

STEBEN COUNTY BOARD OF COMMISSIONERS MEETING  
December 7, 2015

The Steuben County Commissioners met at 1:00 p.m. on Monday, December 7, 2015, in the Commissioners' Room of the Steuben Community Center. Present this day were Commissioners Ronald L. Smith, James Crowl and Lynne Liechty. Also present were Ruth Beer, County Council Vice President, Kim Koomler, Auditor and Donald Stuckey, County Attorney.

Chuck Walker, Board of Aviation, came to the Commissioners with a request to have funds appropriated from the Rainy Day Fund to make a fuel and oil purchase for the airport. Mr. Walker stated that the Aviation Board will be taking over the fuel purchases. He said that there is a day to day inventory on the fuel in the tanks at the Airport and there is approximately 2,000 gallons of both types of fuel.

Chuck Walker also advised the Commissioners that they hope to hire two (2) part-time people. Currently, the funds are not in the Aviation budget; however, there are funds in the Commissioners' budget for part-time. Kim Koomler, Auditor, submitted a timeline for how these items shall be taken care of. It was stated that the part-time workers would be county employees, no benefits and no health insurance. Ronald Smith stated that the Aviation Board may use people to do tasks at the airport as there is money available in the Commissioners' budget for part-time workers.

Lynne Liechty made a motion to appropriate \$40,000.00 from the Rainy Day Fund for the purchase of fuel and to take the request to Council. James Crowl seconded that motion and the motion carried with three (3) ayes.

Jeff Bassett, Business Impressions, submitted the 2016 recommended replacements for a total contract price of \$63,636.00 for 2016. James Crowl made a motion to accept Mr. Bassett's recommendations. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Mr. Bassett also submitted a contract for the Payroll Xerox Machine. Lynne Liechty made a motion to accept the contract for the Payroll Xerox Machine. James Crowl seconded that motion and the motion carried with three (3) ayes.

Ronald Smith had a question on a check written to Resilient Strategies. Lori Hickey, First Deputy Auditor, stated that is from Kristy Clawson, EMA, for the updated continuity operations for Steuben County. Lynne Liechty made a motion to approve the claims submitted for payment this day totaling \$445,123.51. James Crowl seconded that motion and the motion carried with three (3) ayes.

Ed Ahlersmeyer submitted a letter requesting permission to plant a memorial tree, in memory of his father, Ed Ahlersmeyer, Sr., at the County Park. Mr. Ahlersmeyer stated that his father was from New Haven; however, his father had a place on Lake James and in 1983 he started camping at the County Park Campground. He stated that his father loved Steuben County and would stay at the park during the summer.

Mr. Ahlersmeyer requested that the tree be planted on the point of the 76 Club so his family could visit the memorial. James Crowl made a motion to give Mr. Ahlersmeyer permission to plant a memorial tree and have him work with Dane Goshorn, County Park Superintendent, on what kind of species to plant. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Gary LeTourneau, Communications Director, came to the Commissioners with a request to roll over Communications Employees remaining 2015 vacation days for use through April of 2016. Mr. LeTourneau stated that the Communications Employees sacrificed their time to train people instead of taking leave. Lynne Liechty made a motion to allow the vacation time to roll over through April of 2016. James Crowl seconded that motion and the motion carried with three (3) ayes.

Gary LeTourneau also submitted a request to purchase a filing cabinet, in the amount of \$698.25, from his equipment repair fund. James Crowl made a motion to approve purchase of the filing cabinet. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Lynne Liechty made a motion to approve the minutes from the November 2, 2015 and November 16, 2015, Commissioners' Meetings. James Crowl seconded that motion and the motion carried with three (3) ayes.

The Commissioners signed the minutes from the October 19, 2015, Commissioners' Meeting and the October 22, 2015, Special Meeting that were approved at the previous meeting.

Pam Feller, Probation, submitted the JDAI Grant Application for approval. James Crowl made a motion to approve the JDAI Grant Application. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

The Commissioners discussed the rental rates for the offices in the Community Center. Lynne Liechty made a motion to keep the rental rates for 2016 the same as 2015. James Crowl seconded that motion and the motion carried with three (3) ayes.

The Commissioners reviewed the draft rental agreements and approved them as to form. The Commissioners indicated that they would sign them at a later date.

The Commissioners reviewed the updated 2015 Capital Improvement Plan in which updated the amount given to the Steuben County Humane Shelter, the funds given to Community Corrections to repair the roof and the funds given to EMA for siren repair. Lynne Liechty made a motion to approve the updated 2015 Capital Improvement Plan. James Crowl seconded that motion and the motion carried with three (3) ayes.

