

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD JANUARY 3, 2011**

Comes now the hour of 9:31 A.M. on the 3rd day of January, 2011, in the Commissioners Court in the Noble County Courthouse, Albion, Indiana, being the time, date and place set for a regular session of the Board of Commissioners of Noble County, Indiana.

Present were:

Joy Y. LeCount, Vice President
Jack W. Herendeen, Member
David J. Dolezal (Dave), Member

Also present were:

Marion S. Cavanaugh, Deputy Auditor
James B. Mowery, County Attorney
Jackie Knafel, Auditor & Candy Myers, Clerk (parts of meeting)
and Bob Braley & Scott Perry, News Media

ADJOURN 2010 AND CONVENE 2011

Joy moved to adjourn the 2010 Noble County Board of Commissioners. Jack seconded the motion and it carried, 3-0.

Auditor Jackie Knafel opened the floor for nominations for President. Jack nominated Joy. Jackie asked if there were any other nominations. There being no other nominations, Dave seconded the motion and it carried, 3-0.

Joy opened the floor for vice-president. Dave moved to have Jack be vice-president. Joy asked if there were any other nominations. Hearing none, she seconded the motion and it carried, 3-0.

HIGHWAY BUSINESS – RUSS LEITCH & MIKE FITCH

HYDRAULIC PUMP/MOTOR ON PAVER

Russ said in the summer he had discussed with the Commissioners the problem with the paver. He said Brandice thought it would cost around \$20,000.00 to fix it. Russ said it is a 1990 and they bought it in 2002 for \$41,630.00. He said the Commissioners had talked about having some private individual look at it. Russ asked if the Commissioners wanted to look into it or what, because it is no good to us the way it is. He said they couldn't depend on it to order a thousand ton of hot mix and then have it go kaboom on them. Jack asked Russ if he had asked the individual to look at it as had been discussed. Russ said he was checking to see if that is what the Commissioners still wanted to do. Joy asked if the individual would charge us to look at it. Russ said he wasn't sure. Jack said we would have to haul it. Joy asked where that would be. Russ said on 700 E. Russ said we would be basically running pug, but they couldn't depend

on it. Joy asked Russ if he thought we could get a few more years of use out of it if we went ahead with the repairs. Russ said he was sure of that. He said it runs good. Jack asked Russ to get an approximate price if he has to replace the pump.

Joy asked if all of the other equipment was in fairly decent shape. Russ said it was.

V-BLADE FOR SNOW PLOWING

Joy said that Dave was asking about the V-blades this morning, and she and Jack explained that if we should get a snow like we have had some years, those come in handy. Russ said they are a necessary evil.

SIGN PROJECT

Mike said Schneider Corporation came in first on the sign project requests for proposals. He said as soon as we get the certification back from INDOT he would have the consultant prepare a draft agreement. Mike said they would be developing their scope of work to make sure they will complete the inventory and all of the stuff the federal highway is going to eventually require. He said he would make sure we got some compatible software that would be used in-house for ongoing management of the signs.

CR 1000 E & LISBON ROAD - SIGNAGE

Mike said the Commissioners had asked him to look at CR 1000 E and Lisbon Road regarding the signage. He said there is an existing stop-ahead sign on the east approach, but there is none on the west approach. Mike said the re-signing project will initially replace all of the existing signs, and then during the project they will also make changes to the existing signs. He said INDOT wanted it set up so if there are any new signs needed or any that need to be relocated, that would be done during the construction phase of the project. Mike said they could re-visit the question during the construction phase as to whether it should be a 4-way stop or not, and if there is a stop ahead sign needed on any of the approaches.

LINE STRIPING ON ROADS

Mike said the county didn't do any line striping last year, and he would be looking at that for this year.

2012 ROAD PROJECTS

Joy asked if the Commissioners needed to get together with Mike and Russ to discuss road projects for next year.

FUNDING FOR SIGN PROJECT

Mike said regarding the funding for the sign project, he sent the estimate Schneider Corp. had submitted, which was higher than the original amount that was approved. He said he hadn't heard anything from INDOT on the approval of the additional funds. Mike said it was close to

\$150,000.00 additional. He said he talked to David Armstrong, and he indicated that they might approve half of that amount, and David indicated there were some things in the estimate that he thought could be reduced.

PRIORITIES FOR HIGHWAY DEPARTMENT

Mike asked if the Commissioners wanted to put together a list of priorities for the Highway Department that they want him to work on. There was a meeting set for 8:30 A.M. on Wednesday January 19, 2011 at the Highway Department for discussion regarding paving projects, road improvement projects, and potential renovation of the Highway Garage.

