

STEBEN COUNTY BOARD OF COMMISSIONERS MEETING  
September 6, 2016

The Steuben County Commissioners met at 8:30 a.m. on Tuesday, September 6, 2016, in the Commissioners' Room of the Steuben County Community Center. Present this day were Commissioners Ronald Smith, James Crowl and Lynne Liechty. Also present were Donald Stuckey, County Attorney, Ruth Beer, Steuben County Councilwoman and Kim Koomler, Steuben County Auditor.

Elten Powers, Pleasant Lake Lions Club Secretary, submitted a letter requesting to use the Dale Hughes Auditorium for their Minstrel Show on Saturday, October 22, 2016, and for rehearsals on September 12, 19 and 26 and October 3, 17, 19-22, from 7:00 p.m. to 9:00 p.m. Mr. Powers also requested that the rental fee be waived. Lynne Liechty made a motion to approve the request. Ronald Smith seconded that motion and the motion carried with two (2) ayes.

Lynne Liechty made a motion to approve the claims submitted for payment this day totaling \$907,639.63. Ronald Smith seconded that motion and the motion carried with two (2) ayes.

Lynne Liechty made a motion to approve the Monthly Comparison Report. Ronald Smith seconded that motion and the motion carried with two (2) ayes.

Lynne Liechty made a motion to approve the minutes from the Commissioners' Meeting on August 15, 2016. Ronald Smith seconded that motion and the motion carried with two (2) ayes.

The Commissioners signed the minutes from the August 1, 2016, Commissioners' meetings which were approved at the previous meeting.

Shannon Hentzell, Executive Director of Turning Point Shelter, submitted a request to use the Dale Hughes Auditorium on December 1, 2016 for their Annual Christmas Concert. Ms. Hentzell also requested that the rental fee be waived. Lynne Liechty made a motion to approve the request; however, noted that Turning Point will be responsible for custodian fees. Ronald Smith seconded that motion and the motion carried with two (2) ayes.

Randy Brown, EMA Director, submitted quotes for repairs to the EMA Tahoe. Mr. Brown said that his budget does not allow for in depth vehicle repair so he is bringing the estimates to the Commissioners. He said that the front end of the Tahoe needs fixed and it is normal maintenance. Mr. Brown said that the estimates are within \$500.00 of each other, but Bill's Towing and Repair is doing more work for the money. Lynne Liechty made a motion to accept the quote from Bill's Towing & Repair, in the amount of \$2,510.00, due to the extra work being done. Ronald Smith seconded that motion and the motion carried with two (2) ayes.

Randy Brown also submitted information to the Commissioners regarding the Event Center being an emergency shelter. Mr. Brown requested that the Commissioners review the information and if it meets the Commissioners approval, he requests that the Commissioners sign it.

Mr. Brown also stated that he is in need of a new laptop computer and he is looking at possible avenues to purchase one. He said that he is not sure how the LEPC funds work, but he still needs the Commissioners approval. Mr. Brown said that he is submitting this information to the Commissioners to review and make a decision at a later date. He stated that once LEPC decides where to take the funds, Tami Sumney, IT Director, will be notified.

Lori Cole stated that she and her husband purchased a property just off of 350 N, not on Lake James, but set back from the lake. Ms. Cole stated that the previous homeowner, "Joe," informed them that no lake access was available at the time they bought the house, but Joe had access through one of the neighbors down at the lake. Ms. Cole said that in speaking with other neighbors that have been in the area for several years, they discovered that Joe has a dock, a pontoon boat and a jet ski on the small 10 foot strip of land at the lake and he has accessed the lake from that strip of land for the last 20 years. Ms. Cole reported that the dock, pontoon and the jet ski are still located down at the lake, even though he sold the property to the Cole's four (4) months ago.

Ms. Cole said that they have tried to speak to Joe several times about the access to the lake to see if they could use it; however, Joe will not discuss the matter with the Cole's. Lori Cole said that in July she went to speak with the adjoining property owners about the access to see if she could gain any information and they made it very clear that as soon as Joe's dock and boats are out of there, the lake access will be blocked off and no one will have access there. She said that there is a large sign at the top of the access to block anyone from going down the access. Lori Cole also said that other people in the neighborhood have told her that Mr. Paris and Mr. Venderly don't own the property and they weren't quite sure what the deal is with the property.

