

STEBEN COUNTY BOARD OF COMMISSIONERS MEETING  
April 6, 2015

The Steuben County Commissioners met at 1:00 p.m. on Monday, April 6, 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, Ken Shelton, County Councilman, Jim Getz, County Councilman, Wil Howard, County Councilman, Dan Caruso, County Councilman, Donald Stuckey, County Attorney and Kim Koomler, Steuben County Auditor.

Judy Rowe came to the Commissioners regarding an incident that happened on Thursday, April 2, 2015. Ms. Rowe stated that she has an employee that lives outside of Flint and there is a malnourished dog that is wandering around in that area. Judy stated that she was aware that was out of the Shelter's service area so she called the Sheriff's Department. Ms. Rowe explained that she informed the dispatcher about the situation and the dispatcher said to call the animal shelter. Ms. Rowe told the dispatcher that the Humane Shelter won't do anything as it is outside of their service area. Ms. Rowe then called the Humane Shelter and the Humane Shelter said to call the Sheriff's Department. She stated that the Humane Shelter told her that they weren't going to do anything and if she were to bring in the animal they wouldn't take it and they would not go and pick it up.

Judy Rowe stated that she is not assigning blame to anyone, she's just relating what happened. Ms. Rowe stated that when she was on the phone with the Humane Shelter the woman on the phone mentioned she had someone in the front screaming about a cat from Fremont that they refused to take. The Humane Shelter told Ms. Rowe to take the dog to the Sheriff's Department. Ms. Rowe then called the Sheriff's Department again and was told that a deputy would call her back. A deputy did call Ms. Rowe back and informed her that the Sheriff's Department does not pick up animals anymore and that the Humane Shelter has three (3) pens for after hours and that she should take the dog there after the shelter closes. Ms. Rowe stated that she is aware that it is illegal to trespass after hours and it is considered animal abandonment, subject to jail time, if you leave an animal afterhours.

Ms. Rowe stated nothing was accomplished and that in the meantime, there is still a malnourished dog wandering outside Flint and there is nowhere in Steuben County that will take care of it. She said that she feels that animal control is a legitimate function of government and she wants to know what to do with this dog. She's afraid that at some point there will be packs of feral, rabid animals roaming around.

Ms. Rowe stated that she commends the Commissioners for compromising and offering the Humane Shelter more than what was initially budgeted. She said that her own opinion is that the Shelter should have accepted the money that was offered to get past this gap in service. Ms. Rowe feels that it is disgraceful that there is a county that lacks animal control services and there has to be a solution. She feels that the Commissioners are elected to run the County and it falls to them and wants to figure out what they are going to do to fix this issue.

Ronald Smith stated that at this point, he's not sure the Commissioners can do anything. He stated that there is a process, Government has ways that it needs to operate and the Commissioners have tried to make it work, have ran it through that process and have reached an impasse. He stated that there's an obligation of responsibility on the other party as well and they have turned the animals at risk because they refuse to offer any kind of services to people who did not participate. Ronald Smith stated it was never the intention of Steuben County Government to not take care of responsibilities of society; however, the citizen that identified that animal has a certain responsibility as well.

Ronald Smith stated that the County paid \$18,000.00 a year for someone from the Humane Shelter to take care of the pickup of dogs because the Sheriff Deputies don't want to be bitten and the proper facilities are not available. Ronald Smith stated that they did what they felt was the best thing at the time and the County was turned down. He stated that the Commissioners cannot start commandeering and conducting businesses, the Commissioners do not have that power.

Lynne Liechty stated that the Humane Shelter is a private non-profit group that has taken it upon themselves to protect the animals and at this point, they have let the animals down. She stated that Steuben County Government does not have a county animal control officer or shelter, it is a private organization that has come to the County for funding. Lynne Liechty stated that this has put everyone in a difficult situation and she had hoped that

the Shelter would have taken that one step forward. Lynne Liechty said that she hoped that the Shelter would have accepted the \$45,000.00 that was offered, moved forward and then come back to the County for 2016 budget discussions.

Judy Rowe said that she understands that and she was a big supporter of the Shelter, but not the board. In the meantime, she said that there is an option in which the County could meet the Humane Shelter's demand so that Steuben County has animal control.

Donald Stuckey stated that the Commissioners cannot meet the Shelter's demand because there is not the appropriation, they cannot spend money that is not appropriated. He stated that \$45,000.00 was appropriated by County Council and that is what can be spent for the service and that is it, the Commissioners do not have any ability to go beyond that.

Judy Rowe asked if the County could hire another group or individual to step in. Lynne Liechty stated that it would surprise her if another private entity did not step in and that is an option. Judy Rowe asked if that entity would have access to the building. Ronald Smith stated that there is a lease agreement for the land, not the building, as the Shelter owns the building. James Crowl stated that the land contract is good for another ten (10) years. He also stated that the Shelter is to be paying \$10.00 a year; however, it has never been paid. Ronald Smith stated that the County furnishes water and sewer to the Humane Shelter. Ronald Smith told Ms. Rowe that the Commissioners do not have an answer for her and there is no easy fix until the Humane Shelter Board decides that they wish to take the offer and move forward.

Lynne Liechty made a motion to approve the claims submitted for payment this day totaling \$394,582.33. James Crowl seconded that motion and the motion carried with three (3) ayes.

The City of Angola attended to the Commissioners meeting to discuss the Spillman Interlocal Agreement. Ronald Smith stated that the Interlocal Agreement has been reviewed by the County Attorney. The Angola Common Council and the Mayor have already approved it and now the Commissioners need to make a decision. Donald Stuckey, County Attorney, stated that if the Commissioners want to enter into the Agreement they need to make a motion to approve the Agreement and sign it. If the Commissioners do not wish to enter into the Agreement, they need to go on the record and state that.

Tami Sumney, IT Director, stated that she had a question as to how the reimbursement for the cost that Angola would incur, by signing the Agreement, would work. Ronald Smith stated that the County would assume that responsibility. James Crowl stated that this year the contracts have been paid for by the County so there is no money from the City to help with that contract. Tami Sumney stated that she's talking about the hardware and the hardware support because the County has paid for everything. Stu Hamblen stated that originally they had it set up that the County pays 2/3 and the City pays 1/3 and the City will need a bill and/or invoice for that 1/3. James Crowl asked Sheriff Troyer if he was okay with the Agreement. Sheriff Troyer stated that he has not seen the Agreement since it was modified. The Commissioners gave Sheriff Troyer a few minutes to review the Agreement.

