

STEBEN COUNTY BOARD OF COMMISSIONERS MEETING
January 2, 2018

The Steuben County Commissioners met at 1:00 p.m. on Tuesday, January 2, 2018, in the Commissioners' Room of the Steuben County Community Center. Present this day were Commissioners Ronald Smith, James Crowl and Lynne Liechty. Also present were Donald Stuckey, County Attorney, Ruth Beer, Steuben County Councilwoman, Jim Getz, Steuben County Councilman and Kim Meyers, Steuben County Auditor.

Donald Stuckey opened the Highway Bids. Mr. Stuckey said that the bids are now public record and anyone that wants to see them has a right to review them. All bids were submitted to the Highway for review and recommendation.

Randy Strebig, BoAC, submitted the 2017 Board of Aviation end of year report to the Commissioners. Mr. Strebig stated that the year-end shows a gross net of sales \$23,059.28. He said that they have dispersed \$15,000.00 in 2017 back to the County and after that check was written, \$8,059.28 remains in the account and \$35,000.00 remains in the inventory and assets. Mr. Strebig stated that compared to last year sales are up a little bit.

Randy Strebig reported that the AWOS equipment is here and the contractor is sorting through the equipment and plans to start installation on Monday.

Mr. Strebig said that Sam Adams and volunteers have kept the Airport clear of snow.

Randy Strebig also gave Kim Meyers, Auditor, a check for \$20,000.00 to be receipted in and then appropriated by Council for the purchase of the new tractor.

Lynne Liechty made a motion to approve the claims submitted for payment this day totaling \$178,839.71. James Crowl seconded that motion and the motion carried with three (3) ayes.

Kim Meyers, Auditor and Melissa Bixler, Treasurer, submitted the Monthly Comparison Report for review and approval. Lynne Liechty made a motion to approve the Monthly Comparison Report. James Crowl seconded that motion and the motion carried with three (3) ayes.

James Crowl made a motion to approve the minutes from the Commissioners' Meeting on December 21, 2017. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

The Commissioners signed the minutes from the December 4, 2017, Commissioners' Meeting for the Index Book, which were approved at the prior meeting.

Tim Troyer, Sheriff, requested official approval to accept the quote from Northern Industrial Flooring, in the amount of \$18,864.00, for repairs to the basement floor. Sheriff Troyer requested verbal approval on December 28, 2017, so the contract would be dated 2017 in order to enable him to encumber funds to pay for this repair. Lynne Liechty made a motion to officially approve the quote from Northern Industrial Flooring in the amount of \$18,864.00. James Crowl seconded that motion and the motion carried with three (3) ayes.

The Commissioners reviewed the applications that were received for the Weights and Measures Inspector. After reviewing the qualifications of the applicants, they felt that only one (1) applicant was qualified. The Commissioners' requested Erin Schiffli to set up an interview for applicant #3 on Friday, January 5, 2018, at 9:30 a.m.

James Crowl made a motion to approve the Executive Session Statement from the Executive Session held on Thursday, December 21, 2017, at 11:00 a.m. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

The Commissioners requested that a Courthouse Study Committee Meeting be scheduled for Tuesday, January 16, 2018, at 1:00 p.m.

The Commissioners requested that a County Park Committee Meeting be scheduled for Friday, January 5, 2018, at 10:00 a.m.

Kim Meyers, Auditor, submitted Miscellaneous Claims for the 4th Quarter of 2017 for approval. James Crowl made a motion to approve the Miscellaneous Claims. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Clint Knauer, Plan Commission, stated that during a normally scheduled Plan Commission Meeting they considered a Petition to Vacate a Public Way that was filed by Teresa Johnston. Mr. Knauer said that the Johnston's own property on both sides of the strip of land and it comes to the Commissioners with a positive recommendation with a vote of 7-0 and two (2) abstentions.

Ronald Smith opened up the public hearing on the Vacation of a Public Way. Teresa Johnston, 6115 Midwood Drive, Fort Wayne, Indiana stated that the main reason she would like to vacate the public way is because she owns both sides and the end of the road and it has never been used as a road. She said that the main reason they want the vacation is so they can proceed with improvements.

