

STEBEN COUNTY BOARD OF COMMISSIONERS MEETING
July 16, 2018

The Steuben County Commissioners met at 8:30 a.m. on Monday, July 16, 2018, in the Commissioners' Room of the Steuben County Community Center. Present this day were Commissioners Ronald Smith, James Crowl and Lynne Liechty. Also present were Donald Stuckey, County Attorney, Ruth Beer, Steuben County Councilwoman, Ken Shelton, Steuben County Councilman, Dan Caruso, Steuben County Councilman and Kim Meyers, Steuben County Auditor.

Randy Strebig, BoAC, submitted the profit and loss statement and total sales for the Airport. Mr. Strebig said that the figures are very comparable to last year. He also included the general budget outline. Mr. Strebig said that there are no plans for the Airport Improvement Funds until fall other than finishing of the concrete floor.

Randy Strebig reported that they have been advertising leased space at the Airport and a sign is posted now. Mr. Strebig said that the new Airport Manager is doing really well and they are very pleased with how it is unfolding.

Mr. Strebig encouraged the Commissioners to continue to discuss the land release study that was presented a couple months ago and try to figure out how to address that excess land at the Airport.

The Commissioners requested explanation on Yunuen Luna, Lawn M.D. and Begley Sign claims. Lynne Liechty made a motion to approve the claims submitted for payment this day totaling \$982,002.80. James Crowl seconded that motion and the motion carried with three (3) ayes.

Judge Allen Wheat said that two (2) and a half years ago he thought that the decision had been made that the Courthouse could use some updating and possibly additions added to it. Judge Wheat said that money was spent to retain an architect and an engineer to come up with plans. He said that those plans were last discussed many months ago and no action has been taken. Judge Wheat said that he understands because this is a major improvement and it is no small sum of money.

He said that he would like to have two (2) questions answered. Is there still an interest in moving forward with this project? And if the answer is no, be kind enough to say no. Judge Wheat said that the second question is if Steuben County is going to do this, what time table are we on to complete the project and what outside monetary limit is there to expend on the project?

Lynne Liechty stated that the Commissioners are still considering the project and the amount came in almost double than expected. Commissioner Liechty said that now they have to look at changing the plans and still meet the needs of the Judiciary.

Judge William Fee said that he came here today to find out what the plan is going to be. He said that he knows the Commissioners are on record agreeing with the Judges that it needs to be done and doing nothing is not an option. He said that he believes that the Commissioners want to move forward, but it has to be a doable and practical plan. Lynne Liechty said that she believes another Courthouse Committee Meeting needs to be scheduled so they can look at everything again.

Magistrate Randy Coffey asked if there was an amount that Steuben County can afford. Lynne Liechty said that they can only bond for \$12 Million. Kim Meyers, Auditor, said that is not necessarily the case. Ms. Meyers said that the County would have to get with the financial advisor to find out what that limitation is. She said that there are ways to bond for higher amounts, but she's never been asked to pursue that.

Judge Fee said that maybe it becomes prioritizing needs as they are absolutely past needing ADA compliance. Judge Wheat stated that last week he had a woman in a wheelchair that wanted to attend a Court hearing; however, the elevator was broken in the Courthouse. The hearing had to be moved and conducted in the Magistrate Courtroom to accommodate the woman. Donald Stuckey stated that a private advocacy group is being sent out to various places looking for ADA issues, just for litigation purposes.

James Crowl stated that looking back on this, they made a mistake with the engineering firm asking what Steuben County wanted. He said that is what was received and it is not affordable. Commissioner Crowl said that they have to structure back, start with a number and go from there. He said that maybe this engineering firm isn't who Steuben County needs and maybe another engineering firm can come up with a better solution. Judge Fee said that they were trying to be analytical about it, telling what the needs of the Courthouse were and then a document was submitted that far surpassed what they were envisioning when they submitted their needs.

Ronald Smith said that they all got sticker shock. Commissioner Smith said that the figure should have been released on an official basis and it could have been dealt with more specifically that way. He said that there was another issue as the house on the corner was not purchased, but the other home that may still be available. Commissioner Smith requested another meeting be scheduled and try to move forward because all of the questions cannot be answered today. He said that everyone knows the needs and the demands that are there. Ronald Smith thanked the Judges for coming to the meeting.

Brett Hays, NICC, submitted a TANF Request for Reimbursement in the amount of \$18,495.00 for approval. James Crowl made a motion to approve the TANF Request for Reimbursement. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Mr. Hays also requested permission to purchase a file server because the one that is currently installed at NICC is failing. He is proposing to purchase one from Amazon.com in the amount of \$3,085.86. James Crowl made a motion to allow Mr. Hays to purchase the file server from Amazon.com in the amount of \$3,085.86. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Jennifer Sharkey, Highway Engineer, submitted NIPSCO Utility Permit #2819 for approval. Lynne Liechty made a motion to approve the Utility Permit. James Crowl seconded that motion and the motion carried with three (3) ayes.