James Crowl made a motion to approve the Commissioners Meeting minutes from the meeting held March 16, 2015. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

The Commissioners signed the minutes from the March 5, 2015, Commissioners Meeting, which were approved at the previous meeting.

The Steuben County Literacy Coalition submitted a request to the Commissioners to use the parking lot on April 15, 2015, to meet for a field trip. Lynne Liechty made a motion to approve that request. James Crowl seconded that motion and the motion carried with three (3) ayes.

The Literacy Coalition also submitted a request to use the Steuben County Community Center Auditorium during the weeks of July 27 and August 7 for a summer drama camp. The Commissioners put this request on hold pending the availability of the Auditorium and they wish to receive more information on the proposed camp. James Crowl stated that the decision will be made at the next meeting on April 20.

The Commissioners discussed the available GIS Coordinator position. Lynne Liechty made a motion to hire Timothy Kunde at a yearly salary of \$40,000.00. James Crowl seconded that motion and the motion carried with three (3) ayes.

The AIC District Meeting is being held on May 6, 2015, in Fort Wayne. Ronald Smith and Lynne Liechty plan on attending. James Crowl stated that he won't be attending due to a Plan Commission meeting.

EMS submitted closeouts/write offs for February 2015, in the amount of \$5,593.43, to the Commissioners for approval. Lynne Liechty made a motion to approve the closeouts/write offs in the amount of \$5,593.43. James Crowl seconded that motion and the motion carried with three (3) ayes.

Crystal VanPelt, Purdue Extension, submitted a letter requesting permission to use the County van to travel to training in Hartford City on April 10, 2015, with the newest Steuben County educator, two (2) educators from DeKalb and one (1) educator from Allen County. James Crowl made a motion to give permission to Purdue Extension to use the County van on April 10, 2015. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Donald Stuckey submitted documentation to the Commissioners regarding a joint motion to dismiss a lawsuit in which the County was being sued in Federal Court. In return, the County agrees to not file any action against the Plaintiff for a frivolous lawsuit. James Crowl made a motion to enable Ronald Smith to sign the joint motion to dismiss. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Sheriff Troyer returned to the Commissioners Meeting after reviewing the Spillman Interlocal Agreement. Sheriff Troyer stated that the Agreement looks fine to him. Lynne Liechty made a motion to accept the Spillman Interlocal Agreement. James Crowl seconded that motion. Ronald Smith stated that he believes that several people in attendance today have waited quite some time for this type of collaboration to take place. He stated that he hopes it benefits both the City of Angola and Steuben County and he hopes that the citizens are better protected because of it. The motion carried with three (3) ayes.

Rod Autrey, Elect RX, came to the Commissioners to report on the Elect RX program that is offered by the County. Mr. Autrey thanked the Commissioners for including Elect RX in the County's healthcare benefit program since January 1, 2013. He stated that he has forty (40) clients in the State of Indiana and Steuben County is the shining star for the Elect RX program. Mr. Autrey submitted an analysis that covers January 1, 2014-December 31, 2014 and explained how much the program is saving the County and its employees.

Kent Park, Woolpert, came to the Commissioners to submit information about the company and to update them on the upcoming aerial photography that is to be done. Mr. Park stated that he has dealt with Chad Hoover, GIS Coordinator in the past; however, Chad Hoover is no longer with the County. He stated that Mr. Hoover entered into a contract with the State of Indiana and the State has a master contract with Woolpert to fly and acquire imagery. Mr. Park said that approximately three (3) weeks ago he drove around the County and the snow was not completely melted in the parking lots, so he drove around just a week ago and most of the snow was gone. He stated that once the weather cooperates, they are ready to fly.

Dave Koenig, Steuben County EDC, came to the Commissioners to inform them about the status of the Northern Indiana Lakes Country Enterprise Center and to make a request for financial assistance to make the project feasible. Mr. Koenig stated that the campus is a 4.23 acre parcel that contains five (5) buildings with 61,000 square feet. He stated that they are proposing four (4) uses for the Enterprise Center. He stated that those uses would include a training center, a Business Incubator Space, Co-working Space and Offices. Dave Koenig also stated that they are hoping to bring in various economic and workforce development agencies under one roof. He stated that they obtained an option to purchase in December and over the past three (3) months they've been very active in moving forward. He said that he has a list of approximately twenty-five entities that are interested in partnering in this project.

Dave Koenig stated that the Steuben County EDC Board of Directors has approved \$100,000.00 to be used in the acquisition of the property. He stated that they have also secured a very favorable loan from Farmer's State Bank in the amount of \$250,000.00 at less than 3% interest. Mr. Koenig stated that leaves \$100,000.00 left to

acquire the facility. Mr. Koenig stated that the City of Angola has agreed to restore grass medians, curbs and sidewalks.

Ronald Smith introduced President of the EDC, Dick Dodge. Mr. Dodge stated that he believes this is a very exciting project that is being proposed. Lynne Liechty stated that it's been a very exciting project and she thinks with the collaboration of the City, County, local schools, educational leaders and business leaders we can make this work. She believes this would be a very positive thing for the County. James Crowl stated that this is a wonderful situation and we just need numbers. Lori Hickey, Deputy Auditor stated that the funds would come from Major Moves. Lynne Liechty made a motion to contribute \$100,000.00 from Major Funds, to the project. James Crowl seconded that motion and the motion carried with three (3) ayes.

Emmett Heller, Highway Superintendent, reported that Ed Erwin retired on March 31. Mr. Erwin was at the Highway Department for over 19 years. When he retired, that left a sign technician position open and they moved Mark Sutton to that position and they hired Danny Conley to fill the labor position that was vacant.

Mr. Heller stated that they took three (3) quotes on a new loader and they traded in a 1990 John Deere Grader and purchased a 2015 Komatsu WA 200-7 loader.

Emmett Heller reported that the frost is starting to settle down; however, there were severe areas that required warning signs. E&B Paving told Mr. Heller that they plan on opening up the plant soon so permanent patching can be done.

Mr. Heller said that he talked to Troy Stain from the Railroad. He said that the railroad is going to be milling down the concrete part of the track on Old 27, south of town. Mr. Stain stated that according to Indiana law, anything 18 inches away from the concrete belongs to the Highway Department. Mr. Heller said that he's assuming that they will have to mill down the road.

Ronald Smith stated that due to the grain explosion in DeKalb County, everything is being sent to South Milford. All of the contracted corn is being hauled to South Milford which is taking a toll on all the roads in northern DeKalb and Steuben County.