Ronald Smith read the bid recommendation for the Print and Maintenance Bids. James Crowl made a motion to accept the annual Print and Maintenance Bids with the exception of Interboro Packaging Corporation and Fastenal Company. Lynne Liechty seconded that motion and the motion carried with three (3) ayes. The annual Print and Maintenance Bid recommendation letter reads as follows:

**PRINT BIDS**

- A. E. Boyce – Print Bids, Classes 1, 2, and 2A
- Waddell Printing – Print Bids, Classes 4 and 5

**Recommend accepting both bids.**

**MAINTENANCE**

- C. A. Nedele & Sons
- HP Products
- The Janitors Supply Co. Inc.
- All American Poly
- ~~Interboro Packaging Corporation (bid received late)~~
- ~~Fastenal Company (bid received late)~~

**In the past you have always accepted all maintenance supply bids with the condition that the purchaser will check for the best price on an item at the time of purchase.**

Dane Goshorn, County Park Superintendent, came to the Commissioners with a request to increase the amount charged for electricity from .17 per kilowatt to .20 per kilowatt. James Crowl made a motion to increase the amount from .17 per kilowatt to .20 per kilowatt. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Quotes for the bathroom roof repair and road repairs were received and taken under advisement. Those quotes were given to Mr. Goshorn for review. The Commissioners requested that he submit a summary page and come to the next meeting with his recommendation.

The Steuben County Humane Shelter Allocation Memorandum of Understanding was submitted to the Commissioners for approval. In that Memorandum it states that the Humane Shelter must service the entire county regardless if they receive other funds from the other towns, cities, etc. Lynne Liechty made a motion to approve the Memorandum of Understanding. James Crowl seconded that motion and the motion carried with three (3) ayes.

Brett Hays, Community Corrections, submitted an Amended Grant Agreement. Verbal approval was given on November 17, 2015, and James Crowl signed the Grant Agreement at that time. James Crowl made a motion to formally approve the Amended Grant Agreement for the record. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

The Commissioners discussed the use of personal heaters and fans in County buildings. It was determined that personal heaters are a fire hazard and they shall not be used. Lynne Liechty made a motion that if any are found in County buildings, maintenance is to confiscate them; however, they will be returned upon the owners promise to take them home. James Crowl seconded that motion and the motion carried with three (3) ayes.

Leroy Steury, Steury Builders, submitted Change Order #3 for the Steuben County Community Building. This change order includes the cost from NIPSCO to move the gas line and supply gas service to the new building. The Change Order is in the amount of \$19,265.00; however, upon completion and meter turn on, the County will be refunded \$9,247.20. Lynne Liechty made a motion to approve Change Order #3. James Crowl seconded that motion and the motion carried with three (3) ayes.

Ronald Smith stated that Indiana celebrates the State's 200<sup>th</sup> Anniversary on December 11. There is a proclamation that is to be read and a flag raised on that date. Commissioner Smith stated that Al Knisely, Courthouse Maintenance, has the flag and is prepared to be on site for the purpose of raising the flag in front of the Courthouse on December 11, 2015, at Noon.

Melissa Shepherd, Payroll, submitted the Affordable Care Act Reporting Agreement from Pro Claim for approval and signature. James Crowl made a motion to approve the Affordable Care Act Reporting Agreement. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Gary Fair, Community Center Maintenance and Ross Ruckle, Rowland & Associates, came to the Commissioners to discuss the sale of the MSD Tower. Mr. Fair stated that he would like to have a joint conversation on exactly what needs to be done for the MSD Tower separation. He stated that there's a common wall and joint parking lots involved. Mr. Fair further stated that all utilities are separated except the fire alarm.

Ross Ruckle stated that there were no records regarding past survey work or descriptions regarding the separation of the entire encompassed area. Mr. Ruckle said that the tower does sit on a platted subdivision and the lots are consistent, but that is the best that he can find out. Mr. Ruckle stated that no actual field work has been done due to not knowing exactly where the separation is going to begin and where boundaries are to be formed

Gary Fair stated that he would like to get some clarification on exactly where the common wall is going to be, what floors of the MSD Tower are going to be occupied by the MSD employees, plus the elevator and the lobby area located at 400 Martha Street. Mr. Fair said that there are drain lines and fiber optics in the ceiling and those utilities need to go with the facility, but if there are repairs or upgrades that need to be done, the MSD must have access to those utilities through the multi-purpose room ceiling. Donald Stuckey asked if anyone had met with the school. Ronald Smith stated that he has met with Dr. Wilson and they are anxious and ready to move forward. Gary Fair said that the doors from the Community Center into the MSD Tower will remain a fire exit.

Ross Ruckle said that he needs to know the parking lot perimeters that are to be conveyed to the MSD and the perimeter of the MSD Tower along with where the vertical boundary starts. Gary Fair requested that Ronald Smith made an appointment with Dr. Wilson so this matter can be discussed.

A letter to the Daughters of the American Revolution, giving them blanket permission to decorate the Baron Von Steuben Statue, was submitted for approval. Lynne Liechty made the motion to approve the letter. James Crowl seconded that motion and the motion carried with three (3) ayes.

