

STEUBEN COUNTY BOARD OF COMMISSIONERS MEETING
January 5, 2015

The Steuben County Commissioners met at 1:00 p.m. on Monday, January 5, 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 Donald Stuckey, County Attorney, Ruth Beer, Steuben County Councilwoman, Ken Shelton, Steuben County Councilman, Rick Shipe, Steuben County Council President and Kim Koomler, Steuben County Auditor.

James Crowl made a motion to approve the claims submitted for payment this day totaling \$367,601.41. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

James Crowl made the motion to approve the Commissioners Meeting minutes from the Meeting held December 22, 2014. Ronald Smith seconded that motion and the motion carried with two (2) ayes.

The Commissioners signed the minutes from the December 1, 2014, Commissioners Meeting, which were approved at the previous meeting.

Wood-Land-Lakes, RC&D submitted their signed allocation contract for approval. Lynne Liechty made a motion to approve the allocation contract. James Crowl seconded that motion and the motion carried with three (3) ayes.

The Commissioners directed Erin Wray, Commissioners Assistant, to schedule the applications received for the Veterans Services Officer position for interviews on either Thursday, January 8, Friday, January 9 or Tuesday, January 13.

Vicky Meek, EMS, submitted December closeout/writeoffs in the amount of \$3,355.04, for approval. James Crowl made a motion to approve those closeouts/writeoffs. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

William Harter, Coroner, submitted his Surety Bond for approval and signature. Lynne Liechty made a motion to approve and sign the Coroner's bond. James Crowl seconded that motion and the motion carried with three (3) ayes.

The Commissioners reviewed yearly appointments, assigned boards/meetings, committee assignments and Department Heads reporting to the Commissioners. Lynne Liechty requested to be assigned to the Economic Development Corporation. Ronald Smith relinquished that position to allow Lynne Liechty to be assigned to the EDC. James Crowl made a motion to accept the yearly appointments, assigned boards/meetings, committee assignments and Department Heads reporting to the Commissioners. Lynne Liechty seconded that motion and the motion carried with three (3) ayes. The appointments, assigned boards/meetings, committee assignments and Department Heads reporting to the Commissioners are as follows:

**BOARD OF COMMISSIONERS
ONE YEAR APPOINTMENTS
2015**

Steuben County Board of Commissioners ó President	Ronald L. Smith
Board of Commissioners ó Vice President	James A. Crowl
Board of Finance ó Chairman	James Crowl
Board of Finance ó Vice Chairman	Lynne Liechty
Steuben County Drainage Board ó Chairman	Ronald L. Smith
Drainage Board ó Vice Chairman	James A. Crowl
4-H Board Representative	James Crowl
County Extension Board Representative	James Crowl
Plan Commission Representative	James Crowl/Lynne Liechty
Economic Development Corporation	Lynne Liechty

Master Plan/Subdivision/Zoning Ordinance Committee	James Crowl/Lynne Liechty
Joint Drainage Board Steuben/DeKalb	Ronald L. Smith & James Crowl
Joint Drainage Board Noble/DeKalb	James Crowl
Maumee River Basin Commission	James A. Crowl
St. Joseph River Basin Commission	James A. Crowl
Region 3A Transportation Advisory Committee	Ronald L. Smith
Region 3A Board of Directors	Ronald L. Smith
HAVA Advisory Committee	Lynne Liechty
Council on Aging	Lynne Liechty
NISWD Representative	Ronald L. Smith
Addressing Committee Representative	Rotate
County Council Mtgs. Representative	Rotate
GIS Committee Representative	Rotate
County Animal Disease Control Emergency Coordinator	M.S. Zimmer, DVM

**Department Heads
Reporting to the Commissioners
2015**

Highway Engineer	Jennifer Sharkey
Highway Superintendent	Emmett Heller
EMS Director	Vicky Meek
Communications-911 Director	Gary LeTourneau
Emergency Management Director	Kristy Clawson
County Park Superintendent	Eric Ditmars
GIS Administrator	TBD
Unix System Administrator	Tami Sumney
Maintenance Dept. Supervisors:	
Annex	Rick Meyers
Community Center	Gary Fair
Courthouse	Al Knisely
Weights & Measures	Ed Nagle
Veterans Affairs Officer	TBD