Ms. Sharkey said that NIPSCO should be completely finished on the 200 N/SR 827 Project. She said that REMC is going to relocate on the newly established NIPSCO poles during a planned outage for either the 25th or 26th. She said that Mediacom has been notified that the NIPSCO poles are set and they can do their relocations as well. Frontier is anticipated to start this week and have their relocation done by July 20. Jennifer Sharkey said that the Railroad was not able to do their replacement on July 9 and they are planning on doing it on July 17 with lane restrictions, but traffic can still access that corridor. Ms. Sharkey submitted a reimbursement voucher for construction engineering. Lynne Liechty made a motion to approve the reimbursement voucher for Construction Engineering. James Crowl seconded that motion and the motion carried with three (3) ayes.

Jennifer Sharkey said that the 200 N/I-69 Project design is progressing and the survey work has been completed. She submitted a reimbursement voucher for preliminary engineering. James Crowl made a motion to approve the reimbursement voucher for preliminary engineering. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Ms. Sharkey reported that there was a progress meeting on the Bike Trail Phase II Project on July 11. She said that they are reviewing the construction schedule and the next progress meeting is scheduled for August 1. Ms. Sharkey said that they are also in contact with a couple property owners that need to relocate their fencing and/or other items that are within the easements.

Ms. Sharkey said that she reached out to the Toll Road on July 12 regarding the sealant application for Baker Road. She said that they are gearing up to start work so she wanted to get a better idea of the schedule and operations.

Jennifer Sharkey said that INDOT is having an informational meeting on July 26 regarding the Community Crossings Grant and she plans to attend with Emmett Heller.

Ms. Sharkey said that she is still coordinating with the City of Angola for Bike Trail maintenance ideas for the Trailhead on 300 N.

Ms. Sharkey reported that they attended the Plan Commission Meeting on July 11 to discuss drainage issues with new builds, specifically around lake areas. She said that there was a lot of great discussion and they have come up with a game plan for moving forward but it will require a lot of coordination efforts and input from several departments and entities.

Jennifer Sharkey asked if there is any further discussion on the proposed Buggy Plate Ordinance. Lynne Liechty said that the only thing of value that she can see at this point is that the surrounding communities do have the registrations, we do not. Commissioner Liechty said that she has been told that Steuben County should adopt a similar ordinance. Ronald Smith asked if there are sufficient numbers to put an ordinance in place or is it more appropriate to adopt the ordinance before it becomes a further issue. James Crowl said that this was tried several years ago and the Bishop said no. Lynne Liechty said that if this was adopted, at least the ordinance would be there. Kim Meyers said that typically the funds come through the Auditor's Office and she asked how this was going to be enforced. Jennifer Sharkey said that she set it up differently than LaGrange County where the fees were collected through the Highway Department like permits are. Ms. Sharkey said that Ruth Beer has spoken to the Sheriff's Department regarding enforcement. Ms. Sharkey said that the feedback she has received is more along the lines of fairness. She said that she realizes that this won't be a revenue generator, but there are some feelings that if motorized users are being taxed to use the roadway, all users of the roadway should be taxed.

Donald Stuckey said that the ordinance is in final draft form; however, it has to be passed by the Council as well since it has a revenue function in it. Mr. Stuckey said that it could be passed on First Reading today and then pass it on Second and Third Reading at the next meeting. Lynne Liechty made a motion to pass the Buggy Plate Ordinance No 912 on its first reading. James Crowl seconded that motion and the motion carried with three (3) ayes. Ordinance No. 912 reads as follows:

**COUNTY OF STEUBEN
ORDINANCE 912**

BE IT ORDAINED by the Steuben County Board of Commissioners of Steuben County, State of Indiana as follows:

Section 1: This is enacted pursuant to Title 36, Indiana Code.

Section 2: Definitions:

- A. As used in this Ordinance, "Horse Drawn Vehicle" means a buggy, carriage, draw, or wagon designed or intend to use one or more horses as motive power. The term does not include horse drawn agricultural implements.
- B. As used in this Ordinance, "Horse Drawn Trailer" means a wagon or trailer, which itself is pulled behind or attached as a supplemental vehicle to a horse drawn vehicle. The term does not include horse drawn agricultural implements.
- C. As used in this Ordinance, the "Owner" of a horse drawn vehicle includes any individual, firm corporation or association that rents, leases, or has exclusive use of a horse drawn vehicle for a period of at least 30 days in any calendar year.
- D. As used in this Ordinance, "Resident of Steuben County, Indiana" means a person who has his or her principal place of residence in Steuben County, Indiana or who owns or operates a business within Steuben County, Indiana.

Section 3: Form or License.

The Highway Department of Steuben County shall be responsible to make available for sale in Steuben County all numbered metallic tags and all self-adhesive label tags required by this Ordinance. The form of the metallic tags shall be with a color scheme providing for a white or light background and black or dark numerals and legends, bearing the legend "Steuben County Indiana", the year of issue, and a consecutive number. The Highway Department shall change the coloring scheme each year of the self-adhesive label tags.

Section 4: Annual Fee – Horse Drawn Vehicles.

