

STEBEN COUNTY BOARD OF COMMISSIONERS MEETING
September 18, 2017

The Steuben County Commissioners met at 8:30 a.m. on Monday, September 18, 2017, in the Commissioners' Room of the Steuben County Community Center. Present this day were Commissioners Ronald Smith, James Crowl and Lynne Liechty. Also present were Donald Stuckey, County Attorney, Ruth Beer, Steuben County Councilwoman and Kim Meyers, Auditor.

The Plan Commission submitted Sunset View and Funk's Minor Plat for signature.

Claims totaling \$340,525.55 were submitted for approval. Lynne Liechty made a motion to approve the claims, with the exception of one claim from Angola Collision in the amount of \$457.30. Ronald Smith seconded that motion and the motion carried with two (2) ayes.

James Crowl made a motion to approve the minutes from the Commissioners' Meeting on September 5, 2017. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

The Commissioners signed the minutes from the August 21, 2017, Commissioners' Meeting for the Index Book, which were approved at the prior meeting.

Randy Strebig, Board of Aviation, submitted a quarter report to the Commissioners. Mr. Strebig reported that they have installed windows in the maintenance building, replaced man doors in two (2) hangars and louvers are ordered for the Quonset hut. He also reported that striping and sealing will take place at the terminal building this fall and the concrete floor will be poured in the equipment storage building.

Mr. Strebig reported that the flying club has flown over 150 hours and has purchased over 1,000 gallons of fuel. He said that members of the club have purchased two (2) additional airplanes that are stored at and buying gas at the airport. Mr. Strebig stated that they are expecting to add up to four (4) members to the local pilot community in the next year and they project to fly over 240 hours next year and purchase over 2,000 gallons of gas with the club airplanes alone. He also said that they are looking into bringing in an instructor for the club so they can do more training and they are hoping that they can bring a second airplane into the club. Randy Strebig explained that if someone wants to join the flying club, they have to contact the President of the club. He said that there are ten (10) positions available for approximately \$2,700.00 each to have an ownership piece of the airplane. Then you also have to pay an hourly fee and gas for the actual use of the airplane. Mr. Strebig stated that the club approached the BoAC last month and asked if they could lease the Quonset hut hangar. The BoAC has approved a three (3) year \$10,000.00 lease.

Mary Allred, EMS Director, submitted August Write Offs in the amount of \$14,438.93 and August Closeouts in the amount of \$1,401.00 for approval. James Crowl made a motion to approve the August Write Offs and Closeouts. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

The Commissioners requested that a Park Board Meeting be scheduled for Thursday, October 5, 2017, at 8:30 a.m.

Alex Dobson, Veterans' Affairs Officer, submitted a request to use the Community Center Auditorium on Wednesday, September 20, 2017, for the 50th Anniversary for Vietnam Veterans in case of rain during the scheduled Cruise-In. Lynne Liechty made a motion to approve that request. James Crowl seconded the motion and the motion carried with three (3) ayes.

Donald Stuckey, County Attorney, stated that he has spoken to James Burns, BoAC Attorney, and there is a legitimate concern that the Manager at the Airport is treated as a contractor; however, he is really under federal law an employee by definition. Mr. Stuckey said that the question is, if he's an employee, is he entitled to benefits under the County Plan? Lynne Liechty asked if the Manager could be placed under the Board of Aviation, be compensated by that Board and given an additional stipend to be put towards the insurance costs. Donald Stuckey said that he and James Burns are looking at that option. Donald Stuckey said that the Airport Board is a Board controlled by the Commissioners and if the Manager is an employee, there should be withholding and he should

have qualified for benefits as other employees do. Kim Meyers, Auditor, stated that the Manager is currently considered a private contractor. Donald Stuckey said that the BoAC tells the Manager when to show up, when to leave and what his duties are. Lynne Liechty said that there is a Contract with the Airport Manager. Donald Stuckey said that this matter needs to be looked at for 2018 to see how the Manager is going to be considered.

Donald Stuckey said that if the Federal Government comes in and does an audit on the Airport and it is deemed that he was an employee and was not treated as such, there would be penalties for failure to withhold, etc. Mr. Stuckey reviewed the Contract and he said that all of the items listed were in the discretion of the FBO before and now the County is paying someone to do what the BoAC wants them to do. He said that the Contract currently in place looks like an employment contract.