Jennifer Sharkey, Engineer, informed the Commissioners that a pre-construction meeting on the 200W/200N Intersection Project has been scheduled for Friday, April 17, 2015, at 1:00 p.m. in the Commissioners Room. She stated that the Commissioners are welcome to attend, but notice must be given if they do attend. Ms. Sharkey stated that this meeting will be with the contractors, utilities and INDOT. She stated that it looks as if construction will begin mid-May at the intersection.

Ms. Sharkey stated that they had a meeting regarding the Bike Trail on March 19. She said that at the meeting, Frontier stated that they should be relocated by the end of April and the contractor is tentatively looking at moving on site at the beginning of May. The completion date looks to be around August or September, 2015. She also submitted an invoice for the construction inspection for the month of February in the amount of \$4,769.32, along with the reimbursement for the federal funds. James Crowl made a motion to approve the payment of the invoice in the amount of \$4,769.32. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Ms. Sharkey updated the Commissioners on the Maple Street Project as well. She stated that she had a meeting with INDOT on March 26 to discuss alternate designs for the road approach due to mitigating the utility company relocating the large utility pole. An alternate design was approved, with a fee of \$7,500.00, and the utilities will be covering that redesign fee. The Commissioners determined that the consultant will directly bill the utility companies for that redesign fee. Ms. Sharkey submitted a \$7,500.00 invoice from GAI for design work. Lynne Liechty made a motion to approve the invoice from GAI in the amount of \$7,500.00. James Crowl seconded that motion and the motion carried with three (3) ayes.

Jennifer Sharkey updated the Commissioners on the 200 N/SR 827 Project. Ms. Sharkey stated that last week she received an email stating that if the County moves forward with the purchase of the property prior to the environmental document being approved, then none of the costs would be applicable for reimbursement. Ms. Sharkey stated that the Uniform Act will need to be followed which would require the hiring of a pre-qualified

review appraiser and buyer and go through the formal steps. James Crowl asked why that is needed since the property is going to the Drainage Board, not the Highway Department. Ms. Sharkey stated it is because the ownership is the same and the timeline of events is what is causing the problem. She said that the County had applied for federal funds before the transaction and those funds were awarded, due to that, the timing is causing an issue. Donald Stuckey stated, that at the Federal Government's request, he sent a letter rescinding the purchase contract. Ronald Smith stated that the Commissioners will have to wait and purchase the land later.

Ms. Sharkey updated the Commissioners on the Jimmerson Lake/Lake James bridge lighting. She said that she has been in contact with the individual designing the structures and they are to be on either side of the bridge. Jennifer Sharkey said that she believes that the money is being raised and donated to furnish the fixtures; however, when they are up and operational they become the County's expense. Bill Schmidt stated that the lights will have a five (5) year guarantee on the batteries but he's not sure of the expected life expectancy of those batteries. Mr. Schmidt also stated that the retail value of each lamp post was approximately \$6,000.00-\$7,000.00. He stated that includes the battery and the light bulb. The Commissioners decided to not make any decision on maintenance at this point. Jennifer Sharkey stated that she will gather the maintenance costs from Bill Schmidt and Frank Baade for the next Commissioners Meeting.

Ms. Sharkey stated that the road striping from last year are all marked out and once the pavement dries, the company will be out to lay the stripes. She stated that a water based paint is used so the pavement has to be completely dry. Ms. Sharkey said that she also talked to the company about getting in line for this year's striping list.

Jennifer Sharkey updated the Commissioners on the Clear Lake bridge and she said that she believes that issue has been resolved.

Ms. Sharkey informed the Commissioners that the ADA Coordinator and the Title VI Coordinator needs to be designated in order to remain eligible for federal funds. Ms. Sharkey stated that in the past the ADA Coordinator has been the GIS Coordinator and she suggests having the Title VI Coordinator be someone from the Auditor's Office since it deals with discrimination and some HR issues versus highway issues. She stated that there is a training session in September for the coordinators to attend.

Jennifer Sharkey also stated that she is working on a permit manual that would answer questions on different permits. She believes having a condensed manual would be helpful to the contractors and general public. Ms. Sharkey also stated that she is working on the Annual Report that is due in June.

Dan Caruso, County Council, came to the Commissioners regarding road funding. Mr. Caruso stated that County Council decided that they are not going to pursue the LOHUT Tax to provide the Highway Department the funding that is needed to get the roads back where they need to be; however, they are working on other solutions. He stated that the Council has formed a committee to work with neighboring communities and similar counties to again petition at state level for a Local Option Gas Tax. Mr. Caruso stated that taking funds from the County Park would help with the road funding. Mr. Caruso stated that he is asking to take the remaining funds, after what is in place for this summer is finished up, and allocate those Major Moves funds directly to the new projects that Jennifer Sharkey has engineered. He feels that the appropriate thing to do, since the County Park projects are in limbo, would be to put that money in play for our roads.

James Crowl stated that two and a half years ago, Council approved the money for the County Park by a 6-1 vote. Last summer the campground showed a huge improvement. The revenue from the campground goes straight into the general fund, not the Highway Department. Ronald Smith stated that the Commissioners have no intent on playing ball with FEMA as they have shown a zero confidence factor. Due to funding being pulled, there will be no FEMA building at the County Park. He stated that the County Park Improvement Committee met last week and they are thinking that the building will be built according to the plans, minus the basement. Ronald Smith said in doing that, it does away with some of the ADA factors, the elevator and some contracting. He stated that Frank Charlton, Building Commissioner, has a company that is going to finish the electrical, HVAC, etc. for less than what was expected. Ronald Smith stated that he believes that they can come in way under budget and that the process can begin to move forward.

Ronald Smith said that he understands that more money is needed for Highway; however, his preference is to use Major Moves money for the projects. He stated that he recommends re-supplement the money from Highway to help them complete these projects. Ronald Smith stated that the Governor of the State of Indiana did not use the Major Moves money as a nest egg to sit on for the next 100 years. It was given for the idea it would be used for roads and economic development. He stated that if money is needed, do not go the LOHUT route, use the Major Moves money.

Ronald Smith asked that Council not cut the County Park Project. He also stated that the County is in the process of taking down signs that say 4-H Park, because it is a County Park. Ronald Smith stated that the Commissioners do not want to see the County Park Project dialed back at this point in time.

Ronald Smith said that the Council and the Commissioners are a ten (10) person form of Government because the Council and the Commissioners are the allies that make this work. He then thanked the Council for working with the Commissioners and stated that they all shall move forward and make it work.

