

STEUBEN COUNTY BOARD OF COMMISSIONERS MEETING  
September 8, 2015

The Steuben County Commissioners met at 8:30 a.m. on Tuesday, September 8, 2015, in the Commissioners' Room of the Steuben Community Center. Present this day were Commissioners Ronald L. Smith, James Crowl and Lynne Liechty. Also present were Ruth Beer, Steuben County Council Vice President, Ken Shelton, Steuben County Council, Dan Caruso, Steuben County Council, Kim Johnson, Assessor, Jim Getz, Steuben County Council, Donald Stuckey, County Attorney and Kim Koomler, Steuben County Auditor.

Elten Powers submitted his official resignation from the Aviation Board of Commissioners. Lynne Liechty made a motion to accept Mr. Powers' resignation effective immediately. James Crowl seconded that motion and the motion carried with three (3) ayes. The Commissioners thanked Mr. Powers for his service.

James Crowl made a motion to approve the claims submitted for payment this day totaling \$438,142.24. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

The Commissioners signed the minutes from the August 3, 2015, Commissioners' Meeting which were approved at the previous meeting.

Turning Point Shelter submitted a request to use the Dale Hughes Auditorium Thursday, December 3, 2015, for a Christmas Concert. They also requested to have the rental fee waived. James Crowl made a motion to allow Turning Point Shelter to use the Dale Hughes Auditorium for their Christmas Concert with no rental fee charged. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Jeff Bassett, Business Impressions, requested approval to remove the Scan to PC Software from the County Park Contract. Lynne Liechty made a motion to approve that request. James Crowl seconded that motion and the motion carried with three (3) ayes.

Farmer's State Bank submitted an updated Credit Card Agreement for signature. The document did not require formal action by the Commissioners. The Credit Card Agreement was signed and is to be returned to Farmer's State Bank.

Vicky Meek, EMS, submitted Commissioner Write Offs in the amount of \$162,488.49. Ms. Meek also submitted Commissioner Closeouts in the amount of \$250.00. Lynne Liechty made a motion to approve the Write Offs and Closeouts. James Crowl seconded that motion and the motion carried with three (3) ayes.

Shelley Herbert, Clerk, submitted the 2015 General Election Polling Places. James Crowl made a motion to approve the 2015 polling places. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Donald Stuckey, County Attorney, stated that he never got the name of the contact person for the house on Washington Street. Mr. Stuckey stated that the appraiser continues to call his office asking for that information. James Crowl stated that he would take care of that.

Ronald Smith reviewed correspondence from the FSSA. He stated that it becomes the obligation of the County through the Sheriff's Department to take care of individuals who have coverage under Medicaid and if the offenders are incarcerated less than thirty (30) days, the assistance is optional. If the offender is incarcerated thirty (30) days or more, the assistance is mandatory.

Donald Stuckey stated that he is still waiting to hear from a surveyor as far as when they are available to do the legal description and survey for the MSD Tower. He said that the surveyor told him that they are scheduled 6-8 weeks out.

Ronald Smith informed the Commission Board that John Jack Price passed away this past weekend and there is a Commissioners' Meeting this morning in LaGrange County that will be honoring him. Commissioner Smith also said that Garrett Mayor, Tonya Hoeffel, also passed away.

Donald Stuckey stated that he reviewed the Fair Housing Ordinance and he would not make any changes to it. Ronald Smith stated that ordinance was submitted with changes that are required so Steuben County is in compliance. Lynne Liechty

made a motion to approve the Fair Housing Ordinance. James Crowl seconded that motion and the motion carried with three (3) ayes.