Vicky Meek, EMS, submitted Closeouts in the amount of \$474.78 and Writeoffs in the amount of \$139,383.75 from November for approval. James Crowl made a motion to approve the Writeoffs and Closeouts. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Brett Hays, Community Corrections, submitted a quote from Tri-State Carpet and Restoration Service in the amount of \$895.00 for the cleanup of the attic. Mr. Hays stated that he has requested another quote, he just hasn't received it yet. James Crowl made a motion to accept the quote from Tri-State Carpet and Restoration Service, in the amount of 895.00, as the high quote. Commissioner Crowl further added that if the second quote received is lower, then Mr. Hays shall use that company instead. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Jennifer Sharkey, County Engineer, submitted Earthcom Utility Permit #2754 and Frontier Utility Permit #2755 for approval. Lynne Liechty made a motion to approve the Utility Permits. James Crowl seconded that motion and the motion carried with three (3) ayes.

Ms. Sharkey submitted a reimbursement voucher for the 200 N/200 W project for approval. She stated that it will be sent in for a percentage match. Ms. Sharkey said that the Report of Contract Final Inspection also needs to be signed. She said that she, the contractor and INDOT did a walk-through of the job to make sure all contract items were completed satisfactory. Lynne Liechty made a motion to approve and sign the reimbursement voucher and the Report of Contract Final Inspection. James Crowl seconded that motion and the motion carried with three (3) ayes.

Jennifer Sharkey thanked the Commissioners for their participation in the ribbon cutting ceremony for the Bike Trail. Ms. Sharkey said that the Bike Trail is now open to the public and she resubmitted the Maintenance Agreement with the City for mowing and snow removal in the amount of \$10,000.00. Ms. Sharkey proposed that the fee for the Contract be paid from the Bike Trail line item in the Major Moves fund. James Crowl made a motion to approve and sign the Maintenance Agreement with the City of Angola for mowing and snow removal on the Bike Trail. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Ms. Sharkey stated that they are updating the documents for the Maple Street Project. She also reported that the 8 inch curb will be used instead of the proposed fence at Lurecraft. Ms. Sharkey said that they are waiting on the Army Core Permit for the ditch work and the bid documents will be sent out in January.

Jennifer Sharkey said that she received comments from INDOT on their intersection review at CR 200 N/SR 827. She said that INDOT was studying to see if a roundabout would be appropriate at that location and they determined that it was not cost effect to change it. INDOT determined to keep the current geometry and modify some of the pavement markings. Ms. Sharkey also reported that INDOT did not approve the right hand turn lane.

Ms. Sharkey submitted two (2) reimbursement vouchers for design work on the SR 200 N/SR 827 project. James Crowl made a motion to approve the reimbursement vouchers. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Ronald Smith told Jennifer Sharkey that the Drainage Board would like to move forward with the acquisition of the property located in the southeast corner of CR 200 N and SR 827. Jennifer Sharkey stated that doing so would complicate anything done with INDOT. James Crowl stated that the owners of the real estate signed a document long before the project started. Jennifer Sharkey stated that because federal funds are to be used for the 200 N/SR 827 project and since the property is adjacent to the project, acquiring the property outside of the required steps would put the project in jeopardy. Ms. Sharkey stated that she would check again with INDOT.

Ms. Sharkey reported that Eric Henion is no longer the contact for the Stormwater Improvements Project. The new contact for the City of Angola is Amanda Cope.

Jennifer Sharkey said that she has submitted a permit to INDOT for the AIC County Achievement signs. When she gets an update, she will report to the Commissioners.

Ms. Sharkey stated that the speed limit signs to be posted on CR 175 N, going into the County Park, are going to be 30 MPH. She stated that area is deemed an urban district and the speed is set at 30 MPH. Donald

Stuckey stated that if it meets the definition of an urban district specified by Indiana Code, no traffic study is needed.

Emmett Heller, Highway Superintendent, submitted title work for the new dump truck for signature. Ronald Smith signed the paper work.

Mr. Heller stated that the new truck is considered truck #44. He said that the bed went to the paint shop on Monday and they are hoping to have the entire truck completed in two (2) weeks.

Mr. Heller reported that fuel prices are holding and he is still waiting to lock in. He said that there is substantial savings to be had this year as compared to last year.

Emmett Heller said that the Ford F550 will hopefully be delivered by December 18. He said that the bed and the hydraulics have already arrived. Mr. Heller said that he was able to save \$2,200.00 on the bed. He also reported that the next tandem truck is in New Haven being prepped.

Mr. Heller thanked the Commissioners for letting him attend the IACC Conference. He said that he received a lot of good information while there.

Emmett Heller handed out information regarding replacing the entire Highway vehicle fleet. Mr. Heller stated that he would like to have permission to approach Council to utilize Riverboat funds for one tandem truck and a ton and a half truck in 2016. James Crowl made a motion to give the Highway Department permission to go to Council with this request. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Mr. Heller also asked for permission to approach the Council to explore funding opportunities to replace the entire fleet. Mr. Heller gave the Commissioners a handout and discussed potential funding options.

