

STEBEN COUNTY BOARD OF COMMISSIONERS MEETING
April 3, 2017

The Steuben County Commissioners met at 1:00 p.m. on Monday, April 3, 2017, in the Commissioners' Room of the Steuben County Community Center. Present this day were Commissioners Ronald Smith, James Crowl and Lynne Liechty. Also present were Donald Stuckey, County Attorney, Ruth Beer, Steuben County Councilwoman and Kim Koomler, Steuben County Auditor.

James Crowl made a motion to approve the claims submitted for payment this day totaling \$318,243.48. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Lynne Liechty made a motion to approve the minutes from the Commissioners' Meeting on March 20, 2017. James Crowl seconded that motion and the motion carried with three (3) ayes.

The Commissioners signed the minutes from the March 6, 2017, Commissioners' Meeting for the Index Book, which were approved at the prior meeting.

Kathy Armstrong, JDAI, requested permission to purchase two (2) Surface Pro Tablets for use by Probation and JDAI, not to exceed \$3,000.00. James Crowl made a motion to allow Ms. Armstrong to move forward with the process. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Kris Treadwell, Council on Aging, submitted a request to place a roadside letter board in front of the Community Center. The Commissioners discussed the possibility of an electronic sign to inform the public of important events happening in all of the departments that are housed in the Community Center. The Commission Board tabled the request from Ms. Treadwell for further examination.

Kris Thomas, Health Department, submitted a Certificate of Appointment to County Board of Health for Amanda Cope. James Crowl made a motion to approve the Certificate of Appointment. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Ms. Thomas also submitted a Record of Appointment of Local Health Officer for Ted Crisman. Lynne Liechty made a motion to approve the Record of Appointment. James Crowl seconded that motion and the motion carried with three (3) ayes.

The Commissioners scheduled a Courthouse Study Committee Meeting for April 13, 2017, at 8:00 a.m.

The Commissioners scheduled a County Park Meeting for April 13, 2017, at 9:00 a.m.

Bruce Watson, Lake Minifenoque, came to the Commissioners regarding a request to add restrictions and guidelines for the recreational use of firearms in the proximity of business and family dwellings. Mr. Watson said that he wanted to bring this matter up because there are more and more shooting ranges going up. Mr. Watson said that debris will fly through or off of the backstops at some of the shooting ranges. There is one shooting range in particular that runs parallel to the road and a bullet could leave and hit a vehicle traveling down the road. Mr. Watson said that in his area, there is a fair amount of houses and it is very discerning to be outside hearing semi-automatic assault rifle fire going on in the middle of the day.

Donald Stuckey, County Attorney, said that he will have to take a look at the State Statutes. He needs to make sure there is no pre-emption and that the State would allow the County to permit this sort of thing. In many areas the State has prohibited the County and other local governments from regulating things like this. Mr. Stuckey also suggested that Mr. Watson contact the Sheriff as that is who would enforce something like this. Mr. Stuckey said that if the discharge of firearms is limited between sunrise and sunset, that would eliminate coon hunting and that would upset a lot of people. Mr. Watson said that when it comes to legal hunting, protection of property or self all of that would not be changed by this request. He is requesting guidelines or restrictions for pure recreational shooting.

Donald Stuckey asked if the shooting ranges that Mr. Watson was referring to were private or commercial ranges. Mr. Stuckey said that if they were commercial ranges, it could be a zoning violation; however, if they are personal use ranges, that is a separate issue. He said that as long as nothing leaves their property, it would be difficult to regulate.

Mr. Watson stated that the current situation is that there are two (2) homemade shooting ranges and the attorney of one (1) property owner sent a letter stating that the range has been certified by the Sheriff and the DNR as being adequate.

Ronald Smith stated that he does not want to move forward until this is straightened out with the County Attorney, as he feels that this is infringing on people's rights.

Mr. Watson stated that someone has a shooting range on the lake side of their yard and there is debris that does hit the lake. Donald Stuckey said that there is a balancing act here with the safety issue.

