

STEBEN COUNTY BOARD OF COMMISSIONERS MEETING
June 15, 2015

The Steuben County Commissioners met at 8:30 a.m. on Monday, June 15, 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, Steuben County Council Vice President, Donald Stuckey, County Attorney and Kim Koomler, Steuben County Auditor.

Lynne Liechty made a motion to approve the claims submitted for payment this day totaling \$463,311.16. James Crowl seconded that motion and the motion carried with three (3) ayes.

James Crowl made a motion to approve the Commissioners' Meeting minutes from the meeting held June 1, 2015 and June 4, 2015. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

The Commissioners signed the minutes from the May 18, 2015, Commissioners' Meeting, which were approved at the previous meeting.

The Commissioners discussed roadside assistance programs for county vehicles. Kim Koomler, Auditor, stated that she checked with other surrounding counties and either roadside assistance is not offered or it is offered at no additional cost through the county insurance. She also stated that there has only been one incident in the past several years and doesn't know if it is worth the cost. Lynne Liechty stated that since an incident has only happened once, most people have credit cards and it can be done as a reimbursement. The Commissioners decided to not take any action on the issue.

Steuben County EMS submitted May 2015 Closeouts, in the amount of \$5,797.12, to the Commissioners for approval. James Crowl made a motion to approve the Closeouts in the amount of \$5,797.12. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Steuben County EMS also submitted May 2015 Write-Offs, in the amount of \$145,818.62, to the Commissioners for approval. Lynne Liechty made a motion to approve the Write-Offs in the amount of \$145,818.62. James Crowl seconded that motion and the motion carried with three (3) ayes.

The Commissioners received information from Jody Kinsey, USI Insurance, regarding the addition of bone density testing to the insurance. Lynne Liechty made a motion that the bone density testing be covered if the employee is age 60 or over or if the bone density testing is doctor recommended, regardless of age. James Crowl seconded that motion and the motion carried with three (3) ayes.

Craig Benson, submitted a Petition to Vacate an alley between lots 9 and 10 in Jones Addition, on behalf of his clients, Mr. and Mrs. Burgoon. Mr. Benson stated that the proper notifications have been provided to the public. Frank Charlton stated that the Plan Commission did public notice and that was paid by Mr. and Mrs. Burgoon. Mr. Charlton also submitted notice of publication and the certified mailing to enter into the record. Frank Charlton stated that on December 2, 2014, Mr. and Mrs. Burgoon came to the Commissioners and the Commissioners forwarded this issue to the Plan Commission. On December 3, the Plan Commission held the hearing and a non-favorable recommendation was made. It comes to the Commissioners today with no recommendation because it was a 3-2 vote. Mr. Benson stated that there was no negative public input at the hearing. Donald Stuckey, County Attorney, stated that he sees no legal issues with the matter. Ronald Smith opened up the floor for public comment and there was no one that wished to speak. Ronald Smith stated that he would be in favor of vacating the alley as Mr. and Mrs. Burgoon followed all the necessary avenues and there has been no negative public comment. Lynne Liechty made a motion to approve the alleyway vacation. James Crowl seconded that motion and the motion carried with three (3) ayes.

**Second and Third Readings
Steuben County, Indiana
Ordinance No. 3132**

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 3132, 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:

Ayes
3

Nays
0

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:

Ayes
3

Nays
0

The title of said Ordinance was then read aloud for the second and third readings. Thereupon, County Commissioner, Lynne Liechty, 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 James Crowl 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 3132 with original signatures is on file in the Auditor's office. Ordinance No. 3132 reads as follows:

ORDINANCE NUMBER 3132

**AN ORDINANCE OF THE STEUBEN COUNTY
BOARD OF COMMISSIONERS
REGARDING THE VACATION OF A PLATTED ALLEY, JONES ADDITION TO SPRING BANK**

WHEREAS, the Petitioners has filed a Petition for Vacation of a Platted Way pursuant to Indiana Code 36-7-3-12/13;

WHEREAS, the Petitioners own or have legal interest in certain real estate which is contiguous to the platted way or place proposed for vacation;

WHEREAS, notice by publication to the population at large by legal ads placed in the Herald Republican on December 24, 2014 and notice by certified mail to abutting property owners no later than December 24, 2014, has been properly made consistent with Indiana Law;

