

Steuben County Council  
April 14, 2015  
Meeting Minutes

The Steuben County Council met in special session on Tuesday, April 14, 2015 at 9:00 a.m. The meeting was held at the Steuben County Community Center Building, 317 S Wayne Street, Suite 2 H, Angola, IN. Present were Richard Shipe, Jim Getz, Ken Shelton, Wil Howard, Linda Hansen and Ruth Beer. Auditor Kim Koomler and Chief Deputy Auditor Lori Hickey were present. Dan Caruso was absent.

President Richard Shipe called the meeting to order.

Tami Moser, County Extension Director came before the Council to introduce Megan Peterson. Megan is replacing Inger Friend. Megan will be working on the Health and Human Science Program. Megan stated that she recently completed her master degree and she is planning to use her background in adolescent development toward a focus on programs involving parent/child relationships and adolescent development.

President Shipe called on Hugh Taylor, Chief Public Defender to explain the reason for his additional appropriation request of \$3,000.00 for PD Ben Nordmann. Taylor stated that Ben Nordmann is the lowest paid PD on his staff and the only PD that has not been assigned a death penalty murder case. Taylor stated that the additional money is to compensate Nordmann for the additional work involved in the extremely old felony murder case which took a lot of extra work to get to a plea. The plea was entered however the sentencing phase has not taken place as of yet. Taylor is asking that Ben Nordmann's salary be increased by \$3,000.00 for this year only. Taylor said, in all fairness, that's where his salary should be. However, Taylor said this is a one-time request and not a salary increase going forward. Wil Howard questioned if when Taylor hires someone as a Public Defender and they come in at the lowest level, are they not expected to take these types of cases. Taylor explained that since everyone else on staff had already had a felony case, he didn't want to double-up on the caseloads for the others so he assigned to Nordmann. The part-time Public Defenders spend a lot of time on murder cases. So it's really kind of an unusual event and it is something that is beyond what we anticipate anyone taking. Jim Getz made the motion to approve the additional \$3,000.00 in pay for 2015. Ken Shelton seconded. The motion passed with a vote of five (5) ayes and one (1) nay.

Additional: \$3,000.00 to: 1200-000-3000.01 Atty. Fees for Pt-time PD Nordmann

Sheriff Tim Troyer came before council to submit his request for additional \$5,000.00 for Uniform costs. Troyer stated that due to having to hire four (4) new deputies this year he has totally depleted his uniform budget. Troyer stated that the average cost to outfit one deputy is approximately \$4,500.00. Troyer needs to replenish the line item budget in order to have the funds necessary to continue to maintain the uniforms we currently have and replace items on an as-needed basis. Ruth Beer moved to approve the additional \$5,000.00, Linda Hansen seconded and the motion carried with a vote of six (6) ayes.

Sheriff Tim Troyer brought the issue regarding abused, neglected and vicious animals to council for discussion. Troyer said that we recently had a case last week where one of his deputies was out serving papers when we encountered what he believed to be two (2) neglected or possibly abused dogs. Troyer said we have a very good ordinance in place that was adopted in 2011 establishing procedures for the Humane Society and the County. The problem is the shelter refusing to assist the county by not accepting animals from out in the county which makes that ordinance partially broken. Sheriff Troyer said the hurdle he faces is that he is required by the ordinance to take custody of the animal and deliver it to the shelter that shall accept and house the animal. In this case the shelter refused to accept the animal. Troyer was forced to go outside Steuben County to seek assistance and fortunately was able to get the help needed to transport the animal to another location for medical care and housing. Although it is a rare event, the county sheriff must have a mechanism in place and funds available. Troyer said that based on the current circumstances he is looking at setting a process in place to ensure this doesn't happen again. To that end, Troyer reached out to two area counties and they have both agreed to help in the future. Troyer is requesting the council consider placing a new line item in his budget to pay another facility for fees to impound and care for these animals. Troyer stated, there may never be a need for funds to be appropriated or spent, however he felt it necessary to have the process established. Troyer stated he isn't asking for a specific dollar amount at this time. Troyer wants to ensure he has the ability and a mechanism to pay for those services if and when needed.

Richard Shipe said that the council is scheduled to have a discussion with the humane shelter representatives later this morning and hopefully can come to a resolution. Ken Shelton asked who took the animals in. Troyer said he didn't want to disclose that at this time. Troyer did state that it was another animal care facility in one of our neighboring counties. Shelton said he felt the information was important for council to know the type of facility we are comparing the services against. This is exactly my concern. When the shelter came before the commissioners and council, one concern expressed by me was the anticipated cost of Steuben County not having the services of the Humane Shelter. Today we have an unknown facility at an unknown cost, providing services at an unknown expense and these are all things that were being provided by the Steuben County Humane Shelter previously. Shelton stated prior

to March 23<sup>rd</sup>, Sheriff Troyer was not subjected to those expenses or the dilemma we are in today, correct. Troyer said that was correct. Troyer said he has no way of knowing in advance what costs will be incurred.