Robert Johnston, 8015 Weeping Willow Court, Fort Wayne, Indiana 46815, stated that he is one property over from his mother, Teresa Johnston, and that no one has ever used that property in any way, shape or form. He said that he had the area blocked for one year with a 1950 Studabaker on blocks and the only person to complain was his mother.

James Crowl made a motion to pass Ordinance 3140 granting the Vacation of the Public Way and to get it back on the tax rolls. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

**Second and Third Readings
Steuben County, Indiana
Ordinance 3140 Vacating a Public Way**

Thereupon, County Commissioner, Lynne Liechty moved that all rules of procedure of the County Commissioners which might prevent, unless suspended, the second and third readings of the Steuben County Ordinance 3140 Vacating a Public Way, for final passage and adoption of said Ordinances at this meeting without reading the said Ordinances in full but reading the title only. This motion was seconded by James Crowl and was on the call of the roll adopted by the following vote:

Ayes
3

Nays
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Under the suspension of the regular rules, County Commissioner, James Crowl, then moved that the Ordinances be read for the second and third readings by title only and thereby be ready for passage and final adoption in this meeting. This motion for the second and third readings for final passage and adoption of said Ordinances was seconded by Lynne Liechty and on the call of the roll was adopted by the following vote:

Ayes
3

Nays
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The County Auditor then read aloud the title of said Ordinances for the second and third readings. Thereupon, County Commissioner, James Crowl, moved for final passage and adoption of the Ordinances in full applicable regulations to establish such Ordinances. This motion for final passage and adoption was seconded by Lynne Liechty and on the call of the roll adopted by the following vote:

Ayes
3

Nays
0

The President of the Steuben County Commissioners, Ronald L. Smith, declared publicly the Ordinance Vacating the Public Way, to have been duly passed and adopted. Thereupon, said Ordinances were signed by all

members of the County Commissioners present and attested by the County Auditor. The Ordinance Vacating the Public Way is on file in the Auditor's office. Ordinance 3140 Vacating the Public Way reads as follows:

ORDINANCE NUMBER 3140

**AN ORDINANCE OF THE STEUBEN COUNTY
BOARD OF COMMISSIONERS**

REGARDING THE VACATION OF A PLATTED ROADWAY, SECOND ADDITION TO FOREST PARK

WHEREAS, the Petitioner has filed a Petition for Vacation of a Public Way pursuant to Indiana Code 36-7-3-12/13/16;

WHEREAS, the Petitioner owns or has legal interest in certain real estate which is contiguous to the public way or place which they propose to vacate;

WHEREAS, notice by publication to the population at large and notice by certified mail to abutting property owners has been properly made consistent with Indiana Law;

WHEREAS, the Petitioner has paid the expense of providing legal notice;

WHEREAS, the vacation of the public way **would not** hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;

WHEREAS, the vacation **would not** make access to the lands by means of platted way, difficult or inconvenient;

WHEREAS, the vacation **would not** hinder the public's access to a church, school or other public building or place; and,

WHEREAS, the vacation **would not** hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous,

IT IS HEREBY ORDAINED BY THE STEUBEN COUNTY BOARD OF COMMISSIONERS THAT THE FOLLOWING DESCRIBED PUBLIC WAY IN STEUBEN COUNTY, INDIANA **IS HEREBY VACATED:**

A part of the Southeast Quarter of Section 15, Township 38 North, Range 13 East, Jamestown Civil Township, Steuben County, Indiana, and being a part of Lane 201BB Lake George in the record plat of the Second Addition of Forest Park to the Village of Jamestown, described as follows: Beginning at the Southeast corner of Lot 9 in the Second Addition of Forest Park; Thence South 03 degrees 46 minutes 50 seconds East 20.09 feet to a point on the North line of Lot 17; Thence South 76 degrees 59 minutes 27 seconds West on the North Line of Lot 17 and said North Line extended a distance of 62.12 feet, Thence North 22 degrees 37 minutes 47 seconds East 24.51 feet to the Southwest corner of said Lot 9; Thence North 77 degrees 03 minutes 59 seconds East on the South Line of said Lot 9 a distance of 51.08 feet back to the point of beginning of this description, containing 0.0258 Acres, more or less, Subject to all Legal Highways, Rights of Way, and Easements of record.