Sandy Cather said she feels pretty passionate about this and doesn't feel that it is common sense as far as some of the shootings go. Ms. Cather said that from one house to another there is less than 70 feet and to another it's less than 50 feet. She said that she belongs to a community around a small lake and it is very dangerous. Ms. Cather said that there are some homes with bullet holes in them and there have been instances when she has been floating in the water and bullets and/or debris was surrounding her as the shooting was happening. She feels that something needs to be done so they feel safe in their own homes.

Another audience member said she owns a home across the lake where the shooting is taking place. She said that when the shooting is happening they cannot go on the lake because she is not going to endanger anyone's lives. Said that the rapid firing is at all times and that they had a petition of around twenty (20) signatures last year that was submitted to the owner to consider the safety and the noise and to respectfully refrain from shooting. She said that they call the Sheriff Department all the time as well.

Donald Stuckey asked if the shooting ranges are structures. Mr. Watson said that one person dug a hole in the ground and the other one you can't see from the road.

Ronald Smith said that Donald Stuckey will do his due diligence and the Commissioners will revisit it at another time.

Mike Sevits, Annex Maintenance, submitted quotes for new doors and frames at the Annex. Lynne Liechty made a motion to accept the low quote from Central Indiana Hardware in the amount of \$4,487.94. James Crowl seconded that motion and the motion carried with three (3) ayes.

Mr. Sevits also updated the Commissioners on the retrofitting of the lights in the ambulance bays. He said that the contractor found a way to replace more lights at a lower cost.

Gary Fair, Community Center Building Manager, submitted quotes for the waterproofing of the Community Center. Mr. Fair recommended the low quote from Mike Rathburn Masonry, in the amount of \$9,121.00. James Crowl made a motion to accept the quote from Mike Rathburn Masonry and to pay the invoice from Cum. Cap. 1138-000-4000.15. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Mr. Fair also submitted quotes for the Courthouse HVAC hot water loop replacement. Lynne Liechty made a motion to accept the quote from Delta T, in the amount of \$3,848.00. James Crowl seconded that motion and the motion carried with three (3) ayes.

Gary Fair submitted a quote from Homesite Carpet and Wallcovering, Inc., for Phase II of the second floor carpeting, in the amount of \$5,337.78. James Crowl made a motion to accept the quote from Homesite Carpet and Wallcovering and to have the invoice paid from Cum. Cap. 1138-000-4000.15. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Mr. Fair reported that there are some small trees that need to be removed at the Community Center. He said that he believed he would be able to remove them himself. Lynne Liechty made a motion to permit Mr. Fair to remove the trees. James Crowl seconded that motion and the motion carried with three (3) ayes.

Frank Charlton, County Park, reported that they are not quite done with the Lion's Building parking lot because of the rain that was received. Mr. Charlton said that some things were changed a little bit on the parking lot for water drainage, but it is looking really nice.

Lynne Liechty asked if the water was still coming off of the Lion's Building. Frank Charlton stated that nothing had been done with the eaves yet.

Frank Charlton said that they have been looking at other reservation software and he said that they found one called Guest Tracker from TCS Systems Inc. He said that the original cost for 170 units was \$2,950.00; however, since we are a governmental entity, the price goes down to \$1,650.00. Mr. Charlton said that the software allows you to schedule three (3) years out. Frank Charlton stated that the software is not online capable at this price, but it can be done for other fees billed per site, plus monthly charges. Lynne Liechty asked if TCS would be helpful in the initial setup. Frank Charlton said that TCS would help in the setup and they have already done a webinar on the software. Mr. Charlton said that the County can pay by check or credit card for the software. He said that TCS would not set up the software until the check clears. With a credit card payment they would set up the software the day of. Lynne Liechty made a motion to approve purchasing the Guest Tracker Software from TCS. James Crowl seconded that motion and the motion carried with three (3) ayes.