There is hereby imposed upon each resident of Steuben County, Indiana, who is the owner of a horse drawn vehicle, which horse drawn vehicle is used upon the highways or roads in Steuben County, Indiana, an annual license fee in the sum of One Hundred Dollars (\$100.00). Said annual license fee of One Hundred Dollars (\$100.00) shall apply to each such horse drawn vehicle for the owner thereof. Thus, by way of example, a Steuben County, resident who is the owner of four (4) horse drawn vehicles used upon the highways or roads of Steuben County, Indiana shall be charged an annual license fee in the sum of One Hundred Dollars (\$100.00) for each such vehicle, for a total of Four Hundred Dollars (\$400.00) for the four (4) such horse drawn vehicles.

Each Steuben County resident, who owns a horse drawn vehicle used upon the highways or roads of Steuben County, Indiana, shall pay the license fee attributable to such horse drawn vehicle or vehicles as set forth by this Ordinance to the Steuben County Highway Department. Such required license fee or fees required under this Ordinance shall be paid after March 1 and before May 15 of each year. Upon payment of such license fee, such owner of a horse drawn vehicle shall receive from the Highway Department a numbered metallic tag. With respect to subsequent renewal years for a horse drawn vehicle previously licensed under this Ordinance, the owner of a horse drawn vehicle may receive from the Highway Department a self-adhesive label tag bearing the year of issue. The owner shall thereafter affix the numbered metallic tag to such horse drawn vehicle (by use of screws or nails through the holes provided in the metallic tag and into the horse drawn vehicle, with no covering, opaque or otherwise) and keep and reserve said metallic tag on said vehicle so long as said metallic tag is effective and has not expired. With respect to subsequent renewal years for a horse drawn vehicle, the owner shall thereafter affix the self-adhesive label tag to the existing numbered metallic tag.

Each numbered metallic tag shall be valid from March 1 to May 15 of the following year for a maximum of fourteen and one-half (14 ½) months only, and all numbered metallic tags shall expire at midnight on May 15 of the year following the date stamped on said numbered metallic tag; provided, however, the expiration date shall be extended an additional year for a horse drawn vehicle properly licensed under this Ordinance for which a self-adhesive label tag was furnished by the Highway Department, and which is affixed to the metallic tag. Only one (1) metallic tag provided by this Ordinance may be attached to any horse drawn vehicle at any time.

At time of collection of the annual license fee, and the issuance of the number of metallic tags or self-adhesive label tags for subsequent renewal years afore described, the Steuben County Highway Department shall also issue a registration receipt for each numbered metallic tag or self-adhesive label tag so purchased. The registration receipt shall be countersigned by the owner of the horse drawn vehicle. The registration receipt shall be carried in or on the horse drawn vehicle at all times of operation upon the highways or roads of Steuben County, Indiana.

Section 5: Horse Drawn Trailers.

There is hereby imposed upon each resident of Steuben County, Indiana, who is the owner of a horse drawn trailer, which horse drawn trailer is used upon the highways or roads of Steuben County, Indiana an annual license fee in the sum of Twenty Dollars (\$20.00). Said annual license fee of Twenty Dollars (\$20.00) shall apply to each such horse drawn trailer for the owner thereof. Thus, by way of example, a Steuben County resident who is the owner of four (4) horse drawn trailers used upon the highways or roads of Steuben County, Indiana, shall be charged an annual license fee of Twenty Dollars (\$20.00) for each such trailer, for a total of Eighty Dollars (\$80.00) for the four (4) horse drawn trailers.

Each Steuben County resident who owns a horse drawn trailer used upon the highways or roads of Steuben County, Indiana, shall pay the license fee attributable to such horse drawn trailer as set forth by this Ordinance to the Steuben County Highway Department. Such required license fee or fees required under this Ordinance shall be paid after March 1 and before May 15 of each year. Upon payment of such license fee, each owner of a horse drawn trailer shall receive from the Highway Department a metallic tag. With respect to subsequent renewal years for a horse drawn trailer previously licensed under this Ordinance, the owner of a horse drawn trailer may receive from the highway Department a self-adhesive label tag bearing the year of issue. The owner shall thereafter affix the numbered metallic tag to such horse drawn trailer (by use of screws or nails through the holes provided in the metallic tag and into the horse drawn trailer, with no covering, opaque of otherwise) and keep and preserve said metallic tag on said horse drawn trailer and so long as said metallic tag is effective and has not expired. With respect to subsequent renewal years for a horse drawn trailer previously licensed under this Ordinance for which a self-adhesive label tag has been furnished by the Highway Department, the owner shall thereafter affix the self-adhesive label tags to the existing numbered metallic tag.

Each numbered metallic tag shall be valid from March 1 to May 15 of the following year for a maximum of fourteen and one-half (14 ½) months only, and all numbered metallic tags shall expire at midnight on May 15 of the year following the date stamped on said numbered metallic tag; provided, however, the expiration date shall be extended an additional year for a horse drawn trailer properly licensed under this Ordinance for which a self-adhesive label tag was furnished by the Highway Department, and which is affixed to the metallic tag. Only one (1) metallic tag provided by this Ordinance may be attached to any horse drawn trailer at any time.