A & Z ENGINEERING – INTRODUCTION

Eli Samaan from A & Z Engineering came before the Commissioners to present a list of their experiences and to explain how A & Z is different from other firms, (H.I.). Eli said A & Z does good designing and they follow through with it, and they have people on staff that can make a decision if one is needed.

CLAIMS TO BE PAID TODAY'S DATE APPROVED

After having reviewed the claims to be paid today's date, Jack moved to approve them. Dave seconded the motion and it carried, 3-0.

NOBLE TOWNSHIP FIRE STATION GRANT – SEMI-ANNUAL SUBRECIPIENT REPORT

The Commissioners received the above referenced report from R.P. Murphy and Associates for their approval and signatures, (H.I.). Jack moved to approve it. Dave seconded the motion and it carried, 3-0.

CERTIFICATE OF LIABILITY – PIONEER ASSOCIATES, INC.

The Commissioners received the above referenced certificate of liability, regarding Bridge #95 on CR 850 W, (H.I.).

CHILDREN FIRST CENTER – REQUEST FOR DONATION

The Commissioners received information from Children First Center explaining what they do, and asking for a donation, (H.I.). A copy will be given to the Auditor to put with the budget requests for next year.

WEIGHTS & MEASURES REPORT –

NOVEMBER 15 – DECEMBER 15, 2010

The Commissioners received the above referenced report, (H.I.).

SHERRY LABORATORIES – INVOICES **RE: LANDFILL METHANE MONITORING**

The Commissioners received five invoices from Sherry Laboratories in the amount of \$305.00 each for landfill sampling on November 4th, 11th, 18th, 23rd, and 30th, all in 2010, (H.I.).

Joy said she had e-mailed Cindi Fuhrman at Sherry Laboratories to confirm that IDEM had said we could start monitoring monthly instead of weekly, (H.I.).

GAS MONITOR METER RE: LANDFILL

Jack asked Joy if she had heard anything on the cost of the methane monitor. Joy said she had e-mailed a list of questions (regarding the ENMET Gas Detector), (H.I.).

ASSESSOR – TAX EXEMPT DISCUSSION

The Commissioners received a copy of an e-mail from Kim Gephart, Assessor which says that based on Indiana Tax laws guest rooms and food and beverage are not exempt from tax, per Bulletin 10 which was attached, (H.I.).

There was discussion that previously we had always been tax exempt if employees attended meetings and took the tax exempt form with them. Jackie said she had even faxed the form to places before and they accepted it.

Jim said his concern is that he knew that the AIC (Association of Indiana Counties) had to pay over \$5,000.00 in back sales tax last year.

ELKHART RIVER FLOOD FOCUS COMMISSION

Joy said she had attended a meeting of the Elkhart River Flood Focus Committee. She said they are contemplating applying for a grant through the Great Lakes Commission. Joy said part of that would be to hire a part-time watershed coordinator to handle the administration of the grant money and to do the reporting that would be required. She said they are hoping that the county, the Soil and Water Conservation and other interested parties would be supportive of their grant application.

INDOT – PUBLIC COMMENT PERIOD RE: **INDOT'S NON-METROPOLITAN LOCAL** **OFFICIALS CONSULTATION PROCESS**

The Commissioners received a letter from INDOT the purpose of which is to initiate a formal public comment period as indicated above, (H.I.). A copy was put in the Highway Dept. drawer for the Highway Engineer.

2010 ANNUAL APPOINTMENTS

The Commissioners went through last year's list of appointments and made decisions as to who would be the appointees for this year.

NOBLE CO. ECONOMIC DEVELOPMENT TRUST ADVISORY – Jack Herendeen

NOBLE CO. ECONOMIC DEVELOPMENT CORP. – Joy LeCount

PLAN COMMISSION – Joy LeCount

REGION 3A – Dave Dolezal

COMMISSIONERS ATTORNEY – James Mowery

WEIGHTS & MEASURES – Arthur Buchanan

VETERANS SERVICE OFFICER – Michael Clouse

HEAD CUSTODIAN – Phil Jacob

ALCOHOLIC BEVERAGE BOARD – Hertha Meyer

EMS ADVISORY COMMITTEE – Joy LeCount

WOOD LAND & LAKES, RC & D – Dave Dolezal

ST. JOSEPH RIVER BASIN – Jack Herendeen

NEISW (NORTHEAST INDIANA SOLID WASTE DISTRICT) – Jack Herendeen.