Brett Hays, Community Corrections and Lee David, CAVA Director, came before the county council to obtain approval to apply for a Pilot grant for Steuben County/LaGrange County. This is a TANF Grant and will be spent only in Steuben and LaGrange counties. Lee David explained that her Safe Haven Grant no longer exists because of changes in funding on the Federal level. This grant became available to us because over 60% of the clientele in the Family Ties program are TANF eligible. In order to keep the safe exchange program and safe haven visitation center program in operation we have been given the opportunity to participate. Along with the TANF Grant we will be able to continue to make our therapy services program available to our domestic violence clients. This will allow us to offer the family therapy, individual therapy, group therapy, parenting and child development and addictions recovery and prevention and employment preparation for anyone that is TANF eligible. The ongoing program goal is to get people self-sufficient and off of public assistance. David stated that this a wonderful opportunity for our County and LaGrange County and the people of our county in need of services. Today Lee David is looking for approval from council to move forward with the grant application process. Linda Hansen moved to approve, Wil Howard seconded. The motion carried with six (6) ayes.

Jennifer Sharkey, Highway Engineer, was present to submit a request for additional \$10,500.00 to pay for supplemental engineering and design work to be done on the Maple Street Project in Orland, IN. Sharkey stated that the reason for this request is from when we had our field check meeting with our consultant, city of Orland and INDOT, there were additional requirements imposed by INDOT on our engineering consultants plus design changes required to accommodate larger vehicles ingress and egress access to the facility located at the corner of SR 120 and the new Maple Street Extension. Wil Howard asked if this would be the last request for additional funding for this project. Sharkey stated that yes that is her desire. Jim Getz made the motion to approve the additional. Ruth Beer seconded. With no further discussion, the motion passed with a vote of six (6) ayes and zero (0) nays.

David Koenig, Steuben County Economic Development Corporation Director came before the county council to present the project plans for the Invest Steuben Enterprise Center proposed to be located on the property at 907 South Wayne Street, Angola, IN. Koenig provided a brief overview of the proposed project. Koenig stated that the SCEDC entered into a purchase agreement with the owner of 901, 903 and 907 S Wayne Street in December of 2014. The agreement is to purchase the properties consisting of 4.23 acres and 61,650 sq. ft. comprised of five buildings. The SCEDC proposes to use this campus for technical and industrial training space in which Ivy Tech and Freedom Academy have expressed interest in conducting classes within the space. In addition, a business incubator space, co-working space and shared offices of various economic development and workforce development organizations including SCEDC, SC Tourism Bureau, Angola Chamber of Commerce, WorkOne Northeast, Small Business Development Center and others. At Monday's Commissioner meeting \$100,000.00 was approved from the EDIT funds to be joined with \$100,000.00 from the SCEDC and a loan from Farmers State Bank in the amount of \$250,000.00. The City of Angola has committed to in kind contribution of restoring curbs, sidewalks and grass meridians along South Wayne Street. The SCEDC is requesting county council approval for the appropriation of \$100,000.00 to fund the county commissioners' commitment to the project. Richard Shipe asked if the SCEDC anticipates the need to come back to council for additional funding in the future. David Koenig said moving forward it is not his intent to come back for additional funds. Koenig believes that groups in the community will step up and help support the project. Richard Shipe advised county council that approval of the additional appropriation will have to be delayed until their May Meeting because the request was not submitted to the Auditor until April 6, 2015, which was after the publication deadline for the May 12th meeting had already passed.

Lisa Caudell and Rita Needle, representing the Steuben County Humane Society Board, came before the County Council to discuss the impasse between the Humane Shelter and Steuben County Council. Ms. Caudell stated that the difference between the request of \$62,530.00 submitted by the Commissioners and the Council approved additional appropriation \$27,000.00 + the \$18,000.00 that has already been appropriated is \$17,530.00. The main reason we are here today is to try to move past the Shelter funding impasse. Ms. Caudell asked the council what we can do to get to an agreement so that we can say we now serve the entire county. Our mission is to protect animals in this county and the idea of a dog pound went out years ago. We have a heightened awareness of the added care needs for our animals. We would like to begin again to provide that service for the entire county.