Frank Charlton informed the Commissioners that the light that was initially approved to be installed on the existing NIPSCO pole is not feasible. Mr. Charlton stated that he spoke to Jeff Fultz with NIPSCO about other options. Frank Charlton said that it would cost \$6.51 a month to use another NIPSCO pole, plus \$31.18 a month for one (1) light or two (2) lights for \$37.69 a month. Mr. Charlton stated that NIPSCO will not charge to set the pole or for running the wires. NIPSCO will also maintain the lights that are installed. James Crowl made a motion to approve the two (2) lights at \$37.69 a month. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Frank Charlton submitted another quote for the generator; however, it was still higher than anticipated. The Commissioners directed Mr. Charlton to keep looking. Lynne Liechty suggested renting a generator when they think one will be needed.

Mr. Charlton said that a new part-time employee starts today. He said that the volleyball net is going to be put up, water will be turned back on and some repairs to the restrooms by the horse arena will be done.

Kylee Harris requested to purchase a new volleyball net with the Commissioners' Credit Card from Amazon.com. Lynne Liechty made a motion to approve that request. James Crowl seconded that motion and the motion carried with three (3) ayes.

Mr. Charlton reported to the Commissioners that people are walking their dogs in the County Park and the dogs are using the Event Center Parking Lot as their "bathroom." Mr. Charlton stated that new signs were posted stating that all dogs must be on a leash and to please clean up after your animals; however, some people are not complying with the signs. Kylee Harris said that the Sheriff's Department said there is nothing they can do other than give a trespass warning the first time and if it happens again, the violator would be trespassed from the park. Ms. Harris said that some of the dog walkers get very hostile when they are asked to put their dog on a leash or pick up after their pet. Donald Stuckey jokingly said, "shoot the dog" and said maybe the solution is to ban people from walking their dogs at the County Park. James Crowl said maybe no animals shall be permitted unless it is during the 4-H Fair or if it is a service dog. Ms. Harris said she's not sure how to approach the people walking their dogs as they get upset and act as if they are entitled to walk their dogs at the County Park.

Ronald Smith asked about having Ms. Harris deputized. Donald Stuckey said that would put Ms. Harris in jeopardy. Ms. Harris said that the Sheriff's Department said that they would try to watch it a little bit closer, but they wanted the Commissioners' input. Ronald Smith said that they will follow up on the issue at the Park Board Meeting.

Jennifer Sharkey, County Engineer, submitted Frontier Utility Permit #2776 for approval. Lynne Liechty made a motion to approve the utility permit. James Crowl seconded that motion and the motion carried with three (3) ayes.

Ms. Sharkey said that the Bike Trail Phase I has been officially closed out. She said that since everything has been settled, she wanted to ask the Commission Board about approaching Frontier with the delay escalation cost that the County paid due to the fiber optic that was severed. She said that cost totaled \$28,764.79 and the County was 100% responsible for it. The Commissioners directed Ms. Sharkey to work with Donald Stuckey to request reimbursement from Frontier for the delay escalation costs.

Jennifer Sharkey said that reimbursement will be received from the State in the amount of \$175,000.00 for the work along State Route 120 for the Maple Street Project. Ms. Sharkey said that there was approximately \$77,000.00 of remaining funds in the construction budget due to the Highway Department constructing Maple Street instead of bidding it out. Ms. Sharkey requested to use the reimbursement and the remaining funds for road work in 2017. James Crowl made a motion to approve Ms. Sharkey's request. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Ms. Sharkey stated that the right of way phase for the 200 N/SR 827 Project is progressing. She submitted a reimbursement voucher for approval. Lynne Liechty made a motion to approve the reimbursement voucher. James Crowl seconded that motion and the motion carried with three (3) ayes.

Jennifer Sharkey said that the LPA Consultant Contract for the Bridge Inspection has been executed and sent to INDOT for review. Ms. Sharkey submitted the INDOT LPA Contract for approval. Lynne Liechty made a motion to approve the INDOT LPA Contract. James Crowl seconded that motion and the motion carried with three (3) ayes.

