stated the School Board evaluated this – Striker stated my business is done from 4am to 7am. The School Board allows me to have a flexible schedule to work around. If my teaching affects my ability to be efficient in any area, I will step down. Ridenour stated I have had several taxpayers approach me about the position and do not understand how a Sheriff with all the duties and obligations can split his time with another full-time job and as a representative of these people I must present this thinking. Wabash County residents Patty Cooper, Carol Ulschafer, Marti Striker, and Major Chief Deputy Sheriff Steve Hicks expressed their opinions on the issue. Kaltenmark stated he is voting against this to have time to review all information presented. Little stated he also would like to research this as it is owed to Striker. Markstahler stated he is voting against it and just requests that Striker do his best. Nose stated Striker has been granted a great deal of freedoms up to this point. Lots of people feel this is not ethical but it does not mean it is illegal. Downs stated the public servant concern is that the elected Sheriff is a public servant and under Indiana law cannot put financial issue above his duties as an elected official. He is a public servant and there are grounds to the extent that financial concerns are placed above duties. It is not a matter of good intent. The question is; are you placing personal finance above your duties? If Striker accepted no payment from the school, then the issue is mute. Downs stated the intent is for Striker to take the position. Striker stated according to his legal council he has the right and ability to do both positions. Nose stated it would be a good idea to talk to the School Board and present the idea to have this position start full-time as of January 1, 2011 but until then have Striker share a part-time job with another part-time employee. Downs stated you can vote to change the date and table the

motion. Little made a motion to table the order until the next meeting; his motion was seconded by Curless and was defeated by a 3-4 vote: Markstahler, Kaltenmark, Evans and Ridenour opposed. After further discussion, Curless made a motion to table the Order; his motion was seconded by Kaltenmark and passed by a 4-3 vote; Markstahler, Evans, and Ridenour opposed.

The next order of business was to address the Additional Appropriation requests as advertised:

**ADDITIONAL APPROPRIATIONS
ORDINANCE 2010 NO VII**

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore:
SEC. 1, Be it ordained by the Wabash County Council of Wabash County, Indiana, that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to the laws governing the same:

	Amount Requested	Amount Appropriated	AYE	NAY
<u>COUNTY GENERAL FUND 0001</u>				
<u>Jail 0033</u>				
0001-0033-01-412-017 IDACS – Coord/Dispatch	\$15,787.00	\$15,787.00	7	0

The Original Dispatcher money in the 2010 budget was transferred for all four (4) dispatchers to the Central Dispatch Budget. However, Tammi Monce is now staying at the Jail as an IDACS Coordinator/Dispatcher so her portion needs to go back into the Dispatcher line item.

Striker requested permission to keep current certified IDACS/Dispatcher Tammi Monce. Striker stated as long as the IDACS terminal is up, an IDACS certified individual must be on the premises or calls must be forwarded. Striker stated the funds requested are for half of the year’s salary. Markstahler made a motion to approve the request to retain Tammi Monce at the Jail as an IDACS Coordinator/Dispatcher for the remainder of the 2010 year for a total of \$15,787; his motion was seconded by Kaltenmark and passed by a 7-0 vote.

WABASH COUNTY POLICE PENSION FUND 0022

0022-0000-01-413-074 Personal Services – Sheriff’s Pension Clerk Civil Process Collections May, 2010	\$ 1,466.00	\$ 1,466.00	7	0
0022-0000-01-413-074 Personal Services – Sheriff’s Pension – Sheriff Civil Process Collections May, 2010	\$ 13.00	\$ 13.00	7	0

Civil Process Collections for the month of May 2010: Clerk’s Office Civil Process collections total \$1,466 and the Sheriff’s Department Civil Process collections total \$13.00.

Markstahler made a motion to approve May’s civil process fees totaling \$1,479 to the Wabash County Police Pension Fund; his motion was seconded by Nose and passed by a 7-0 vote.

CUMULATIVE BRIDGE FUND 0003

0003-0000-03-439-052 Other Services & Charges				
– Bridge Inspection	\$178,000.00	\$178,000.00	6	0

We have entered into a new four (4) year contract for Bridge Inspection. This is an 80%-20% Federal Aid Project. Our 20%, for the term of the contract, is \$178,000.00.

Highway Department Supervisor John Martin stated this amount will be paid bi-annually. There are 156 bridges in Wabash County. To be considered an actual bridge the structure must be at least twenty (20) feet long. Martin stated this is a mandated federal project. Markstahler made a motion to approve the \$178,000 for the inspection of Wabash County’s 156 bridges; his motion was seconded by Curless and passed by a 6-0 vote. *At the time this vote was taken, Kaltenmark had left the meeting.*

Highway Superintendent Phil Amones will retire on July 16, 2010. Supervisor Martin will be Amones successor. Council extended their appreciation to Amones for all his hard work. Ridenour stated we have some of the best roads in the State and a lot of this has to do with the employees at the highway department.