WHEREAS, the Petitioners have paid the expense of providing legal notice;

WHEREAS, the vacation of the public way **WOULD NOT** hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;

WHEREAS, the vacation **WOULD NOT** make access to the lands by means of public way difficult or inconvenient;

WHEREAS, the vacation **WOULD NOT** hinder the public's access to a church, school or other public building or place; and,

WHEREAS, the vacation **WOULD NOT** hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous,

IT IS HEREBY ORDAINED BY THE STEUBEN COUNTY BOARD OF COMMISSIONERS THAT THE FOLLOWING DESCRIBED PUBLIC WAY IN STEUBEN COUNTY, INDIANA, **IS VACATED:**

A part of the Northeast Quarter of Section 14, Township 38 North, Range 13 East, Jamestown Civil Township, Steuben County, Indiana and being a part of Jones Addition to the Village of Spring Bank as recorded in Plat Book 1, Page 102 of the records of the Steuben County, Indiana Recorder, described as follows: Beginning at a #5 rebar found at the Northwest corner of Lot #9 in said plat; thence North 32°02'49" East 14.84 feet to the Southwest corner of Lot #10; thence South 88°52'36" East a distance of 79.59 feet to a #5 rebar found at the Southeast corner of said Lot #10; thence South 31°04'58" West 14.72 feet to a #5 rebar found at the Northeast corner of said Lot #9; thence North 88°51'11" West 79.86 feet back to the point of beginning, Containing 0.023 acres, more or less, subject to all easements and grants thereon.

THENCE, all of said vacated portion of the platted way, described in the attached description, shall pass in fee title to the owners of the adjacent property to the north and south (Map# 76-03-14-130-207.000-006; 76-03-14-130-206.000-006)

STEUBEN COUNTY BOARD OF COMMISSIONERS

First Reading: 6/15/15
Second Reading: 6/15/15
Third Reading: 6/15/15

Lynne A. Liechty, Northern District
James A. Crowl, Central District
Ronald L. Smith, President/Southern District

ATTEST:

Kim Koomler, Steuben County Auditor

Linda Myers, Recorder, submitted a Redaction Services and Support Agreement with CSI – Computer Systems, Inc. for approval. James Crowl made a motion to approve that agreement. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Bernie Halinski, Pitney Bowes, came to the Commissioners regarding the postage machine lease. He said that the new contract monthly fee decreases, but the services included are increased. Mr. Halinski stated that the new lease will include electronic return receipt for certified mailings as well. Lynne Liechty made a motion to approve the five (5) year contract for the mail machine. James Crowl seconded that motion and the motion carried with three (3) ayes.

Kone submitted a proposal to perform the annual test of traction lift #47795 in the amount of \$424.07. Lynne Liechty made a motion to accept the proposal from Kone. James Crowl seconded that motion and the motion carried with three (3) ayes.

Tami Mosier, Purdue Extension, submitted three (3) requests to use a county vehicle to transport 4-H youths on June 8-10, June 10-12 and June 22-24. Prior approval was obtained for the dates prior to this meeting. James Crowl made a motion to formally approve all three (3) requests. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Gary Fair, Community Center Maintenance, submitted two (2) quotes to the Commissioners for a new floor scrubber. Mr. Fair stated that the one quote from KSS includes a \$200.00 trade-in allowance; however, they do not want

the machine. James Crowl made a motion to accept the quote from KSS Enterprises that included the \$200.00 trade-in allowance. The total amount of the quote was in the amount of \$5,182.27 and it shall be paid 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 window repair to the Commissioners. He stated that he received two (2) quotes that included the rental of a man lift. Mr. Fair stated that he called around locally regarding rental rates on a man lift and he said that the local rates came in considerably less than what was quoted by each company. Gary Fair recommended accepting the Carrington Masonry quote in the amount of \$1,280.00 and follow up with another water test if needed. James Crowl made a motion to accept the Carrington Masonry quote in the amount of \$1,280.00, to be paid from Cum. Cap 1138-000-4000.15. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Ronald Smith asked Mr. Fair if there was any warranty or guarantee with this work. Mr. Fair stated that is why he brought the old PACT Agreement to the Commissioners as well. He stated that he reviewed that document and did not see any type of warranty. Mr. Fair stated that on the PACT Agreement it listed that mortar wash was placed on the building. He stated that this product goes over the mortar and is painted on with the paint brush. Gary Fair said that the mortar wash was never put on the building as you would be able to see discoloration where it would have been placed. Mr. Fair stated that he just wanted the Commissioners to know that the PACT Agreement wasn't completely accurate.