Jennifer Sharkey reported that the lights on the Lake James Bridge became operational on March 29, 2017. She said that she had a meeting on March 24 with Bill Scheele, a Lake James Representative, to discuss how things were going and what the steps would be in the future. Bill Schmidt stated that the lights are very unintrusive, they light the bridge as a pedestrian walkway and from a functionality standpoint, Ms. Sharkey accomplished the goal of the project. Mr. Schmidt said that the lights are so unintrusive that there will probably be minimal negative comments about the lights.

Ms. Sharkey submitted a quote to provide improvements to the Clear Lake Park. She said that a partial depth reclamation with an asphalt overlay done by the Highway Department and a paving contractor would cost \$15,000.00. Lynne Liechty said that she would like to get this started and completed. James Crowl asked if Clear Lake was going to be a part of this at all. Commissioner Liechty said that they are not and the County would be paying for it all from the Clear Lake Park Fund. Ronald Smith said that he spoke to Chris Foley and they approve of what the Commissioners would like to do out there. Lynne Liechty made a motion to move forward with the quote submitted by the Highway Department. James Crowl seconded that motion and the motion carried with three (3) ayes. Emmett Heller said that it would be at least the middle of June before they get the machine and the timing could fluctuate.

Jennifer Sharkey said that the Senate had some changes to the State Level Infrastructure Funding and it cut the local share quite a bit. Ms. Sharkey said that a lot of the assistance moving forward will be in the form of grant opportunities with matching funds. She said that they did propose some changes to the Motor Vehicle Highway Fund Distributions as well.

Emmett Heller, Highway Superintendent, reported that they have been trimming and cutting down several ash trees.

Mr. Heller said that they are prepping the pit on 600 W and the equipment has been moved in. He said that they will have a short training session in the morning and they will then start making 53 crushed gravel. Mr. Heller said that he needs rental equipment coverage in the amount of \$899,000.00 for that piece of equipment and currently the limit is \$500,000.00. Erin Schiffli, Commissioners' Secretary, stated that for every \$100,000.00 worth of

insurance it is an additional \$100.00 premium. Lynne Liechty made a motion to approve increasing the rental equipment coverage to \$900,000.00. James Crowl seconded that motion and the motion carried with three (3) ayes.

Mr. Heller reported that they have mixed up their remaining salt and sand and the contract ended on March 31. He said that they also took 127 ton of it and put Ice Fight on it, which is a different product than they have used in the past.

Emmett Heller requested permission to purchase a 75 HP mower/tractor in the amount of \$39,714.74, a 5' Woods mower in the amount of \$9,500.00 and he'd like to trade the on call truck for a new on call truck to make the purchase price \$27,076.25. Mr. Heller said that he has funds for those purchases. James Crowl made a motion to approve the purchase of the mower/tractor, the Woods mower and the truck. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Clint Knauer, Building Commissioner, submitted the Steuben County Zoning Ordinance Update Project Proposal/Contract, not to exceed \$4,500.00, for approval. Lynne Liechty made a motion to sign the Zoning Ordinance Update Project Proposal/Contract. James Crowl seconded that motion and the motion carried with three (3) ayes.

The Commissioners received a notice from the BZA that an adjoining property owner to the County Park has applied for a variance. Mr. Knauer stated that the owner would like to expand their building towards the property line. He said that they are requesting a variance to be 10' away from the property line instead of 25'. Frank Charlton said that 10' is a bit close to the campground. Mr. Charlton said that he isn't sure if it would make a difference to the campers or not. James Crowl said that he believes 20' would be more adequate. Donald Stuckey suggested writing a letter of objection to BZA indicated the Commission Board's objection, the reason why and what they would propose instead. The Commissioners asked that Donald Stuckey prepare a letter of objection to be sent to the BZA.