**Second and Third Readings  
Steuben County, Indiana  
Ordinance No. 873**

Thereupon, County Commissioner, James Crowl, moved that all rules of procedure of the County Commissioners which might prevent, unless suspended, that second and third readings of Steuben County Ordinance No 873, for final passage and adoption of said Ordinance at this meeting without reading the said Ordinance in full but reading the title only. This motion was seconded by Lynne Liechty and was on the call of the roll adopted by the following vote:

|                  |                  |
|------------------|------------------|
| <u>Ayes</u><br>3 | <u>Nays</u><br>0 |
|------------------|------------------|

Under the suspension of the regular rules, County Commissioner, Lynne Liechty, then moved that the Ordinance be read for the second and third readings by title only and thereby be ready for passage and final adoption in this meeting. This motion for the second and third readings for final passage and adoption of said Ordinance was seconded by James Crowl and on the call of the roll was adopted by the following vote:

|                  |                  |
|------------------|------------------|
| <u>Ayes</u><br>3 | <u>Nays</u><br>0 |
|------------------|------------------|

The title of said Ordinance was then read aloud for the second and third readings. Thereupon, County Commissioner, Lynne Liechty, moved for final passage and adoption of the Ordinance in full applicable regulations to establish such Ordinance. This motion for final passage and adoption was seconded by James Crowl and on the call of the roll adopted by the following vote:

|                  |                  |
|------------------|------------------|
| <u>Ayes</u><br>3 | <u>Nays</u><br>0 |
|------------------|------------------|

The President of the Steuben County Commissioners, Ronald L. Smith, declared publicly Ordinance No. 873, 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 873 with original signatures is on file in the Auditor's office. Ordinance No. 873 reads as follows:

**COUNTY OF STEUBEN, INDIANA  
FAIR HOUSING ORDINANCE  
GENERAL ORDINANCE # 873**

**WHEREAS**, in accordance with the Civil Rights Act of 1968, as amended, the Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1, et. Seq., the following provisions are necessary and appropriate to prevent discrimination in the area of housing because of race, color, religion, sex, handicap, familial status or national origin:

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF  
THE COUNTY OF STEUBEN, INDIANA, AS FOLLOWS:**

**Section 1      Policy Statement**

It shall be the policy of the County of Steuben to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et. seq.

**Section 2      Definitions**

The definitions set forth in this Section shall apply throughout this Ordinance:

- A. Dwelling means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one (1) or more families (I.C. 22-9.5-2-8).
- B. Family includes a single individual (I.C. 22-9.5-2-9), with the status of such family being further defined in subsection (H) of this Section.
- C. Person (I.C. 22-9.5-2-11), includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.
- D. To Rent (I.C. 22-9.5-2-13), includes to lease, to sublease, to let and otherwise to grant for a consideration the rights to occupy the premises owned by the occupant.
- E. Discriminatory Housing Practice means an act that is unlawful under Sections 4,5,6,7 or 8 of this Ordinance or I.C. 22-9.5-5.
- F. Handicap means, with respect to a person:
  - 1. a physical or mental impairment which substantially limits one or more of such person's major life activities.
  - 2. a record of having such an impairment, or
  - 3. being regarded as having such an impairment,
  - 4. an impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.
  - 5. Any other impairment defined in 910 IAC 2-3.

The term 'Handicap' shall not include current illegal use of or addictions to a controlled substance as defined in Section 802 of Title 21 of the United States Code 910 IAC 2-3-2(14); nor does the term 'Handicap' include an individual solely because that individual is a transvestite 910 IAC 2-3-2(14).

- G. An Aggrieved Person includes any person who (I.C. 22-9.5-2-2):
  - 1. claims to have been injured by a discriminatory housing practice; or
  - 2. believes that such person will be injured by a discriminatory housing practice that is about to occur.
- H. Familial Status means one or more individuals who have not attained the age of 18 years being domiciled with a parent or another person having legal custody of such individual or the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

- I. Commission (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, et. Seq.
- J. Complainant (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6.

### ***Section 3 Unlawful Practice***

Subject to the provisions of subsection (B) of this Section, Section 9 of this Ordinance and Title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth Title 22-9.5-5-1 of Indiana Code and in Section 4 of this Ordinance shall apply to:

- A. All dwellings except as exempted by subsection (B) and Title 22-9.5-3 of Indiana Code.

- B. Other than the provisions of subsection (C) of this Section, nothing in Section 4 shall apply to:
1. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single family house by a private individual owner not residing in the house at the time of sale or exemption shall apply only to one such sale within any twenty-four (24) month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single family house shall be exempted from application of this section only if such house is sold or rented:
    - a. without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and
    - b. without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section 4( C) of this Ordinance, but noting in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or
  2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- C. For the purposes of subsection (B), a person shall be deemed to be in the business of selling or renting dwellings if:
1. They have, within the preceding twelve (12) months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
  2. They have, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
  3. They are the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five (5) or more families.