Jennifer Sharkey stated that they listed three (3) different options. Ms. Sharkey stated that it is approximately \$35,000.00 per year, per truck to keep them on the road and operational. She proposed putting \$90,000.00 a year into an account and after ten (10) years they would have \$900,000.00 in a pseudo truck fund. She stated that personal tracking would have to be done with the cash balance of the major pot.

Ms. Sharkey stated that if the trucks are built in house, they are saving approximately \$18,000.00 per unit and over the course of the entire fleet it would be a total savings of approximately \$308,000.00.

Ronald Smith stated that he is not quite sure about taking purchasing new trucks to this level and he's questioning using Major Moves. He believes that they were specifically told that Major Moves funds could not be used for equipment. Commissioner Smith requested time to explore the options as he doesn't want to be in violation.

Emmett Heller stated that he has a promise from the vendor to hold the price at the 2015 pricing.

James Crowl made a motion to submit this request to Council for consideration. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

The Highway Department submitted their annual bid recommendation letter. Lynne Liechty made a motion to accept the bids as delivered. James Crowl seconded that motion and the motion carried with three (3) ayes. The annual bid recommendation letter from the Highway Department reads as follows:

**Steuben County Highway Department  
1900 N. 200 W.  
Angola, Indiana 46703  
Phone: 260-668-1000 ext. 3600  
Fax: 260-833-1564**

**Steuben County Board of Commissioners**  
**317 S. Wayne Street, Suite 2-H**  
**Angola IN 46703**

Dear Ron, Lynne, and Jim,

Enclosed are the COUNTY HIGHWAY DEPARTMENT bid results for 2016 with our recommendations.

**Pavement Marking or Striping**

AIRMARKING CO., INC.  
Centerline or edgeline \$ .105 / 500,000ft. (includes one  
mobilization, \$1200.00/ each additional mobilization)  
THREE RIVERS BARRICADE  
Centerline or edge line \$.07 Per/ft.

Recommend accepting all quotes from vendors. When ready for striping, we can check with all suppliers to see who can schedule us first.

**Grader & Maintainer Blades**

AMERICAN WIRE ROPE AND SLING MACALLISTER MACHINERY .  
ST. REGIS CULVERT, INC.  
WINTER EQUIPMENT COMPANY

There are too many sizes, materials, shapes, etc. to easily list. Recommend accepting all quotes and performing price comparisons for required type and size when purchasing.

**Culverts**

DEBCO CULVERTS (NO BID)  
CIVILCON  
ST. REGIS CULVERT, INC.

There are too many sizes, shapes, materials, etc. to easily list. Recommend accepting all quotes and performing price comparisons for required type and size when purchasing.

**Item IA & 1B (Gas and Diesel Fuel for all county departments)**

NORTH CENTRAL CO-OP submitted bids for an automated 24 hour, card operated, gas and diesel fuel service for all county department vehicles. Recommend to accept NORTH CENTRAL CO-OP bid later in December, 2015.

**Item 1C (Motor Oil & Grease)**

G & G OIL COMPANY OF INDIANA (NO BID)  
NORTH CENTRAL CO-OP  
SHRADER TIRE & OIL (NO BID)  
WARNER OIL

There are too many types and grades of products to easily list. Recommend accepting bid . (Note: No Bid Bond required for this item)

**Item 2 (Paving Material for Maintenance Use)**

API CONSTRUCTION CORP-(Auburn Plant)

No. 11 HMA surface .....\$50.00/ton

No. 8 or 9 or 12 HMA intermediate.....\$43.00/ton

No. 5 HMA Base..... \$43.00/ton

BROOKS CONSTRUCTION-(Auburn Plant)

No. 11 HMA surface.....\$54.00/ton

No. 8 or 9or 12 HMA intermediate .....\$43.00/ton

No. 5 HMA Base .....\$43.00/ton

E & B PAVING, INC.(Angola Plant)

No. 11 HMA surface.....\$55.00/ton

No. 8 or 9or12 HMA intermediate .....\$48.00/ton

No. 5 HMA Base .....\$48.00/ton

Recommend accepting all bids.

