

STEBEN COUNTY BOARD OF COMMISSIONERS MEETING
December 3, 2018

The Steuben County Commissioners met at 1:00 p.m. on Monday, December 3, 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, Kim Johnson, Assessor, Ruth Beer, County Councilwoman and Kim Meyers, Steuben County Auditor.

Ronald Smith stated that the Surveyor was advised of issues concerning 675. Emmett Heller, Highway Superintendent, stated that in front of Margaret Michel's home, from the property line to the north, an 8-inch tile will be running down to the south where the water sets on the side of the road. Mr. Heller said that the water would then go into a catch basin and it would be about five (5) feet under her driveway. He further stated that Ms. Michel would end up with a swale in her yard instead of a ditch, that way it can still be mowed. Mr. Heller also specified that it would go by the greenhouse drive and gravel would be in place as well.

Margaret Michel asked how Emmett Heller came to this decision. Mr. Heller said that the water that sits at the south of her property has been a concern because when it rains the water partially blocks the road. He said that this resolution seems like the only way to get rid of it. Ms. Michel asked what the timeframe for the project will be. Mr. Heller said that it would have to wait until spring because it has to dry out. She also asked to be contacted due to her greenhouse business. Mr. Heller said that he would contact her and would not tear up the area while the greenhouse is open.

Ms. Michel asked about the ditch directly across the street from her property and if it would be dug up again. Emmett Heller said that it would be dug up again. Ms. Michel also asked if a frame was going to be built around the new catch basin at the corner of Teagarden and 675. Mr. Heller said that probably won't be done.

Bud Holiday asked what the Highway Department planned on doing with the culvert on his property. Emmett Heller said that they plan on leaving it there for overflow. Mr. Holiday said that he is already getting all the water and it isn't going down. Mr. Holiday said that the Highway Department agreed to dig it out and now they are saying they are going to use it as an overflow. Emmett Heller said that he is going to have to check it again as his intention was for that water to run to the south.

Mr. Heller said that they won't wait until spring to ditch it again. Mr. Holiday and Ms. Michel both requested to be notified when the work is going to be done. Mr. Holiday said that their road is worse than it has ever been.

Mike Marturello, Herald Republican, said that Steuben County is five (5) inches away from breaking the all-time precipitation record that was set in 1950.

Emmett Heller reported that they have been working on drainage and culverts and that will probably come to a halt soon. He said that they have also been trimming trees and brushing. Mr. Heller reported that salt deliveries are very slow and he believes it is because the loads are coming from Cincinnati.

Jennifer Sharkey, Highway Engineer, reported that the paving is complete on 200 N/SR 827 except the railroad approach drive. She said that once the signal contractor is done with their work, that drive can be prepped and paved. Ms. Sharkey stated that they are hoping to have the railroad crossing signals operational on Wednesday. She reported that they are looking to do the temporary pavement markings, a stone shoulder and temporary mulch seeding this week, weather permitting. She said that they are hoping to get the road opened prior to the end of next week. Ms. Sharkey said that the concrete work, final seeding, sod and permanent striping will be done next spring.

Ms. Sharkey submitted a reimbursement voucher for engineering for the 200 N/SR 827 Project. James Crowl made a motion to approve the reimbursement voucher. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Jennifer Sharkey said that 200 N Phase II is still progressing with preliminary engineering. She said that they have a quarterly meeting scheduled for tomorrow. Ms. Sharkey submitted a reimbursement voucher for the

design work. Lynne Liechty made a motion to approve the reimbursement voucher. James Crowl seconded that motion and the motion carried with three (3) ayes.

Ms. Sharkey said that the Bike Trail Phase II is on a day to day basis due to the weather. She stated that the asphalt approaches were completed so people can have access to their property through the winter months. Ms. Sharkey informed the Commissioners that the weather will dictate the rest of the trail paving operations. She said that they may install the fencing on the I-69 bridge on CR 400 N in the next week or two (2). Ms. Sharkey said that would result in lane restrictions on I-69 during that time.