**Section 4        *Discrimination in the Sale or Rental of Housing***

As made applicable by Section 3 and except as exempted by Section 3(B) and 9, it shall be unlawful:

- A. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status or national origin.
- B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services of facilities in connection therewith, because of race, color, religion, sex, handicap, familial status or national origin.
- C. To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.
- D. To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- E. For profit, to induce or attempt to induct any person to sell or rent any dwelling by representations

regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.

F. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:

1. that buyer or renter;
2. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
3. any person associated with that person.

G. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:

1. that person; or
2. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
3. any person associated with that person.

H. For purposes of this subsection, discrimination includes:

1. a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted;
2. a refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
3. in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1998, a failure to design and construct those dwellings in such a manner that:
  - a. the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
  - b. all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
  - c. all premises within such dwellings contain the following features of adaptive design:
    - i. an accessible route into and through the dwelling;
    - ii. light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
    - iii. reinforcements in bathrooms such that an individual in a wheelchair can maneuver about the space.

Compliance with the appropriate requirement Americans with Disabilities Act of 1990 and of the American National Standard for Buildings and Facilities providing accessibility an usability for physically handicapped people (commonly cited as

ANSI A117.1") suffices to satisfy

Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.

**Section 5            *Discrimination in Residential Real Estate-Related Transactions***

- A. It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.
  
- B. As used in this section, the term residential real estate-related transaction means any of the following:
  - 1. The making or purchasing of loans or providing other financial assistance:
    - i. for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
    - ii. secured by residential real estate.
  
  - 2. The selling, brokering, or appraising of residential real property.
  
- C. Nothing in this Ordinance prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

**Section 6            *Discrimination in the Provision of Brokerage Service***

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin.

**Section 7            *Interference, Coercion, or Intimidation***

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 3, 4, 5 or 6 of this Ordinance.

**Section 8            *Prevention of Intimidation in Fair Housing Cases***

Whoever, whether or not acting under code or law, by force or threat of force willfully injures, intimidates or interferes with, or attempt to injure, intimidate or interfere with:

- A. any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
- B. any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
  - 1. participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (A); or
  - 2. affording another person or class of persons opportunity or protection so to participate; or
- C. any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (A), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

**Section 9            *Equal Access to Housing in HUD Programs***

Pursuant to 24 CFR Part 5.403 and 24 CFR Part 574.3 the definition of "family" is revised to include families regardless of the actual or perceived sexual orientation, gender identity, or marital status of its members.

**Section 10          *Exemptions***

- A. Exemptions defined or set forth under Title 22-9.5-3 et. seq. of Indiana Code shall be exempt from the provisions of this Ordinance to include those activities or organizations set forth under subsections (B) and (C) of this Section.
- B. Nothing in this Ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this Ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.
- C. Nothing in this Ordinance regarding familial status shall apply with respect to housing for older persons. As used in this Section, 'housing for older persons' means housing:
  - 1. provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly person (as defined in the state or federal program) or;
  - 2. intended for, and solely occupied by, person 62 years of age or older; or
  - 3. intended and operated for occupancy by at least one person 55 years of age or older per unit.

**Section 11      *Administrative Enforcement of Ordinance***

- A. The authority and responsibility for properly administering this Ordinance and referral of complaints hereunder to the Commissioner as set forth in subsection (B) hereof shall be vested in the Chief Elected Official of the Town of Americana, Indiana.
  
- B. Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Americana, Indiana, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under the Ordinance, herein elects to refer all formal complaints of violation of the articles of this Ordinance by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Official of the Town of Americana, Indiana, shall refer all said complaints to the Commission as provided for under subsection (A) of this Section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code.
  
- C. All executive departments and agencies of the Town of Americana, Indiana shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this Ordinance and shall cooperate with the Chief Elected Official and the Commission to further such purposes.
  
- D. The Chief Elected Official of the Town of Americana, Indiana, or the Chief Elected Official's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.