**Item 3 (Bituminous Patching Material)**

API CONSTRUCTION CORP.-(MC 250 Mix)

Bit. Patch Mat'l. F.O.B (plant 1 Huntertown) .... \$63.00/ton

Bit. Patch Mat'l. delivered.....(21T Load).... \$69.00/ton

API CONSTRUCTION CORP.-(HPCM Mix)

Bit. Patch Mat'l. F.O.B (plant 1 Huntertown).... \$91.00/ton

Bit. Patch Mat'l. delivered.....(21T Load).... \$97.00/ton

BROOKS CONSTRUCTION-(Fort Wayne)

Bit. Patch Mat'l. F.O.B (Auburn) .....\$70.00/ton

Bit. Patch Mat'l. delivered .....\$75.00/ton

E & B PAVING, INC.-(LHR PLANT )

Bit. Patch Mat'l. F.O.B ..... \$95.00/ton

Bit. Patch Mat'l. Delivered.....\$105.00/ton

KLINK TRUCKING (PUG MIX)

Bit Patch Mat'l F.O.B.....\$52.00/ton  
Bit Patch Mat'l Delivered..... \$56.00/ton

PULVER ASPHALT

Bit. Patch Mat'l. F.O.B .....\$63.00/ton  
Bit. Patch Mat'l. Delivered .....\$69.00 /ton

Recommend accepting all bids.

**Item 4 (Liquid Cutback and/or Emulsified Asphalts)**

ASPHALT MATERIALS, INC.  
K-TECH SPECIALTY COATINGS, INC.  
PIERCETON TRUCKING CO., INC.

Numerous material types were bid by each supplier. Bid is subject to escalator/de-escalator clause. Recommend accepting all bids and comparing prices and availability when materials are required.

**Item 5 (Bank Run Gravel)**

MICHAEL MCHENNEY .....\$ 1.50/CU.YD

(Pit Run gravel Mine by County Force)

**Item 6 (Processed Gravel, Sand, & Stone & Limestone)**

BALEY AGGREGATES, LLC (NO BID)  
BUTLER MILL SERVICES  
HANSON AGGREGATES MIDWEST, INC.  
IRVING GRAVEL COMPANY, INC  
KLINK TRUCKING, INC.  
OLD PRAIRIE PRODUCTS  
R SMITH & SONS  
STONE STREET

Numerous types of materials were bid by each supplier. Recommend accepting all bids and comparing prices, availability, and proximity to work location when aggregate materials are required.

**Item 8 (Hourly Equipment Rental)**

API CONSTRUCTION CORP. (No Bid)  
ALBRIGHT CONTRACTORS  
BROOKS CONSTRUCTION  
CROWL EARTHWORK AND CONSTRUCTION, INC.  
PRIMCO

Numerous types of equipment and various hourly rates were submitted by the above bidder. Recommend accepting bid and, availability, and proximity to work location when additional equipment is needed.

**Item 9 (Bituminous Plant Mixing)**



KLINK TRUCKING, INC.

**Item 10 (BRIDGE MATERIAL)**

AMERICAN TIMBER BRIDGE  
JAMES DREW CORPORATION (NO BID)  
PRIMCO

There are too many sizes, shapes, materials, etc. to easily list. Recommend accepting all quotes and performing price comparisons for required type and size when purchasing.

If you have questions or need information, contact Emmett Heller or Jennifer Sharkey at the Steuben County Highway Department.

Thank you,

Emmett Heller  
Superintendent

Jennifer Sharkey  
Engineer

Jake Cox, Savage & Associates, came to the Commissioners to introduce himself. Mr. Cox stated that he is a new resident of Steuben County and he has been in the group insurance, consulting and brokerage business for nineteen (19) years. He stated that he's just established his LLC and may be the only local group health insurance specialist in Steuben County. Mr. Cox stated that he'd been with Hylant, in their corporate headquarters, for ten (10) years.

Mr. Cox stated that he would love to explore and review the contracts currently in place. He said that he lives in Fremont, his wife is on the School Board and his business is based in Clear Lake Township. Mr. Cox said that all of the dollars in his business will be going through Steuben County.

Jake Cox handed out an example from Monroe County, Indiana for their self-insured plan. Mr. Cox stated that Monroe County was the core of a group that worked with the public sector and several private businesses to form their own near sight clinic that serviced their employees only. Mr. Cox said that he wanted to introduce this concept to Steuben County and he would welcome an opportunity to get the data from the County and do an ROI analysis through Activate Healthcare for Steuben County.

Ronald Smith stated that they will take it under consideration and told Mr. Cox that the information would be forwarded to Melissa Shepherd, Payroll and Benefits.

Frank Charlton, Plan Commission, stated that there are three (3) positions coming to the end of their term at the end of the month that need either reappointed or new appointments. For the BZA, Mr. Charlton stated that Larry Bandelier's term is up as of December 31, and he has expressed an interest to being reappointed. James Crawl made a motion to reappoint Mr. Bandelier to the BZA for a four (4) year term, ending December 31, 2019. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Mr. Charlton also stated that on the Plan Commission, Rod Peterson and Steve Bachelor's terms are up on December 31. Mr. Charlton stated that Mr. Peterson no longer wants to serve on the Plan Commission. Mr. Charlton stated that he has not been able to reach Mr. Bachelor due to him being in Florida. He said that John Brooks has expressed interest in coming back on the board as a Democrat. James Crawl made a motion to appoint John Brooks to the Plan Commission, taking the place of Rod Peterson, for a four (4) year term ending December 31, 2019. Lynne Liechty seconded that motion and the motion carried with three (3) ayes. James Crawl said that Mr. Bachelor's position can be voted on during the next Commissioners' Meeting.