Gerry Ferrell, Steuben County Theatre Group, thanked the Commissioners for allowing him to address the issues and concerns surrounding the Theatre Group. Mr. Ferrell stated that the Steuben County Theatre Board is still alive and well and working. He stated that they have not been as active or putting on plays due primarily to lack of directors, actors, etc. Mr. Ferrell stated that he was at the meeting today to find out the concerns of the Commissioners and what needs to be done to move forward. James Crowl stated that the biggest concern was the fact that the last time anything was done was in March, 2005. That was the last time money changed hand between the Steuben County Theatre Group and Steuben County. He stated that there are a lot of props, etc. that are being worked around and now Gary Fair needs to know what to do with them.

Gary Fair, Community Center Building Maintenance, said that it is a housekeeping issue. He has been trying to get things cleaned up, painted, etc. Mr. Fair stated that there has been several things that needed to be moved into the storage area which is now completely full. He told Mr. Ferrell that he thinks it would be beneficial to get a group of the theatre members around and make a decision on what should be kept and stored and what can be disposed of. James Crowl stated that he checked out the storage room the other day and there was makeup that is ten (10) years old, wigs, etc. that is being stored. Lynne Liechty asked if Gerry Ferrell and Gary Fair could get together and organize the props. Gary Fair suggested bringing some of the theatre group in as well to help with this task.

Tami Mosier, Purdue Extension, introduced Megan Peterson, the new Health and Humane Sciences Extension Educator. Ms. Peterson is a graduate of Indiana University with a Master's in Applied Health Sciences and a Major in Human Development and Family Studies. Ms. Mosier made the Commissioners aware that Ms. Peterson is ¾ time per the Commissioner and Council funding structure.

Gary Fair, Community Center Maintenance, came to the Commissioners regarding the MSD Tower. He stated that the MSD would like to possibly purchase the tower back from the County. If that was done, the MSD would assume all responsibility of maintenance and upkeep. He stated that all utilities except for the smoke and fire alarms are completely separated. Mr. Fair submitted quotes for the HVAC repair for the third floor of the MSD tower. He stated that the repairs for the units will be in the neighborhood of \$38,000.00. If a new unit was installed, that price would not exceed \$70,000.00. Mr. Fair stated that it would take seven (7) weeks to get the units installed and in order have air conditioning, portable units will need to be used. He said with three (3) portable units running it would cost about \$6,000.00 a month. Gary Fair stated that he would like to bring this to the Commissioners at the next meeting with concrete numbers. Lynne Liechty made a motion to open a dialogue with the MSD regarding the ownership of the tower. James Crowl seconded that motion and the motion carried with three (3) ayes. Ronald Smith stated that he will be the one to speak with the MSD.

Gary Fair stated that he will have numbers for the Commissioners, at the next meeting, for the new parking lot on Wall and Martha Street. Mr. Fair stated that he will also bring in numbers for asphalt repair in different areas and the MSD parking lots.

Mr. Fair stated that he will be following up on the infrared imaging on the building. He also said that he will start getting numbers around for the foundation repair.

Kris Thomas, Health Department, came to the Commissioners with the final draft of the new Septic Ordinance 864 and a draft policy requiring Environmental Health Specialist to become certified in onsite septic inspections. Ms. Thomas stated that she met with James Crowl and addressed all of the concerns he had. James Crowl made a motion to approve the first reading of the Septic Ordinance 864. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

**Second and Third Readings  
Steuben County, Indiana  
Ordinance No. 864**

Thereupon, County Commissioner, Lynne Liechty, moved that all rules of procedure of the County Commissioners which might prevent, unless suspended, that second and third readings of Steuben County Ordinance No 864, 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 James Crowl and was on the call of the roll adopted by the following vote:

Ayes  
3

Nays  
0

Under the suspension of the regular rules, County Commissioner, James Crowl, 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 Lynne Liechty and on the call of the roll was adopted by the following vote:

Ayes  
3

Nays  
0

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 Ordinance No. 864, 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. Ordinance 864 with original signatures is on file in the Auditor's office. Ordinance No. 864 reads as follows:

**Ordinance No. 864**

STEUBEN COUNTY ONSITE SEWAGE SYSTEMS ORDINANCE  
ORDINANCE NO. 864

In Steuben County, Indiana

This Ordinance and all Ordinances supplemental or amended hereto shall be known as the Steuben County Onsite Sewage Systems Ordinance and may be cited as such and will be referred to herein as "this Ordinance". This Ordinance will effectively repeal Ordinance # 500, 500-A and any amendments thereto.

The purpose of this Ordinance is to provide minimum standards for the prevention and suppression of disease and health risks associated with the use of onsite sewage systems and to otherwise promote public safety and welfare and protection of the environment. This Ordinance incorporates the latest science, technology and practices available as of the effective date of this Ordinance.

This Ordinance regulates the location, installation, construction, maintenance, reconnection, replacement, alteration and repair of all residential and commercial onsite sewage systems in Steuben County, Indiana. It also provides for the administration and enforcement of the provisions contained herein, and affixes penalties for violation.

This Ordinance:

defines Certified Installer, Health Board, Health Department, Health Officer, Installer, Notice of Violation, Order, Permit, Registered Installer, Sanitary Vault Privy;

sets forth requirements for minimum standards for permit issuance;

requires onsite sewage system installer registration and certification;

requires construction plans or alteration plans of residential onsite sewage systems;

requires a Permit and payment of Permit fees for the installation, construction, reconnection, replacement, alteration and repair of residential and commercial onsite sewage system permits;

provides for compliance and the enforcement of this ordinance;

provides penalties for violations of said Ordinance; and

incorporates by reference Indiana Code (IC) 16-19-3-4, Indiana State Department of Health (ISDH) Rules 410 Indiana Administrative Code (IAC) 6-8.3 et. seq., 410 IAC 6-10.1 et. seq., and Bulletin SE 11, the Sanitary Vault Privy, 1986 Edition et. seq.

Be it ordained by the Board of Commissioners of Steuben County, State of Indiana, that:

#### **Section A: Authority**

The Steuben County Health Department is hereby authorized to issue residential and commercial onsite sewage system permits, collect Permit fees and penalties, perform inspections, hold hearings, order or otherwise compel correction of violations of this Ordinance, and is otherwise authorized to perform all actions necessary for the administration and enforcement of this Ordinance.

#### **Section B: Definitions**

**Certified Installer** means an installer who passes a written proficiency examination conducted by the Indiana Onsite Wastewater Professionals Association (IOWPA) and maintains certification through retesting or obtaining the proper Continuing Education Units.