Ronald Smith asked if this matter should be submitted to the Personnel Committee for consideration. Donald Stuckey said that was probably the appropriate procedure. Lynne Liechty made a motion to send this matter to the Personnel Committee for consideration. James Crowl seconded that motion and the motion carried with three (3) ayes.

Jack Daniel, Martin Riley Architects, came to the Commissioners with an update on the Courthouse Feasibility Study. Mr. Daniel presented a slideshow with updates and conceptual plans. He went through every department that would be included in the study, along with the square footage, what they currently have and what they are asking for.

Mr. Daniel said that they met with the City of Angola and discovered that they are getting ready to do a parking study for the downtown area.

Jack Daniel went through three conceptual options to remedy the issues with the current Courthouse and parking. The Commissioners also discussed an option that included the closure of the road between the Old Jail and the current Courthouse.

Gary Fair discussed the possible acquisition of two (2) homes located on South Wayne Street that would then open up the entire block that could be used for this project.

Jack Daniel said that this is the first time that anyone has seen these conceptual designs publicly and he thinks it is worth returning to the Department Heads to see what their thoughts are. He also believes now is the time to get the Study Committee engaged to continue discussions. Mr. Daniel said that he hopes to get that input, put some refinement on the options, build consensus and then hopefully put a preliminary cost on the project.

Ronald Smith said that he believes that the Commission Board would be remiss to not attempt to acquire the two (2) residential properties on South Wayne Street. Commissioner Smith said that if that was accomplished, that would change some dynamics.

The Commissioners scheduled a Courthouse Study Committee Meeting for Thursday, October 19, 2017, at 8:30 a.m.

Gary LeTourneau, Communications Director, stated that he is in need of additional funds in his LOIT fund for contractual services and tower rental. Mr. LeTourneau said that he would like to go to Council and request an additional \$100,000.00. Lynne Liechty made a motion to allow Mr. LeTourneau to request the additional funds from Council. James Crowl seconded that motion and the motion carried with three (3) ayes.

Mr. LeTourneau stated that he is in need of storage space because he can no longer use the airport hangar for storage. He said that Gary Fair informed him that there is space available in the old WorkOne Office. James Crowl made a motion to allow Gary LeTourneau to use the storage space in the old WorkOne Office. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Tim Troyer, Sheriff, submitted a new job description for approval. Sheriff Troyer said that the Deputy Sheriff/1st Sergeant/Road Patrol job description has been approved by the Personnel Committee. Lynne Liechty

made the motion to approve the new job description and move it on to County Council. James Crowl seconded that motion and the motion carried with three (3) ayes.

Sheriff Troyer also submitted a request to have the generator at the jail serviced in the amount of \$1,284.00 and to fix the heat exchanger at the jail, in the amount of \$1,746.00. He stated that and he has the funds in his budget for both items. James Crowl made a motion to approve both requests. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Tim Troyer, Sheriff, also stated that he is in need of new laptop stands for the vehicles because of the new laptops they are receiving. He said that he has no money in his budget for that purchase and he's not sure where to pay for them from. Tami Sumney, IT Director, stated that the funds could come from her budget if the Commissioners thought that was proper. Lynne Liechty made a motion to pay for the laptop stands for the vehicles from the IT budget. James Crowl seconded that motion and the motion carried with three (3) ayes.

Todd Pfafman, Community Corrections, submitted a request to the Commissioners regarding maintenance repairs that are needed to the Old Jail. Mr. Pfafman stated that the entire bill is for \$1,146.35; however, NICC is requesting that the Commissioners pay for half of the bill. James Crowl made a motion to pay for half of the bill, in the amount of \$573.18 from Building and Equipment Repairs 1000-068-3000.39. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Tami Sumney, IT Director, submitted a request to the Commissioners on behalf of the Recorder to purchase three (3) new computers in the amount of \$4,836.00 and a scanner in the amount of \$872.69, from her Recorder's Perpetuation Fund. James Crowl made a motion to approve that request. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Ms. Sumney also submitted a request to purchase thirty-three (33) computers, in the amount of \$53,196.00, to continue the change outs throughout the County Offices. Lynne Liechty made a motion to approve that purchase. James Crowl seconded that motion and the motion carried with three (3) ayes.

Tami Sumney submitted a request to attend an SQL Server Class November 13-17 at a cost of \$2,500.00. James Crowl made a motion to approve that request. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Ms. Sumney also submitted a request for Microsoft Windows Server 2016 Datacenter Licensing in the amount of \$19,657.00. Lynne Liechty made a motion to approve that request. James Crowl seconded that motion and the motion carried with three (3) ayes.