Vina Conti, Plan Commission, submitted the following plats for signature: Delancey's Landing, Dietrich's Place, Ridenour Acres and Beach Acres. The Commissioners signed the plats.

Tim Troyer, Sheriff, requested approval to replace six (6) vehicles in 2016. Sheriff Troyer stated that he would get the bid specs for the vehicles to the Auditor's Office for publication. Lynne Liechty made a motion to

allow Sheriff Troyer to move forward with the bid process. James Crowl seconded that motion and the motion carried with three (3) ayes.

Sheriff Troyer also reported that they are actively seeking bids on a new metal detector for the Steuben County Courthouse.

Kirk Grable submitted the final resolution for the Radio Project Bond. Lynne Liechty made a motion to move forward and approve Resolution No. 12-2015-05. James Crowl seconded that motion and the motion carried with three (3) ayes. Resolution No. 12-2015-05 reads as follows:

**STEUBEN COUNTY, INDIANA**

**RESOLUTION NO. 12-2015-05**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF STEUBEN, INDIANA, AUTHORIZING THE EXECUTION AND DELIVERY OF THE COMMUNICATIONS SYSTEM AGREEMENT (LEASE) AND THE EQUIPMENT LEASE-PURCHASE AGREEMENT, BOTH BETWEEN THE COUNTY AND MOTOROLA SOLUTIONS, INC.**

WHEREAS, at its meeting held November 10, 2015, the Steuben County Council (the "Council") adopted a resolution (the "Preliminary Determination Resolution") preliminarily determining: (1) that a need exists for the acquisition and installation of a new public safety communications system, including the equipment therefor, to be used in locations throughout Steuben County, Indiana (the "County"), together with all projects and activities related to any of the foregoing, in order to increase radio coverage, both in range and building penetration, and facilitate effective interoperability with the State of Indiana radio system, as further described in the Preliminary Determination Resolution (collectively, the "Public Safety Communications System Project"); and (2) to the extent permitted by law to take all of the necessary steps to finance all or a portion of the costs of the Public Safety Communications System Project by issuing one or more series of general obligation bonds of the County in the aggregate principal amount not to exceed \$6,820,000 (the "Bonds"); and

WHEREAS, pursuant to the Preliminary Determination Resolution, a notice of the foregoing preliminary determination was published in accordance with Indiana Code 6-1.1-20-3.1, as amended, and, in the Preliminary Determination Resolution, the Council authorized the publication of a notice of the application of the petition and remonstrance process to the proposed debt service payments on the Bonds related to the Public Safety Communications System Project in accordance with Indiana Code 6-1.1-20-3.2, as amended, in the event that a sufficient petition requesting the application of such process has been filed as set forth in Indiana Code 6-1.1-20-3.1, as amended; and

WHEREAS, it is contemplated that a portion of the cost of the Public Safety Communications System Project will be paid from moneys on deposit in the Major Moves Fund; and

WHEREAS, it has been proposed that the Public Safety Communications System Project be completed and financed pursuant to the Communication System Agreement (Lease), as amended and supplemented by the Addendum to Remove Site Development Labor (collectively, the "Agreement"), both between the County and Motorola Solutions, Inc. ("Motorola"), and the Equipment Lease-Purchase Agreement #23799 (the "Lease"), between Motorola, as lessor, and the County, as lessee, without soliciting bids or proposals pursuant to Indiana Code 5-22-10, as amended; and

WHEREAS, it has been proposed that the County enter into the Agreement and the Lease prior to the issuance of the Bonds, but only after the time period after which the taxpayers of the County may file a petition for review of or a remonstrance against the proposed issuance of the Bonds (the "Objection Period"), so that the County may take advantage of the substantial discount offered by Motorola for the cost of a substantial portion of the Public Safety Communications System Project; and

WHEREAS, Section 1.150-2 of the Treasury Regulations on Income Tax (the "Reimbursement Regulations") specifies conditions under which a reimbursement allocation may be treated as an expenditure of bond proceeds, and the County intends by this Resolution to qualify amounts advanced by the County to the costs of the Public Safety Communications System Project for reimbursement from proceeds of the Lease in accordance with the requirements of the Reimbursement Regulations;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF STEUBEN, INDIANA, that:

Section 1. Determination of Need. The Board of Commissioners of the County of Steuben, Indiana (the "Board"), now finds that a true and very real need exists for that portion of the Public Safety Communications System Project to be completed pursuant to the Agreement and the Lease.

Section 2. Basis for Special Purchase. The Board now finds that it would be in the best interests of the County to complete and finance a substantial portion of the Public Safety Communications System Project by executing and delivering the Agreement and the Lease, without soliciting bids or proposals pursuant to Indiana Code 5-22-10, as amended, but only after the Objection Period has ended.