Lori Cole said that she has been working with Craig Benson, Guardian Title and all of the County Offices and they have been able to piece together a little bit of information. She said that Guardian Title determined that the access is part of CR 350 N. Mr. Venderly, the neighbor to the north, purchased the land from Mike Leckner in 2002 and somehow had the north part of CR 350 N vacated at that time so he could have a buildable lot. Craig Benson stated that in his opinion the Cole's would be able to use the access; however, if a dock was installed the neighbors would probably contact the DNR because there are guidelines from the DNR stating that you have to be 10 feet off of a neighbor's property line in order to have dock placement. She said that the DNR does have a grandfather clause that states that if the property has been used for a dock for the last twenty (20) years that dock would be grandfathered in, even if it didn't meet the 10 foot requirements.

Ms. Cole said that there is an example of the grandfather clause that exists on Snow Lake. She said that multiple families use that dock which is placed on a 10 foot strip that the County owns and it appears that it was an old vacated piece of road. She said that she's asked the DNR about the requirements of the dock because she wants to do everything legal. Ms. Cole stated that the DNR said that as long as she has permission from the land owners to place a dock there, she doesn't need a permit from the DNR. Ms. Cole said that she would like to obtain permission from the Commissioners to continue to access this location for single family use, to place a dock there next season and to use the lake access as it has been used in the past.

Vina Conti, Plan Commission, stated that there isn't anything that shows it was owned by Venderly's as it is owned by the County. Ms. Conti further stated that it is actually a road and is a lake access for the public.

Bill Schmidt stated that his understanding of the rules are that Steuben County has no control over docks and once someone gets into the lake, only the DNR has control over the placement of docks. Mr. Schmidt said that he is unaware of the 10 foot rule and it is his understanding that someone can't put their dock or boat across property lines.

Lori Cole said that she has made the offer to Joe to purchase the dock; however, he won't discuss it.

Ronald Smith stated that the Commissioners need more information and a more cohesive presentation in order to make a decision.

Lori Cole said that if they were able to put a dock there, they wouldn't care who used it as long as they had a spot for their fishing boat. She also said they would be happy if they were granted access to swim.

Gary LeTourneau, Communications Director, submitted a Statement of Work Proposal from Spectrum & Licensing Services, for a new VHF simul cast system, not to exceed \$6,637.00. Mr. LeTourneau also submitted a list of incumbents for the Commissioners information. Lynne Liechty made a motion to accept the Statement of Work Proposal, not to exceed \$6,637.00, to be paid from the 2013 Bond 4605-000-4000.07. James Crowl seconded that motion and the motion carried with three (3) ayes.

Gary Fair, Community Center Maintenance, updated the Commissioners on the search for preparedness storage for the Health Department. Mr. Fair stated that the EDC is willing to allow the Health Department to store their items at the EDC free of charge; however, they are requesting that the County help clean up the driveway and help with weed control. Mr. Fair also said that even though they agreed to allow the Health Department to store items there, the EDC would not commit for a specific length of time. Lynne Liechty recommended using the EDC temporarily. James Crowl stated that the decision should be up to the Health Board.

Mr. Fair also discussed trash removal at the County buildings. He said that currently the County is paying \$383.63 a month for trash removal at the Community Center. Mr. Fair said that he was told that the County is being over charged. Currently, we are being charged for two (2) trash dumpsters and one (1) cardboard dumpster and the jail is being charged for one (1) trash dumpster and one (1) cardboard dumpster. Mr. Fair also said that MSD is being charged for one (1) dumpster. He said that all three entities are getting charged \$173.00 for a fuel service fee. Gary Fair requested permission to work with MSD on contracts on all County owned facilities to see if money can be saved.

Jennifer Sharkey, County Engineer, submitted NIPSCO utility permit #2737RC, Frontier utility permit #3188 and QC Communications utility permit #3189 for approval. James Crowl made a motion to approve the utility permits. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Ms. Sharkey stated that she received the final contract documents for the 200 N/200 W Intersection Project and they are on file at the Highway Department.