**Health Board** means the Health Board appointed as specified in IC 16-20-2 and having jurisdiction in Steuben County, State of Indiana.

**Health Department** means the local health department in Steuben County having jurisdiction over the installation, construction, maintenance, reconnection, replacement, alteration and repair of a residential onsite sewage system as specified in IC 16-20-1.

**Health Officer** means the person appointed as specified in IC-16-20-2-16, or his/her duly authorized representative, as specified in IC 16-20-1-14, who may conduct inspections and make a decision on an enforcement action in Steuben County, State of Indiana.

**Installer** means any person engaged in or intending to engage in the installation, construction, reconnection, replacement, alteration or repair of onsite sewage systems or equipment in Steuben County, State of Indiana.

**Notice of Violation** means a written notification of an ordinance, rule, or statute violation.

**Order** (derived from IC 4-21.5-1-9) means a Steuben County Health Department action of particular applicability that determines the legal rights, duties, privileges, immunities, or other legal interests of one (1) or more specific persons. The term includes a Permit.

**Permit** means the document issued by the Steuben County Health Officer that authorizes a person to install, construct, maintain, reconnect, replace, alter or repair a residential or commercial onsite sewage system.

**Registered Installer** means a certified installer who registers with the Steuben County Health Department.

**Sanitary Vault Privy** means a fly tight and rodent proof structure designed for the disposal of human waste and must be properly constructed and maintained according to Indiana State Department of Health Bulletin S.E. 11.

**Section C: Administration**

- 1) The regulations and requirements of the Indiana State Department of Health Rule 410 IAC 6-8.3 Residential Onsite Sewage Systems (the rule) are hereby incorporated by reference in this Ordinance and shall include any later amendments to those regulations and requirements as the same are published in the Indiana Register of the Indiana Administrative Code with effective dates as fixed therein.
- 2) The regulations and requirements of the Indiana State Department of Health Rule 410 IAC 6-10.1 Commercial Onsite Sewage Systems (the commercial rule) are hereby incorporated by reference in this Ordinance and shall include any later amendments to those regulations and requirements as the same are published in the Indiana Register of the Indiana Administrative Code with effective dates as fixed therein.
- 3) All other regulations and requirements duly promulgated by the Indiana State Department of Health as found in Title 410 IAC and various bulletins relative to the subject matter of this Ordinance are further incorporated herein and made a part hereof. Specifically, Bulletin S.E. 11 The Sanitary Vault Privy, as updated or amended from time to time, and any bulletin or publication which may hereafter be published by the Indiana State Department of Health as a supplement or successor to said Bulletin S.E. 11 are hereby incorporated herein and made a part hereof.

**Section D: Onsite Sewage System Installer Registration and Certification**

- 1) Every person who installs, constructs, reconnects, replaces, alters or repairs any part of any onsite sewage system in Steuben County shall be knowledgeable of all laws, rules, technical specifications, and ordinances of both the State of Indiana and Steuben County governing onsite sewage systems.
- 2) No person shall install, construct, reconnect, replace, alter, or repair any part of any onsite sewage system in Steuben County unless the person is registered as an installer with the Steuben County Health Department.
  - a) An installer shall file an application for registration with the Steuben County Health Department and keep on file at the Steuben County Health Department a current certification for applicable system types as described in Section D(3).
  - b) Such registration shall be valid for a term of one year beginning January 1<sup>st</sup> and expiring December 31<sup>st</sup> of the same year and shall be renewed annually. The registration shall bear the name and address of the registered installer and the expiration date. The registration shall not be transferrable.
- 3) Any person who installs, constructs, reconnects, replaces, alters or repairs any part of any onsite sewage system in Steuben County after April 1, 2016 shall obtain installer certification. After April 1, 2016, any person who installs, constructs, reconnects, replaces, alters or repairs any part of any onsite sewage system in Steuben County shall submit to the Steuben County Health Department a current certification in gravity onsite sewage systems and must also keep a current certification on any other types of system that they choose to install, such as flood dose onsite sewage systems, pressure distribution onsite sewage systems or any technologies new to Indiana.
  - a. The applicant for certification shall demonstrate knowledge of the applicable laws, rules, technical specifications, and ordinances by passing the Indiana Onsite Wastewater Professional Association (IOWPA) Certified Installer Examination.
  - b. The Certified Installer shall possess a copy of the certification at all times while installing the onsite sewage system.
  - c. A Certified Installer shall be on the site at all times during onsite sewage system construction, and shall be deemed responsible for the construction. A Certified Installer may supervise other construction workers as necessary to assist the construction.
  - d. Every Certified Installer shall work under a Registered Installer. At the time of registration, all registered installers must submit a list of certified installers that may work under the registration.
  - e. A property owner wanting to install, construct, reconnect, replace, alter, repair or otherwise work on any part of any onsite sewage system serving the property owner's dwelling shall be required to demonstrate knowledge of the applicable laws, rules, technical specifications and ordinances by passing the proficiency examination as described in Section D(3)(a). Such property owner is exempt from registering with the Steuben County Health Department as required in Section D(1).

- 4) Any person who installs any technologies new to Indiana that require certification from the manufacturer shall obtain such certification prior to the system installation in addition to the IOWPA certification.