Commissioners assigned boards/meetings 2015

Ronald L. Smith

1. Steuben County Board of Commissioners, President
2. Steuben County Drainage Board, President
4. Joint Drainage Board, Steuben/DeKalb
5. Region IIIA Transportation Advisory Committee
6. Region IIIA Board of Directors
7. NISWD Representative

James Crowl

1. Steuben County Board of Commissioners, Vice President
2. Board of Finance, Chairman
3. Drainage Board, Vice Chairman
4. 4-H Board Representative
5. County Extension Board Representative
6. Plan Commission Representative
7. Master Plan/Subdivision/Zoning Ordinance Committee
8. Joint Drainage Board Steuben/DeKalb
9. Joint Drainage Board DeKalb/Noble

10. Maumee River Basin Commission
11. St. Joseph River Basin

Lynne Liechty

1. Steuben County Board of Commissioners
2. Economic Development Corporation
3. Board of Finance ó Vice Chairman
4. Plan Commission Representative
5. Master Plan/Subdivision/Zoning Ordinance Committee
6. HAVA Advisory Committee
7. Council on Aging

Commissioners' Committee Assignments 2015

Ronald L. Smith, President

Board of Finance
Steuben County Drainage Board, Chairman
Joint Drainage Board Steuben/DeKalb
Region 3A Board of Directors
Region 3A Transportation Advisory Committee
Innkeepers Tax Commission
Public Defender Board
MS4 Group
Northeast Indiana Solid Waste District Board
County Park Improvement Committee
Pigeon Creek Drainage Board
Bike Trail
Carter Cemetery Board
Northeast Indiana Regional Partnership
Mayor's and Commissioners Caucus NIRP
State Bicentennial Committee

Lynne Liechty

Board of Finance , Vice President
Steuben County Drainage Board
Council on Aging
Plan Commission (Rotate with Jim)
Personnel Committee
County Park Improvement Committee
HAVA Committee
Bike Trail
Carter Cemetery Board
Economic Development Corporation

James A. Crowl, Vice President

Board of Finance, President
Consensus Committee
4-H Board Representative
Community Correction Advisory Committee
Joint Drainage Board Steuben/DeKalb/Noble
County Park Improvement Committee
Maumee River Basin Commission
St. County Drug Free Committee (1st Wed of Month)
Carter Cemetery Board, President
Plan Commission (Rotate with Loretta)
St. Joseph River Basin

Rotating Membership Committees

Addressing Committee Representative
County Council Meeting Representative
GIS Representative

The Commissioners received information on the 2015 AIC Legislative Conference scheduled for February 3-4, 2015. Ronald Smith stated that he will be attending, but not with the county group. Lynne Liechty and Kim Koomler stated that they will be attending both days. James Crowl stated that he will make a decision by the end of the week.

James Crowl made a motion for leadership to keep Ronald Smith as President, and himself as Vice-President. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

The Commissioners also asked Donald Stuckey, County Attorney, if he wished to continue as county attorney with the present contract. He stated that he would like to continue as the county attorney under the present contract.

Steve Mumby, Steuben County Humane Society President, and Allen Stout, Attorney for the Humane Society, came to the Commissioners to discuss the future of the Steuben County Humane Society. Mr. Mumby thanked the Commissioners for the use of the property on CR 200 W and for the annual allocation every year. He stated back in the 1972 animal control consisted of keeping the animals for a few days, if someone claimed them they were lucky, if not, they met their demise. Mr. Mumby stated that the intake was very high and the adoption rate was very low. From 1975 to today, Mr. Mumby stated that the Steuben County Humane Society has taken in well over 50,000 animals. Animal Control today consists of low euthanasia, treatment for common elements like fleas, ticks and worms, vaccinations, spay and neuter. He stated that they also deal with illnesses, injuries and sometimes severe injuries depending on the situation. They also handle neglect and abuse cases along with pursuing prosecution on those cases. Mr. Mumby also reported that the Humane Society has educational programs where they talk with school aged children and summer camps in order to try to educate them on the proper care of animals. The Humane Society also networks in several different ways to get people interested in the animals housed at the shelter.

Mr. Mumby stated that they are committed to doing anything in their power to keep the Humane Shelter afloat; however, a commitment is still needed from the towns, the city and the county that the Humane Society supports. That monetary commitment would be based on an animal intake census. He stated that the county represents the largest percentage of the Humane Society's intake. From mid 2013 to mid 2014 the total amount of animals that the shelter took in for the county totaled 568 animals not including animals that are dropped off in the middle of the night abandoned at the front door.