**Section 12      *Severability of Provisions***

If any provision of this Ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Ordinance and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby.

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**CERTIFICATE OF ADOPTION**

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It is hereby certified that this Ordinance Number 873 was passed by the Commissioners of the County of Steuben, Indiana, at its legally convened meeting on September 8, 2015

**COMMISSIONERS OF STEUBEN COUNTY**  
RONALD L. SMITH, PRESIDENT  
JAMES CROWL, MEMBER  
LYNNE LIECHTY, MEMBER

ATTEST:  
KIM KOOMLER, AUDITOR

Donald Stuckey opened the Steuben County Park Community Building Bids. One bid was received from Steury Builders in the amount of \$1,211,620.00. The bid also includes an interior flooring allowance, cabinets, kitchen top allowance, well allowance and a sewer hookup allowance (with limits). Not included in the bid was providing electric or gas service from NIPSCO, payment of electric and gas bills during construction, parking lot grading and materials, parking lot lighting, site prep of more than eight (8) inches, landscaping and seeding of grass, appliances, audio/visual security wiring and equipment. The bid was given to Frank Charlton for review before acceptance.

Bill Schmidt updated the Commissioners on the Four Corners Bridge Lighting Project. Mr. Schmidt said that he had hoped that the project would be done by Labor Day or when the snow flies; however, it is progressing slower than anticipated. Frank Baade is having conversations with property owners and the Sewer District to determine whether or not there is a sewer line. Mr. Schmidt stated that they have about 55%-60% of the money raised. He reported that they hope to have it all together by next spring.

Keith Saunders, Tobias Insurance Group, addressed the Commissioners regarding receiving an authorization to obtain information from Pro-Claim so Tobias Insurance Group can go to market on the County's behalf and analyze the plan and make suggestions and recommendations. Tobias Insurance Group would also look at payroll deductions, reinsurance and stop loss coverage and submit insurance proposals. Mr. Saunders recommended looking at all options, not just the reinsurance component. Ronald Smith requested references from Mr. Saunders. Mr. Saunders stated that he would have to get permission to release that information. James Crowl made a motion to give Keith Saunders a letter of authorization to obtain information from Pro Claim. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Rick Meyers, Annex Maintenance, came to the Commissioners and said that they are going through a lot of ballasts at the EMS North Building. Mr. Meyers said that the bulbs are being burned out and he would like to go to LED seven year bulbs. Rick Meyers said that he tried to get a couple quotes, but Wabash Electric has everything that is needed. Lynne Liechty made a motion to accept the quotes from Wabash Electric in the total amount of \$1,262.36, to be paid from Mr. Meyer's maintenance line item. James Crowl seconded that motion and the motion carried with three (3) ayes.

Kris Treadwell, Council on Aging, submitted a letter they received on an audit from workman's compensation. Ms. Treadwell stated that a couple of the claims were on the property here. A recommendation was made in the audit that the back ramp off the community room, that has the yellow stripe painted on it, get smoothed out and not be a step down. Kris Treadwell said that she told them she didn't have the power to do that because the space is rented and they requested that the information be forwarded to the Commissioners. Lynne Liechty made a motion to have Gary work on the request. James Crowl seconded that motion and the motion carried with three (3) ayes. Gary stated that he will get quotes for the next meeting.

Kris Treadwell submitted the 2016 INDOT Grant for signatures. James Crowl made a motion to sign that Grant. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Vina Conti, Plan Commission, submitted plats for Wagner Meadow, Garden Shed Acres, Windy Acres and Schmucker Heights for signature.

Gary Fair, Community Center Maintenance, stated that he was asked to submit another quote on the entry way project at the Community Center. Mr. Fair said that he called another contractor; however, no quote was received. Mr. Fair said that he feels this project is time sensitive and he would like to start it on October 9, 2015. He previously submitted two (2) quotes and he recommends the single pour quote in the amount of \$11,000.00 from Chuck's Concrete. James Crowl stated that he has talked to some contractors and they said that they would not do the project due to the difficulty of what needs to be done. James Crowl made a motion to accept the quote from Chuck's Concrete in the amount of \$11,000.00, to be paid from CAGIT. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Gary Fair updated the Commissioners on the window repairs. Mr. Fair stated that he has spoken with Carrington Masonry and they are hoping to start the window repair the end of September.