THENCE, all of said vacated public way, described in the attached description, shall pass in fee title to the owners of Lots 9, 17, adj. to Lot 9, & "No Lot" (Map# 76-03-15-410-402/403.000-006 & 76-03-15-410-460/461.000-006)

STEUBEN COUNTY BOARD OF COMMISSIONERS

1-2-18
First Reading
1-2-18
Second Reading

Lynne A. Liechty Northern District
Ronald L. Smith, President Southern District
James A. Crowl, Central District

1-2-18

Third Reading

ATTEST:

Kim Meyers, Steuben County Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Vina L. Conti

Clint Knauer, Plan Commission, stated that the Plan Commission heard another Petition to Vacate and comes to the Commissioners with a 5-2 with one (1) abstention unfavorable recommendation.

Ronald Smith opened the public hearing for this vacation. Will Gooden, Attorney for the Kruse's and the Borland's, 320 N. Meridian St., Indianapolis, Indiana – 120 Lane 260 B Crooked Lake, Angola, Indiana, submitted a binder of information to the Commissioners. Mr. Gooden stated that his clients are Co-Petitioners and they agree that if the land is to be vacated, they would each take title to the center line.

James Crowl asked Clint Knauer about the ownership on the backlots. Mr. Knauer said that everything on the other side of the road is privately owned.

Mr. Gooden stated that Gary Glave was the previous property owner of both properties and he submitted a statement regarding the piece of land that is being considered for this vacation.

Donald Stuckey stated that it is his opinion that the drive goes to lot 17 and 22. Mr. Stuckey said that the Co-Petitioners have represented that they will be dividing the property, but he doesn't think that they should vacate from a subdivision and then not have it remain a part of the original subdivision. Mr. Stuckey clarified that the lot to be vacated would remain in the one subdivision; however, they would each gain ten (10) feet and they will have to deed that themselves. Will Gooden stated that they have a legal description of the specific area in question. Donald Stuckey stated that the deed needs to follow the ordinance. Mr. Stuckey clarified that the vacation would give the property to the people on the west and they are going to deed the ten (10) feet on the east to the other Petitioner.

James Crowl stated that he abstained from this matter at the Plan Commission Meeting because he only votes one (1) time and he said that if he was voting at the Plan Commission, he would have voted in favor of this. James Crowl made a motion to approve Ordinance 3141 as long as it is split ten (10) feet and ten (10) feet to each Petitioner. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

**Second and Third Readings
Steuben County, Indiana
Ordinance 3141 Vacating a Platted Way**

Thereupon, County Commissioner, Lynne Liechty moved that all rules of procedure of the County Commissioners which might prevent, unless suspended, the second and third readings of the Steuben County Ordinance 3141 Vacating a Platted Way, for final passage and adoption of said Ordinances at this meeting without reading the said Ordinances in full but reading the title only. This motion was seconded by James Crowl and was on the call of the roll adopted by the following vote:

Ayes
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Nays
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Under the suspension of the regular rules, County Commissioner, James Crowl, then moved that the Ordinances be read for the second and third readings by title only and thereby be ready for passage and final adoption in this meeting. This motion for the second and third readings for final passage and adoption of said Ordinances was seconded by Lynne Liechty and on the call of the roll was adopted by the following vote:

Ayes
3

Nays
0

The County Auditor then read aloud the title of said Ordinances for the second and third readings. Thereupon, County Commissioner, James Crowl, moved for final passage and adoption of the Ordinances in full applicable regulations to establish such Ordinances. This motion for final passage and adoption was seconded by Lynne Liechty and on the call of the roll adopted by the following vote:

Ayes
3

Nays
0

The President of the Steuben County Commissioners, Ronald L. Smith, declared publicly the Ordinance Vacating the Platted Way, to have been duly passed and adopted. Thereupon, said Ordinances were signed by all members of the County Commissioners present and attested by the County Auditor. The Ordinance Vacating the Platted Way is on file in the Auditor's office. Ordinance 3141 Vacating the Platted Way reads as follows:

