

STEBEN COUNTY BOARD OF COMMISSIONERS MEETING
November 20, 2017

The Steuben County Commissioners met at 8:30 a.m. on Monday, November 20, 2017, 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 and Kim Meyers, Auditor.

Randy Strebig, BoAC, stated that they have run out of time to write a check from their fuel account and ask for it to be appropriated for the tractor purchase. Mr. Strebig said that after January 1 they would write the check and start the process that they initially wanted to complete. Kim Meyers, Auditor, stated that the check would be receipted into the Airport Fund. Mr. Strebig said that once the check is receipted in, that amount has to be advertised and he has to go to County Council and make a request to have the funds appropriated.

Randy Strebig stated that in the meantime, he would like to use the funds in the 2018 CEDIT Airport Improvement to purchase the tractor because they are in need of the tractor now. Lynne Liechty made a motion to allow the BoAC to purchase the tractor from the 2018 CEDIT Airport Improvement Funds. James Crowl seconded that motion and the motion carried with three (3) ayes.

Mr. Strebig also thanked everyone for all of the hard work that has gone into the creation of the Airport Manager Job Description. He said that the job description was approved at the Personnel Committee Meeting. Mr. Strebig stated that he has concerns about the salary that was approved given the uniqueness of the position and the talent that is required. He also stated that he has a concern that Sam Adams will not want to move backwards even with insurance being provided and he is concerned that they would lose Sam if he gets paid less than he does now. Donald Stuckey stated that it seems to him that an accommodation could be made for 6 months for Mr. Adams.

Lynne Liechty said she wants to know if there is any way benefits can be waived because if you add the benefit packet to the suggested wage, it equals the current \$50,000.00 salary. Kim Meyers stated that the Commission Board can recommend as it's written as a PAT C or recommend that it is classified as an SO. If recommended an SO, it would allow the County Council to set the compensation amount.

Kim Meyers stated that \$50,000.00 has been appropriated for 2018 and as of right now, there are no benefits in that agreement. If this position goes from Contract to the Job Description, they would automatically be put in the benefit package.

Donald Stuckey stated that this person could be made an Independent Contractor. Mr. Stuckey said that the IRS outlines specific criteria and all of those items were in the current Contract and therefore it was not an Independent Contractor. He said that the Agreement could be rewritten as an Independent Contractor which would take them out of the benefits.

Ronald Smith recommended that the Commission Board go ahead and send it to Council at the \$50,000.00 salary plus benefits. Lynne Liechty made a motion to approve the Airport Manager Job Description and send it to Council with a salary of \$50,000.00 plus benefits. James Crowl seconded that motion and the motion carried with three (3) ayes.

Tim Troyer, Sheriff, came to the Commissioners regarding a Training Reimbursement Agreement that is in place. Sheriff Troyer stated that the Agreement is designed to try to help prevent Steuben County from being a training ground for people to get hired and then end up going to another department. He said that this Agreement was drawn up by the former attorney, Howard Williams. Sheriff Troyer said that it does not prevent anyone from leaving, it is just designed to give the Sheriff's Department a good three (3) years of service. He said that this Agreement has been utilized for quite a while and they just recently had one employee leave early. When he brought the check over, that triggered State Board of Accounts to require Commissioners' approval. Sheriff Troyer stated that the employee asked to have the amount prorated; however, the Agreement does not state "proration of the amount." James Crowl made the motion to approve the Agreement and keep it in place. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Sheriff Troyer also submitted year end maintenance issues at the jail that need to be addressed. He said that he would like to purchase a Super Laundry Unimac UW45 (K2L) 45 lb Washer Extractor for the inmate washing machine, in the amount of \$8,514.00, from his own budget.

Sheriff Troyer stated that the padded cell has been torn up again and it will cost \$2,435.00 to repair. He said that he does have the funds in his own budget to cover the repairs.

He also stated that Jason Ireland, Jail Maintenance, has discovered that there are some leaks in the shower drains in the inmate cell blocks. A local welder can tig weld the drains to seal them and he obtained a quote from Brandon Hamilton, in the amount of \$625.00 to attempt to repair the drains.

Lynne Liechty made a motion to approve the purchase of the washing machine, repair of the padded cell and repair of the shower drains. James Crowl seconded that motion and the motion carried with three (3) ayes. Commissioner Crowl also recommended that Sheriff Troyer get another opinion on the welding of the shower drains.

Tim Troyer informed the Commissioners that the Deputies and Confinement Staff always had earbuds with the Harris Radio System; however, new earbuds were not added into the Motorola Contract. Sheriff Troyer stated that he needs forty-seven (47) earbuds for a total amount of \$2,820.00 and he's not sure where that invoice will be paid from. James Crowl made a motion to approve the purchase of forty-seven (47) earbuds. Lynne Liechty seconded that motion and the motion carried with three (3) ayes. Kim Meyers stated that she will look at the funds and see what is available and where to pay for the invoice from.