(a) The Agreement. With respect to the Agreement, the basis for doing so is as follows.

(i) In the form of the Agreement presented to the Board at this meeting, Motorola will represent and warrant that: (a) the Statewide Wireless Voice and Data Communications System Contract, dated June 30, 2000, as heretofore amended (the "State Contract"), between the State of Indiana through the Integrated Public Safety Commission and Motorola, Inc., requires Motorola, Inc. (an affiliate of Motorola), to make certain equipment and services available to political subdivisions of the State of Indiana (the "State"); and (b) the price of each piece of equipment and each service provided by Motorola pursuant to the Agreement is at or below the price set forth in the State Contract. As a result, the foregoing meets the requirements for a special purchase set forth in Indiana Code 5-22-10-5, -12 and -15(b).

(ii) Because of the importance to the County of facilitating effective interoperability with the State radio system, as further described in the Preliminary Determination Resolution, by having equipment, accessories and replacement parts compatible with that system, and the work that Motorola, Inc., provided to the State in acquiring, constructing, installing and equipping that system pursuant to the State Contract, Motorola is the only source to the County for that portion of the Public Safety Communications System Project to be completed pursuant to the Agreement. As a result, the foregoing meets the requirements for a special purchase set forth in Indiana Code 5-22-10-8 and -13.

(iii) Because of the necessity of having license agreements for the software programs and the applicable equipment that are a part of the Agreement, Motorola is the only source that meets the County's reasonable requirements therefor. As a result, such portion of the Agreement meets the requirements for a special purchase set forth in Indiana Code 5-22-10-7.

(b) The Lease. With respect to the Lease, the basis for doing so is that from the date of execution to January 1, 2017, Motorola will agree not to charge any interest with respect to the delivery of any equipment or the provision of any services pursuant to the Agreement. As a result, the foregoing meets the requirements for a special purchase set forth in Indiana Code 5-22-10-5 and -12.

Section 3. Parameters of the Agreement. The aggregate cost of the Agreement shall not exceed \$9,200,000. Unless the County acquires that portion of the Public Safety Communications System Project to be completed pursuant to the Agreement in accordance with the terms of the Agreement, the Agreement will terminate four years after its Effective Date (as defined in the Agreement). All the payment and performance obligations of the County under the Agreement are subject to appropriation and availability of funds.

Section 4. Parameters of the Lease. Interest on the Lease shall not commence accruing any earlier than January 1, 2017. The maximum term of the Lease shall be four years from the date of its execution. All the payment and performance obligations of the County under the Lease are subject to appropriation and availability of funds. The principal portion of the Lease shall not bear interest during any period in excess of three percent per annum. The rental payments thereunder shall be due quarterly, commencing no earlier than January 1, 2017. The principal portion due under the Lease on any date may be prepayable in whole or in part on any date in accordance with and an amount equal to that set forth in the Lease.

Section 5. Tax Covenants with Respect to the Lease. In order to preserve the excludability of the interest portion of any rental payment under the Lease from gross income for federal income tax purposes and as an inducement to Motorola, the County represents, covenants and agrees that:

(a) The County will not take any action or fail to take any action with respect to the Lease that would result in the loss of the excludability of the interest portion of any rental payment under the Lease from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as in effect on the date interest commences to accrue under the Lease (the "Code"), including, without limitation, the taking of such action as is necessary to rebate or cause to be rebated arbitrage profits on the proceeds of the Lease or other monies treated as proceeds of the Lease to the federal government as provided in Section 148 of the Code, and will set aside such monies, which may be paid from investment income on funds and accounts, notwithstanding anything else to the contrary contained herein, in trust for such purposes.

(b) The County will file or cause to be filed Form 8038-G, Information Return for Tax-Exempt Governmental Obligations, with the Internal Revenue Service as required by Section 149 of the Code.

(c) The County will not make any investment or do any other act or thing during the period that the Lease is in effect, which would cause the Lease to be an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations applicable thereto as in effect on the date interest commences to accrue under the Lease.

(d) Notwithstanding any other provision of this Resolution, the foregoing covenants and authorizations (the "Tax Sections"), which are designed to preserve the excludability of the interest portion of any rental payment under the Lease from gross income for federal income tax purposes (the "Tax Exemption"), need not be complied with to the extent the County receives an opinion of nationally recognized bond counsel to the effect that compliance with such Tax Sections is unnecessary to preserve the Tax Exemption.

(e) On the date interest commences to accrue under the Lease, the Board hereby authorizes the Auditor of Steuben County (the "County Auditor"), with the advice of Barnes & Thornburg LLP, Indianapolis, Indiana, bond counsel to the County, to designate the Lease as a qualified tax-exempt obligation for purposes of Section 265(b)(3) of the Code, if the Lease is then eligible to be so designated.

(f) The County hereby declares that it reasonably expects to reimburse the County's advances to the costs of the Public Safety Communications System Project from proceeds of the Lease, as anticipated by this Resolution.