Gary Fair stated that the parking lot cracks were filled in over the weekend. He reported that the first meeting in July he plans on submitting the costs of sealcoating and striping the parking lots for the 2016 budget.

The Commissioners discussed the purchase of the property located at 314 S. Washington Street, Angola, Indiana. Ronald Smith stated that the current owner has expressed interest in selling that property due to the cost of repairs that are needed to the home. Ronald Smith asked the other two Commissioners to consider an offer to be made to the owner for the acquisition of that property. James Crowl suggested having the owner come to a meeting and speak to the Commissioners. Gary Fair stated that the property owner seems willing to let go of the property and he would like it to happen soon before he has to put more money into the home. Mr. Fair stated that an \$8,000.00 roof is needed very soon. Mr. Fair also stated that the electrical on the outside of the home has been repaired in the last week as well. Ronald Smith suggested that the funds come from the EDIT fund; however, it may not be defined in the EDIT Plan. He said he feels that overall it would be considered a part of that plan because it's considered a project. Kim Koomler, Auditor, stated that the funds have not been allocated in the EDIT fund so the Commissioners would need to go through the additional process with County Council. Lynne Liechty made a motion to offer \$33,000.00 for the purchase of the property. James Crowl seconded that motion and the motion carried with three (3) ayes. It was suggested to have Erin Wray, Commissioners' Secretary, write a letter to the property owner regarding the offer from the Commissioners.

Ronald Smith asked Mr. Fair if any feedback has come from the MSD regarding the change of ownership, Mr. Fair stated that he has not had any feedback from the MSD. Donald Stuckey reviewed the proposal to be made to the MSD and he said there were no problems from a legal standpoint. Ronald Smith requested that the Commissioners make official action to sell the tower, above the first floor, to the MSD. Donald Stuckey stated that the County Council has to approve and do the sale. James Crowl made the motion to officially offer the MSD Tower, above the first floor, for sale for One Dollar (\$1.00) to the MSD. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

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

Emmett Heller, Highway Superintendent, updated the Commissioners on projects being worked on at the Highway Department.

Jennifer Sharkey, Engineer, was absent at the meeting, but submitted reimbursement vouchers for approval and signature. The first reimbursement voucher was for CR 200 N/CR 200 W in the amount of \$3,444.45 and the second was for CR 200 N/SR 827 in the amount of \$3,707.15. Lynne Liechty made a motion to approve the reimbursement vouchers. James Crowl seconded that motion and the motion carried with three (3) ayes.

Donald Stuckey, County Attorney, submitted Ordinance Number 868 to the Commissioners for approval. Ordinance 868 adopts the Standard Operating Procedures for the Steuben County Highway Department. James Crowl made a motion to approve Ordinance Number 868. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

**Second and Third Readings
Steuben County, Indiana
Ordinance No. 868**

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 Ordinance No 868, 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, 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:

<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:

<u>Ayes</u> 3	<u>Nays</u> 0
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The President of the Steuben County Commissioners, Ronald L. Smith, declared publicly Ordinance No. 868, 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 868 with original signatures is on file in the Auditor's office. Ordinance No. 868 reads as follows:

ORDINANCE NUMBER 868

WHEREAS, the Steuben County Commissioners believe it is good public policy to standardize and provide in written form Standard Operating Procedures for the Steuben County Highway Department; and,

WHEREAS, the Steuben County Highway Department and the Steuben County Engineer have provided a Standard Operating Procedures Handbook, a copy of which is attached hereto and marked "Exhibit A"; and,

WHEREAS, the Steuben County Commissioners have reviewed the Standard Operating Procedures Manual attached hereto and marked "Exhibit A" and find that it should be approved.

IT IS HEREBY ORDAINED BY THE STEUBEN COUNTY COMMISSIONERS that Standard Operating Procedures for the Steuben County Highway Department shall be those procedures as set forth in the attached "Exhibit A" entitled Steuben County Highway Department Standard Operating Procedures.