Jennifer Sharkey reported that the final contract documents are being worked on for the Bike Trail and there is still discussion on the seeding item.

Jennifer Sharkey stated that INDOT provided a punch list of items and she is working with INDOT and the contractor to address some of the items.

Ms. Sharkey said that a quarterly meeting was held on the 200 N/SR 827 project on August 10. She said that they revised and submitted the environmental paperwork. Once that paperwork is approved by INDOT, they can move forward with the right of way process. She submitted a reimbursement voucher for the design services for the month of July in the amount of \$5,054.54. Lynne Liechty made a motion to approve the reimbursement voucher. James Crowl seconded that motion and the motion carried with three (3) ayes.

Ms. Sharkey said that she sent the right of way contracts between the County and the consultants to INDOT for review. Once INDOT reviews that information, she will then bring it to the Commissioners for review.

Jennifer Sharkey said that Emmett Heller, Highway Superintendent, has been working on the Old 127 light project and has been getting additional quotes. Ms. Sharkey said that the original quote from INDOT's contractor was \$30,000.00. Emmett Heller stated that he spoke with Tom Simpson and he indicated that the lights can be reached with the Highway Department's boom truck. Mr. Heller said that the quote he received from Mr. Simpson was around \$11,000-\$12,000.00 and he guarantees it won't cost more than \$15,000.00. Emmett Heller said that there are a few things that they are uncertain about, which would make a difference in the final price. Lynne Liechty made a motion to approve turning on the Old 127 lights, not to exceed \$15,000.00. Kim Koomler stated that Local Road and Street or Highway funds should be paying for it. Jennifer Sharkey said that they would have to go for an additional and a line item would have to be created. James Crowl seconded that motion and the motion carried with three (3) ayes. Ms. Sharkey indicated that she would work with Kim Koomler on finding the funds.

Jennifer Sharkey stated that the County was awarded \$415,674.26 from the Community Crossings Matching Grant Fund. She said that those funds encompass seven (7) projects; however, three (3) of those projects have already been completed or are in the process of being completed. Ms. Sharkey stated that she is respectfully requesting permission to approach the Council for having matching funds come from the Rainy Day money that was put aside for the matching grants as part of the Senate Bill 67. James Crowl made a motion to request permission from Council to have the matching funds come from Rainy Day. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Jennifer Sharkey submitted an unofficial detour for the small structure replacement on SR 127 from INDOT. Lynne Liechty made a motion to approve the unofficial detour. James Crowl seconded that motion and the motion carried with three (3) ayes.

Ms. Sharkey stated that they recommend accepting the salt bid from Compass Minerals. Lynne Liechty made a motion to accept the bid from Compass Minerals. James Crowl seconded that motion and the motion carried with three (3) ayes.

Jennifer Sharkey stated that she would like to attend the President's and Governor's Forum for the American Society of Civil Engineers on September 17-19 in Washington D.C. She said that it is a leadership training for the incoming Presidents of the State Section. Ms. Sharkey stated that in October, she would be moving to that position, so she would like to ask if she may attend the conference. Ms. Sharkey said that the cost would be covered by herself or the State Section, nothing from County Government. She also requested to use the time as a professional training day. James Crowl made a motion to approve that request. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Ms. Sharkey said that she needs clarification from Donald Stuckey, County Attorney, on the stop signs that are placed on private lanes adjacent to the public roadway and surveyor's damaging roads and not filling them back in. She said that the Highway Department recently did work on CR 175 S and two (2) days after it was completed, there were three (3) or four (4) different holes in the road that have not yet been filled in. Emmett Heller stated that the surveyor told him that they had no plan to fill in the holes. James Crowl stated that he thought that there was an ordinance regarding that.

Lynne Liechty stated that she approved the signage for the County Park and Jennifer Sharkey found the locations where the signs could be placed. Commissioner Liechty said that she has signs for the Event Center and for the Campground. Jennifer Sharkey said that the size of the signs were increased due to where they are to be placed.

Emmett Heller reported that today they went back to eight (8) hour days.