Jennifer Sharkey informed the Commissioners that the notice to proceed for Bridge #51 and #17 was officially given to the consultants so their clocks start ticking today.

Ms. Sharkey reported that the application for the Road Safety Audit at the Intersection of 100 N and 200 W is due this Friday. She said that the last piece needed is a financial commitment letter. Ms. Sharkey stated that the cost estimate is just over \$2.5 Million and Steuben County would be responsible for \$253,450.00 which would most likely be paid from MVH. James Crowl made a motion to approve the financial commitment letter. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Ms. Sharkey stated that she will be flying out this evening to be attending the Local Road Safety Plan Pilot Program in Savannah, Georgia. She said that Federal Highway is covering the travel expenses for the program.

Jennifer Sharkey reported that she went to the SR 327 INDOT Public Meeting last week. INDOT will be doing a full depth reclamation process from US 20 south to SR 4 along with a mill and overlay project from US 20 north to the state line. She said that the FDR project will have a six (6) month closure and the mill and overlay will be open to traffic except for the small structure crossing between 400 N and Orland. That will have a two (2) week closure and she is coordinating unofficial detour routes and timeframes with INDOT because the Highway Department has some projects scheduled in that vicinity as well. James Crowl requested that the condition of the roads prior to the project be videotaped so they can document the damage.

Clint Knauer, Plan Commission, stated that on October 12, 2018, a Petition to Vacate a Platted Roadway was submitted to the Plan Commission by Alec and Karen Barile. That petition went to the Plan Commission on November 7, 2018 and received a positive recommendation of five (5) to one (1) with one (1) abstention.

Mr. Knauer said that there is a twenty (20) foot platted roadway and the Barile's are requesting to vacate the northern half of that. Clint Knauer said that he is forwarding a positive recommendation to the Commissioners from the Plan Commission.

Will Gooden, Attorney for Alec and Karen Barile, stated that they are requesting to vacate one half of the width, which is ten (10) feet of a twenty (20) foot platted drive on Lane 201 BB Lake George. Mr. Gooden handed out materials to the Commissioners in order to provide visual assistance on the matter.

Mr. Gooden stated that the Barile's own Lot 16 which is on the right of the platted drive. The Johnston's own lot 17 and other properties in the area. He said that Robert Johnston is one of the owners that is across 201BB. Mr. Gooden said that there is a gravel drive that terminates at the end of 201BB in a circle. He said that there are two (2) grassy areas and the one (1) grassy area was vacated by the Johnston's because they were property owners on either side of it. The other grassy area, where a boat trailer is parked, is the area in question that Robert Johnston is concerned with access for. Mr. Gooden said that the area Mr. Johnston is concerned about will still have access via a ten (10) foot public right of way.

Mr. Gooden said that none of the gravel turnaround and roadway will physically change, this is just simply a request to vacate the right half of the roadway in the plat so the Barile's can expand their garage.

Robert Johnston, owner of Lot 7, 8015 Weeping Willow Court, Fort Wayne, asked Erin Schiffler if letters from Pat Luzzader and his mother were received. Ronald Smith said that they have all three (3) objection letters that were received. Mr. Johnston stated that the ground his mother has agreed to allow him to use is the only parking he has available for his cottage on Lot 7. Mr. Johnston stated that previously he could have parked on either side of Lot

7; however, grinders have been installed for the sewer system, so he has no contiguous parking for his cottage. He said that if the easement is closed, he has no access to the land where he is able to park and he feels that his ability to sell the cottage at a fair value would be impossible because of that obstacle. Mr. Johnston said that before he purchased the property, he spoke to the Plan Commission, and they said that the easement in question would probably never be closed because there were difficulties in the 2nd Addition before and with objection it would be highly unlikely it would be closed. Mr. Johnston said that for the last ten (10) years, there have been no problems.