That any ordinances or other operating procedures previously adopted and inconsistent or in conflict herewith are hereby repealed.

That this ordinance shall take full force and effect upon passage and publication according to law.

DATED: June 15, 2015.

Steuben County Commissioners
Ronald L. Smith, President
James A. Crowl, Vice President
Lynne Liechty

ATTEST:
Kim Koomler, Steuben County Auditor

EXHIBIT A

**Steuben County
Highway Department**

STANDARD OPERATING PROCEDURES

Effective: June 1, 2015

Prepared By: Steuben County Highway Department

Approved By: Steuben County Auditor's Office

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STATEMENT OF PURPOSE

In addition to the Personnel Policies Handbook distributed by Steuben County Government upon approval of the Steuben County Commissioners, this document titled "Steuben County Highway Department Standard Operating Procedures" outlines additional employment policies for highway department personnel. This SOP was prepared by the Steuben County Highway Department and was reviewed and approved by the Steuben County Auditor's Office for implementation.

No standard operating procedure can anticipate every circumstance or question about policy. The need may arise to change standards described in this document. Steuben County Highway Department authorized representatives reserve the right to revise, supplement, or rescind any operating procedures from time to time as deemed appropriate. These changes shall be presented to the Steuben County Auditor's Office for additional review and formal approval.

Each employee is to receive a copy of this document and shall sign the Certificate of Receipt to acknowledge his/her receipt of this document. Should any revisions be made, each employee will be notified of such changes and documentation shall be provided.

AUTHORIZED REPRESENTATIVES

Steuben County Highway Department authorized representatives, in regards to the modification of this document; include the Highway Superintendent and Highway Engineer. Additional representatives may be added as deemed appropriate.

I. On-Call Person

Every employee designated as a Truck Driver or Equipment Operator with a valid CDL shall be included in the "On-Call Schedule" created by the Highway Clerk. An individual MUST serve his/her on-call duties during the week assigned unless he/she finds a qualified replacement within the highway department, has approval of the Highway Superintendent, or in his absence, the Highway Engineer, and notifies the Highway Clerk prior to his/her scheduled week.

The Highway Clerk MUST provide Dispatch a copy of the On-Call Schedule and IMMEDIATELY notify Dispatch if a change has been made on the schedule.

If the on-call person is called out by Dispatch and needs equipment from the highway barn or additional assistance from highway department personnel, he/she must contact the Highway Superintendent to notify him of the equipment used or additional personnel assisting.

A. On-Call Pay

An employee who serves his/her on-call duties is granted four (4) hours of straight pay. This shall be paid during that pay period of the on-call time and will be designated as such on an employee's timesheet. On-call pay does not count towards overtime calculations.

On-call pay may be granted to an employee who is responsible for daily activities and supervising the department when the Highway Superintendent and Highway Engineer are out of town for a conference or other training session. This person shall be designated by the Highway Superintendent, or in his absence, the Highway Engineer, and shall be granted an appropriate time of straight pay as determined by the Highway Superintendent and/or Highway Engineer.

B. Call-Out Time

As outlined in Ordinance 822 dated January 3, 2012, a non-exempt employee who is called out to work unscheduled work hours shall be paid at 1 ½ times the regular hourly rate for all call-out time hours worked, with a minimum of

two (2) hours compensated. If the event takes a longer than two (2) hours to complete, the employee shall be compensated for actual hours worked in excess of two (2) hours. The employee does not get a minimum of two (2) hours per event. If the employee is out on a call or in a highway department vehicle/equipment at the time of another call from Dispatch and/or the Highway Department, his/her call-out time shall continue through to address the next event. The employee may not claim an additional minimum two (2) hours of compensation for that event.

II. Compensatory Time

Non-exempt employees may not accrue more than eighty (80) hours of compensatory time in a year's time from December – November. Compensatory time must be used by the end of November.

III. Regular Work Day

The Steuben County Highway Department has two typical work schedules as follows:

Winter Hours*:	September – April	Monday-Friday	7:00am-3:30pm	
Summer Hours**:	April – September	Monday-Thursday	6:00am-4:30pm	

*Winter hours may be adjusted daily by the Highway Superintendent and/or Highway Engineer based on weather conditions.