At time of collection of the annual license fee, and the issuance of the number of metallic tags or self-adhesive label tags for subsequent renewal years afore described, the Steuben County Highway Department shall also issue a registration receipt for each numbered metallic tag or self-adhesive label tag so purchased. The registration receipt shall be countersigned by the owner of the horse drawn trailer. The registration receipt shall be carried in or on the horse drawn trailer at all times of operation upon the highways or roads of Steuben County, Indiana.

Section 6: Partial Year License Fee Reduction.

Any annual license fee set forth in this Ordinance shall be reduced by one-half (1/2) if paid after November 1 of the year of the effective term of a new metallic plate issued hereunder for the new registration of a horse drawn vehicle or horse drawn trailer. There shall be no reduction of the annual license fee for any self-adhesive label tag issued hereunder for the renewal of a metallic plate issued hereunder regardless of the date of payment, or any reduced or prorated license fees for late payment, or except as specifically set forth herein any reduced or prorated license fee for partial year registration.

Section 7: Late Fee.

In the event an owner of a horse drawn vehicle or horse drawn trailer fail to register between March 1 and May 15 of a year, they shall pay a late fee of Twenty Five Dollars (\$25.00) in addition to the Annual License Fee.

Section 8: Violations and Fines.

- A. No owner of a horse drawn vehicle or horse drawn trailer shall use or permit a horse drawn vehicle or horse drawn trailer to be used upon the highway or roads in Steuben County, Indiana unless the horse drawn vehicle or horse drawn trailer has a current metallic tag and self-adhesive label tag, both properly affixed to the horse drawn vehicle or horse drawn trailer required by this Ordinance. An owner or operator of a horse drawn vehicle or horse drawn trailer who violates this Ordinance shall be subject to a fine of up to Two Hundred Dollars (\$200.00) per occurrence.
- B. No person shall operate a horse drawn vehicle or horse drawn trailer upon the highway and roads of Steuben County, Indiana with a metallic tag and self-adhesive label tag that has been reported as lost or destroyed. A person operating a horse drawn vehicle or horse drawn trailer on the highway and roads of Steuben County, Indiana with a lost or destroyed metallic tag and self-adhesive label tag shall be subject to a fine of up to Two Hundred Fifty Dollars (\$250.00) per occurrence.
- C. Any owner or operator who shall intentionally or recklessly violate this Ordinance shall be subject to a fine of up to Five Hundred Dollars (\$500.00) per occurrence.

Section 9: Replacement Tags.

- A. In the event that a previously issued metallic tag and self-adhesive label tag is lost or destroyed, an owner can obtain a replacement by filing an affidavit with the Steuben County Highway Department and paying a replacement fee of Twenty Five Dollars (\$25.00).
- B. The affidavit will substantially state that the owner of the metallic tag and self-adhesive label tag has lost either the tag or label tag or that either were destroyed. The owner of the tag and label tag seeking a replacement must sign the affidavit under the penalties of perjury.

Section 10: New Horse Drawn Vehicles and Trailers.

The owner of a horse drawn vehicle or trailer who purchases the horse drawn vehicle or trailer after May 15 and can provide a bill of sale or receipt verifying the date of purchase shall have 30 days after the date of purchase in order to obtain a metallic tag and self-adhesive label tag without incurring a late fee.

Section 11: Enforcement.

It shall be the duty of the Steuben County Sheriff's Department to enforce this Ordinance, and any duly qualified and acting law enforcement office serving in Steuben County, Indiana may enforce the terms of this Ordinance.

Procedures for arrest and court appearance shall be in accordance with IC 9-30-3, as amended. Proceedings for ordinance violation enforcement shall be in accordance with IC 34-28-5, as amended.

Section 12: Delivery of Fees.

The license fees collected by the Steuben County Highway Department for horse drawn vehicles and/or horse drawn trailers, pursuant to the terms and conditions of this Ordinance, shall be delivered to the Steuben County Auditor for deposit. For each horse drawn vehicle license fee collected, the Steuben County Auditor shall deposit the full amount into the Motor Vehicle Highway Fund. For each horse drawn trailer license fee collected under this Ordinance, the Steuben County Auditor shall deposit the full amount into the Motor Vehicle Highway Fund.

This Ordinance shall be effective for all metallic tags or self-adhesive tags issued with an effective date on or after March 1, 2019.

ALL OF WHICH IS ORDAINED by the Board of Commissioners this 16th day of July, 2018.