**Section E: Residential and Commercial Onsite Sewage Systems**

- 1) It shall be unlawful for any person to throw, run, drain, seep, or otherwise dispose into any of the surface waters or ground waters of Steuben County, State of Indiana, or cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise disposed into such waters, any organic or inorganic matter from a dwelling or residential onsite sewage system that would cause or contribute to a health hazard or water pollution.
- 2) Should an onsite sewage system fail, the failure shall be corrected by the owner to the satisfaction of the Steuben County Health Department without delay and within the time limit set by the Steuben County Health Officer. Violations shall be subject to the penalties prescribed in Section J of this Ordinance.
- 3) Where a sanitary sewer system is not available, all persons owning, leasing, or otherwise occupying property shall comply with the requirements of 410 IAC 6-8.3 et. seq., 410 IAC 6-10.1 et. seq., or Bulletin S.E. 11 as applicable, and the provisions of this Ordinance for an onsite sewage system.
- 4) All onsite sewage systems shall be designed, installed, constructed, located, operated, and maintained in a manner approved by the Health Officer and in compliance with the minimum standards set forth in Rule 410 IAC 6-8.3 et. seq., or Rule 410 IAC 6-10.1 et. seq., whichever is applicable, and such other standards and policies as may be adopted from time to time by the Indiana State Department of Health and the Steuben County Health Board, and as stated below:
  - a) **Minimum Parcel Size:** Notwithstanding any other provisions of this Ordinance, wherever a new residence or commercial building is to be constructed within Steuben County that will utilize an onsite sewage system, the building parcel shall consist of an area not less than one (1) acre. This provision shall not be applicable to any subdivisions or lots platted before the effective date of this Ordinance. Onsite sewage systems installed for new construction on a subdivision or lot platted before the effective date of this Ordinance must meet the minimum standards as set forth in Rule 410 IAC 6-8.3 et. seq. or Rule 410 IAC 6-10.1 et. seq., whichever is applicable.
  - b) **Soil Profile Analysis:** A soil profile analysis report prepared by an Indiana Registered Soil Scientist (IRSS) consisting of a minimum of three (3) soil borings and/or soil pits in the area of the proposed soil absorption field or within ten (10) feet from the proposed absorption trenches or mound. The Steuben County Health Department may require additional borings if deemed necessary. The soil absorption field will be sized using the most restrictive soil loading rate found in the soil profiles.
  - c) **Septic Tanks:** Specifications for all new septic tanks shall be a minimum capacity of one thousand two hundred and fifty (1,250) gallons, a minimum of two (2) compartments, and shall be listed on the most current list of the Indiana State Department of Health's pre-approved manufactured septic tanks. Concrete is the material of choice for all septic tanks. Fiberglass, polyethylene or polypropylene tanks may be used in areas where access is limited and its use is approved by the Steuben County Health Officer.
  - d) **Distribution Boxes:** There shall be a riser(s) to final grade on all distribution boxes installed. Riser sections and joints must be constructed to be watertight. Insulation of distribution boxes is permissible. Concrete is the material of choice for all distribution boxes. Other materials may be approved by the Steuben County Health Officer on a case by case basis.
  - e) **Dosing tanks:** Concrete is the material of choice for all dosing tanks. Fiberglass, polyethylene or polypropylene tanks may be used in areas where access is limited and its use is approved by the Steuben County Health Officer.
  - f) **Observation Ports:** The Steuben County Health Department may require observation ports on any system in which it is deemed necessary. The observation port shall consist of a minimum four (4) inch pipe with a removable cap at or above final grade and stabilized with rebar, or other approved stabilization method.
  - g) **Soil Absorption Field:** All residential soil absorption fields shall be sized for a minimum of a two (2) bedroom home (design daily flow of 300 gallons/day).
  - h) **Commercial Onsite Sewage Systems:** All designs for commercial onsite sewage systems shall have written approval from the Indiana State Department of Health prior to issuance of an onsite sewage system Permit from the Steuben County Health Department.

- 5) A privy situated within Steuben County, State of Indiana, shall be of the sanitary vault type and shall be installed, constructed, and maintained in accordance with the minimum standards set forth in Bulletin S.E. 11 as may be revised from time to time by the Indiana State Department of Health.
- 6) The installation of any onsite sewage system not described in Rule 410 IAC 6-8.3, Rule 410 IAC 6-10.1, or Bulletin S. E. 11 shall be approved in advance by the Indiana State Department of Health and/or the Indiana Department of Environmental Management (IDEM).
- 7) Reconnection to an existing onsite sewage system shall be determined using the procedures specified in the Steuben County Health Department Policy "Reconnection to an Existing Onsite Sewage System".
- 8) Wherever a sanitary sewer approved by the Indiana State Department of Health or Indiana Department of Environmental Management is available and within 300 feet of the property line of the residential or commercial property and the estimated cost of sewer construction and connection does not exceed one hundred fifty percent (150%) of the estimated cost of an onsite system, direct connection shall be made to said sewer, and all onsite system components, holding tanks, or Sanitary Vault Privies shall be abandoned as required by law. Such direct connection shall be completed by the owner within ninety (90) days after receipt of written notice ordering such action. Failure of the owner to comply with the provisions of this section shall constitute a violation of this Ordinance and the violator shall be subject to the penalties prescribed in Section J of this Ordinance.
- 9) An owner of a property may apply, to the sewer district with jurisdiction, for an exemption to Section E(8) as specified in Steuben County Health Department Policy "Written Determination for Exemption to Sewer Connection".
- 10) Notwithstanding any other provisions of this Ordinance, the Steuben County Health Department may limit or prohibit the use of an onsite sewage system for residences or businesses in areas that are seasonally wet, pond water, or which periodically flood during any part of the year, or in areas where the size or topography of the site, or where the information contained in a soil analysis report performed by an IRSS, indicates a reasonable likelihood that an onsite sewage system will not function properly and/or will dispose of sewage in an unsanitary manner in violation of the terms of this Ordinance.

#### **Section F: Permits**

- 1) The Steuben County Health Officer shall conduct a plan review on all residential onsite sewage system designs as specified in Steuben County Health Department Policy "Residential Onsite System Plan Review".
- 2) The owner shall obtain a written Permit signed by the Steuben County Health Officer prior to the start of construction of any structure, commercial or private, that is to be served by an onsite sewage system or Sanitary Vault Privy, or prior to the installation, construction, reconnection, replacement, alteration or repair on any part of an existing onsite sewage system.
- 3) The application for such Permit shall be made on a form provided by the Steuben County Health Officer.
- 4) A Permit shall be issued by the Steuben County Health Officer if the plan review finds the proposed residential onsite sewage system is in compliance with the provisions of this Ordinance and the minimum standards set forth in Rule 410 IAC 6-8.3.
- 5) A Permit shall be issued by the Steuben County Health Officer when written approval for a commercial onsite sewage system has been obtained from the Indiana State Department of Health and approval is obtained from the Steuben County Health Officer.
- 6) A Permit fee, as established in Steuben County Ordinance # 745, shall be paid prior to Permit issuance.
- 7) If the onsite sewage system for which the Permit was issued has not been installed, constructed, reconnected, replaced, altered or repaired within one (1) year from the date of issuance, the Permit shall automatically expire and become void. Upon expiration of the Permit, if the system has not been completed, the owner shall reapply for a new Permit. The new Permit shall carry the same fee as the original Permit and shall be paid prior to the issuance of the new Permit.
- 8) The Permit shall be posted prior to the start of construction and shall be located in a conspicuous place at or near the building where the onsite sewage system is being constructed. The Permit shall be plainly visible from the public thoroughfare serving the building.
- 9) Failure of any person to obtain an Onsite Sewage System Permit or to otherwise comply with Section F shall constitute a violation of this Ordinance, and the violator(s) shall be subject to the penalties prescribed in Section J of this Ordinance.