Sheriff Troyer also reported that in 2011-2012 there were some problems in the Jail's Central Control with the way the doors are operated. He said that replacement toggle switches were found to temporarily fix the issue and now Central Control is starting to fail again. He said that it needs to be updated and the only option is to go touch screen. Sheriff Troyer stated that the quotes he has received run from \$170,000.00-\$180,000.00 for the replacement. Sheriff Troyer said that he has taken on some inmates from other counties and that will generate some revenue that can be used for this.

Tami Sumney, IT Director, requested permission to purchase new office furniture in the amount of \$2,296.90 from Kendrick Stationers. Ms. Sumney stated that she does have funds that she will have to move around. James Crowl made a motion to approve that request. Lynne Liechty seconded that motion. Ms. Sumney also reported that she has received eleven (11) applications for the new position in the IT Department.

Frank Charlton, County Park, reported that a large tree has fallen by the Rodeo Arena. Mr. Charlton said that he received quotes to remove it and the lowest quote came in at \$450.00. James Crowl made a motion to allow Mr. Charlton to proceed with removing the tree. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

It was also reported that no commercial entities are allowed to drop off their brush at the Waste District site by the County Park. Ronald Smith informed Frank Charlton that he would be delivering trees to the County Park.

Kylee Harris, Event Center Coordinator, stated that Fairview Missionary Church has requested to hold their "Wild Game Dinner" at the Event Center. Ms. Harris stated that she wanted to bring this to the Commissioners' attention due to Fairview wanting to bring in their own food without using a caterer. She also stated that Fairview was willing to provide insurance due to bringing in their own food. Lynne Liechty made a motion to allow Fairview to bring in their own food for the "Wild Game Dinner." James Crowl seconded that motion and the motion carried with three (3) ayes.

Donald Stuckey stated that the hearing regarding the squatter at the County Park Campground is scheduled for November 30, 2017, at 9:30 a.m.

Jennifer Sharkey, Highway Engineer, submitted Century Link Utility Permits #2800 and #2801 for approval. Lynne Liechty made a motion to approve those Utility Permits. James Crowl seconded that motion and the motion carried with three (3) ayes.

Ms. Sharkey stated that the 200 N/SR 827 Project is still progressing as scheduled and she has a quarterly meeting with INDOT next Thursday.

Jennifer Sharkey stated that Clark Dietz provided a list of maintenance items on the Bridge Inspection Report and she is reviewing those items. She said that a lot of the items on the list have already been scheduled or are in the process of being completed. Ms. Sharkey reported that the full draft report will be available in about three (3) months. She also submitted a reimbursement voucher for the inspection fees in the amount of \$14,642.55. James Crowl made a motion to approve the reimbursement voucher. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Ms. Sharkey submitted the INDOT LPA Contract on the CR 200 N Phase II Project, in the amount of \$352,745.60, for approval. Lynne Liechty made a motion to approve that Contract. James Crowl seconded that motion and the motion carried with three (3) ayes.

Jennifer Sharkey stated that the right of way is being secured for the Bike Trail Phase II and three (3) payments have been sent out. Ms. Sharkey stated that there are thirteen (13) total with one (1) being a donation from the DNR. She said that the DNR has also performed the tree clearing in anticipation of the construction next year. Ms. Sharkey stated that she plans on having the RFP for the inspection services completed by the next meeting so that can be sent out. James Crowl asked if RFP's have to be sent out since the County is paying for this project with their own money. Donald Stuckey stated that because of the amount it has to go through that process.

Ms. Sharkey submitted two (2) INDOT LPA Agreements for the Community Crossings Projects consisting of the Old 27 from SR 120 to Baker Road and that is in the amount of \$204,513.18 and the small structure crossing at CR 20 N over the Metz Ditch in the amount of \$16,380.44. James Crowl made a motion to approve the INDOT LPA Agreements. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

James Crowl stated that he got a phone call from Russ Strang regarding the water issue on his property. Commissioner Crowl said that Mr. Strang blames the County for everything, he wants the culvert taken out, a stop work order on Dan VanGorden from building anymore, wants the County to take care of the bill and he's furious. James Crowl stated that he and Emmett Heller took a look at the issue last week and the drains in question are State drains in the State Right of Way which are not under County Jurisdiction. Donald Stuckey stated that the Commissioners have no authority to go into the State drains. Commissioner Crowl said that Mr. Strang believes that the tube that was installed is an illegal drain and it can't be there and must be taken out. Jennifer Sharkey stated that a couple years ago the drains and concrete ditch were cleaned out on the east side of the access road. She said that she believes the water that Mr. Strang is concerned about is from the commercial development area; however, they have taken steps to have their water go to the east side as well. Ronald Smith requested that a letter be sent to Mr. Strang that it has been observed by the Commission Board and the Highway Department and the County sees no change in their responsibility as his concerns are under the jurisdiction of the State of Indiana and there is nothing that Steuben County can do. Lynne Liechty made a motion for Donald Stuckey to send a letter to Mr. Strang. James Crowl seconded that motion and the motion carried with three (3) ayes.