Mr. Mumby also delivered the news that the Humane Society has plans for a new building on property that has been donated. That donated property is located on CR 200 N across from the EMF Corporation.

Lynne Liechty asked what the yearly operational costs of the Steuben County Humane Society were. Mr. Mumby stated that the yearly operational costs are close to \$280,000.00. Ronald Smith asked if Mr. Mumby was looking to have this money placed in the budget and Mr. Mumby stated that they are looking for the funds now. Mr. Mumby stated that he plans on meeting with County Council, City of Angola and the City of Fremont as well.

Allen Stout stated that the Shelter, at its present location, is falling and crumbling down around them. Aside from money that is received from County Government, the City of Angola and some from the Town of Hamilton, every penny that is spent is donated and the Shelter is in a situation in the present building where they cannot waste another dollar fixing things that go wrong. Mr. Stout also stated that the sewage issue is a problem as well.

Steve Mumby again thanked the Commissioners but stated that without funding they will have to start refusing animals.

Lynne Liechty asked how to proceed to Council on this issue. Ronald Smith stated that the Commissioners would have to approach the Council with a request and they decide whether or not that request is granted. Lynne Liechty suggested that be done.

Allen Stout also stated that they were provided, in advance to the meeting, a Contract from the County for the annual allocation and that contract has not yet been signed.

Kim Johnson, Assessor, came to the Commissioners with PTABOA Appointments. She stated that she would like to have Richard Ruselink and Tina King reappointed. James Crowl made a motion to reappoint Richard Ruselink and Tina King. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Kim Johnson stated that since she is certified at a Level 3, she will serve as Secretary to the Board (as a non-voting member) and the requirement that one PTABOA member be certified at Level 2 or Level 3 may be

waived. Lynne Liechty made a motion to waive that requirement. James Crowl seconded that motion and the motion carried with three (3) ayes.

Kim Johnson also discussed the penalty in the event that there is a no show to a PTABOA hearing. She discussed the possible creation of a Resolution to enforce the penalty fee; however, Donald Stuckey stated that no resolution is needed since the statute states:

A penalty of fifty dollars (\$50.00) shall be assessed against the taxpayer if the Taxpayer or representative fails to appear at the hearing,

Linda Meyers, Recorder, came to the Commissioners to request approval on two Agreements for Independent Contract Preservation of Public Records in favor of Rae Hall and Deanna Sue Wyatt. Lynne Liechty made a motion to approve the Agreements. James Crowl seconded that motion and the motion carried with three (3) ayes.

Ms. Meyers also informed the Commissioners of a scam that is back in Steuben County informing people that they can get a copy of their deed for a fee of \$89.00. She stated that she is going to advise the media so the public is informed.

Michelle Herbert, Clerk, came to the Commissioners with her Official Bond. She stated that the Bond needed to be signed in front of the Board of Commissioners and her signature notarized.

Emmett Heller, Highway Superintendent, updated the Commissioners on items that the Highway Department has been working on.

Jennifer Sharkey, County Engineer, submitted a Traffic Study and Traffic Ordinance No. 2149 for approval. This ordinance would declare that there are No Thru Semi-Truck Trailers on County Road 325 West from State Route 20 to Loon Lake Road. Ms. Sharkey stated that since the new truck stop has opened there has been an increase of truck traffic on that road, a utility pole has been hit twice and that road cannot handle semi-truck traffic. James Crowl made a motion to approve first reading on Traffic Ordinance 2149. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

**Second and Third Readings
Steuben County, Indiana
Traffic Ordinance No. 2149**

Thereupon, County Commissioner, James Crowl, moved that all rules of procedure of the County Commissioners which might prevent, unless suspended, that second and third readings of Steuben County Traffic Ordinance No 2149, for final passage and adoption of said Ordinance at this meeting without reading the said Ordinance in full but reading the title only. This motion was seconded by Lynne Liechty and was on the call of the roll adopted by the following vote:

<u>Ayes</u> 3	<u>Nays</u> 0
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Under the suspension of the regular rules, County Commissioner, Lynne Liechty, then moved that the Ordinance 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 Ordinance was seconded by James Crowl and on the call of the roll was adopted by the following vote:

<u>Ayes</u> 3	<u>Nays</u> 0
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The title of said Ordinance was then read aloud for the second and third readings. Thereupon, County Commissioner, James Crowl, moved for final passage and adoption of the Ordinance in full applicable regulations to

establish such Ordinance. 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 Traffic Ordinance No. 2149, to have been duly passed and adopted. Thereupon, said Ordinance was signed by all members of the County Commissioners present and attested by the County Auditor. Traffic Ordinance 2149 with original signatures is on file in the Auditor's office. Traffic Ordinance No. 2149 reads as follows:

Traffic Ordinance No. 2149

Whereas the Steuben County Commissioners have caused a traffic study to be made over and along County Road 325 West from State Route 20 to Loon Lake Road, all in Steuben County, Indiana, and whereas, the Steuben County Commissioners have determined it is in the best interest of the health and safety and general welfare of the public traveling over and along County Road 325 West from State Route 20 to Loon Lake Road, all in Steuben County, Indiana, that this facility be declared as NO THRU SEMI-TRUCK & TRAILERS.

Therefore, Be It Ordained That:

County Road 325 West from State Route 20 to Loon Lake Road, all in Steuben County, Indiana, shall be declared as NO THRU SEMI-TRUCK & TRAILERS.

Violations of this ordinance shall be charged by a traffic summons issued by any police officer having traffic enforcement jurisdiction in Steuben County, Indiana. The Prosecuting Attorney for Steuben County, Indiana, is authorized to prosecute any violation. The courts of Steuben County, Indiana, having general traffic jurisdiction shall be empowered to process such charges as violations of the law as are all other traffic violations of the Indiana Code and like penalties shall be imposed as set forth in the Indiana Code for any violation, however, any fine is not to exceed FIVE HUNDRED DOLLARS, (\$500.00).

This ordinance shall become effective after the third reading and publication of this ordinance as required by law.

DATED: January 5, 2015

First Reading: 1-5-15
Second Reading: 1-5-15
Third Reading: 1-15-15

STEBEN COUNTY BOARD OF COMMISSIONERS

Ronald L. Smith, South District
James A. Crowl, Middle District
Lynne Liechty, North District

Attest: Kim Koomler, Steuben County Auditor

Jennifer Sharkey submitted an invoice from GAI, in the amount of \$1,660.00, for the Maple Street project. Ms. Sharkey stated that it is about 47% of the design is complete. Lynne Liechty made a motion to approve that invoice. James Crowl seconded that motion and the motion carried with three (3) ayes.

Jennifer Sharkey reported that the 200 N/SR 827 Project Contract with American Structurepoint will be ready for the next meeting.

Ms. Sharkey also reminded the Commissioners about the Friday, January 23, 2015, Toll Road Interchange meeting at 10:00 a.m. at the Elkhart Administration Office.

Ms. Sharkey stated that Frontier still has three (3) cables to lower on the Bike Trail. She stated this should take place mid to late January. She also reported that they are looking to have a progress meeting in the next couple weeks with the contractor and inspectors so the project can get back on track.

Ms. Sharkey submitted the Highway Department 2015 Goals to the Commissioners so they are aware what the Highway Department wants to accomplish this year. She also submitted reports to the Commissioners which outlines the Highway Department operations, responsibilities, list of facilities, sign inventory, bridge inventory, etc.

Bill Schmidt asked if he would be wasting time to schedule a meeting to investigate the bridge lighting further. He stated that he had some people express interest in this issue. James Crowl said that it is a safety issue and it is the County's bridge, therefore it is not a waste of time.

Tim Troyer, Sheriff, came to the Commissioners with an estimate for changing over the Sheriff Vehicles. Sheriff Troyer estimated that it would cost approximately \$40,500.00 to do the changeovers in 2015, which will be paid out of the 2013 Bond.

Sheriff Troyer also came to the Commissioners regarding the Spillman Interlocal Agreement that had been put on hold by the Commissioners due to issues that were not resolved in the proposed contract. Sheriff Troyer stated that he is requesting that the Commissioners revisit the Spillman merger with the City of Angola. Sheriff Troyer stated that there is a savings to the merger, it's more long term than it is initial. He stated it's hard to put a price tag on the information and what the merger would do for authorities. Sheriff Troyer stated that if the Sheriff's Department was merged with Angola City Police, he would have up to date address information on specific individuals and that has a direct correlation on how he serves civil process, warrants, and how cases are investigated. He stated that the monetary savings would be in the future modules, if things like Spillman Mobile were added.