#### **Section G: Permit Denial and Revocation**

- 1) The Steuben County Health Officer may deny an application for a construction Permit, or may revoke a Permit previously issued, for reasons including, but not limited to, any of the following:
  - a) An onsite sewage system design, as represented in the plan submittal, does not meet the minimum requirements of Rule 410 IAC 6-8.3, Rule 410 IAC 6-10.1 or Bulletin S.E. 11, whichever is applicable, or this Ordinance;
  - b) Failure to comply with any provisions of this Ordinance, Rule 410 IAC 6-8.3, Rule 410 IAC 6-10.1 or Bulletin S.E. 11;
  - c) Failure to comply with limitations, terms, or conditions of the Permit;
  - d) Failure to disclose all the facts relevant to the construction and use of an onsite sewage system;
  - e) Misrepresentation; or
  - f) Any change relating to the design, construction, or use of the onsite sewage system not approved, in writing, by the Steuben County Health Department.
- 2) The written denial or revocation shall state the following:
  - a) The basis for the denial or revocation;
  - b) The method or methods available for compliance, if applicable;
  - c) The time frame for compliance, if applicable;
  - d) That the owner has the right to appeal the denial or revocation; and
  - e) The procedure for registering any such appeal.

#### **Section H: Inspection**

- 1) A Permit for the installation, construction, reconnection, replacement, alteration or repair of an onsite sewage system or Sanitary Vault Privy shall not constitute final approval of such system until the same is completed to the satisfaction of the Steuben County Health Officer.
- 2) The property owner, or agent of the property owner, shall notify the Steuben County Health Officer before the start of construction or installation of any component of the onsite sewage system as specified in Steuben County Health Department Policy "Construction and Final Inspection".
- 3) The Steuben County Health Officer, bearing proper credentials and identification, shall be permitted to enter upon all properties subject to the provisions of this Ordinance at reasonable times for the purposes of inspections, observations, measurements, sampling, and testing necessary to carry out the provisions of this Ordinance.
- 4) The Steuben County Health Officer shall inspect the work at any stage of the construction as specified in Steuben County Health Department Policy "Construction and Final Inspection".

#### **Section I: Enforcement**

- 1) Whenever the Health Officer determines there are reasonable grounds to believe that there has been a violation of this Ordinance, Rule 410 IAC 6-8.3 or Rule 410 IAC 6-10.1, or Bulletin S.E. 11, the Steuben County Health Officer shall issue a Notice of Violation to the person or persons responsible, as hereafter provided. Such notice shall:
  - a) Indicate the date and location of the violation.
  - b) Clearly indicate the nature of the violation and the related Ordinance and/or rule citation.
  - c) Allow a reasonable time for the performance of necessary remediation.
  - d) Be properly served upon the person(s) responsible. Proper service shall include any of the following:

- i. Sent to the person directly via United States Postal Service;
  - ii. Sent by certified mail to the last known mailing address of the person;
  - iii. Posted in a conspicuous place in or about the property affected by the notice; or
  - iv. Other method of service authorized or required under the laws of this state.
- 2) After receiving an Order in writing from the Steuben County Health Officer, the owner of the property shall comply with the provisions of this Ordinance and/or rule as set forth in said Order and within the time limit specified therein. Said Order shall be served on the owner but may be served on any person who, by contract with the owner, has assumed the duty of complying with the provisions of an Order. Failure to comply with such Order shall constitute a violation of this Ordinance and the violator shall be subject to the penalties as prescribed in Section J of this Ordinance.
- 3) The Steuben County Health Officer may compel an immediate stop work Order of work completed, in progress, or planned, which is in violation of any provision(s) of this Ordinance. Such stop work Order shall:
  - a) Result in the immediate suspension of all work at the worksite; and
  - b) Be posted at the construction site and confirmed by written notice to the owner or occupant of the premises and any person engaged in the performance of said work or any person causing such work to be performed.
  - c) Failure to comply with such stop work Order shall constitute a violation of this Ordinance and the violator shall be subject to the penalties as prescribed in Section J of this Ordinance.
- 4) Whenever the Steuben County Health Officer finds that an emergency exists which requires immediate action to protect public health, the Steuben County Health Officer may, without notice or hearing, issue an emergency Order declaring the existence of such an emergency and require that action be taken as he/she deems necessary. Notwithstanding the other provisions of this Ordinance, Rule 410 IAC 6-8.3, Rule 410 IAC 6-10.1, and Bulletin S.E. 11, such Order shall be effective immediately.
- 5) Any person to whom such an emergency Order is directed shall comply therewith immediately, but upon petition to the Steuben County Health Officer, shall be afforded a hearing, as soon as possible in the manner provided in Section K.
- 6) If a Registered Installer has repeated violations of any provision of this Ordinance or the applicable rules or technical specifications of the department, the Steuben County Health Officer may revoke the appropriate registration. If registration is revoked:
  - a) The period of revocation shall be no less than ninety (90) days or a time period deemed appropriate by the Steuben County Health Officer; and
  - b) The installer shall be advised in writing for the basis of the revocation, the right and procedure for appeal and the opportunity for a hearing.

#### **Section J: Penalties**

- 1) Any person, firm or entity found to be in violation of any provision of this Ordinance and/or rule shall be fined not more than twenty-five hundred dollars (\$2,500.00). Each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the Steuben County Health Department shall constitute a distinct and separate offense.
- 2) The Steuben County Health Department shall also be entitled to seek any other legal remedy available against any person who shall violate any provision of this Ordinance and/or rule.
- 3) The Steuben County Health Department shall be entitled to seek all legal fees incurred during enforcement of this Ordinance and/or rule.
- 4) The penalties provided in this section shall be cumulative, and not exclusive, and shall be in addition to any other remedy provided by law.