Frank Charlton, County Park Superintendent, stated that they have fifty (50) boxes of Cat 5e wiring at the County Park and wondered if Tami Sumney had a need for it. Ms. Sumney stated that she did not have a need for it at this time and probably won't. Lynne Liechty made a motion to sell the boxes of Cat 5e wiring on GovDeals.com. James Crowl seconded that motion and the motion carried with three (3) ayes.

Mr. Charlton submitted two (2) quotes for the 76 Park Pavilion Parking Lot. James Crowl made the motion to accept the low quote by Dave Dilts Excavating in the amount of \$4,000.00. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Frank Charlton submitted two (2) quotes for a snow blower at the Event Center. James Crowl made a motion to accept the low quote for the Toro Snow Blower from KFG in the amount of \$1,199.00. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Mr. Charlton also reported that they have an unused leaf vacuum and air compressor at the County Park. Lynne Liechty made a motion to put the items in the auction on GovDeals.com. James Crowl seconded that motion and the motion carried with three (3) ayes.

Kylee Harris, Event Center Coordinator, discussed the damages to the Event Center from one of the weddings that was held. She said that there is a scratch on the glass door and the door will cost \$345.00 to replace,

the holes in the walls have been fixed at a cost of \$150.00 and she is waiting for the invoice from the painters. She said that there were also scratches on the floor and she is waiting for Northern Industrial Flooring to see what they can do to remedy that issue. Lynne Liechty made a motion to leave the glass door as is; however, bill the renters for the other damages that exceed the damage deposit. James Crowl seconded that motion and the motion carried with three (3) ayes.

At another wedding, it was reported that a table was damaged beyond repair. Gary Fair stated that it would cost \$280.00 to replace the table.

Frank Charlton requested to have three (3) days off, unpaid, to extend his vacation in October. James Crowl made a motion to approve that request. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Jennifer Sharkey, Highway Engineer, submitted utility permit #2790 from LaGrange REMC and utility permit #2791 from Century Link for approval. Lynne Liechty made a motion to approve those utility permits. James Crowl seconded that motion and the motion carried with three (3) ayes.

Ms. Sharkey reported that she received a revised contract from GAI for the construction inspection that was more appropriate for the fee proposed.

Jennifer Sharkey said that there is still no award announcement on the Community Crossings Grant. She said that she anticipates not receiving the full amount with the number of applications that were received.

Ms. Sharkey stated that she had a contractor contact her about a resolution that was passed in 2003 on behalf of the Sewer District. She said the resolution that was passed states that concrete with rebar and concrete with wired mesh would not be permitted in right of way that Steuben Lakes Regional Waste District has. She said that this has caused an issue with people who want to install a concrete driveway because they are being told that they cannot do so if there is a sewer facility along the roadway in that area. James Crowl said that he's not sure how this ever happened, but there is no such ordinance for gas lines, telephone lines or any other utility. Donald Stuckey stated that the Commissioners can rescind the resolution. James Crowl made a motion to rescind the resolution. Lynne Liechty seconded that motion and the motion carried with three (3) ayes. Ronald Smith requested that Donald Stuckey contact the Steuben Lakes Regional Waste District and inform them of this change.

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

Mr. Heller reported that he has spoken to Brett Hays and they think it is possible, with Commissioners' permission, to pursue having a work crew made from Community Corrections so the participants can fulfill their Community Service requirement. Mr. Heller said that they could do several tasks such as mowing, crack sealing (without driving), brushing, etc. Donald Stuckey said that he assumes that the Community Corrections workers would be covered under the State's liability policy. James Crowl said that whenever Community Corrections Work Crews are out, they always have a Community Corrections Officer with them. Ronald Smith said that he would be very hesitant to allow the Community Corrections workers to use chain saws. James Crowl made a motion to try this and see how it works out. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Lynne Liechty brought up the claim to Angola Collision regarding the Dodge Durango. Jennifer Sharkey stated that when one of their crew members was washing the vehicle, he saw that there was some paint scratched off the bumper. Ms. Sharkey said that she checked with the warranty and insurance and that's why she had it repaired. She said she didn't realize that since there was no accident that she had to fill out the incident report and turn it in. Kim Meyers stated that whenever there is any damage to a Commissioners' vehicle, it needs to be reported and they need to be notified. James Crowl made a motion to pay the invoice from Angola Collision. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Gene Diehl and Dan Oberst were scheduled to address the Commissioners regarding the proposed ETJ in the Town of Clear Lake; however, Ronald Smith had Donald Stuckey state the limitations and what responsibility the Commission Board has so no time is wasted. Ronald Smith also gave Donald Stuckey permission to terminate