**Summer hours are approved on a yearly basis by the Steuben County Commissioners.

Both schedules include an unpaid ½ hour rest/meal period. This period must be taken unless otherwise approved by the Highway Superintendent, or in his absence, the Highway Engineer.

During Winter Hours, every non-exempt employee is required to work at least eight (8) hours a day during the regular work week of Monday through Friday unless specified time off is communicated to and approved by the Highway Superintendent, or in his absence, the Highway Engineer.

During Summer Hours, every non-exempt employee is required to work at least ten (10) hours a day during the regular work week of Monday through Thursday unless specified time off is communicated to and approved by the Highway Superintendent, or in his absence, the Highway Engineer.

IV. Rest/Meal Break

Every non-exempt employee is required to take an unpaid ½ hour rest/meal break as outline in the following sections.

A. Regular Work Day

During a regular work day (Monday – Friday for Winter Hours or Monday – Thursday for Summer Hours) an employee must take his/her unpaid ½ hour rest/meal break between the period of two (2) hours after the start of the work day and two (2) hours before the end of the work day (i.e. during a typical 7:00am – 3:30pm work day, an employee must take his/her lunch between 9:00am – 1:30pm) unless otherwise approved by the Highway Superintendent, or in his absence, the Highway Engineer.

B. *Weekend Work Day*

If employees are required to work on the weekend, an unpaid ½ hour rest/meal break is required after eight (8) continuous hours of work unless otherwise approved by the Highway Superintendent, or in his absence, the Highway Engineer.

V. *Overtime*

Employees are required to work overtime hours unless otherwise approved by the Highway Superintendent, or in his absence, the Highway Engineer. Additional information can be found in the Personnel Policies Handbook (pg. 18, Section 3.4.4).

A. *Overtime Calculations*

Overtime is calculated based on forty (40) actual hours worked in a workweek with holidays and vacation counting as actual hours worked.

B. *Overtime Use for Time Off*

Overtime may be used to shorten a regular work day of eight (8) hours during winter months or ten (10) hours during summer months not to exceed ½ day (4 hours for winter hours or 5 hours for summer hours). For example, a non-exempt employee who works 8 hours on Monday, 10 hours on Tuesday, 8 hours on Wednesday, and 8 hours on Thursday, may leave work after 6 hours worked on Friday upon approval from the Highway Superintendent, or in his absence, the Highway Engineer. This request is on a first come, first serve basis with no more than ten (10) employees taking time off at the same time.

VI. *Time Off Increments*

During the Personal Advisory Committee (PAC) meeting held on February 23, 2015, it was granted by the PAC that the Highway Department may designate time off increments in their Standard Operating Procedures due to the hourly schedule of the Highway Department.

An employee may use time off in increments of one-half (1/2) hour. This includes paid sick, personal, and vacation time.

VII. *Time Off Request*

Any time off must be requested by an employee and approved by the Highway Superintendent, or in his absence, the Highway Engineer, one week prior to the date of absence. Upon approval, an employee must write his/her name on the "time off" calendar located in the front office. No more than ten (10) employees may be off on the same day. If time off is requested due to an emergency or sickness, an employee must notify the Highway Superintendent, or in his absence, the Highway Engineer, immediately.

VIII. *Holiday Schedule*

In the event that a holiday falls within the normal workweek during summer hours, the Highway Superintendent and/or Highway Engineer shall designate the normal workweek hours for that time period. For example, during summer hours, highway employees work four (4) days a week (Monday – Thursday) for ten (10) hours a day. Should a holiday fall on one of these four working days (holidays are given as 8 hours), then one (1) hour may be added to two (2) working days to fulfill a forty (40) hour workweek. For example, if a holiday falls on Monday,

then highway employees may be scheduled to work eleven (11) hours on Tuesday, eleven (11) hours on Wednesday, and ten (10) hours on Thursday to fulfill a forty (40) hour workweek.

IX. Personal Protective Equipment

Employees of the Steuben County Highway Department who maintain county facilities and assets shall wear the appropriate personal protective equipment (PPE). Whenever an employee leaves the Highway Department while on the clock he/she MUST, at a minimum, wear a Class II safety vest provided by the Steuben County Highway Department. Additional PPE including eye and face protection, head protection, and hand protection are to be worn when performing activities that pose a risk to the associated body area. Foot protection must be worn at all times.