EMA – HOMELAND SECURITY GRANT FUND

Capital outlay – Equipment	\$ 985.00	\$ 985.00	5	0
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This is a re-distribution from the Indiana Department of Homeland Security for the Amateur Radio (RACES) for Wabash County EMA. There were un-used funds that the State is now giving to county EMA’S that had successfully performed during the original grant period. EMA will use these funds to purchase a High Frequency Amateur Radio for us in our Decon Trailer that is also to be used for a Command Post. This grant is a re-imbusement grant to Wabash County with the performance period ending on August 1, 2010.

Curless made a motion to approve the request for the Homeland Security grant totaling \$985 to purchase a high frequency amateur radio; his motion was seconded by Evans and passed by a 5-0 vote. *At the time this vote was taken, Kaltenmark and Little had left the meeting.* FYI; Brown stated that today the EMA received a 50% EMA salary matching grant for 2009 totaling \$23,000.

EMA – HOMELAND SECURITY GRANT FUND

Capital Outlay – Equipment	\$ 6,500.00	\$ 6,500.00	5	0
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This is a re-imbusement grant for equipment and supplies from Indiana Department of Homeland Security for the Community Emergency Response Team and Volunteers in Police Service (EMA Traffic

Members) grouped under the Federal Citizens Corps Program. EMA will use these funds to purchase a small response trailer, a portable alerting system, two cases "Caution" tape, storage containers, uniform identification patches and signage. Funding received through this grant enhances the EMA mission to assist public safety agencies in Wabash and our mutual aid partners in District 3.

Curless made a motion to approve request totaling \$6,500 for Homeland Security Grant; his motion was seconded by Nose and passed by a 5-0 vote. Note: Brown extended an invitation to the Council to take a tour of the new central dispatch center located at the Solid Waste Management facility.

This was presented to the Wabash County Council, read in full and adopted on the 28th day of June, 2010 by the above aye and nay vote.

COUNCIL REVIEWED:

- *2011 Budget.*

Nose made a motion to maintain the budget as set last year; his motion was seconded by Curless and passed by a 5-0 vote. Auditor Ridgeway stated she would need to change the salary requests on the presented budget.

- *County Employee Salary Increase*

Ridenour stated at the Joint Executive Session the Council agreed that 2011 and 2012 would be tight in regards to revenue and opposed any wage increase. Ridenour stated the primary reason for adopting the LOIT was to create a way for the county to assist our residents in a difficult economy. Ridenour stated he was concerned to see a request to add a 2% salary increase for county employees and 4% for certain employees to balance the wage study. Ridenour stated there is always going to be money there but, it is not prudent to use it at this time. Commissioner Brian Haupert stated we should build 2% in the budget to give the Council flexibility. Haupert stated being under the levy hurt the county a great deal in the past. Nose stated if times are tough then we should not raise it just to meet the levy. Haupert stated the Council has the total authority to adjust the numbers as they see fit. Haupert stated he felt we should at least give the employees and the Council the opportunity. Nose stated we need to slow down on some decisions and make sure all the facts are straight.

- *Pension Plan Concerns*

Ridgeway stated she had requested a financial analysis from McCready and Keene on the changes in the proposed amendment, increasing retirement age from 50 to age 52, would create. Vice President Elaine Beaty stated since there was no one within the parameters, there was nothing to analyze. They did not answer the question. Rick Monce, who recently retired, will receive the age 50 benefits. Evans stated at

the end of the day we just cannot afford the current pension plan. Commissioner Scott Givens stated we were not given any information and when we asked for it from McCready and Keene they would not supply the information. Givens stated we may need to look at other ways of saving money like reducing non-officer staff at the jail. Nose re-visited Attorney Down's statement that if we were given falsified information there may be grounds to pursue legal action. Givens stated it may be difficult to win a legal battle because Council did not perform due diligence before making the decision. Council took the words of two individuals from McCready and Keene and did not pursue more facts. Connie Rich and Patty Cooper expressed their concerns regarding information on the pension plan civil process fees. Cooper extended an invitation to the Council to visit the jail and have a meal at any time.

- *Budget Meetings*
Ridgeway asked if the Council members would like to individually meet with department heads one-on-one as they did last year to review budgets. Council members agreed that they would like to continue this process. Ridenour stated Council will set up a schedule for those meetings.

Markstahler made a motion to adjourn the meeting; his motion was seconded by Evans and passed with a 4-1 vote. Nose opposed.

The following individuals attended the June 28th Council meeting:

**If any names are spelled incorrectly, we apologize.*

Sheila Rhoades
Shaun Tilghman
Gareth Rohrman
Marti Striker
Phil Dailey
Becky Warmuth
Larry Manning
Carrie Mugford
Jim Dixon
Jeff Hobson
Shane Burns
Tamie White
Scott Long
Kristina Lynn
D. Larry Dockter
Ware W. Wimberly III
Sue Ridenour

*Approved as written