Mr. Fair stated that he received a second quote on the waterproofing project and he will bring all three (3) quotes to the next meeting.

Gary Fair asked if there was any movement on the MSD Tower and the legal description. Donald Stuckey stated that he is still waiting for the survey firm to get back to him. Mr. Stuckey stated that the firm indicated they were 6-8 weeks out on the project. Donald Stuckey said that when he returns to his office, he will call them again to check on the timeline.

Gary Fair also asked if there was any movement on the Washington Street property. James Crowl and Donald Stuckey stated that they are working on it.

Frank Charlton, Building Department, came to the Commissioners after reviewing the bid for the County Park Community Center Building from Steury Builders. Mr. Charlton pointed out items that caused the bid to be over the \$1 Million target. Those items included a \$100,000.00 sprinkler system that is mandated, an interior floor

covering allowance of \$30,000.00, cabinets, etc. are an additional \$27,000.00, a well in the amount of \$7,000.00 and a sewer hookup in the amount of \$12,000.00. Ronald Smith stated those items explain why the bid was over the \$1 Million mark. Lynne Liechty made a motion to accept the bid from Steury Builders in the amount of \$1,211,620.00. James Crowl seconded that motion and the motion carried with three (3) ayes.

Jennifer Sharkey, Highway Engineer, submitted Independence Fiber Network utility permit #2743 for approval. James Crowl made a motion to approve that utility permit. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Ms. Sharkey stated that the 200 N/200 W intersection is closed, for thirty (30) days, starting today, September 8, 2015; however there will be local traffic to the businesses. She stated that the contractor requested that traffic accessing those businesses come off of 200 W that way it is the shortest distance to those businesses. Jennifer Sharkey submitted a reimbursement voucher in the amount of \$2,950.26. Lynne Liechty made a motion to approve the reimbursement voucher. James Crowl seconded that motion and the motion was carried with three (3) ayes.

Ms. Sharkey stated that tentatively they will be putting stone down on the Bike Trail the week of the 14<sup>th</sup> and are looking to have paving done by the end of September. The fence and railing company will then come in to put those items on, probably the first or second week of October. Jennifer Sharkey also said that the picnic tables and bench installations would be about the second to third week of October. Ms. Sharkey stated that they have a resolution regarding the 200N crossing and will be proceeding forward as designed. She submitted a reimbursement voucher for the inspection, in the amount of \$28,484.15. James Crowl made a motion to approve that reimbursement voucher. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Jennifer Sharkey said that the Maple Street design should be finalized by the 14<sup>th</sup> and she will be meeting with the consultant on the 11<sup>th</sup> to go over the design before submitting to INDOT. Ms. Sharkey said that they have worked through some of the issues as far as the design for the driveway of the property owner on the corner of the intersection. She said that the limits will be to the right of way and anything beyond the right of way will need to be worked out with the property owner. Lynne Liechty stated that the issue with Lurecraft is an ongoing problem that needs to be addressed.

Ms. Sharkey stated that on the 200 N/827 Project the level 1 design exception has been approved. She also stated that the stage 1 design will be done by October 1. Ms. Sharkey submitted a reimbursement voucher in the amount of \$11,581.13 for the preliminary engineering services. Lynne Liechty made a motion to approve the reimbursement voucher. James Crowl seconded that motion and the motion carried with three (3) ayes.

Jennifer Sharkey suggested looking forward to Phase II of the Bike Trail as far as securing a funding source for that project as well as possibly looking locally versus a federally funded project. She said that there is no word on if or when another call for projects will happen through INDOT using federal funds. Ms. Sharkey reported if local funds are used, the County could make it a collaborative effort with various organizations or businesses that are interested in a trail network. Ronald Smith suggested going to some of the foundations in the area for grants. Ms. Sharkey said that she has two (2) engineer estimates for the recommended route. Locally it came in at \$1.64 Million and if federal funds are utilized, it would cost \$2 Million or above depending on the level of effort that is necessary for some of the additional paperwork. Jennifer Sharkey stated that she has not met with any of the property owners. Ms. Sharkey said that there were three (3) alternate alignments and she believes the one that continued along the west side of SR 127, once you get to the south end of the Ramada, continue west and go behind the hotel property and then come back out towards SR 127. Ronald Smith suggested approaching Ramada about this plan.

