

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 October 4, 2022 at the hour of 10:00 a.m. (EST) at which time in the following members were present: Carl Baxmeyer, Derek Dieter, and Dr. Deborah Fleming D.M.D. were present.

**PLEDGE OF ALLEGIANCE**

**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. Dieter.  
Motion adopted by a 3-0 vote.

B)  
IN THE MATTER OF APPROVING  
CENDER DALTON PROPOSED GO  
BONDS SERIES 2022-MUNICIPAL  
ADVISORY SERVICES

This is in relation to bond issuance for updating three of the highway garages and taking down the Granger garage. We would like to get this done quickly so we can get a lower interest rate.

Mr. Dieter asks about PSAP and EMA.  
Mr. Misch states they are not in this one. They may be funded some other way than a bond.

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

C)  
IN THE MATTER OF APPROVING  
BOND COUNSEL SERVICES WITH  
KLINE ALVARADO VEIO, P.C.

Cender Dalton is the financial services, and this is legal services in relation to the same bond that was previously discussed.

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

D)  
IN THE MATTER OF APPROVING  
RESOLUTION R-19-C-2022-  
ESTABLISHING A UNIFORM  
METHOD FOR VETTING BOARD  
APPOINTMENTS

Mr. Dieter. I asked for this to be put on the agenda. This is so that when we have people apply for boards there is a process we go through for transparency. This is to find out why they want to be on a board, their background to being on the board, and an interview process so we can talk to the people before we make a blanket approval. Short discussion held on the past vetting process and the current change.

The roof has failed. We have reached out to multiple contractors. Wolf contracting was the only one to get back to us. This was in the amount of approximately \$30,000. We are asking for your approval.

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

Motion seconded by Mr. Dieter.

Motion adopted by a 3-0 vote.

E)

IN THE MATTER OF APPROVING  
RESOLUTION R-20-C-2022-  
ENGAGING CERTAIN LEGAL  
SERVICES RELATED TO  
ELECTION INTEGRITY

Mr. Baxmeyer:

I think this is a very important resolution that we bring forth. Recently there's been a lot of questions about the integrity of the election process based on actions by the clerk's office and election board. Goes back quite a while. Over the summer there was questions about who held keys to the ballot room. I think it's important that this be a full examination of that and that can best be done by a third-party investigation. We don't know what happened. We're not making any allegations here. Rather, we are asking that the process and the actions be examined. The letter of the law was not followed, and we need to determine that the law was broken, and we need to look at that and determine exactly what things occurred during the past several months. Any other questions, comments?

Dr. Fleming. Well, I think it's good that we're moving forward to investigate it more but, I'm just happy that Trisha Carrico is doing a good thing with her key. Making sure things are done right.

Mr. Baxmeyer. Oh well, I think the key thing that, no pun intended, the major thing that came out just recently was, Rita Glenn's attorney's statement regarding the fact that ballots were removed from ballot room the night before. Where were those ballots? Why were they removed? Why were they not stored in the ballot room with separate keys held by the Republicans and Democrats? That really calls into question the integrity of the system and we really need to know what happened and ensure that the letter of the law is followed throughout the process and is a, to me, a really key element to retain and rebuild trust on the part of the voters in the process that we have.

I thought the state police was already investigating this. So why are we, why are we spending taxpayers' money to proceed with something that the state police are already investigating?

Mr. Baxmeyer.

This is to ensure that an independent group takes a look at this. Independent of the state police and we'll take public comments at the end.

There being no further comments from the board I will entertain a motion.

Dr. Fleming. Motion to approve resolution R-20-C-2022.

Mr. Baxmeyer. Thank you.

Mr. Dieter. Just one question. Are the state police done with their investigation?

Mr. Misch. I don't know.

Mr. Dieter. Do we have a timetable of when their investigation would be done?

Mr. Misch. I think Paige Barnes would know the best. She reported on that yesterday.

She had said they would, right, they didn't give a response so.

Mr. Dieter. Okay, I like the intent of this, but wouldn't it make sense to see what the state police come up with before we have two varying, I guess, opinions. I'm sure the state police are going to do a very good job.

Mr. Baxmeyer. We are five weeks away from the election. I think it's important that we get on with this now and not delay and wait for the state police report investigation to conclude.

I still don't understand how this, implementing is going to change anything. I don't understand why, the state police are doing their investigation. They're not completed, and you want to go ahead and have something that is not relevant to what's going on.

Mr. Baxmeyer. Not relevant?

Tell me how it is relevant to what is going on. They're, they're investigating that there was no misappropriation with the ballots and all that. They, they haven't finished their investigation and you want to go ahead and pay for services that you might, you don't need.

Mr. Baxmeyer. Ensuring election integrity, making the voters sure that the law is being followed. Finding out, again, we're not out, we're not alleging. I'm not going to get into a debate with you right now. I've said my reasons.

Mr. Dieter. I like the thought of like fixing things that may or may not be fixing and the intent and the work that Mr. Misch put into this, but I make a motion to table this until we hear from the state police on their investigation. And I doubt if I will get a second.

Dr. Fleming. That was a resolution to move to pass the resolution. So, is there a second to pass that?

Mr. Baxmeyer. I'll seconded it.

Mr. Dieter. Might have a motion on the floor first.

Mr. Baxmeyer. It died for lack of a second. Now would you restate your motion?