James Crowl stated that the way the proposed board was represented, the County's IT person was not on that board and she is the one that runs Spillman. Sheriff Troyer stated that he respects that and he understands, but as far as the board was concerned he was talking about the user accounts. With the information he got back from the City they didn't feel that IT should be on that actual deciding board. Sheriff Troyer stated that the IT person should be on the board and involved but would not be an actual vote on the board because IT is support, and does not deal with direct users of the system. Tami Sumney, IT Director, stated that she would like to say that the proposed board will not only be dealing with users, it will be dealing with the entire Spillman system. Sheriff Troyer stated that he took the draft Interlocal Agreement and turned it over to his legal deputy. When it comes to the modules and hardware, he understands that is part of it, but that user committee wouldn't have a lot of say on that issue. Tami Sumney stated that new modules would affect her budget, cooperation is needed with every upgrade that is done, and every hardware and module purchase. Ms. Sumney stated that she has no problem with the Sheriff's Department and the City Police figuring out their users as they have always done that.

Donald Stuckey stated that another primary concern was that there was no appeal of that committee's decision to elected representatives for the County or the City. Angola City Police Chief, Stu Hamblen, stated that after that meeting, the Mayor stated if that's the way the Commissioners wanted it, he did not have a problem with that. Ronald Smith stated that it would not be appropriate to not have an appeal to elected officials. Sheriff Troyer stated that his primary concern is the safety and security of the data and he says he has to have the keys to his filing cabinet and he felt that that the way the Agreement was initially written, anyone could have access and he would have no control to stop that. Donald Stuckey stated that if a decision was made by the committee, only if someone disagrees with that decision do the elected officials get involved.

Sheriff Troyer requested a motion to proceed forward with looking into this, he thinks that Donald Stuckey has the initial contract and but he would be happy to leave copies. Sheriff Troyer offered to put Mr. Stuckey in contact with his legal deputy as well. Donald Stuckey stated that he will contact Kim Shoup, City Attorney. Lynne Liechty stated that she would like to move forward with this and resolve some of these issues. Tami Sumney stated that if it is decided to move forward, the only thing she requests that the Commissioners take into consideration is that the County has purchased the entire Spillman system. It is on order and is supposed to be delivered this week. Ms. Sumney stated that if the merger happens whatever portion of the server is the City's, that money would have to be refunded to the County. Ronald Smith directed Tami Sumney, IT Director and Donald Stuckey, County

Attorney, to work with the City of Angola and their attorney and come back with a proposal on quality and participation on all factors so it is all spelled out.

Ronald Smith started a discussion on the Economic Development Corporation and the ruling that has been received from the EDC concerning the State Board of Accounts and the fact that the meetings do not have to be open. Donald Stuckey stated that the meetings don't have to be open to the public based upon State law. Ronald Smith stated that at this time, the Commissioners have shut down the funds to the EDC and the Commissioners need to act on that. Donald Stuckey stated that the motion that was made several months ago was that the EDC had to comply with the Open Door Law. He stated that the Open Door Law does not require the EDC to have an open meetings. Donald Stuckey stated that there was discussion at some time that the Commissioners wanted the EDC to have at least the budget process open to the public, but that was not the motion that was made, the motion made was to comply with the open door law, which the EDC is. Ronald Smith asked if it would be redundant to do anything at this time. Donald Stuckey stated that the Commissioners have the right to require them to have open meetings to receive funds; however, that was not the motion that was made several months ago, the motion was that they comply with the Open Door Law. Ronald Smith asked Donald Stuckey, in his opinion, is the EDC funded? Donald Stuckey stated that he believes the EDC is funded at this time because they have complied with the Open Door. Ronald Smith stated that no further action was needed on this issue.

The Commissioners received the following correspondence: St. Joseph River Basin re: SJRBC Filter Strip Initiative; Kristy Clawson, EMA re: Meeting FEMA Risk Mapping; EMC Insurance re: Loss Control Insights; Northeast Indiana Regional Partnership re: Partnership News; Thomson Reuters re: Happy New Year; ENR Equipment and Trends re: 2015 Equipment Forecast; DLGF re: December 29 email from Commissioner Schaafsma.

STEBEN COUNTY BOARD OF COMMISSIONERS

Ronald L. Smith, President, South District

James A. Cowl, Vice President, Middle District

Loretta S. Smart, North District

Attest: _____
Kim Koomler, Steuben County Auditor
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