Ms. Sharkey stated that on the first phase of the Bike Trail she is working with the City of Angola Parks Department on some sort of annual maintenance contract until the County can identify the best way to maintain snow removal. She hopes to have that contract for the next Commissioners' meeting.

Jennifer Sharkey said that there is currently a small bridge inspection contract with American Structurepoint for 13 small structures and 14 large culverts. She stated that the last small structure inspection was done in 2010 and the large culvert was done in 1996 so an updated report is needed. The cost of that report is

\$18,050.00 and would begin January, 2016. James Crowl made a motion to accept the inspection contract from American Structurepoint. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Ms. Sharkey stated that a traffic study was conducted on CR 700 N and after reviewing the data and doing some site visits, the lowest justifiable speed would be 45 MPH. She submitted Traffic Ordinance 2150 reducing the speed on that road. Lynne Liechty made a motion to approve Traffic Ordinance 2150. James Crowl seconded that motion and the motion carried with three (3) ayes.

**Second and Third Readings  
Steuben County, Indiana  
Traffic Ordinance No. 2150**

Thereupon, County Commissioner, James Crowl, moved that all rules of procedure of the County Commissioners which might prevent, unless suspended, that second and third readings of Steuben County Ordinance No 2150, for final passage and adoption of said Ordinance at this meeting without reading the said Ordinance in full but reading the title only. This motion was seconded by Lynne Liechty and was on the call of the roll adopted by the following vote:

|                  |                  |
|------------------|------------------|
| <u>Ayes</u><br>3 | <u>Nays</u><br>0 |
|------------------|------------------|

Under the suspension of the regular rules, County Commissioner, Lynne Liechty, then moved that the Ordinance be read for the second and third readings by title only and thereby be ready for passage and final adoption in this meeting. This motion for the second and third readings for final passage and adoption of said Ordinance was seconded by James Crowl and on the call of the roll was adopted by the following vote:

|                  |                  |
|------------------|------------------|
| <u>Ayes</u><br>3 | <u>Nays</u><br>0 |
|------------------|------------------|

The title of said Ordinance was then read aloud for the second and third readings. Thereupon, County Commissioner, Lynne Liechty, moved for final passage and adoption of the Ordinance in full applicable regulations to establish such Ordinance. This motion for final passage and adoption was seconded by James Crowl and on the call of the roll adopted by the following vote:

|                  |                  |
|------------------|------------------|
| <u>Ayes</u><br>3 | <u>Nays</u><br>0 |
|------------------|------------------|

The President of the Steuben County Commissioners, Ronald L. Smith, declared publicly Ordinance No. 2150, 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 2150 with original signatures is on file in the Auditor's office. Ordinance No. 2150 reads as follows:

**Steuben County, Indiana  
Traffic Ordinance No. 2150**

Whereas the Steuben County Commissioners have caused a traffic study to be made over and along County Road 700 North from Old U.S. 27 to State Route 120, all in Steuben County, Indiana, and whereas, the Steuben County Commissioners have determined it is in the best interest of the health and safety and general welfare of the public traveling over and along County Road 700 North from Old U.S. 27 to State Route 120, all in Steuben County, Indiana, to have the speed of motor vehicles along said roadways regulated to forty-five (45) miles per hour.

**Therefore, Be It Ordained That:**

The maximum speed limit over and along County Road 700 North from Old U.S. 27 to State Route 120, all in Steuben County, Indiana, shall be forty-five (45) miles per hour for all motor vehicles traveling over and along said roadways.

Violations of this ordinance shall be charged by a traffic summons issued by any police officer having traffic enforcement jurisdiction in Steuben County, Indiana. The Prosecuting Attorney for Steuben County, Indiana, is authorized to prosecute any violation. The courts of Steuben County, Indiana, having general traffic jurisdiction shall be empowered to process such charges as violations of the law as are all other traffic violations of the Indiana Code and like penalties shall be imposed as set forth in the Indiana Code for any violation, however, any fine is not to exceed **FIVE HUNDRED DOLLARS, (\$500.00)**.