Robert Johnston said that he also has another problem with the access and egress of the lane itself. He said that this easement is choked by construction, trees and topography to below twelve (12) feet. Mr. Johnston said that next to his cottage it drops down, there is a tree and it couldn't be wider than eleven and a half (11 ½) feet and at the other end it narrows to fourteen (14) feet where people have landscaping borders and pipes driven into their property so it is not a twenty (20) foot easement. He said that it is not well lit and there was an unfortunate incident with a neighbor needing emergency services, one vehicle parked at a choke point and the other vehicles ended up on the street. Mr. Johnston said that it is not a cul-de-sac, it dead ends and the Barile's and all previous owners have allowed people to access that circle. He said that he is not concerned with Alec and Karen Barile, they are good neighbors and they have assured him that they will not obstruct his ability to get to the parking that he has now, but he is worried about subsequent owners and his ability to convince a buyer for his cottage that the status quo would remain.

Mr. Johnston said that it was said that he could use the other ten (10) foot of the easement to access the property and that is not true due to a telephone pole, a utility pole and a guide directly in the middle of the other half. He said that he cannot fathom the cost of moving that or where it would be moved to.

He said that he understands what the Barile's want to do and he supports them. In the first Petition he said that the Barile's requested to close the entire easement. He said that Mr. Stuckey explained that when they are closed, they are closed in their entirety, and both adjacent property owners would then assume the property going to the center line. Based on that, Mr. Stuckey recommended a simple encroachment agreement so that Mr. Johnston could continue using the parking area. He said that the Barile's provided an agreement that was very straight forward but he had three (3) objections to it. Mr. Johnston said that he doesn't know why they can't go with the original recommendation to close the entire easement but to have a simple agreement that allows access and egress for the owners of Lots 7, 8 and 9 and anyone else that has the right to travel over that space.

Donald Stuckey said that he saw drafts of two (2) or three (3) agreements, but they didn't come to an agreement so there is no agreement.

Mr. Johnston spoke on behalf of his mother as well. He said that when Mr. Stuckey said that the adjacent property owners would get the additional land to the center point, she would be getting ten (10) feet and now she has the concern as well that if they close half and then in the future the second half is closed, she will only be getting five (5) feet.

Ronald Smith stated that the closing of this would disparage other individuals and they have had the spirit of cooperation. Mr. Johnston asked that an agreement be entered into that would solve the problem. Donald Stuckey said that there is no agreement, there was an attempt and no agreement was reached. Lynne Liechty said that she would like them to reach an agreement. Donald Stuckey said that the Petitioners have a right to receive a ruling on the Petition in front of the Commissioners.

James Crowl made a motion to approve VPW – 18-03 – Barile Petition to Vacate. Lynne Liechty said that she wants to make sure the people that have had access will still have access and be able to get through. Donald Stuckey said that depends on the perspective. He said that they will still have ten (10) feet, but the testimony from the remonstrators was that there were obstructions. Mr. Stuckey said that obstructions can be moved and eliminated. Lynne Liechty said that she would second the motion with that caveat. Ronald Smith asked if it was an active utility pole and if it housed more than one utility. Clint Knauer said that he was not sure. Commissioner Smith said that moving the pole would be complex.

Clint Knauer said that no agreement has been reached and the testimony has been that the Barile's could put up something to cut off where the Johnston's are accessing because it does run on the Barile's property;

however, they are not planning on doing that. Donald Stuckey said that today they could shut down the "cul-de-sac" and if this is closed, they could do it tomorrow, subject to prescriptive easements that are declared by judges.

Robert Johnston said that he and his mother have two different objections. He said that he does not care about the cul-de-sac and if they block that, it doesn't impact him. He said that the way the agreement stands now, he has access to his property and they can't block that. Mr. Johnston said that if the easement is closed as proposed, he has no where to park at his cottage. He said that he talked to the Superintendent of the Sewer District and he said that vehicles cannot be parked on either side of his cottage because of the two (2) grinders that were installed.

Ronald Smith clarified that there was a motion and a second on the floor. Commissioner Smith called for a vote and the motion carried with two (2) ayes and one (1) nay.