Richard Shipe stated for clarification that the \$18,000.00 the county agreed to pay the shelter each year was to help pick up animals only. The shelter is a non-profit 501 and you have always maintained that you have wanted to remain separate from county government. Rita Nedele said the shelter board had always wanted to be a non-profit and were able to because they had their own revenue stream from BINGO to support the shelter. Shipe stated that now you are looking to the county for funding from \$18,000.00 to over \$84,000.00 with an ultimatum that if we don't pay; all services to the county will stop. Ms. Caudell stated that the board members recognize the past history and are standing before the council today to move ahead.

Jim Getz asked if the council approved the additional funding would the Shelter begin to service the entire county again. Ms. Caudell said that yes they would service the county, but first they would like to go back to Town of Fremont to ask again. Richard Shipe stated that to clarify, if the County Council does decide to fund the request with county taxpayer money then the shelter must agree to service everyone in Steuben County. Ms. Caudell and Ms. Nedele both stated that it depends upon whether the amount will be enough to fund operations. Linda Hansen asked what happens if Town of Fremont declines to appropriate any funding. Ms. Caudell said that if we don't receive the \$3,000.00 from Fremont it wouldn't be a deal breaker for the Humane Shelter. The shelter would still in good faith go back to Fremont to give them an opportunity to change their mind as well.

Mr. Dan Booher, animal advocate and concerned citizen, stated his support for the shelter but he questions the recent behavior of the Board. He questioned what the Humane Society is basing the figures on for their anticipated budget. Booher recommended that the county require an accounting of what the money will be used for. Lisa Caudell said the money will be applied to the operating budget, which will also afford the shelter the ability to make necessary minimal improvements to a building that is literally crumbling. Caudell said, last week all three computers died. We have constant repair bills which we have had to put on hold. Mr. Booher asked what plans are in place to construct a new building on the newly acquired property on 200 North. Ms. Caudell stated that the Society will not put the first shovel in the ground until they know they can finance and support that building operationally. We would not be good stewards if we can't operate the new facility. Mr. Booher asked if there are any plans to purchase new software and additional personnel. Lisa Caudell said that the Humane Society is currently having a study done to answer many of those same questions.

Linda Hansen commented that she wished the meeting today with Ms. Caudell and Ms. Nedele had happened earlier. Hansen said she appreciates their efforts. Linda Hansen made a suggestion that the council could appropriate the \$44,530.00 but require the shelter to earmark and line item the budgeted funds of \$17,000.00 for specific projects and needs. Hansen asked shelter representatives where the \$17,000.00 would be used. Hansen stated that the council members and the taxpayers would be more willing to accept the additional funding to the Humane Shelter if it is earmarked or designated for specific expenses like, computers, caging system, air handling, etc.

Richard Shipe asked if the shelter is still going to continue to contract with the county for the \$18,000.00 to cover stray animal pick-up each year. Hansen said this should continue as part of amount allocated to the shelter. Ms. Caudell voiced her concern that by earmarking and line iteming the funds will force the Humane Shelter to possibly spend more than is necessary to take care of the issues. Hansen said we at least would like to have an accounting of how the money is spent each year to justify the additional funds.

Wil Howard stated that he felt the \$45,000.00 was more than enough to carry the shelter through the remainder of 2015. In addition, the county council could work with the other community leaders to secure additional funding. Then the county and all other municipalities can look at a full funding situation between now and our next budget process. Wil Howard asked if the Shelter has tried to obtain federal or state grant funds to help with expenses. Caudell stated that yes they have been applying and do receive some grant funds but not enough to fully support their operation.

Judy Rowe, concerned citizen, stated that in the past she has been in support of the humane shelter however she whole heartedly disagrees with the tactics that have been used to obtain more funding. Rowe asked for the county and the shelter to work together to resolve this matter for the benefit of the animals.

Jim Getz made the motion to approve the additional appropriation of \$44,530.00 to bring the total allocation up to \$62,530.00, (which includes \$18,000.00 allocation already in the budget for animal control for 2015) provided that the Humane Society will service all the taxpayers of Steuben County effective immediately through January 1, 2016 giving our small towns the opportunity to come up with budgetary money for next year. Additionally, the Humane Society will use the additional \$44,530.00 for a multitude of needs including heating & air system, roof, computers, caging system, and maintaining and operating the facility. Finally, during the County's annual budget process the Humane Society will be required to come before the County Commissioners and County Council with their annual budget request and provide a proposed budget and an accounting of expenditures from the previous year to justify the budget request. Ruth Beer seconded the motion.

Lisa Caudell assured the council members that if approved she will return to the Humane Shelter and immediately put the services to all county residents back into place.

President Shipe asked if there was any further discussion from the council.