A. Boot Policy

The Steuben County Highway Department shall reimburse an employee up to \$100 for safety boot purchase every two years (election year). Employee must provide a copy of the boot receipt to the Highway Clerk with reimbursement approved by the Highway Superintendent, or in his absence, the Highway Engineer.

B. Discipline

Failure to wear the appropriate personal protective equipment will result in disciplinary action as outlined below:

- First Offense – verbal warning
- Second and Third Offenses – written warnings
- Fourth Offense – one day off (no pay)
- Fifth Offense – three days off (no pay)
- Sixth Offense – termination

Certificate of Receipt

(Acknowledgement of receiving the Steuben County Highway Department Standard Operating Procedures)

Employee Name: _____

Employee Job Classification: _____

Employer: Steuben County Highway Department

This is to certify that I have been provided the Steuben County Highway Department Standard Operating Procedures. This does not necessarily signify that I agree with the Standard Operating Procedures, but that I have read and understand what is being presented.

Employee Signature: _____

Date: _____

Employer Representative: _____

Date: _____

Donald Stuckey, County Attorney, also submitted Ordinance Number 869 to the Commissioners for approval. Ordinance 869 prohibits use of all forms of smokeless tobacco within the buildings owned by Steuben County. James Crowl made a motion to approve Ordinance Number 869. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

**Second and Third Readings
Steuben County, Indiana
Ordinance No. 869**

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 Ordinance No 869, 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:

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. 869, 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 869 with original signatures is on file in the Auditor's office. Ordinance No. 869 reads as follows:

ORDINANCE NUMBER 869

IT IS HEREBY ORDAINED by the Steuben County Commissioners:

1. That the use of all forms of smokeless tobacco within buildings owned by Steuben County, Indiana is hereby prohibited.
2. That the use of e-cigarettes within buildings owned by Steuben County, Indiana is hereby prohibited.

That a violation of this ordinance is a civil infraction.

That the civil penalty for violation of this ordinance is \$50.00 per occurrence.

That all ordinances inconsistent or in conflict herewith are hereby repealed.

That this ordinance shall take full force and effect upon passage and publication according to law.

DATED: June 15, 2015.

Steuben County Commissioners
Ronald L. Smith, President
James A. Crowl, Vice President
Lynne Liechty

Attest:
Kim Koomler, Auditor

Lynne Liechty stated that she has reviewed the 2014 Allocation Contract for the Humane Shelter and she feels that it needs some changes. She stated that picking up animals in the County needs to be added and if there are negotiations between the County and the Shelter, they will continue operations until those negotiations and/or conflicts are resolved.

James Crowl asked if any communities are being separated and not being serviced by the Shelter. Lynne Liechty stated that yes, there were communities that are not being serviced by the Shelter. James Crowl stated that it has to be 100% or nothing. Kim Koomler stated that the four that are not being serviced is due to the fact that they have not paid the amount requested by the Shelter.

Donald Stuckey stated that he didn't think an actual contract was needed for the annual allocation, a memorandum of understanding would be more proper. Donald Stuckey stated that the two installments of the annual allocation could be spaced out and the last one not paid until the end of December. Kim Koomler asked if they wanted to pay the allocation in two installments due to it being the middle of the year. James Crowl stated that in past years it has been done in two installments and he advised paying half now and half at the end of December.

Lynne Liechty asked Ruth Beer, County Council Vice President, if County Council passed the \$45,000.00. Ruth Beer indicated that was correct; however, they also appropriated \$300.00 of the additional \$10,000.00 that was sent to Council for payment to Corey Kain for the pickup of dogs, that way the Shelter would receive a total amount of \$45,000.00. Kim Koomler stated that the payment needs to be approved by the Commissioners before the check is mailed to the Humane Shelter.