STEBEN COUNTY BOARD OF COMMISSIONERS

7-16-18

First Reading

Ronald Smith, President

James Crowl, Vice President

Second Reading

Lynne Liechty, Member

Third Reading

ATTEST:

Kim Meyers, Auditor

Jennifer Sharkey stated that she will not be able to attend the Drainage Board Meeting today so she wanted to give an update on the proposed improvements on 200 W. for the Black Gold Storage Facility. Ms. Sharkey said that they have received their IDEM permit for the Rule 5 regulations. She said it appears that the consultants may not be educated or informed that any earth moving activities more than an acre needs a Rule 5 Permit. Ms. Sharkey said that she thinks that the consultants were anticipating that the Surveyor's Office or Drainage Board was going to provide that approval. She said that builders and developers need to be reminded that is a requirement by the State and the local Soil and Water Conservation District does not review and approve those permits. The permits are submitted to the local Soil and Water Conservation District; however, they send it to IDEM for the official review and approval. Ms. Sharkey said that there is still the Steuben County Ordinance for storm drainage and erosion control that has requirements the Surveyor is in control of.

Ms. Sharkey requested approval of the Highway budget notes so it is understood that the Commissioners have been involved in the process and have approval of the plan moving forward. Ronald Smith said that there is a consensus from the Commission Board.

James Crowl stated that he sees semi after semi abusing the laws that say that US 20 is closed and he asked what could be done. Jennifer Sharkey said that this week there have been discussions with the City of Angola as well. She said that it hit everyone last week and that the Sheriff's Department has been out on 100 E and the City of Angola Police has been on US 20. Ms. Sharkey also said that there has been some discussion involving the State Police to make sure that the detour is being followed, especially the truck traffic. Jennifer Sharkey said that there are no local detour approved routes. She said that they have taken a video log of the surrounding roadways so they have the pre-existing conditions of the roadways before the project and they will do that again once the project is completed.

Emmett Heller, Highway Superintendent, reported that the FDR process has been started on 200 E, just north of 100 N. Mr. Heller said that the second stop will be on 100 E at Minifenokey and the entire process will take 10-12 days. Mr. Heller said that gravel is being put down on 400 W, north of Ashley.

Mr. Heller stated that the large culvert was changed on 700 N. He also reported that he was able to hire two (2) part time laborers which has helped out a lot with mowing. Ronald Smith asked if spraying has been done on the County right of way. Mr. Heller said that REMC is doing that.

Jay Schabel, RES Polyflow, stated he wanted to update the Commissioners on the financing activity, introduce the Commissioners to the equity partner and discuss the Master Agreement for Development. Mr. Schabel stated that they have secured an equity partner and they have also gone out to the Bond Market for funding sources for the debt. He said that they presented to them, received their feedback, made structural changes that were requested and now they are in the process of finalizing contracts so they can go back out to the Bond Market with a final packet that has all of the contracts and obligations locked in. Mr. Schabel said that the Agreement for the Master Development is one of those contracts they want to get locked in so they can get back to the Bond Market and finalize funding. He said the bond that has been awarded by the Indiana Finance Authority expires September 17, so they are on a tight deadline to wrap up all of the contracts and get that funding in place.

Jay Schabel introduced Scott Heeley, CFO for Brightmark Energy, whom is the equity partner. Mr. Heeley stated that Brightmark is backed by a \$250 Million initial equity commitment and they specialize in the acquisition, development, ownership and operation of waste and energy projects. He said that Brightmark is actively developing and/or acquiring waste energy projects throughout the United States, including new projects that are planned for Minnesota, Wisconsin, North Carolina and New York. Mr. Heeley said that the Brightmark Energy Management Team has a long, substantial and proven track record of completing energy projects throughout the world. He stated that he completed the largest wind project in Indiana. Mr. Heeley said that Brightmark has been working on this particular project with RES Polyflow Indiana Plastic Deals since the fall of last year and they are committed to seeing it going to commercial operation as soon as practically possible.

Mr. Schabel stated that both the equity and the debt will be funded simultaneously. He said it will go into a trustee account where there will be a trustee that will manage the disbursement of funds. That trustee will verify the receipt of funds and start wiring out payments to kick off the project which would include payments of the Steuben loan, etc. That trustee will continue to manage the fund throughout the life of the debt.

Lynne Liechty said that the change she sees is that they went to the ten (10) year on the real estate and that is equivalent to \$7.5 Million and the fifteen (15) year is on the equipment and she thinks that is about \$72 Million. Commissioner Liechty said that she knows those numbers change, but those were the original numbers and there is a lot of swing in there. Jay Schabel said that the whole goal was to keep the numbers the same but there was a question of whether the fifteen (15) year was actually possible.

Commissioner Liechty also said that one of her concerns was when the payback comes on the \$1.5 Million because Ashley is hoping to receive that, but there is no guarantee because Council has to approve that loan. Mr. Schabel said that the infrastructure is both roadways to the site because there is no existing access point to the site as well as sewer, lift station and water to the site. Lynne Liechty said that infrastructure has to go in prior. Mr. Schabel said that it needs to kick off at the same time that the project does. Lynne Liechty asked if that was going to be possible and if the plan for the payback was in place. Donald Stuckey said that there is an engineering firm that has already done the work. Mr. Stuckey said that the Town of Ashley has \$400,000.00 in their TIF funds to begin the road construction immediately and the actual land for the road has been donated by Klink. Donald Stuckey said that assuming they use the base that was created by Klink, which there is some question to that now, they would have enough funds to do the road. Mr. Stuckey said that the engineering firm has warned them that everyone is very busy and not to expect a light bid on the water and sewer. Lynne Liechty asked if the change of the ten (10) year and the fifteen (15) year affects RES Polyflow at the state level or REMC. Jay Schabel stated that they have gone out to both their equity partner and the debt partners with a schedule of payments and if they move dollars around they would have to disclose it.