Dr. Fleming. Motion to approve resolution R-20-C-2022. For the engagement of certain legal services related to the election integrity.

Mr. Baxmeyer. I will second that.

Mr. Dieter. One question Mr. Misch or Mr. Baxmeyer. How much will these, this cost the taxpayers?

Mr. Baxmeyer. We have not received a letter of engagement and do not know at this point what fee will be.

Mr. Dieter. So, will that come back to the Commissioners to approve the cost?

Mr. Baxmeyer. Yes.

Mr. Dieter. Someone?

Mr. Misch. The way the resolution is written you're approving Carl to execute an agreement with a law firm once they've been vetted and ensure that there's no conflicts of interest.

Mr. Dieter. The Commissioners or him?

Mr. Misch. You're delegating the boards authority to the president to execute the documents.

Mr. Dieter. We're giving him?

Mr. Misch. Correct.

Mr. Dieter. I vote nay.

Mr. Misch. All right. Commissioner Fleming how do you vote.

Dr. Fleming. Aye.

Mr. Misch. Commissioner Baxmeyer how do you vote.

Mr. Baxmeyer. Aye.

Mr. Misch. Motion carries.

Motion adopted by a 2-1 vote.

INFRASTRUCTURE, PLANNING AND GROWTH

CONSENT AGENDA

Development / Subdivision Requests	
Description	
Special Events Requests	
Description	
a) Granger Path 5k 2022	

Traffic Regulatory Requests
Description

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

A)  
IN THE MATTER OF APPROVING  
PROFESSIONAL SERVICES PROPOSAL  
PEERLESS MIDWEST, INC.

Bill Schallioli, Economic Development, offices on the 11<sup>th</sup> floor.  
The proposed scope of work includes costs for updating the hydrogeologic data for the Planning and Core Development Study Areas in the Indiana Enterprise Center. The Planning Area encompasses portions of northwestern St. Joseph and northeastern LaPorte Counties, Indiana, and the Core Development Area is confined to the western most portions of St. Joseph County including the New Carlisle area.  
In 2015, Peerless Midwest was hired to perform water testing for the St. Joseph Energy Center (SJEC) Project. The SJEC was proposing to create a new water treatment plant to provide water to the natural gas power plant. To address concerns about the state of the aquifer and how a new water treatment plant might affect the draw on the aquifer, Peerless did testing to help set baselines for the project.  
In 2019, Peerless was asked to do additional testing and monitoring of the aquifer to address the potential expansion of the existing potable water treatment plant owned and operated by the Town of New Carlisle.  
That report also examined the effect that residential and commercial wells had on the total aquifer draw and its impacts.  
The development of the proposed Ultium Cells project and Project Honeysuckle will remove and reduce the amount of residential and commercial wells that impact the aquifer. Additionally, all water used by the proposed Ultium Cells project will come from one or both of the water treatment plants operated by New Carlisle and the project will use less water than the current draw of the wells proposed for removal. This study will examine the current water use of the SJEC project and review water issues related to the potable water plant as it looks to be upgraded. The report will also review the impacts of the removal of the wells for the aforementioned projects and reset baselines for water conditions in the aquifer in the IEC.  
The SJC Redevelopment Commission approved this agreement at their meeting on September 27<sup>th</sup>. The lump sum cost for Peerless Midwest to perform the hydrogeologic study is \$12,950. Staff recommends approval of this proposal.

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

B)  
IN THE MATTER OF APPROVING  
A PROJECT COMPLETION AFFIDAVIT

Sky Medors, County Engineer, offices on the 7<sup>th</sup> floor.  
The final project cost is \$597,064.52.

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

**OLD BUSINESS:**

A)  
IN THE MATTER OF APPROVING

BOARD OF COMMISSIONERS 2023  
MEETING DATES

**PUBLIC COMMENTS:**

Kevin Connery, Granger, IN.

You are engaging in legal services related to election integrity. So, explain to me what they are going to do, what is it they are going to do that the state police aren't going to do. We are going to spend more money in taxpayers' dollars. What are they going to do? Mr. Misch. This is not a dialogue and they're here to accept information and questions and go from there.

Mr. Connery. I am just asking a question; I can't get an answer.

Mr. Baxmeyer. We welcome your comments.

Mr. Connery goes on to say he thinks money is being wasted and we should allow the state police to conduct their investigation. More transparency is needed in what they are doing. My next comment is about the garage. Why is the New Carlisle garage still closed? It has been closed for over a year. I think you need to think about spending taxpayers' money.

Amanda Govert Konrath, Democratic member of Voters Registration.

As to the question of where the ballots were. They were being processed by a bipartisan team. I'm not sure why that is controversial. That's what happens even into the latter hours of the evening during absentee. The ballots do get process it is done by a Republican and a Democrat under camera which you guys would have seen if you had viewed the entire footage and not just the clips shown on a blog.

Dan Caruso, New Carlisle, IN.

To Mr. Connery's statements I want to say ditto. Talks about high gas prices and online apps to find the best gas prices. This app is gas buddy. I have found that gas prices are lower than they actually are. I would advise people to not use that app due to untrue information.

There being no further business to come before the Board at this time, Mr. Baxmeyer asked for a motion to recess, Dr. Fleming so moved, seconded by Mr. Dieter. 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.