Mr. Heller said that Old 27 was broomed off on Wednesday. He said that the cape seal is coming the week of September 19, weather pending. Mr. Heller reported that he spent a fair amount of time on the phone with an EMC Insurance Adjuster by the name of Janet. Emmett Heller said that he sent her pictures this morning of the signs that were out and the locations of the signs were noted on a map. Mr. Heller said that Janet is now requesting the name and phone number of the Commissioner contact from which the Highway Department takes instructions from and written policies and procedures that the County and/or Commissioners have for the Highway Department to follow while doing road work. Mr. Heller said that those items were needed so the insurance company could make their liability determination.

Ronald Smith stated that he told Emmett Heller to take the signs down, pending approval from another Commissioner. Commissioner Smith said that the Highway Department takes direction from the Commission Board, not just one Commissioner.

Emmett Heller reported that all dust control areas south of US 20 should be done by the end of this week.

Mr. Heller said that they have accomplished 16.7 miles of chip and seal road as of last Thursday.

Emmett Heller stated that he has been renting a double drum roller. It is a \$20,000.00 machine and currently the County has paid \$14,000.00 to rent it. Mr. Heller said that he would like to request permission to spend \$6,000.00 out of 1172-000-3000.01 to purchase the roller. Lynne Liechty asked if this was a lease with an optional buyout. Emmett Heller said that it is a rental and now the County is only \$6,000.00 away from owning it. James Crowl made a motion to approve the expenditure. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Ronald Smith asked Jennifer Sharkey about the ADA issues in Pleasant Lake that have to be fixed in 2017. Ms. Sharkey stated that there are some sidewalk segments on State Street and the curb ramps on Main Street are not ADA compliant.

Matt Bidlack submitted a request to increase the fee from \$10.00 to \$15.00 per deer when he is called out to pick up a carcass and no carcass is to be found. James Crowl said that the reason for this is because Mr. Bidlack will get a report to pick up a dead deer and if it isn't there and he looks for a while, he spends more time looking for a non-pickup than he does a pickup. Commissioner Crowl said that he requested the Highway Department to give better instructions of where the deer are located. The Highway Department said that when they give the directions

to Communications, sometimes Communications doesn't always give the complete directions. Lynne Liechty made a motion to approve the request. James Crowl seconded that motion and the motion carried with three (3) ayes.

Tami Mosier, Purdue Extension, submitted a Boat Storage Contract with Dry Dock. James Crowl made a motion to approve the Contract. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

The Commissioners reviewed a contract from Koorsen Fire and Security for the fire extinguishers at the County Park. Lynne Liechty made a motion to accept the contract with Koorsen. James Crowl seconded that motion and the motion carried with three (3) ayes.

The Commissioners had requested that Gary Fair's job description be reviewed. Kim Koomler stated that the Commissioners need to approve starting the process and to have Mr. Fair fill out the questionnaire for the consultant so we can move forward with the job description change. Kim Koomler said that once this is done, and if it requires a change in pay, the Commissioners will have to make a decision on that and take it before County Council. Ms. Koomler said that it will have to go in front of the Personnel Committee, the Council and the the Commission Board. Lynne Liechty made a motion to approve starting the process to have Gary Fair's job description changed. James Crowl seconded that motion and the motion carried with three (3) ayes.

The Commissioners reviewed the new Event Center Coordinator/Assistant Superintendent job description. Kim Koomler explained the new law that goes into effect December 1, 2016, and the changes that had to be made to the job description due to that law. Ronald Smith stated that the Event Center Coordinator will have to log her hours and submit them to the Commission Board. Ronald Smith also recommended that the Superintendent and Assistant Superintendent have uniforms that identify who they are. Lynne Liechty made a motion to approve the final draft of the job description and to have Kylee Harris review and if she accepts, sign the document. James Crowl seconded that motion and the motion carried with three (3) ayes.

Hugo Diru, Bison Financial, followed up with the Commissioners regarding obtaining permission to meet with County Employees regarding retirement planning. No motion was made by the Commissioners.

Frank Charlton, County Park Superintendent, received verbal permission on August 25, 2016, to repair the Simplicity riding mower at the County Park, in the amount of \$577.57. James Crowl made a motion to officially approve the request. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Gary Fair, Community Center Maintenance, received verbal permission on August 29, 2016, to have 8"-12" of rock placed in the new parking lot rain garden due to erosion, in the amount of \$1,500.00. Lynne Liechty made a motion to officially approve that request. James Crowl seconded that motion and the motion carried with three (3) ayes.