**Section K: Procedure for Appeal**

- 1) Appeals may be filed with the Steuben County Health Department for any of the following decisions or actions taken by the Steuben County Health Officer:
  - a) Denial of a Permit to install, construct, reconnect, replace, alter or repair an onsite sewage system or Sanitary Vault Privy;
  - b) Revocation of a Permit;
  - c) Prohibition or limitation of the use of an onsite sewage system for any reason set forth in Section E(11);
  - d) The issuance of a Notice of Violation as prescribed in Section I(1);
  - e) The issuance of a stop work Order as prescribed in Section I(3);
  - f) The issuance of an Emergency Order as prescribed in Section I(4);
  - g) Revocation, or duration of revocation, of installer registration as prescribed in Section I(6); or
  - h) A penalty as prescribed in Section J.
- 2) Any person(s) filing such appeal shall be granted a hearing on the matter before the Steuben County Health Board. The request shall be in writing and received at the office of the Steuben County Health Department within ten (10) calendar days of receipt of the notice. If a request for hearing is not received within the ten (10) calendar days, the decision or action shall stand.
- 3) Such request shall briefly state the reasons for the requested hearing. Upon receipt of a request for a hearing, the Steuben County Health Officer shall arrange a time and a place for such hearing and shall give the petitioner written notice thereof.
- 4) Such hearing shall be held as soon as practical after receipt of the request in compliance with IC 5-14-1.5-5 (Open Door Law).
- 5) At such hearing, the petitioner shall be given the opportunity to be heard and to show evidence as to why such decision or action should be modified or withdrawn. Additionally, the Health Officer shall be given time to explain the circumstances of the decision and/or action.
- 6) The proceedings at such hearing, including the findings and decision of the Steuben County Health Board, shall be summarized in the minutes of the hearing and entered as a matter of public record in the office of the Steuben County Health Department. In addition, all pertinent information including, but not limited to, Permit application and written correspondence, shall be included in the public record. Any person may seek relief thereof from any court of competent jurisdiction as provided by the law of the state.

**Section L: Remedies**

- 1) Upon refusal or neglect of any person to correct an unlawful or unsanitary condition when the abatement of the condition has been ordered in writing by the Health Officer or an appeal against the decision and/or action has been sustained by the Health Board, the Health Officer may, through the office of the Steuben County attorney, or an attorney representing the Health Department, institute proceedings in the judicial court district wherein the offense occurs for enforcement by prohibitory or mandatory injunction to restrain any person from violating the provisions of this Ordinance.

**Section M: Fee Schedule**

- 1) All applicable fees as set forth in the Steuben County Health Department Fee Ordinance # 745 and any amendments or revisions hereafter, shall be made payable to the Steuben County Health Department.

**Section N: Conflict of Ordinances**

- 1) In any case where a provision of this Ordinance is found to be in conflict with a provision of any code of Steuben County, Indiana, existing on the effective date of this Ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of any other code of Steuben County, Indiana, existing on the effective date of this Ordinance which establishes a lower standard for the

promotion and protection of the health and safety of the people, are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

- 2) If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to the end the provisions of this Ordinance are hereby declared to be severable.

**Section O: Date of Effect**

Passed and adopted by the Commissioners of Steuben County, State of Indiana, on this 6th day of April, 2015

**First Reading: 4-6-15**  
**Second Reading: 4-6-15**  
**Third Reading: 4-6-15**

**STEBEN COUNTY BOARD OF COMMISSIONERS**

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

**Attest: Kim Koomler, Steuben County Auditor**

Kris Thomas also addressed the Commissioners regarding storage issues that the Health Department is facing. Ms. Thomas stated that the Health Department will be purchasing equipment for the Medical Reserve Core and for preparedness; however, they have no place to put the items. James Crawl stated that he believes the only space left available is the basement in the YIP House because that building is still being used for training and classrooms. James Crawl also stated that there is space available in the old Work Release building as well. James Crawl told Ms. Thomas to buy the equipment and space will be found someplace to store it and he asked Ms. Thomas to contact him when the items are received.

Michael VanWesten, Board of Aviation, came to the Commissioners regarding a request for additional funds, in the amount of \$25,000.00, for operating expenses at the airport. Michael VanWesten also informed the Commissioners that the Board of Aviation is moving forward on the testing of the brownfields and the trees that the FAA is requiring be removed.

Lori Hickey, First Deputy, stated that last year the Commissioners gave the Board of Aviation \$20,000.00 for utilities. Ronald Smith said that the State cut the Airport's budget, due to no revenue, and this request is to cover the shortfall because of that reduction. James Crawl asked if these funds were for utilities. Mr. VanWesten stated that the major portion is for utilities for the big building, the runway lights, etc. Lori Hickey stated that the last time the Airport was given additional funds for utilities, she paid the bills, sent the Board of Aviation copies and kept track of the funds in the Auditor's Office. Ms. Hickey stated that out of the \$20,000.00 additional funds, they still had close to \$10,000.00 left at the end of the year.

Donald Stuckey stated that it was represented to the Commissioners and the Council that with the new facilities at the Airport, there would be a significant increase in income. James Crawl stated that it was not only fuel it was also the rental of the building was supposed to be used more. Lynne Liechty stated that she would like to see a business plan on how the Board of Aviation plans on going about increasing revenue. Ronald Smith also told Mr. VanWesten that it was agreed between the Commissioners and the Board of Aviation that quarterly reports would be submitted and those have not been filed.

Lynne Liechty made a motion to approve the additional funds in the amount of \$25,000.00; however, it will be paid bill by bill through Lori Hickey in the Auditor's Office. James Crawl seconded that motion and the motion carried with three (3) ayes. Ronald Smith stated that it was brought to his attention that because of the nature of the transaction last year, that perhaps an additional of \$15,000.00 should be approved and then if the Board of Aviation needs to come back for more, they can do that. Lynne Liechty amended her previous motion and amended it to that the additional funds be limited to \$15,000.00, all bills to be paid through the Auditor's Office. James Crawl seconded that motion and the motion carried with three (3) ayes.

Jim Getz, County Council, asked if the request will be made to Council. Ronald Smith stated that the Auditor's Office stated that the additional funds will be coming from Cum Cap and therefore does not need to go to Council. Donald Stuckey wasn't sure if Cum Cap was the appropriate place for the funds to come from since it is not a capital expenditure. If the funds were taken from EDIT, the EDIT place would need to be reorganized. Lori Hickey, First Deputy, stated that the additional funds last year were taken from Cum Cap. Donald Stuckey stated, that in his opinion, it shouldn't have come from Cum Cap last year. Ronald Smith stated that a designation will be set in the next meeting.

The Commissioners received the following correspondence: NACo re: County News Alerts; HUD Exchange re: Subscription; State of Indiana Joint Information Center re: Media Advisory; Maumee River Basin re: Urgent call for action; ENR Equipment re: Diesel Fuel Prices; NACo re: Vote on Priorities; Commonwealth Engineers re: New Business Development Manager; NACo re County News Alerts; IEDC re: IEDC Marketplace News Update; NACo re: Washington Watch;

STEUBEN COUNTY BOARD OF COMMISSIONERS

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Ronald L. Smith, President, South District

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James A. Cowl, Vice President, Middle District

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Lynne A. Liechty, North District

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