James Crowl asked why part of the County was being separated out. Ruth Beer stated that the Humane Shelter would not accept any money unless the communities that have not paid the requested amount, were not serviced. Ruth Beer stated that she didn't like that fact and James Crowl agreed. Ronald Smith felt that the Humane Shelter is dictating policy to the County. James Crowl stated that there is a standstill on the issue due to the fact the entire County is not being serviced. James Crowl stated that for the amount of money that has been appropriated for the Humane Shelter, they should be servicing the whole County. Ronald Smith stated that due to a lack of a motion, there is no action to move forward on the contract with the Humane Shelter. James Crowl stated that Orland, Fremont, Hudson and Ashley all pay taxes, they shouldn't be ostracized. Ronald Smith stated that Commissioners have chosen to not accept the process because of the fact they are not taking care of all citizens of the County and that is a reason for declination.

The Commissioners discussed the allocation contracts for all allocation recipients. Donald Stuckey stated that a memorandum of understanding would be appropriate, allocate the funds and if they don't do what they are supposed to do, the County has the second installment as a holdback. Kim Koomler asked if he felt that should go across the board with all of the allocation recipients. Donald Stuckey stated that he would prefer a memorandum of understanding and outline the terms so the County can back away if there is a problem. Kim Koomler asked the Commissioners if she could have Mr. Stuckey look at all of the allocations and figure out what to do with the wording before 2016. Donald Stuckey stated that he would be happy to take a look at them.

The Commissioners reviewed the Capital Improvement Plan. Donald Stuckey asked if it had been approved by the County Council. Kim Koomler said that it has not been, but will be. Ms. Koomler stated that now there is an issue because there was a change just made to the Humane Shelter's amount to be \$45,300.00, but that is the full amount being paid out of that line item. Ms. Koomler stated that she understands that the \$45,000.00 currently is not being paid, but asked if it still needed to be in the plan. Donald Stuckey stated that he thought it needed to be modified. He further stated that the money doesn't need to be spent, but at least the provision is in there.

Kim Koomler stated that if the Commissioners plan on purchasing the home on Washington Street out of EDIT, the plan needs to be revised to include that as well. Ronald Smith stated that Cum. Cap. does not seem like the proper place to get the money and recommends going to EDIT for the acquisition of the property if the offer is accepted by the owner. Lynne Liechty made a motion to approve the amended Capital Improvement Plan and take the Plan to County Council for approval. James Crowl seconded that motion and the motion carried with three (3) ayes.

Northeastern Indiana CASA, Inc., informed the Commissioners that they would like to rent the office space available in the Community Center, at a rate of \$400.00 a month. Lynne Liechty made motion to approve the Rental Agreement submitted. James Crowl seconded that motion and the motion carried with three (3) ayes. Ronald Smith stated that CASA can move in whenever they need to.

Erin Wray, Commissioners' Secretary, asked if the Commissioners planned on attending the 2015 AIC Annual Conference on September 21-24, 2015, in LaPorte County. Ronald Smith, James Crowl and Lynne Liechty all stated that they plan on attending.

Ronald Smith stated that the deadline for county recognition for the AIC was extended and he plans on submitting a letter of recommendation for Steuben County and the Commission Board. He stated that the awards last year were minimal compared to the things that the Steuben County Board of Commissioners has done.

The Daughters of the American Revolution submitted a request to place a wreath on the Baron Von Steuben statue for the 4th of July. James Crowl made a motion to allow them to place a wreath on the statue. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Mike Hall, Community Corrections, reported to the Commissioners that they are looking to hire a part-time surveillance office and a part-time confinement officer. Mr. Hall requested permission to advertise the two (2) available positions in the newspaper, in all surrounding counties, at a cost of \$663.55. Mr. Hall stated that it will also be posted on the county website and it has been posted for free on IN.gov. James Crowl made a motion to allow Community Corrections to post the two (2) available positions in the newspaper. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

The Commissioners received the following correspondence: NIPSCO re: ED Impact from NIPSCO; Indiana State Department of Health re: Indiana HIV Outbreak Response Update: June 4, 2015; NEIndiana re: News Release; IACC re: BOAH Release; NEIndiana re: News Release; NACo re: Waters of the U.S.; API re: RFS Reform Still Needed; NACo re: County News Alerts June 1, 2015; NACo re: White House call; Indiana State Department of Health re: Indiana HIV Outbreak Response Update: June 2, 2015.

STEBEN COUNTY BOARD OF COMMISSIONERS

Ronald L. Smith, President, South District

James A. Crowl, Vice President, Middle District

Lynne A. Liechty, North District

Attest: _____
Kim Koomler, Steuben County Auditor

elw