Gary LeTourneau, Communications Director, came to the Commissioners with a request to purchase two (2) laptops to be used for remote monitoring and access of the radio system. Mr. LeTourneau stated that the purchase price will not exceed \$2,500.00 and will be paid from his budget. James Crowl made a motion to approve the purchase of two (2) laptops, not to exceed \$2,500.00. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Mr. LeTourneau updated the Commissioners on the Motorola Project and he said that things are back on track.

Brett Hays, NICC, submitted a request to purchase a network video recorder with sixteen (16) cameras for Community Corrections, in the amount of \$6,871.08. Mr. Hays said that he plans on purchasing the items from Amazon and installing the system himself. James Crowl made a motion to approve the purchase. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Pam Feller, Probation, submitted a request to allow Chris Sallows to drive to the Midwest Gang Investigator Association Conference in May and allow two (2) South Bend Police Officers to travel with him in the County Vehicle. Lynne Liechty made a motion to approve that request. James Crowl seconded that motion and the motion carried with three (3) ayes.

Linda Klingbeck, Single Together Coordinator, submitted a request to use the Community Center Multi-Purpose Room on a regular basis for their fellowship meeting. Ms. Klingbeck further requested to waive or discount the rental fee on the Multi-Purpose Room. Lynne Liechty stated that she was not in favor of waiving or discounting the fee. For lack of a motion, the request died and was not taken any further.

Ronald Smith stated that the DNR will be leasing about 75 percent of the 76 Park for the purpose of installing a new boat ramp and parking. Commissioner Smith said that the area that has the pavilion and the area east of that is going to be preserved to the County. Commissioner Smith said that the DNR will be leasing that area from the County for 20 years. He said that the current ramp is narrow and is not long enough. The new ramp will be about 50' long and 15' wide with an ADA accessible dock. Frank Charlton stated that where the DNR is

planning on putting in a new driveway, they said that the County could use that driveway to lead to a new parking area for the pavilion. Ronald Smith stated that the current ramp will be left in place; however, it will be gated off and will no longer be used. Donald Stuckey said that he has reviewed the sample lease agreement and he approves it. Ronald Smith reported that the new ramp will be going in sometime in 2018. Michael Marturello asked if that would eliminate the beach area at the 76 Park. Ronald Smith said that no one can swim within 300' of the ramp. Frank Charlton reminded the Commissioners that the DNR said that they would be supplying all of the signage that would be needed. Lynne Liechty made a motion to formally move forward on the project with the DNR. James Crowl seconded that motion and the motion carried with three (3) ayes.

Erin Schiffli, Commissioners' Secretary, asked if the Commissioners planned on attending the AIC District Conference, to be held in Columbia City, Whitley County, Indiana, on May 3, 2017. Ronald Smith and Lynne Liechty stated that they would attend and James Crowl said that he was undecided.

Erin Schiffli asked if the Commissioners would like to have the County Park use the Commissioners' Credit Card or the claims process to purchase the Reservation Software. Lynne Liechty made a motion to have the invoice submitted on a claim so a check is sent to TCS for the Reservation Software. James Crowl seconded that motion and the motion carried with three (3) ayes.

Rae Delaney, Payroll and Benefits, stated that Insurance Brokers have already begun contacting the Auditor's Office in hopes of giving quotes for 2018 Employee Health Insurance. James Crowl made a motion to send correspondence to any Health Insurance Brokers that Steuben County is pleased with the current providers and does not wish to receive quotes for 2018. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

The Commissioners received the following correspondence: NEIndiana re: News Release – Regional Partnership Promotes Kylee Shirey, Ryan Twiss; Indiana State Department of Agriculture re: Media Advisory; Austin Barrett re: Reminder – Local Park & Recreation Services Study; State of Indiana re: Arts Commission Launch 2017 Hoosier Women Artists Contest; Indiana Department of Transportation re: Input on Selection of Future Transportation Projects.

STEUBEN COUNTY BOARD OF COMMISSIONERS

Ronald L. Smith, President, South District

James A. Crowl, Vice President, Middle District

Lynne Liechty, North District

Attest: _____
Kim Koomler, Steuben County Auditor
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