This ordinance shall become effective after the third reading and publication of this ordinance as required by law.

Read and passed first reading on: September 8, 2015  
Read and passed second reading on: September 8, 2015  
Read and passed third reading on: September 8, 2015

**STEBEN COUNTY COMMISSIONERS**

Ronald Smith, President, South District  
James Crowl, Middle District  
Lynne Liechty, North District

Attest:  
Kim Koomler  
Steuben County Auditor

Ms. Sharkey updated the Commissioners on the summer work projects and said that they are at a recovery rate of 67%.

Jennifer Sharkey also reported that Three Rivers has been contacted regarding the striping schedule.

Emmett Heller, Highway Superintendent, updated the Commissioners on current projects. Mr. Heller also requested permission to store slag sand in the parking area at the Old County Home. James Crowl made a motion to approve that request. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Mr. Heller reported that the Highway Department is going back to five (5) days a week as of today, September 8, 2015.

Emmett Heller said that they went to pick up the new chassis a week ago; however, it had some paint scratches on it so those are being fixed. He said that the rest of the components are due to be delivered on October 9, 2015, and construction on that truck will begin. Mr. Heller anticipates that it will be completely put together by December 1, 2015.

Dan Caruso, County Council, asked if there was a procedure that the Highway Department follows for recourse if a contractor or individual does specific damage to a road when building a house, etc. Mr. Heller stated that he wasn't sure if there was a specific action yet, but they are working on one. Ronald Smith stated that the Commissioners would consider a procedure when the Highway Department submits one. Jennifer Sharkey stated that the Permit Manual includes language stating when County Permits are obtained, the contractor has the legal responsibilities.

Brett Hays, Community Corrections, submitted the Steuben and LaGrange County Community Corrections Collaboration Agreement. Mr. Hays stated that the agreements were approved by the Advisory Board last Thursday and there are no differences from the 2015 Agreement. Mr. Hays reported that it is required and it has to be submitted. James Crowl made a motion to accept the Collaboration Agreement. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Mr. Hays also submitted the 1<sup>st</sup> Amended Interlocal Agreement. He stated that the Interlocal Agreement was approved by the LaGrange Commissioners on September 8, 2015, at their morning meeting. Donald Stuckey

stated that he approved of the changes that were made. James Crowl made a motion to approve the 1<sup>st</sup> Amended Interlocal Agreement. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Brett Hays also submitted a list of repairs that are needed at the Community Corrections Building. Mr. Hays said that he is requesting the Commissioners to help fund these repairs. James Crowl made a motion to accept the quote from Manahan Construction for the jail tower windows, in the amount of \$2,290.00, to be paid from CAGIT 1110-000-3000.39. Lynne Liechty seconded that motion and the motion carried with three (3) ayes.

Gary LeTourneau, Communications Director, presented a slideshow regarding the Radio Project. He stated that there have been many concerns about the radio system and a lot of work has gone on behind the scenes over the last year getting to this point.

He said that interoperability, being able to talk to other agencies, is critical. Coverage and building penetration of the radio system is important so users can hear the calls and if they need assistance, they can reach out to other emergency personnel. Mr. LeTourneau feels that Steuben County is obligated to fix these issues.

Gary LeTourneau stated that there are three (3) options: do nothing, do an independent system or join the Statewide Radio Network. In order to facilitate this, Mr. LeTourneau said that he reached out to vendors and gave them all the same specifications. He stated that they looked at vendor experience and all three (3) companies that submitted a proposal have experience in these types of radio systems.

Proposals were received from the Harris Corporation, for a revamp of the current system and J&K Communications, to build an independent system, which both required a complete gutting of what is currently installed. Mr. LeTourneau stated that with J&K's proposal, Steuben County would own and maintain the system like is presently done but using new equipment. A proposal was also received from Motorola to join the Hoosier Safe-T Radio Network.