ORDINANCE NUMBER 3141

**AN ORDINANCE OF THE STEUBEN COUNTY
BOARD OF COMMISSIONERS**

REGARDING THE VACATION OF A PLATTED WAY, HOMELAND SUBDIVISION

WHEREAS, the Petitioner has filed a Petition for Vacation of a Public Way pursuant to Indiana Code 36-7-3-12/13/16;

WHEREAS, the Petitioner owns or has legal interest in certain real estate which is contiguous to the public way or place which they propose to vacate;

WHEREAS, notice by publication to the population at large and notice by certified mail to abutting property owners has been properly made consistent with Indiana Law;

WHEREAS, the Petitioner has paid the expense of providing legal notice;

WHEREAS, the vacation of the public way **would not** hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;

WHEREAS, the vacation **would not** make access to the lands by means of platted way, difficult or inconvenient;

WHEREAS, the vacation **would not** hinder the public's access to a church, school or other public building or place; and,

WHEREAS, the vacation **would not** hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous,

IT IS HEREBY ORDAINED BY THE STEUBEN COUNTY BOARD OF COMMISSIONERS THAT THE FOLLOWING DESCRIBED PLATTED WAY IN STEUBEN COUNTY, INDIANA **IS HEREBY VACATED:**

The following Legal Description is to support an application to vacate a certain public driveway lying between Lot Seventeen (17) in Homeland Subdivision as recorded in plat book 3, page 30, and Lot One (1) in Crown Point Addition as recorded in plat book 2, page 18, both at Crooked Lake, Steuben County, Indiana; more particularly described as follows:

Commencing at an iron pin found in concrete at the northeast corner of aforesaid lot 17; thence South 36 degrees 59 minutes 36 seconds West (record bearing) along the Easterly line of said lot 17, a distance of 249.38 feet to a #5

rebar found at a lake shore traverse line; thence south 50 degrees 06 minutes 54 seconds East-20.98 feet along said traverse line to a #5 rebar found on the Westerly line of aforementioned Lot 1; thence North 36 degrees 37 minutes 06 seconds East (record bearing 267.98 feet along said westerly line of said lot 1 to the Northwest corner thereof; thence South 84 degrees 35 minutes 10 seconds West-26.0 feet calculated along West Sycamore Beach Road to the place of beginning; including that land lying between the lake shore traverse line and water's edge of Crooked Lake, bounded by the Easterly straight line extension of lot 17 and the Westerly straight line extension of lot 1.

THENCE, all of said vacated public way, described in the attached description, shall pass in fee title to the owners of Lots 17 & 22 (Map# 76-06-08-420-201/211.000-011))

STEBEN COUNTY BOARD OF COMMISSIONERS

1/2/18

First Reading

1/2/18

Second Reading

1/2/18

Third Reading

Lynne A. Liechty Northern District

Ronald L. Smith, President Southern District

James A. Crowl, Central District

ATTEST:

Kim Meyers, Steuben County Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Vina L. Conti

Vina Conti, Plan Commission, Minor Plat German Rolling Pines II for signature.

Kathy Armstrong, JDAI, requested permission to apply for JDAI grants. Ms. Armstrong said that the amount of money for coordination remains the same at \$55,000.00 and there has been an increase in alternatives funding. She said that they will continue the Connection Program and she hopes to implement a temporary shelter facility for kids. Ms. Armstrong stated that currently if there is a situation where the child needs to be removed from the home because of violence, temper, etc., they are sent to detention because there is no facility for them. James Crowl made a motion to approve the JDAI Grant Application. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Mary Allred, EMS Director, stated that she was notified by the Indiana State Department of Health that there is a grant available for Narcan kits. Ms. Allred stated that there were eleven (11) documented overdose cases in Steuben County. She further informed the Commissioners that in the State of Indiana the overdoses were up sixty percent (60%) and these Narcan kits are for the First Responders and the Police Departments. Ms. Allred said that it doesn't cost anything, there is no money exchanged and she would like to ask permission to apply for the grant. Mary Allred said that there are no special facilities needed to store the kits in, they last two (2) years and medical training is needed to use these kits. Lynne Liechty made a motion to apply for the grant for the Narcan kits. James Crowl seconded that motion and the motion carried with three (3) ayes.