Donald Stuckey stated that the Commissioners requested that he do a ten (10) year with one hundred percent (100%) the first year then follow the traditional schedule of ten percent (10%) each year. Mr. Stuckey said that it is up to the Commissioners and it has to be approved by the Council as well. James Crowl asked when the payback of the \$1.5 Million loan to the Town of Ashley would be. Donald Stuckey said that it would probably be an eight (8) to nine (9) year payback with the adjustments and with the previous document it would have been a fifteen (15) year payback. Mr. Stuckey said that it all depends on the final assessments.

Ronald Smith asked Mr. Schabel how the difference in the payback would affect RES Polyflow. Mr. Schabel said that if they are talking about spreading it out a different way throughout the ten (10) years, that would be fine with them and they can explain that. He said that they will be coming up with an updated financial to submit to the Bond Market. James Crowl made a motion to approve the Amended Master Agreement for Development for ten (10) years that follows the normal payback schedule with one hundred percent (100%) the first year, ninety percent (90%) the second and so on and to send the contract to County Council for approval. Lynne Liechty seconded that motion and the motion carried with three (3) ayes. Donald Stuckey stated that once the Commissioners sign, it then has to be submitted to County Council for approval.

Rebecca Posner, 2950 W. Shady Side Rd., Crooked Lake, Angola, Indiana 46703, came to the Commissioners to address a drainage issue. Ms. Posner said that about two (2) years ago two (2) homes were constructed right next to them and across the street, up the hill. She said that the drainage has been poor and messed up her landscaping; however, on June 9 it came into her home and flooded her utility room and downstairs bathroom. Ms. Posner said that during the next rainstorm the water continued to seep in because it had a path to follow. Rebecca Posner said that she is asking permission to put a cement curtain at the end of the street to put the water back on the street. James Crowl asked if they were permitted to put up a curb, would that create a problem for her neighbor. Ms. Posner said that her direct neighbor has water issues as well and his floors are now squishy; however, she's not sure how it would affect the homes down the street.

Ken Wilson, JICI, is helping Ms. Posner with the issue and he said that the first and second neighbor to her west would not be affected because their driveways go the road. Mr. Wilson said it is only because of the way the two houses were constructed that the water exits at the property line. He said that his proposition is to get the water back out to the road so that it follows the path all the way down to the road to Captain's Cabin and it can drain to the lake at that point.

Lynne Liechty asked if there was drainage near Captain's Cabin that goes to the lake. Mr. Wilson said that he has not investigated enough; however, three (3) houses down there are drains but he's not sure if they are adequate for the additional water. Rebecca Posner said that there are several driveways that have catch basins installed. Mr. Wilson said that he's proposing an apron. There is approximately five (5) feet between the edge of the pavement to the property line and the plan is going to include some type of drainage.

Jennifer Sharkey said that they were concerned that if a curb was installed it would just push the water on down to another property owner. Ms. Sharkey said that when it was proposed to the Highway Department, they didn't feel comfortable approving it unless other considerations were made for that drainage. Mr. Wilson said that they reached out to the Highway Department with a formal proposal but it was not approved at that time. He said that the County Surveyor, Highway Department and the Planning Department aren't taking jurisdiction so the Posner's are stuck.

Mr. Wilson said that he is proposing, like a driveway, from the pavement to the Posner's property line and it would span the entire width of the property. James Crowl said that he does not want to commit to this until it is found out where the water is going. Commissioner Crowl said that the Commissioners, Engineer, Highway Superintendent and Surveyor all need to take a look at it.

James Crowl said that the County Highway Department can only work within the County's jurisdiction, the Surveyor can only spend money on regulated drains and this is all private. Commissioner Crowl said that the County is pretty much to the point where they can only spend money in their right of way so a lot of this is going to be on the back of the people that own the real estate. He said that it may take all the neighbors to help take care of the issue.

Mr. Wilson said that if it wasn't for the rain, they would have been in for the driveway permit and they wouldn't have this issue. Now because they are coming in walking through the front door they are running into all of these obstacles.

The Commissioners and Highway Department decided to meet at the Posner's residence at 1:00 p.m. today to review the situation. Ronald Smith requested that all parties then attend the Drainage Board Meeting regarding this issue as well.

Frank Charlton, Park Superintendent, stated that there is a camper whom has been there for five (5) years and last year there was a problem collecting camping fees. Mr. Charlton said that by their records, this particular camper has not paid the 2018 fees. Mr. Charlton said that he spoke to the camper and the camper was very upset because he claims he was up here in March and left the \$2,350.00 in an envelope in the mailbox at the campground. Frank Charlton said that they did not receive a call stating that there were funds in the mailbox. Donald Stuckey stated that delivery is to Park staff and if someone stole it, that is the camper's problem. Frank Charlton said that he needs guidance. Mr. Stuckey said that he would contact the camper regarding the issue.