Leroy Steury, Steury Builders, submitted an Agreed Assumption of Contracts that he received from NIPSCO for the new County Park Event Center. James Crowl made a motion to approve and sign the Agreed Assumption of Contracts with NIPSCO. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Vicky Meek, EMS, submitted August, 2016 Write Offs in the amount of \$172,245.67 and August, 2016 Closeouts in the amount of \$1,585.50 for approval. Lynne Liechty made a motion to approve the August, 2016 Write Offs and Closeouts. James Crowl seconded that motion and the motion carried with three (3) ayes.

Charles Malinowski, President of MALCON, notified Vicky Meek, EMS Director, that counties are now required to prove that they actually own/operate their ambulance service in order to receive Medicaid supplemental reimbursements as part of the annual Medicaid Ambulance Cost Reporting Program. Ordinance 890 was submitted for approval so ownership could be proven. James Crowl made a motion to approve Ordinance 890. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

**Second and Third Readings  
Steuben County, Indiana  
Ordinance No. 890**

Thereupon, County Commissioner, James Crowl moved that all rules of procedure of the County Commissioners which might prevent, unless suspended, the second and third readings of Steuben County Ordinance No. 890, for final passage and adoption of said Ordinances at this meeting without reading the said Ordinances 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 Ordinances 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 Ordinances was seconded by Lynne Liechty and on the call of the roll was adopted by the following vote:

Ayes  
3

Nays  
0

The County Auditor then read aloud the title of said Ordinances for the second and third readings. Thereupon, County Commissioner, Lynne Liechty, moved for final passage and adoption of the Ordinances in full applicable regulations to establish such Ordinances. 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. 890, 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 No. 890 is on file in the Auditor's office. Ordinance No. 890 reads as follows:

#### ORDINANCE 890

##### STEBEN COUNTY EMERGENCY MEDICAL SERVICES DEPARTMENT

WHEREAS, Steuben County has applied to The State of Indiana, Family and Social Services Administration (FSSA) for reimbursement of supplemental payment adjustments for ambulance services using the *Indiana Medicaid Freestanding Governmental Ambulance Provide Cost Report*;

WHEARAS, Steuben County currently provides ambulance services to the residents of Steuben County;

WHEARAS, Steuben County desires to fully complete the *Proof of Government Ownership* form prescribed by FSSA to receive payment adjustments;

NOW, THEREFORE, the Steuben County Commission, in consideration of the above, finds as follows:

1. That the Steuben County Emergency Medical Services Department is authorized, pursuant to Indiana Law, to provide emergency medical services; and
2. That the Steuben County Emergency Medical Services Department is authorized to provide emergency medical services and charge fees from citizens who benefit from said services within the terms and meanings of the Indiana Statute.

This ordinance will be in full force and effect from and after this date of passage.

Passed by the Steuben County Commission on this 6th Day of September, 2016.

THE STEUBEN COUNTY COMMISSIONERS

Ronald L. Smith, President  
James Crowl, Vice President  
Lynne Liechty, Member

Attest: Kim Koomler, Auditor

Donald Stuckey, County Attorney, advised the Commissioners that he would be sending a letter to RES Polyflow.

The Commissioners received the following correspondence: Dan Iannascolio, GovPilot re: Going Paperless; IACC re: Invitation with an Agenda – A Closer Look at Marijuana and Synthetic Drugs; IACC re: ICJI Grant Alert; Steuben County Community Foundation re: August Newsletter; SJRBC re: September 6 meeting agenda and June minutes; IN.gov re: August 29 email from Commissioner Schaafsma; Indiana State Dept of Agriculture re: Meeting Notice; IN.gov re: Lt. Governor Holcomb statement on July employment report; Indiana State Dept of Agriculture re: News; IDHS re: Reporting Severe Storm Damage Online

STEUBEN COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Ronald L. Smith, President, South District

\_\_\_\_\_  
James A. Crowl, Vice President, Middle District

\_\_\_\_\_  
Lynne Liechty, North District

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