Gary LeTourneau stated that the recommendation of himself and the Radio Steering Committee is to go with Motorola. Mr. LeTourneau showed an 800 radio coverage map and a map showing the coverage from a 3 watt portable radio to show the improvements. Mr. LeTourneau said that the Turkey Lake and Stroh areas have been addressed and that the WLKI tower site will be vacated.

Mr. LeTourneau reported that Motorola came in at \$8.9 Million and \$400,000.00 worth of options that were added for a total price of \$9,397,457.00. Further, he sought a 10% contingency to bring it to a total of \$10.2 Million. He said that 10% is a high figure and he doubts they will have to tap into that too deeply. Motorola has also included 20 years of support and warranty. Gary LeTourneau stated that this is not a system with a lot of bells and whistles, this is a system that he and the Radio Steering Committee feels is necessary to protect the responders in the field.

Gary LeTourneau stated that all of the vendors gave serious consideration to the specifications. Mr. LeTourneau said that he has the utmost respect for Williams Electronics for the support that they have given the Communications Department in the past. He also thanked the Radio Steering Committee for all their work.

Jim Getz, County Council, requested clarification of the coverage of the new radio system. Brian Riley from Motorola stated that 95% coverage represents 95 out of 100 times the users hit that button, it will effectively work. Jim Getz also asked if the new radio system was going to put more pressure on the County's IT Department. Gary LeTourneau said that it will not affect the IT Department in the least.

An audience member asked if an RFP will be required for the Radio Project. Gary LeTourneau referred that to Donald Stuckey, County Attorney. Donald Stuckey stated that it is his understanding that this comes under the special purchase statute of the State. If Motorola is the only one that can provide the State system, then it would not require an RFP. Gary LeTourneau stated that J&K and Harris can provide gateways that can link to the State system, Motorola offers the direct link to that system. Donald Stuckey stated that if Motorola is the only one that can provide that service then he would say it would come under the special purchase which means you wouldn't have to do an RFP or a bidding process

Dan Caruso, County Council, stated that the terms of the new agreement set forth that final payment wouldn't be due until after the system had proven itself. Gary LeTourneau verified that and said the system would be tested and if corrections are needed they would be made.

Bill Schmidt asked if the transition to the new system would be a smooth one and how would they switch from the old system to the new system and make it seamless. Gary LeTourneau stated that Motorola has had a lot of experience in doing transitions. Mr. Riley from Motorola stated that there's an 18 month transition plan and the Harris system that the County is currently using can operate independently. He said that once everything is up and running the frequencies would be migrated from the old system to the new system. Mr. Riley also said that in addition to that, the State is in the process of upgrading as well. Motorola is assuming that the State will be transitioned to their new system when Steuben County has upgraded.

Lynne Liechty made a motion to take the request to Council for deciding if part of the payment comes out of Major Moves. Commissioner Liechty stated that she feels Motorola is the County's only choice. Ronald Smith stated that those options need to be left entirely open to Council. James Crowl stated he feels that instead of making a motion, it needs to be turned over to Council and let them decide if funding is even optional, how we're going to do it and the decision be made with a yes or a no. Lynne Liechty made a motion to send the request on to Council for their recommendation and funding. She also stated that she would like to specifically recommend Motorola. James Crowl seconded that motion and the motion carried with three (3) ayes.

The Commissioners received the following correspondence: SCEDC re: 8<sup>th</sup> annual Northeast Indiana Economic Development Forum; State of Indiana re: Lt. Governor Hosts Showcase; INDOT re: LPA Newsletter – August 2015; State of Indiana re: Application Round for Hometown Collaboration Initiative; IEDC re: Marketplace News Update; NACo re: Application now open: NACo Innovation Challenge for Coal Reliant Communities; EMC Insurance re: Loss Control News; Northeast Indiana Regional Partnership re: News Release; DHS re: Preliminary Damage Assessments; State of Indiana re: Hoosier Hospitality Awards; August Mack re: August 2015 Newsletter; Maria Davis re: Cruise to the Monument; State of Indiana re: Statement of Record Employment; DHS re: US Shakeout Drill; State of Indiana re: Indiana Tourism Industry's Highest Honor.

STEBEN COUNTY BOARD OF COMMISSIONERS

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

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

\_\_\_\_\_  
Lynne A. Liechty, North District

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