Gary Fair, Community Center Building Manager, submitted quotes to repair the foyer of the Multi-Purpose Room. Lynne Liechty made a motion to accept the low quote from Homesite Carpet & Wallcovering, in the amount of \$1,228.83, to be paid from Cum. Cap. 1138-000-4000.15. James Crowl seconded that motion and the motion carried with three (3) ayes.

Mr. Fair also submitted quotes for the Community Center 3rd Floor carpeting and painting. He stated that there is a six percent (6%) increase for materials in 2018. Lynne Liechty made a motion to accept the quotes for carpeting and painting of the third floor from Homesite Carpeting & Wallcovering and Painting by Steve Hanna, in the amount of \$21,069.03, to be paid from Cum. Cap. 1138-000-4000.15. James Crowl seconded that motion and the motion carried with three (3) ayes.

Gary Fair stated that currently the new HR Office is below budget and he said that he will need to purchase and install new ceiling tiles. Mr. Fair said that a desk is coming from the old WorkOne area, the Auditor will be purchasing a chair, filing cabinets are coming from the Courthouse and waiting room chairs may need to be purchased.

Frank Charlton and Kylee Harris updated the Commissioners on the County Park. Ms. Harris stated that there was a wedding on New Year's Eve and there are more people coming to look at the Event Center.

Frank Charlton requested permission to purchase a salt spreader for the County Park truck to be used at the Event Center and Lion's Building. Mr. Charlton said that he has found one at Tri-State Line-x in the amount of \$746.00. Ruth Beer, County Council, stated that there is a line item called Gravel Pit that has close to \$1,600.00 in it. Kim Meyers stated that there was an ordinance that established that line item for a specific purpose and that ordinance would have to be rescinded. Donald Stuckey stated that the County Council would have to remove the ordinance. James Crowl made a motion to permit Mr. Charlton to purchase the salt spreader from the Event Center Maintenance line item 1000-068-3000.81. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

James Crowl said that he would like to see the gravel funds go back into the County Park. Donald Stuckey stated that it would have to go into the General Fund first and then the Council can appropriate into the Event Center.

Jennifer Sharkey, Highway Engineer, reported to the Commissioners that Frontier will be submitting payment for the delay and escalation costs incurred during Phase I of the Bike Trail in the amount of \$28,764.79.

Ms. Sharkey submitted a reimbursement voucher for the 200 N/SR 827 Project. Ronald Smith signed the reimbursement voucher.

Jennifer Sharkey submitted a grant of easement for the recreational trail on Parcel 11 which is the Astbury Water Technology property located at 400 N/127. Lynne Liechty made a motion to approve that grant of easement. James Crowl seconded that motion and the motion carried with three (3) ayes.

Ms. Sharkey said that she plans on advertising bids for the Old 27 Project in late January.

Jennifer Sharkey said that she met with Lori Hickey, Chief Deputy Auditor and Kim Meyers, Auditor, to talk about the funding for current projects. Ms. Sharkey said that she is asking for permission to encumber \$161,182.82 for the Engineering and \$798,895.00 for Construction. Lynne Liechty made a motion to encumber those amounts. James Crowl seconded that motion and the motion carried with three (3) ayes.

Ms. Sharkey said that she would like to ask about encumbrances for the right of way for the Bike Trail. She said that she still needs to talk to Kim and Lori; however, as they are moving forward and they are continuing to purchase the right of way, a line item is needed to pay out of. Jennifer Sharkey asked if the Commissioners would be willing to approve permission to encumber those funds contingent on her meeting with the County Auditor. James Crowl made a motion to approve that request. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Ronald Smith inquired about the speed limits on 200 N because currently the City has one and the County has another which is a 10 MPH difference.