the presentation if it goes beyond what should be discussed. Donald Stuckey stated that there is a process that is required when someone requests an extraterritorial jurisdiction. Mr. Stuckey said that anyone can present a petition to the Commissioners at any time. Mr. Diehl handed the Petition to Erin Schiffli, Commissioners' Secretary, as part of the record. A cover letter for the petition was also handed to the Commissioners. Mr. Stuckey said that the Petition regarding the ETJ has been withdrawn from the Plan Commission and there is nothing before the Plan Commission to consider. He said the Commissioners can't consider anything until the Plan Commission gives them a recommendation. Mr. Stuckey further stated that there would be a public hearing during that process and that is why he is hesitant to accept evidence at this time because the other party is not present. Donald Stuckey stated that it is his recommendation to the Commissioners that they can have the Petition and cover letter, but as far as testimony or evidence from witnesses at this time, they have to wait for the public hearing which may not ever happen if the other party doesn't present the petition.

Gene Diehl stated that he understands that the petition has been withdrawn; however, the Town of Clear Lake has not stopped the issue. Mr. Diehl said that it is still active as far as the Town goes and they have not filed a motion to repeal or stop the situation. Donald Stuckey said that the petition has been withdrawn, but until the Plan Commission presents something to the Commissioners, they are not supposed to hear evidence on this matter at this time as it would be inappropriate.

Mr. Diehl said that Clear Lake has hired an attorney/arbitrator/negotiator to conduct their Zoning Board Meeting and after a long discussion at that meeting, they brought up an Interlocal Agreement. Donald Stuckey said that is another way to create an ETJ; however, it still has to be approved by the Commission Board. Mr. Stuckey said that is one way to do it, but the Commission Board has uniformly required everything to go through the Plan Commission before it is considered.

Ronald Smith thanked Mr. Diehl and Mr. Oberst for coming to the Commission Board Meeting; however, the Commissioners have to operate within the proper procedure.

Mr. Moody said that some members of the Council that support the ETJ have referred to someone in County Government that asked them to form this ETJ. Mr. Moody asked if the Commission Board or a member of this Board has suggested or approved in any way that this ETJ be created. Ronald Smith asked if it was done in person or through a phone call. Mr. Moody said he did not know and that is why he is asking the Board personally today. Mr. Moody said that he spoke to a member of the Plan Commission and he knew nothing of it. Mr. Moody said he wanted to put it on record that this isn't something that the Commissioners have recommended. Ronald Smith said that if someone makes a request, the Board has them contact Ms. Schiffli, that way it comes through the Board itself. Commissioner Smith said that the Board doesn't want to conduct business on the outside of the Board so he's hoping in this situation that this accusation is not true.

James Crowl said that the Old Exhibit Hall is being torn down at the County Park and there is an old sewer canister that the County is paying rent on every month. He said that since it is not being used, the County has to take it out, pay for it and then take it back to the Sewer District. Until that is done, they will continue billing the County. Commissioner Crowl said that the Commission Board gave the Sewer District the right to go completely through the County Park to save them money and now they are requiring the County to pay to remove the unused canister. Ronald Smith said that the Commission Board can petition that the Sewer District bear the expense to remove the canister. The Commissioners requested Lori Hickey to verify how the billing is done and report back at the next meeting.

The Commissioners received the following correspondence: Stacey Meek, NICC re: Advisory Board Agenda and May's Minutes; AIC re: AIC eNews; Matt Meersman, St. Joe River Basin re: SJRBC Watershed Leadership Scholarship; John Sampson, NEIndiana re: Moving; Matthew Row, Attorney General's Office re: Angola Public Library Mobile Operations Center; NEIndiana re: NEI Caucus 2018 Policy Agenda Survey; Jack Krouse re: Newsletter/Question of P3 "Public-Private Partnership" Agreements; Janel Meyer, Soil and Water re: Approved Board Meeting Minutes.

STEUBEN COUNTY BOARD OF COMMISSIONERS

Ronald L. Smith, President, South District

James A. Cowl, Vice President, Middle District

Lynne Liechty, North District

Attest: _____
Kim Meyers, Steuben County Auditor
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