Kylee Harris stated that because there was no payment made, the system showed the lot as empty so she booked a 4-H camper for the same site. The 4-H camper had to be moved to the last available lot and she is very upset that she was moved and wants to be refunded half of her money. The Commissioners said that there would be no refund.

James Crowl said that if no lot rent has been received, his camper needs to be removed. Donald Stuckey said that ten (10) day notice is required for nonpayment of rent, but a court order would be needed to evict.

Kylee Harris said that the Lion's Building was rented for a wedding; however, they used Rensch Hall for the ceremony and removed bleachers with a truck and a log chain which caused ruts. Ms. Harris said that she kept the damage deposit and they weren't happy about that. Ms. Harris explained that they kept the deposit for the moving of the bleachers and not replacing the picnic tables at Rensch Hall.

Frank Charlton reported that a large tree limb came down and took out the power lines to the entire County Park at 4:00 a.m. on Sunday morning and power was restored on Wednesday. Mr. Charlton said that REMC came out to look at it and they set a new pole and restrung the wires. He said that NIPSCO collects the money for the service and they wouldn't do anything. Mr. Charlton said that the NIPSCO service comes through the Park, down to the old office building, through the woods and over behind the rabbit barn. Anything further than that, the County owns. Frank Charlton reported that there are several poles at the Park that are starting to rot and will need to be replaced. Mr. Charlton said that a couple trees had to be taken down at the County Park as well and several more need attention.

Mr. Charlton asked if the Commissioners would be in favor of filling in the mud hole down by the beach and making it a parking lot. James Crowl said that when the Highway Department starts berming, they will bring the dirt in and dump it in the mud.

Frank Charlton said that there is a path at the Clear Lake Park that has five (5) trees blocking it. Mr. Charlton thought that if the trees were removed, a part of the hill shaved off and a retaining wall of rock placed there, the path could be used by people that want to go down to the beach. He also thought that would help with the ADA Compliance at that beach. James Crowl recommended making the path large enough for a vehicle to get down it. The Commissioners gave Frank Charlton permission to get quotes on clearing the path at the Clear Lake Beach.

Tim Troyer, Sheriff, requested permission to upgrade the software that reads the black boxes in vehicles. Sheriff Troyer said that the total cost is \$4,970.00; however, that is split 50/50 with the City of Angola Police Department. Lynne Liechty made a motion to allow Sheriff Troyer to partner with the City of Angola to upgrade the software and \$2,485.00 shall be paid from his budget. James Crowl seconded that motion and the motion carried with three (3) ayes.

Sheriff Troyer also requested permission to purchase body armor in the amount of \$4,237.50 with grant funds. James Crowl made a motion to approve the purchase of the body armor. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

James Crowl asked if the Sheriff's Department was ticketing semi-trucks disobeying the detour. Sheriff Troyer said that there have been pockets in the County where they've gotten reports of that and they can deal with

July 16, 2018 Commissioners' Meeting Continued

certain things with trucks but other things they aren't qualified. James Crowl said that if the trucks don't use the detour, they aren't compliant and if there is a truck on a county road not delivering something to someone on that road it is an illegal truck on the road. James Crowl said that it's happening on 100 E, 200 and 20N. Sheriff Troyer said that he would direct deputies out there.

Lynne Liechty made a motion to approve the minutes from the Commissioners' Meeting on July 2, 2018. Ronald Smith seconded that motion and the motion carried with three (3) ayes.

The Commissioners signed the minutes from the June 18, 2018, Commissioners' Meeting for the Index Book, which were approved at the prior meeting.

Lori Hickey, Chief Deputy Auditor, submitted Miscellaneous Claims in the amount of \$131,510.87 for approval. James Crowl made a motion to approve the Miscellaneous Claims. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Rae Delaney, Payroll, submitted the July 6, 2018 payroll in the amount of \$386,778.70 for approval. Lynne Liechty made a motion to approve the July 6, 2018 payroll. James Crowl seconded that motion and the motion carried with three (3) ayes.

The EMA/Bill Eyster MOU for storage was submitted for final approval. Ronald Smith said that it would be up to Randy Brown to decide when to start the contract. Lynne Liechty made a motion to approve the EMA/Bill Eyster MOU for storage. James Crowl seconded that motion and the motion carried with three (3) ayes.

Donald Stuckey submitted the Ambulance Billing Services Contract and said that he has approved the wording in the Contract. James Crowl made a motion to sign the Ambulance Billing Services Contract. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Erin Schiffli, Commissioners' Secretary submitted an Attestation for Southeastrans stating that the Commission Board is the owner of Steuben County EMS. Ms. Schiffli stated that this was one of the documents required by Southeastrans after the contract was signed at the last meeting. Lynne Liechty made a motion to approve the submitted Attestation. James Crowl seconded that motion and the motion carried with three (3) ayes.