Section 6. Execution and Delivery of the Agreement and the Lease. The forms of the Agreement and the Lease presented to the Board at this meeting are hereby approved in their substantially final forms. The Board is hereby authorized to approve any changes to the form of the Agreement or the Lease presented to the Board at this meeting, which the Board may deem appropriate, beneficial, desirable or necessary, with the approval of any such changes from the form presented to the Board at this meeting to be conclusively evidenced by the Board's execution thereof. The Board is hereby authorized to execute and deliver the Agreement and the Lease in their final forms, when and as the Board deems appropriate, beneficial, desirable or necessary, but only after the Objection Period has ended.

Section 7. Authority to Effectuate this Resolution. The Council, the County Auditor and the County Treasurer are hereby authorized and directed to take any and all other actions on behalf of the County as may be necessary, appropriate or desirable to carry out the purposes of this Resolution and the execution and delivery of the Agreement and the Lease in accordance with Indiana Code 5-22, as amended, and this Resolution.

Section 8. Ratification of Prior Actions. Any and all actions previously taken by any member of the Board or the Council or the County Auditor in connection with the Agreement, the Lease or the Public Safety Communications System Project are hereby ratified and approved.

Adopted this 7<sup>th</sup> day of December, 2015.

BOARD OF COMMISSIONERS OF THE  
COUNTY OF STEUBEN, INDIANA

Ronald L. Smith, President  
James Crowl, Vice President  
Lynne Liechty

Attest:  
Kim Koomler, County Auditor

The Commissioners reviewed Board Appointments for 2016. Lynne Liechty made a motion to accept all reappointments, unless otherwise stated. James Crowl seconded that motion and the motion carried with three (3) ayes.

Tony Culver, Croxton & Roe Insurance, submitted the County Insurance Statement of Values for signature. James Crowl made a motion to approve and sign the Statement of Values. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Jay Schabel, RES Poly Flow, stated that they have a request to modify the incentive package to include a short term loan of \$1 Million which will be collateralized by equipment. This short term loan will allow RES Poly Flow to purchase the equipment which will save the plant \$2 Million. He feels that it is the opportune time to get the equipment, it is refurbished and it produces hydrogen for the plant.

Mr. Schabel stated that RES Poly Flow is asking that loan be approved and paid back upon funding of the plant which is anticipated around the second quarter of 2016, approximately April. Mr. Schabel said that the \$1

Million will be paid back 100% at that time. Mr. Schabel stated that RES Poly Flow is requesting that the \$1.5 Million be paid out in the December/January time frame. Donald Stuckey stated that the funds are to be paid out when RES Poly Flow announces the location of the plant, so when that public announcement occurs, the process begins.

James Crowl stated that RES Poly Flow is anticipating that four (4) months after the funds are disbursed, the \$1 Million will be paid back. Mr. Schabel stated that could be delayed depending on the funding process. James Crowl said that as he recalls, it is four percent (4%) interest on the \$500,000.00 starting in 2024. Mr. Schabel stated that it would be paid back ½% of revenue.

Jay Schabel stated that they are going for funding in February and their investment banker estimates April for the completion.

Ronald Smith asked Donald Stuckey about a penalty on late payments. Donald Stuckey stated that on the last agreement there was a four percent (4%) interest rate that would start accruing. Mr. Stuckey recommended a date of July 1, 2016, due to the significant amount of the financing and funding could be delayed.

James Crowl made a motion that upon completion of RES Poly Flow's funding, the \$1 Million shall be paid back in full. If funding is not received by RES Poly Flow by July 1, 2016 a four percent (4%) interest rate shall start to accrue. Further, Commissioner Crowl stated that they will accept no ownership in the company. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Timothy Kunde, GIS Coordinator, submitted an Authorization to Proceed from Schneider. James Crowl made a motion to approve and sign the Authorization to Proceed. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

The Commissioners received the following correspondence: State of Indian re: Acceptance of Christmas Decorations & welcomes Girl Scouts to decorate tree with handmade ornaments; State of Indiana re: OCRA award storm water improvement funds to 11 communities; DHS re: IDHS Statement on US State Department Worldwide Travel Alert; DHS re: Hoosiers urged to be ready whenever wherever; DHS re: State calls for renewed vigilance in wake of developments in San Bernardino investigation; State of Indiana re: Hometown collaboration initiative finalist communities; DHS re: Keep safety in mind when shopping online or in stores; Office of Lt. Governor re: Schedule; NACo re: This week in photos; IEDC re: Marketplace news update; DHS re: Prepare now for winter weather; NACo re: County news alerts.

STEBEN COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Ronald L. Smith, President, South District

\_\_\_\_\_  
James A. Crowl, Vice President, Middle District

\_\_\_\_\_  
Lynne A. Liechty, North District

Attest: \_\_\_\_\_  
Kim Koomler, Steuben County Auditor

elw