Lynne Liechty made a motion to pass VPW 18-03 Barile Vacation - Ordinance No. 3143 for approval on second reading. James Crowl seconded that motion and the motion carried with three (3) ayes.

Donald Stuckey stated that the third reading cannot be done today and must wait until the next meeting.

VPW 18-03 – Barile Vacation Ordinance No. 3143 reads as follows:

ORDINANCE NUMBER 3143

**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 Platted Roadway pursuant to Indiana Code 36-7-3-12/13/;

WHEREAS, the Petitioner owns or has legal interest in certain real estate which is contiguous to the roadway 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 roadway **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 ROADWAY IN STEUBEN COUNTY, INDIANA IS HEREBY VACATED:

Part of the Second Addition to Forest Park as recorded in Plat Book 2, Page 81 in the Office of the Recorder of Steuben County, Indiana, being more particularly described as follows:

Commencing at the northwest corner of No Lot as platted in the Second Addition to Forest Park; thence north 75 degrees, 28 minutes 45 seconds east, (Indiana State Plane Zone East Basis of Bearings), along the south right-of-way line of Lane 201BB Lake George, a distance of 88.41 feet to the centerline of the platted 20 foot roadway in the Second Addition to Forest Park, also being point of beginning, said point of being referenced by a 5/8" x 24" rebar with "ForeSight Boundary Identification Cap; thence continuing north 75 degrees 28 minutes 45 seconds east, along said south right-of-way line, a distance of 10.04 feet to a point on the west line of lot number 16 in the Second Addition to Forest Park, said point being reference by a 1" pipe 0.5 feet north; thence south 19 degrees 39 minutes 15 seconds east, along said west line, a distance of 51.13 feet to a point on the south line of the Second Addition to Forest Park, said point being reference by a 2' pipe 0.3 feet south and 0.4 feet east; thence south 79 degrees 40 minutes 35 seconds west, along said south line a distance of 10.13 feet to a point on the centerline of the platted 20 foot roadway in the Second Addition to Forest Park, said point being referenced by a 1/2" rebar 0.2 feet north and 0.1 feet east thence north 19 degrees 39 minutes 15 seconds west, along said centerline, a distance of 50.39 feet to the point of beginning. Containing 0.01 acres (5076 square feet), more or less. Subject to easements of record

STEBEN COUNTY BOARD OF COMMISSIONERS

First Reading: 12/3/18
Second Reading: 12/3/18
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

Clint Knauer also submitted VPW 18-06 Vacation for Daniel and Beth Strasser. He said the petition went to the Plan Commission on November 7 and it was given a 6-0 positive recommendation with one (1) abstention. He said that there is a history on this vacation and there was a ten (10) foot easement running between two (2) properties that the Strasser's owned and some time ago they petitioned to vacate that ten (10) foot and move it to the east side of the property. They petitioned to build an attached garage which encroached the setbacks and they are now petitioning to take the five (5) feet and move it to the west property line of the property.

Donald Stuckey said that he would recommend that this be passed on first reading and not pass on second and third until a new dedication is received of the other easement.

Brad Thomas, Attorney for Petitioners, said that his clients decided to move the easement to the other side because no one in the back cared and that is the only reason for the movement.

Lynne Liechty made a motion to approve VPW 18-06 Vacation for Daniel and Beth Strasser, Ordinance No. 3146. James Crowl seconded that motion and the motion carried with three (3) ayes.