Emmett Heller, Highway Superintendent, reported that 100 tons of salt has been delivered and is in the new storage area that has been built. Mr. Heller stated that the new poles have been set in the new parking lot out front and next week the lights will be installed.

Mr. Heller reported that #50, the newest tandem truck, went on the road last week. He said that the seventh truck should be done by the first of the year. Mr. Heller said that #69 is a ton and a half truck set up with a dump bed, salt box and a snow plow that replaced #68 and that goes to paint next week. It is anticipated that #69 will be on the road in a couple weeks.

Emmett Heller reported that they are still working on drains around the County as every time it rains new places show up with issues. He also stated that they have ordered the blades for the snow plows for 2018 and he expects them to be in next week.

Mr. Heller said that he continues to investigate the bulk fuel and the equipment required.

Mr. Heller and Ms. Sharkey discussed the bidding process for the Highway materials. Due to Community Crossings, the bids must be opened after the first of the New Year to be compliant.

Claims totaling \$546,343.68 were submitted for approval. Lynne Liechty made a motion to approve the claims. 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 November 6, 2017. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

The Commissioners signed the minutes from the October 16, 2017, Commissioners' Meeting for the Index Book, which were approved at the prior meeting.

Marty McNeal submitted heater core repairs, in the amount of \$564.80, for official approval. Lynne Liechty made a motion to officially approve the heater core repair. James Crowl seconded that motion and the motion carried with three (3) ayes.

Vivan Likes, City of Angola, submitted emails regarding the Commissioners' appointments to the Angola Plan Commission. Lynne Liechty made a motion to appoint Renault McHenry to the Angola Plan Commission. James Crowl seconded that motion and the motion carried with three (3) ayes. The Commissioners also thought that Gene Burd needed to be reappointed. James Crowl made a motion to reappoint Gene Burd to the Angola Plan Commission. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

At the last meeting the Commissioners' appointed Vicky Meek to the Health Board. Kris Thomas submitted the Certificate of Appointment for signature. The Commissioners signed the Certificate of Appointment.

Michelle Herbert, Clerk, submitted a request to close the Clerk's Office on Friday, December 15, 2017, from Noon – 1:00 p.m. for the Annual Christmas Carry-In. Lynne Liechty made a motion to approve that request. James Crowl seconded that motion and the motion carried with three (3) ayes.

Donald Stuckey stated that David Knepper, WeKon & Scott, came to his office with a purchase agreement for the Weatherhead property. Mr. Stuckey stated that Mr. Knepper informed him that whatever the net proceeds are, will go to the County to pay for property taxes. Mr. Stuckey stated that some taxes will need to be waived as well. Donald Stuckey said that even though all of the taxes won't be paid, this will get the property back on the tax rolls. James Crowl made a motion to accept the agreement that the net proceeds from the sale of the Weatherhead go towards the property taxes and the remaining will be waived. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Gary Fair, Community Center Building Manager, submitted a request to have the Annex Server Room lights repaired, in the amount of \$720.00, for official approval. Lynne Liechty made the motion to officially approve the light repair. James Crowl seconded that motion and the motion carried with three (3) ayes.

The Auditor's Office requested official approval to send Ed Nagle, Weights and Measures, his last payroll check due to it including days after his resignation date. James Crowl made a motion to send the last payroll check. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Ronald Smith stated that the reservations for the Event Center are skyrocketing and there are thirteen (13) dates scheduled for 2018 already.

Donald Stuckey, County Attorney, submitted the Road Right of Way Abandonment Ordinance for review and approval. James Crowl made a motion to approve the Ordinance Abandoning the Road Right of Way. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

**Second and Third Readings
Steuben County, Indiana
Ordinance Abandoning Road Right-of-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 Abandoning Road Right-of-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
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 Abandoning Road Right-of-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 Abandoning Road Right-of-Way is on file in the Auditor's office. The Ordinance Abandoning Road Right-of-Way reads as follows:

Ordinance Abandoning Road Right-of-Way

RE: Part of the Southeast Quarter of Section a27, Township 36 North, Range 14 East, located in Otsego Township, Steuben County, Indiana, and being described as follows:

Commencing at the No. 6 rebar marking the Southwest corner of the Southeast Quarter of Section 27, Township 36 North, Range 14 East; thence South 89 degrees 34 minutes 03 seconds East (assumed based of bearing) 568.01 feet on and along the South line of said Southeast Quarter to a No. 5 rebar with plastic cap stamped LS9700007 on the Easterly right-of-way line of State Road 427 right-of-way as per Sheet 5 of 233 of the Right-Of-Way Plan Of Indiana State Highway Project No. 209 (1) dated 1954, said No. 5 rebar being on a non-tangent curve to the left, said curve to the left having a radius of 2341.83 feet, a central angle of 02 degrees 18 minutes 47 seconds, and being subtended by a long chord bearing North 65 degrees 24 minutes 05 seconds East, 94.54 feet; said No. 5 rebar also being the point of beginning of this description; thence Northeasterly, 94.54 feet on and along the arc of said curve to the left; thence South 89 degrees 34 minutes 03 seconds East 255.19 feet, 40.00 feet North of and parallel with the South line of said Southeast Quarter to the Southeasterly right-of-way of Steuben County Road 700S, said point being on a non-tangent curve to the left, said curve to the left having a radius of 460.78 feet, a central angle of 12 degrees 35 minutes 04 seconds and being subtended by a long chord bearing South 66 degrees 14 minutes 15 seconds East, 101.00 feet; thence Southeasterly 101.21 feet to a No. 5 rebar with plastic cap stamped LS9700007, said No. 5 rebar also being on the South line of said Southeast Quarter; thence North 89 degrees 34 minutes 03 seconds West, 433.59 feet on and along said South line to the point of beginning, containing 0.32 acres plus or minus and being subject to all applicable easements and rights-of-way of record.

ORDINANCE ABANDONING ROAD RIGHT-OF-WAY

WHEREAS, the State of Indiana abandoned the above-described right-of-way by Resolution dated January 13, 1958. The Resolution passed by the State Highway Department Of Indiana on January 13, 1958, provided that the above-described right-of-way was turned back to Steuben County.

WHEREAS, Steuben County has no use or purpose for the right-of-way,

IT IS HEREBY ORDAINED by the Steuben County Commissioners that the above-described right-of-way is hereby abandoned.

DATED: November 20, 2017.

Steuben County Commissioners
Ronald L. Smith, President
James A. Crowl, Vice President
Lynne Liechty

ATTEST:
Kim Koomler, Steuben County Auditor

STATE OF INDIANA)
) SS:
COUNTY OF DEKALB)

Before me, the undersigned, a Notary Public in and for said County and State, this 20 day of November, 2017, personally appeared Ronald L. Smith, James A. Crowl, and Lynne Liechty, and acknowledged the execution of the foregoing Ordinance. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

Donald J. Stuckey, Notary Public
Residing In DeKalb County, Indiana

My Commission Expires: 04/01/2023

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.

Donald J. Stuckey

THIS INSTRUMENT PREPARED BY: Donald J. Stuckey, Attorney At Law, 128 West Seventh Street, Post Office Box 523, Auburn, Indiana 46706 Tele.: (260) 925-1966

Rae Delaney, Payroll, submitted the November 9, 2017 payroll in the amount of \$387,722.12 and the November 22 payroll in the amount of \$370,154.78 for approval. Lynne Liechty made a motion to approve the November 9, 2017 and the November 22, 2017 payroll. James Crowl seconded that motion and the motion carried with three (3) ayes.

The Commissioners requested an update on the real estate acquisition. Erin Schiffli stated that she contacted the listing agent and informed her of the decision and the required process. Ms. Schiffli stated that Donald Stuckey is contacting two (2) appraisers to do appraisals on the property. Donald Stuckey also stated that the County has to pay for both appraisals as it is required by law.

James Crowl stated that Rick Meyers and Gary Fair are falling behind due to the Annex Maintenance employee being out of the office for an extended period of time. Commissioner Crowl stated that there is no light duty for the maintenance position and he would like to hire someone part-time for no more than 20 hours a week until the Annex Maintenance employee returns.

The Commissioners received the following correspondence: Janel Meyer, SCSW re: Approved Board Minutes; Vanessa Hurtig – NEIndiana re: Caucus Advance Materials; Kathy Armstrong – JDAI re: Meeting reminder and agenda; Matt Meersman – SJRBC re: Meeting reminder; Matt Brinkman – Region IIIA re: Board Meeting Reminder; Vivan Likes re: Angola Redevelopment Commission; Vanessa Hurtig re: Caucus Advance Materials.

STEUBEN COUNTY BOARD OF COMMISSIONERS

Ronald L. Smith, President, South District

James A. Cowl, Vice President, Middle District

Lynne Liechty, North District

Attest: _____
Kim Meyers, Steuben County Auditor
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