Kenneth Shelton stated that initially the shelter came to the county requesting additional money as a fee for services. Shelton stated that he is not in favor of government subsidizing other businesses. Shelton was pleased that the commissioners decided to approve the \$62,530.00 and send back to council for further consideration. Shelton stated that it seems like the Shelter came here today in the spirit that they want to move on. It wasn't his understanding that they were throwing away their plea that they want to be

paid for fee-for-services. Now we are putting all of these restrictions on that money and essentially we are operating this private enterprise. Shelton stated that from day one he isn't interested in operating private enterprises. That's not a government function. That being said, Shelton asked if they are being paid for services or is the county taking on the responsibility of operating the shelter. Is this what the commissioners bought into and is this what the council also bought into. Having said that, he said his initial vote was to pay them for services and not for supporting them as a private enterprise. I don't feel that we have any right to manage their operation. The sheriff was here today and he described the dilemma the county is in now. If you remember that first day, I said I fear that if we don't provide the funds, we are going to have bills coming across our desk to pay for someone else to handle the animals. The sheriff stood up here today and has said exactly that. Now we are being asked to set up a line item not knowing how much money will be needed. Shelton said he can't buy in to that either.

Linda Hansen stated that when the shelter makes their request for funding for budget 2016, it will be in form of a letter of request for allocation. That's what our process is. Shelton asked if that was for services. Hansen stated that it is not considered a fee for services it is an allocation for a not-for-profit to support their annual operation. Hansen said an allocation is given without restrictions to spending and hopefully it will be accompanied by a budget to justify the request. The Shelter is asking as a not-for-profit for an allocation from public funds. That's how we approach all not-for-profits.

Ms. Caudell stated that's where her concern is, the way the words non-profit are used. The Humane shelter is an incorporated business providing a service to the county for which we are under contract. We have non-profit status and we don't compare ourselves to Boy Scouts and Girl Scouts or a book club. We are a business providing a service to the county. Every time the word non-profit insinuates that you are making a donation to us and that isn't what we are requesting. We are asking to be paid for the services we do for our county. That money supports our operating budget. Hansen stated that the only way the county can do that for the Humane Shelter is if the Shelter becomes a part of our budget process. We open up a budget process for you and you will be like all of the other departments under the county government environment. As it is, you are going to be requesting an allocation and that is what we are going to consider it, an allocation. You can base it on your fees but that isn't how we are going to approach you. We will approach you just as we do for the Council on Aging. They provide a service to the community and the county gives them an allocation.

Richard Shipe called for the vote. Those in favor of the motion were, Jim Getz, Linda Hansen and Ruth Beer. Those opposed were Ken Shelton, Richard Shipe and Wil Howard. The vote was three (3) ayes and three (3) nays. Dan Caruso was absent. The issue will be revisited at the next county council meeting.

Linda Hansen moved to approve the Auditor/Treasurer monthly financial report for April.  
Ruth Beer seconded and the motion carried with six (6) ayes.

February minutes were signed for the official council record.

March minutes were approved by a motion from Jim Getz and seconded by Wil Howard. The motion carried with six (6) ayes.

Judge William Fee, Superior Court submitted a request for an additional \$5,000.00. Fee stated in his request that he has at least three (3) evaluations scheduled in upcoming cases. The line item has a zero balance after paying all received claims to date. Linda Hansen moved to approve the additional monies, Ken Shelton seconded and the motion carried with six (6) ayes.

Additional Request to: #1000-201-3000.03 Psychiatric & Medical      \$5,000.00

Richard Shipe asked council for a decision whether they want to proceed with the process to adopt a Local Option Highway User Tax (LOHUT). Shipe wants council to formally take some sort of action on this tax. Shipe said we need to know if we move forward because the deadline to adopt the new tax is July 1, 2015. Linda Hansen asked if Dan Caruso had presented his proposal to dedicate major moves money to roads. Shipe stated that yes, the commissioners agreed that more money should be appropriated to repair and maintain our roads. However, the other part of Dan's proposal was to take the funds already allocated to the county park project to use for the roads and the commissioners were not in favor of doing that. Jim Getz made a motion to table the LOHUT discussion indefinitely. Linda Hansen seconded. The motion carried with five (5) ayes and one (1) nay.

Correspondence received:

SC Highway Engineer Report April 6, 2015; Coroner's 2015 January, February and March Month End reports; SC Soil & Water Conservation District meeting minutes; SC Humane Society

There being no further business, Wil Howard made a motion to adjourn. Ruth Beer seconded. The motion carried with six (6) ayes.

Continued – April 2015 Minutes

Steuben County Council

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Richard Shipe, President

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Jim Getz

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Dan Caruso

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Wil Howard

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Kenneth Shelton

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Linda Hansen

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Ruth Beer, Vice President

Attest: \_\_\_\_\_  
Kim Koomler, Auditor