VPW 18-06 – Vacation for Daniel and Beth Strasser, Ordinance No. 3146 reads as follows:

ORDINANCE NUMBER 3146

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

REGARDING THE VACATION OF A PLATTED EASEMENT, FIRST ADDITION TO FOREST PARK

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

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 EASEMENT IN STEUBEN COUNTY, INDIANA **IS HEREBY VACATED:**

An Ingress-Egress Easement to and from Lake George over the Easterly five (5) foot of Lot numbered 15 in the First Addition to the Original Plat Forest Park, more particularly described as follows:

Commencing at the Southeast corner of Lot 15, as monument by a 5/8 inch rebar, and also being the point of beginning; thence North 18 degrees 59 minutes 13 seconds East on the East line of said Lot 15, 164.98 feet to the shoreline of Lake George; thence departing the East line of said Lot 15, North 78 degrees 13 minutes 45 seconds West, on and along the meanderings of the shoreline of Lake George, 5.07 feet to a point located on the shoreline of Lake George; thence departing said shoreline, South 18 degrees 59 minutes 13 seconds West, parallel with the east line of said Lot 15, 165.47 feet to a point on the South line of said Lot 15; thence South 83 degrees 47 minutes 19 seconds East, 5.13 feet to the point of beginning. Containing 0.02 acres more or less and being subject to easements and/or rights of way of record.

THENCE, all of said vacated public easement, described in the attached description, shall pass in fee title to the owners of Lots 14 & 15 (Map# 76-03-15-410-209/210.000-006)

STEUBEN COUNTY BOARD OF COMMISSIONERS

First Reading: 12/3/18
Second Reading: _____
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

Clint Knauer also submitted a Contract with HPG Network for Plan Commission Training. The total fee for services shall not exceed \$850.00. Mr. Knauer said that he has the funds in his budget. James Crowl made a motion

to approve the Training Contract with HPG Network. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Crystal Dadura, HR Director, submitted Attrition Program information to the Commissioners. Ms. Dadura said that County Council had some edits to the Program and she wanted to see if the Commissioners had any edits or suggestions. She said that County Council would like to get this approved with the Commissioners backing.

Ms. Dadura said that she would like to point out that the Sheriff's Department Merit Deputies, Sheriff's Department Corrections Officers, Community Corrections Case Managers and Field Officers, Elected Officials and Appointees are all exempt from this program. She said that the amount of Probation Officers per County is set by caseloads so that is not incorporated in the Program. Ms. Dadura also clarified that the Prosecutor and Judges are Elected Officials so they are exempt; however, the administrative and other full time County Employees in those departments would be participating in this program. She also stated that the Committee won't be telling people who they can and cannot hire, this Program is only determining what positions will be filled or not filled. Ms. Dadura said that per IC 36-2-5-3 County Council can set the number of positions and classify the pay so they are able to adopt this program. She said that this Program is more of a structure of how they will perform this as they will be getting information from Department Heads and Elected Officials on what positions are needed, what has changed in the departments in the last five (5) or ten (10) years. Ms. Dadura said that County Council is not going to get rid of people who are absolutely needed, this is just a way to decide whether positions are needed. She asked if the Commissioners have any suggestions, if not, County Council will hopefully be approving this with the Commissioners support at the next meeting if no other edits are to be made.

Ms. Dadura said that she believes this Program is appropriate, especially the fact that the Indiana Code allows County Council to do this. She said this is a good way to structure something in order to have communication between everyone rather than have seven (7) people not being in a department and not determining things on perception.

Donald Stuckey said that County Council creates the line items for each position and the wage is set by them; however, the possible exception would be the Courts.

Magistrate Randy Coffey stated that Article III Section 1 of the Indiana Constitution declares that there are three (3) departments created by the Constitution, Legislative, Executive including the Administrative and the Judicial. Magistrate Coffey said it would be his argument with that alone, the Courts control the Courts. He said that it is the Courts that control their employees and not just the officers, but those people within the structure of the Court like the Clerk, Probation Office and the other offices that are exempt. He said that he wants to make sure that is clear because when as he has talked to Council members he's not sure that is clear. Magistrate Coffey said that the Council looks at this as the executive is not under the control but the employees may be separate and he doesn't believe that is the law. He said that the Courts have the right to control those people because what those people do reflects upon the Courts. If the Council or the Commissioners control those people and they are opposed to what the Courts have decided as far as policy, then they do not have a policy.