Jennifer Sharkey submitted the Highway Planning Guide and Reference Document which is a compilation of Highway operations with a couple sections that have been updated from the previous version.

Bill Schmidt inquired about the 35 MPH speed limit on 300 W north of Nevada Mills Road and SR 120. Mr. Schmidt wondered if a study could be done on that area.

Jennifer Sharkey informed the Commissioners that Martin Riley reached out to her and scheduled a meet and greet on Thursday, January 4 at 11:00 a.m. to explore options of Highway Department Facilities. Ms. Sharkey

said that she believes that they are trying to identify needs of our Highway Department and what we could look at in the future. James Crowl said that the Commissioners have not asked for them to do that. Jennifer Sharkey said that Martin Riley reached out to her at the Commissioners' Conference and said that they would like to have a discussion. Ronald Smith said that there might be other consultants that would like to step in and do the same thing and he isn't sure this is appropriate. Ms. Sharkey said that she would contact Martin Riley and cancel the meeting.

Mr. Heller reported that the Highway Department spent Christmas Eve, Christmas Day and the day after Christmas cleaning up snow.

Emmett Heller stated that they have a 1995 International Lowboy Tractor that he would like to get rid of. Mr. Heller is requesting permission to spend up to \$30,000.00 at the Indianapolis Truck Auction on January 14, 2018 if there is a unit there that the Highway Department could use. He said that Damiron Truck Sales would handle all of the paperwork and they would carry the unit for five percent (5%) or fifteen hundred dollars (\$1,500.00) if the maximum of \$30,000.00 was spent.

Mr. Heller also stated that he has talked with Erin Schiffli, Commissioners' Secretary, about selling the 1995 International Lowboy Tractor, a 2002 Volvo Dump Truck, a 2008 International Dump Truck, a generator that was hooked to natural gas and a portable welder on www.GovDeals.com. Mr. Heller said that he would like permission to work with Erin Schiffli to sell those items with the understanding that the Highway Department would go to County Council and request that the proceeds from the auction be re-appropriated to the MVH Fund. James Crowl stated that if the items were taken to the auction, they have to be transported which would take manpower and there's a premium of eight percent (8%) that also has to be paid. Erin Schiffli stated that another issue with taking items to the Indianapolis Auction was that they were taking care of advertising; however, it was not going to be local advertising and that's an issue. Ms. Schiffli stated that with her doing it through GovDeals, she would take care of the advertising requirement and then working with Mr. Heller, she would put reserves and starting bids on the items at no cost to the County. James Crowl made a motion to allow Emmett Heller to spend up to \$30,000.00 at the Indianapolis Truck Auction on January 14, 2018 and to work with Erin Schiffli, on disposing of the items that he would like to sell. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Lynne Liechty asked if any advertising is done regarding available rental space in the Community Center. Commissioner Liechty stated that the old Work One area is available. Kim Meyers stated that is up to the Commissioners; however, due to the condition of the old Work One area it could take quite a bit of money to get it ready to rent. James Crowl stated that if a renter came in, it would have to be something related to County Government.

Lynne Liechty also mentioned that Steuben County needs to take a close look at changing the Health Insurance to a single provider.

Bill Schmidt stated that the Steuben Lakes Council has a program called Steuben Life and they are thinking about trying to have a session with the Court system this fall. Mr. Schmidt asked if it would be possible to make arrangements to utilize the Courthouse after hours for this program. He said that there would be close to forty (40) people attending. Donald Stuckey stated that the Commissioners control the Courthouse except for the judicial area which is within the control of the Judges. Bill Schmidt said that once the Commissioners approved access to the Courthouse afterhours, he would then go to Judge Wheat to obtain permission to have access to the Courtroom. James Crowl said as long as the Judges approve, he has no problem with it.

The Commissioners received the following correspondence: Kathy Armstrong, re: JDAI DRAI Memo.

STEBEN COUNTY BOARD OF COMMISSIONERS

Ronald L. Smith, President, South District

James A. Crowl, Vice President, Middle District

Lynne Liechty, North District

Attest: _____
Kim Meyers, Steuben County Auditor
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