James Crowl made a motion to give official approval to remove rotted trees at the County Park. Lynne Liechty seconded that motion and the motion carried with three (3) ayes. The exact dollar amount is unknown; however, the matter is a safety issue so the Commissioners moved forward.

Gary Fair, Community Center Building Manager, submitted a bill from Delta T for the lift station at the Old County Home in the amount of \$297.50. Lynne Liechty made a motion to approve that invoice. James Crowl seconded that motion and the motion carried with three (3) ayes.

James Crowl said that he was in the Old County Home the other day with Gary Fair and he will not go in there again unless he has a mask on because it is full of mold. Commissioner Crowl said that the last price they received for a demolition was \$60,000.00-\$80,000.00. Kim Meyers said that nothing was put in the budgets for 2019 and asked if they want something put in the budget. James Crowl said that he would like to have \$100,000.00 placed in the budget for 2019 for demolition of the Old County Home.

Bill Schmidt asked if the Commissioners have thought about selling it for \$1.00 and having a \$100,000.00 performance bond so that way if it wasn't taken care of in a specific time frame, the County would have way to pay for demolition.

Kim Meyers said that an RFQ would have to be created. Donald Stuckey said that he would draft the advertisement. Erin Schiffli said that she would do the advertising if Donald Stuckey would get her the RFQ. Toby Steffen said that he recommended removing the 100% of the foundation because an Environmental Impact Study would have to be done. Ronald Smith said that if anyone is interested in the property the Commission Board would be interested to talk.

Erin Schiffli stated that she reached out to June Julien, Tourism Bureau, regarding the CGI Community Video like the Commissioners had requested her to do. Ms. Schiffli said that June Julien said she was not involved in that as those types of companies never work with Tourism Bureaus. She said that there are no direct costs but there is a cost in terms of competing with local business, etc. Ms. Schiffli said that June Julien told her that the City of Angola did this program once and did not renew the contract. If the Commissioners were wanting any sort of Community Video, June Julien said that she would be willing to help. The Commissioners requested Erin Schiffli to pass on the offer from CGI for the Community Video Project as they are not interested at this time.

Lynne Liechty made a motion to approve the Executive Session Statement from the Executive Session held on July 12, 2018, at 12:00 p.m. James Crowl seconded that motion and the motion carried with three (3) ayes.

An invoice from Williams Electronics in the amount of \$3,522.05 for repairs made to the panic buttons in the County buildings was submitted for approval. James Crowl made a motion to approve the invoice to be paid. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Kris Treadwell, COA, submitted the second quarter claim for the Section 5311 Grant for approval. Lynne Liechty made a motion to approve the second quarter claim. James Crowl seconded that motion and the motion carried with three (3) ayes.

Matt Brinkman, Region 3a, submitted a claim voucher in the amount of \$6,000.00 for the Workforce Development Grant. Lynne Liechty made a motion to approve that claim voucher. James Crowl seconded that motion and the motion carried with three (3) ayes.

Marsha Craney-Blevins, GAI Consultants, submitted an invitation to take the Commissioners to lunch after the August 20, 2018, Commissioners' Meeting. The Commissioners stated that they will not be able to attend lunch.

Crystal Dadura, HR Director, requested that an Executive Session be scheduled. The Commissioners determined that an Executive Session shall be scheduled for Tuesday, July 24, 2018, at 8:00 a.m.

Ronald Smith requested to speak to an issue that he read in the paper. He said that he had a Solid Waste District Meeting during the last Council Meeting which was why he was not at the Council Meeting. Commissioner Smith said that during the Council Meeting, discussion came up concerning the business of examining the possibility of privatizing the EMS Department and he read comments in the newspaper made by Ruth Beer. He said that he doesn't know that he has ever been opposed to getting an evaluation because he too would like to know how the numbers crunch out and whether it is advantageous to the County to keep the EMS Department. He saw that Councilwoman Beer was disappointed in the fact that the Commissioners didn't go that route. Ruth Beer said that she assumed that it was decided to check on outsourcing the billing or a partnership and then the next meeting it was changed to only the billing. She said that is where her disappointment was because her job as a Council Member is to make sure that the County is getting the best value for the money and she didn't see a reason to not look into it.

Ruth Beer recommended that a joint meeting be scheduled because there are a lot of things going on. Ronald Smith said that he would reach out to Richard Shipe to see if a meeting should be scheduled.

The Commissioners received the following correspondence: Bill Harter, Coroner, Month End Reports May and June, 2018; Pauly Jail Building Co. re: Indiana Criminal Justice & Detention Facility Seminar; Janel Meyer, SCSWCD re: Board Meeting Minutes; Indiana Attorney General re: Attorney General Curtis Hill seeks thorough investigation of accusations against him; Janel Meyer, SCSWCD re: Preliminary Agenda.

STEBEN COUNTY BOARD OF COMMISSIONERS

Ronald L. Smith, President, South District

James A. Crowl, Vice President, Middle District

Lynne Liechty, North District

Attest: _____
Kim Meyers, Steuben County Auditor
els