He also stated that the Council does have the power to decide if jobs continue, they do that annually, not monthly or weekly or daily. When the budget comes up, he has to justify what he spends in the budget for not only employees, but for pencils, paper, etc. He said that is done once a year, not as a job is vacated or because someone retires in the middle of September. Magistrate Coffey said that it would be ridiculous when those things come up, they would have to meet and re-establish why they need a budget. That is why they have budget hearings every year. He said that departments used to talk to the Council every year, but now the Council doesn't require that.

Magistrate Coffey said that there is a case in the State of Indiana called *Local 1963 of the UAW v. Madison County*. He said that it is a twelve (12) page decision which he has given to Council in hopes to stop this, but the conclusion of that case was that the Commissioners and the Council have no authority to execute a CBA interfering with the independence of the officials in appointing and discharging their deputies and employees. He said that is for any elected official, not just Court members.

Magistrate Coffey said that he doesn't think the Commissioners or the Council have any authority whether it is just to hire or fire or decide those things over again. He said that the law is not with them. This ruling was made by the Court of Appeals with some very liberal judges.

Judge Allen Wheat said that he has very little to add to what Judge Coffey just said because he agrees with everything he just said. He said that they are not here to rock the boat and cause any unnecessary expenditures. He does take offense; however, that someone thinks they know more than he does in reference to what is needed to operate the Steuben County Circuit Court. He said that they are a very conservative group of judges and they have been waiting for many years for certain things to occur that have yet to occur, but are still on the drawing board.

Judge Wheat said that he requests all of those in a position of power to respect all that they do and basically let them do their job.

Ronald Smith said that the Board concurs with the evidence that was submitted and they have not yet talked to the County Attorney regarding this issue. Ronald Smith said that the Commissioners will not, at this point in time, agree and they will seek the counsel of Mr. Stuckey. He will tell the Board what he feels is right and fair on this. If this needs to be re-proposed and revisited, they can do so with the Judiciary being exempted as state law says that it is.

Donald Stuckey said that this issue has come up before with other elected officials. Mr. Stuckey said that every elected official controls their office; however, once the Council appropriates funds, he has always maintained that the office holder has the right to spend the money for the purpose it was appropriated or seek transfer for another purpose.

Ronald Smith said that the Commission Board decided to take no action on the matter.

Kim Johnson, Assessor, submitted the Service Agreement with L&D Mail Masters, Inc. for Form 11 documents. Lynne Liechty made a motion to approve the Service Agreement. James Crowl seconded that motion and the motion carried with three (3) ayes.

Mike Sevits, Annex Maintenance, submitted quotes to fix the gutter heat tape on the Annex. James Crowl made a motion to accept the low quote from Danford Electric in the amount of \$2,540.00 to be paid from Cum Cap 1138-000-4000.15. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Kylee Harris, Event Center Coordinator, reported that there have been some Christmas parties booked at the Event Center. Ms. Harris also reported that they had an electrical surge at the Event Center and they lost the camera computer and they are working on getting that replaced. Ms. Harris said that an engineer was sent out by NIPSCO and they said that the lines were fine and the issue may be on the County's end. Frank Charlton, County Park Superintendent, said that NIPSCO won't go past a certain point because everything is privately owned in the Park. Mr. Charlton was directed to reach out to the electrician that did the electric work in the Event Center when it was built.

Randy Brown, EMA, said that the storage facility that was being rented from Bill Eyster is no longer available. Mr. Brown submitted quotes for storage units for consideration. He said that the third quote is for five (5) years with the price decreasing four percent (4%) each year and the County would not be locked in to the Contract for the full five (5) years. Mr. Brown said that this would be split between EMA and Health Department. Both Mr. Brown and Alicia van Ee said that the funds are not in their budgets.

James Crowl said that he is not comfortable with spending this much on storage and entering into a Contract when neither department has it in their budget. Randy Brown said that the Commissioners can break any agreement made with Corner 200 Storage with a thirty (30) day notice. He said that the price per year would be \$5,700.00 and if the contract has to be broken, a thirty (30) day notice is requested.

Ronald Smith said that the Surveyor has a garage, there is another garage in the lower annex parking lot with stuff in it and the Commissioners should start looking into solving the storage problems.

Randy Brown informed the Commissioners that the LEPC uses the training room at the City Building and the County needs to look into investing into a room that is dedicated to the Emergency Operations Center. Ronald Smith asked if they got booted out of the Annex. Mr. Brown said that the phone lines were removed and he wasn't even aware that room was theirs as he had trouble scheduling it. Mr. Brown asked the Commissioners to take a look at some of the other EOC's in the area. He said that he would like the Commissioners to keep this in mind if the Commissioners are looking into building something. He said that the big things are security, multiple ways to enter and exit, shower facilities for male and female and overnight facilities because an EOC, if utilized, could be used for months.

Alicia van Ee said that currently they do not have an end date on their current storage facility; however, they do not have enough room for their mobile vaccine trailer and it is exposed to the elements and it is not secure. Ms. van Ee said that there are no lights, or electricity and it is not secure as there are others that have access to the area as well. Randy Brown said that the Corner 200 Storage has water, part time electricity, new doors but no heat. Lynne Liechty made a motion to make the contract short term. James Crowl said that they are looking at \$5,700.00 per year and that will have to come out of some type of budget. Kim Meyers said that it would not qualify for Cum. Cap. Funds, they could find the funds elsewhere or go for an additional in March. Ronald Smith said that he has a barn on Bellefontaine that could be used temporarily. James Crowl stated that for 2020, EMA and Health Department will have to put the funding request for storage in their budgets and in the meantime, the Commissioners could maybe come up with a structure to fix the storage issues. James Crowl made a motion to accept the quote from Corner 200 Storage in the amount of \$475.00 a month (\$5,700.00 a year) for storage. Lynne Liechty seconded that motion and the motion carried with three (3) ayes. Randy Brown said that he would not use Ronald Smith's barn unless there was an emergency need for the flood pack. Kim Meyers said that they may be able to find the funds internally and she would let them know.

The Commissioners signed the notice of termination of contract letter from Bill Eyster.

James Crowl made a motion to approve the claims submitted for payment this day totaling \$2,984.089.66 and the claims for the juror payments. Lynne Liechty 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 November 19, 2018. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

The Commissioners signed the minutes from the November 5, 2018, Commissioners' Meeting for the Index Book, which were approved at the prior meeting.

Rae Delaney, Payroll, submitted the November 21, 2018 payroll in the amount of \$385,029.71 for approval. Lynne Liechty made a motion to approve the November 21, 2018. James Crowl seconded that motion and the motion carried with three (3) ayes.

James Crowl stated that he has been searching for a van and he may have something located at Dunham's. Commissioner Crowl said that it can't be paid for before the first of the year and that won't be a problem. He said that they are looking at approximately \$19,000.00 to \$26,000.00 for a used vehicle with low miles.

Isaac Lee, Steuben County EDC, submitted the 2019 Fee for Service Contract for approval. Lynne Liechty made a motion to approve the 2019 Fee for Service Contract with the SCEDC. James Crowl seconded that motion and the motion carried with three (3) ayes.

Erin Schiffli, Commissioners' Secretary, submitted the draft of the Annual Ordinance Update for approval. James Crowl made a motion to move forward with the supplement. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Kim Meyers said that money is needed in an appropriation before Ambulance Billing Services is paid. Ms. Meyers said that an ordinance has to be passed by the County Commissioners so the fund can be set up and they can be paid. Erin Schiffli said that Ambulance Billing Services is sending the money; however, they are not keeping their percentage because they send an invoice instead. Ms. Schiffli said that an ordinance similar to what is needed was drafted for the Sheriff's Department for SRI and they need Donald Stuckey to draft the ordinance. Erin Schiffli said that she would send the example ordinance to Donald Stuckey.

Lynne Liechty made a motion to approve the Elected Official Bonds for the Treasurer, Clerk, Sheriff, Auditor and Recorder. James Crowl seconded that motion and the motion carried with three (3) ayes.

James Crowl made a motion to approve the Bond for the Chief Deputy Treasurer. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Gary Fair, Building Manager, submitted two (2) Delta T Bills one in the amount of \$2,472.00 and another in the amount of \$127.50 for approval. James Crowl made a motion to approve the invoices. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Crystal Dadura, HR Director, submitted a Letter of Intent for Credit Reports for Sterling Talent Solutions for signature. Lynne Liechty made a motion to approve the Letter of Intent. James Crowl seconded that motion and the motion carried with three (3) ayes.

Alicia van Ee, Health Department, submitted Certificates of Appointment to the Health Board for Susan Weicht and Barb Julian for approval. James Crowl stated that he feels that someone needs to be on the Health Board that knows about sewage systems. Lynne Liechty made a motion to approve the appointments to the Health Board. James Crowl seconded that motion and the motion carried with three (3) ayes.

Ronald Smith made a motion to appoint Lynne Liechty as the Commission Board's Representative to the Steuben County EDC. James Crowl seconded that motion and the motion carried with three (3) ayes.

Tom Sanborn, Alcohol Beverage Board, requested to be reappointed to the Board. Lynne Liechty made a motion to reappoint Tom Sanborn to the Alcohol Beverage Board. James Crowl seconded that motion and the motion carried with three (3) ayes.

The Commissioners signed the plats for Treasure Hill, Woodward Acres and Handshoe Acres.

Crystal Dadura asked for clarification on the decision on the proposed Attrition Program. Ms. Dadura asked if the Commissioners are going to County Council with the County Attorney to determine the legality for purposes of adding the Judges or are the Commissioners in favor of not adding the Judges, but still in favor of the Attrition Program. Ronald Smith said that by law they cannot put some people in that Program. Kim Meyers said what she understood, the Commissioners are not in favor of the Attrition Program as a whole. Ms. Dadura said that Donald Stuckey stated that the Judges can participate but the Judges have the authority to mandate. James Crowl said that he does not want that battle with the Judges. Ms. Meyers asked if the Commissioners were in favor of Ms. Dadura moving forward with the Attrition Program with the Commissioners' support. Ronald Smith said not that if it goes against Indiana law. James Crowl said that he is not in favor of it if it is against Indiana law. Lynne Liechty said that she's in favor of the idea.

Donald Stuckey said that the law is that the Judges can mandate the Council to give raises to their employees, the number of positions within reason and they control their employees. The Council can limit them, but then the Judges can mandate them and it then goes to the Courts to decide. Donald Stuckey said that is just the Judges because there is still the Clerk's Office and the Prosecutor, but the Council doesn't have to fund them if they don't want to.

Donald Stuckey said when the Council appropriates a position and a wage, they have the right to spend that money. If the Council wishes to amend the wages ordinance, there is a process to do that to eliminate the position or to reduce that money, they can't automatically say you can't hire someone. Mr. Stuckey said that the Program says that they need to get approval to rehire and you can do that without amending the wage ordinance. He said that in

his opinion, if someone has a vacancy they need to notify the Council and then the Council can either amend the wage ordinance to eliminate the position and wage or wait until the next budget year to eliminate it. He said that there is nothing wrong with them being notified upon a vacancy, but they cannot say that you cannot hire someone when a position is already existing.

Bill Schmidt asked how many people, after the exempt positions, are actually left under this policy. James Crowl said that all employees that the Commissioners hire would be subject to this program.

The Commissioners clarified that the Commissioners are not in support of the Attrition Program and a Commissioner will not be on the Committee if the Attrition Program is approved by County Council.

The Commissioners received the following correspondence: SCEDC re: 2018 Investor Reception; Joy Hudson, HPG Networks re: 2019 Legislative Survey Results; Matt Meersman, St. Joe River Basin Commission re: Meeting Reminder; Joy Hudson, HPG Networks re: Regional Chamber Policies; Jack Krouse, CCI re: Meeting Request;

STEUBEN 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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