DRUG FREE - Dave Dolezal

WORK FORCE ONE – Joy LeCount

CHILD PROTECTION SERVICES – Jack Herendeen

E-911 – Jack Herendeen

COUNTY EMERGENCY MANAGEMENT AGENCY (EMA) – Dave Dolezal

PTABOA - George Clifford & Dave Button (Dave Crace originally appointed but the appointment was withdrawn later in this meeting per request of the Assessor because Dave Crace isn't a freeholder (property owner) in Noble County. Dave Button was then appointed).

PLAN COMMISSION – No known re-appointment needed.

DISTRICT PLANNING COUNCIL – Jack moved to re-appoint Mitch Fiandt and Mick Newton to the District Planning Council. Joy seconded the motion and it carried, 3-0.

NOBLE COUNTY CONVENTION & VISITORS BUREAU - No known re-appointment needed.

WE CARE CLINIC BOARD – Joy LeCount

EMA – Dave Dolezal

MAUMEE RIVER BASIN COMMISSION – Dave Dolezal

Dave moved to appoint himself to the RC&D, Region 3-A, EMA, Maumee River Basin Commission, and Drug Free Noble County. He then moved to appoint Jack to the St. Joseph River Basin Commission, Solid Waste Management District, Child Protection Services, E-911 and the Northeast District Management. Dave moved to appoint Joy to the Economic Development Corporation, Plan Commission, EMS Advisory Committee, Work Force One, and the We Care Board. Jack seconded the motion and it carried, 3-0.

Jack moved to retain Jim Mowery as County Attorney. Dave Dolezal seconded the motion and it carried, 3-0.

Dave moved to retain Arthur Buchanan for Weights & Measures. Jack seconded the motion and it carried, 3-0.

Jack moved to retain Michael Clouse as the Veterans Service Officer. Dave seconded the motion and it carried, 3-0.

Dave moved to retain Phil Jacob as Head Custodian. Jack seconded the motion and it carried, 3-0.

Jack moved to approve Dave Crace for the PTABOA Board upon the request of the Assessor (at 10:55 A.M.). Dave seconded the motion and it carried, 3-0.

JAMES MOWERY – 2011 COUNTY ATTORNEY CONTRACT

The Commissioners received a copy of the proposed contract for James Mowery as County Attorney for the Board of Commissioners, the County Council and the Drainage Board. After some discussion, Jack moved to approve it. Dave seconded the motion and it carried, 3-0. There was no copy for the file because it must also be approved by the Council, and Jim didn't know who would be the 2011 officers for the Council so he couldn't put in the signature lines.

ROMARY AND ASSOCIATES – DISCUSSIONS RE: HIGHWAY BUILDING RENOVATIONS

Joy said she had talked to Romary and Associates on several occasions, and she simply told them that the Commissioners are trying to work out details on how they can proceed with the project. She said that could be discussed at the meeting on the 19th at the Highway Dept.

TOM SHOEMAKER, EMS DIRECTOR – PLACEMENT OF NEW GAS TANK

Joy said she had talked to Tom about the discussion he had with Jackie (Auditor) regarding the placement of a new gas tank. She said that is actually at the Cromwell facility, and they hadn't done anything yet. She said she thought there is a gas station at Shady Acres, which is just around the corner. Joy said apparently they think there might be a cost savings if they could buy in quantity from someone else, and they are checking into that. She said Tom wanted to know what that would do to the liability insurance. Joy said at this point it is on hold, and Tom will let the Commissioners know if there is any further movement.

Mitch Fiandt, E-911 Director said the Town of Albion did that for their fire department and the initial cost is quite expensive. He said they have two 250 gallon tanks, one for gas and one for diesel.

Jack said he didn't think it would be worth it. Joy said Tom was waiting on a cost for now, and she told him not to do anything before he discussed it with the Commissioners.

2010 COURTHOUSE SECURITY REPORT

The Commissioners received the above referenced report, (H.I.).

UNIFIED DEVELOPMENT ORDINANCE (UDO)

Joy said she thought the Commissioners should schedule a time that would be devoted just to the UDO. She said it should probably be separate from a regular meeting.

JUNK ORDINANCE DISCUSSION

The Commissioners and Jim discussed the Junk Ordinance and some of the concerns about it. One of the main concerns from the public seemed to be that anyone who wants to file a complaint has to sign the complaint form, and that form would be public, so people would know who filed the complaint against them. The concern is that there could be retaliation towards the people that filed the complaints.

Jim said at some point, in order to actually follow through and enforce one of those complaints we would need that person to file the complaint, and that person's identity is eventually going to be disclosed. He said some counties wait until the last possible moment to disclose that information. Jim said it is his opinion that if we have a form with somebody's name on it in our possession, it is a public document, and we would have a difficult time withholding anything. He said it would be very problematic to try to take one of those situations to court and try to enforce it with an anonymous complaint.

E-911 – REGION 14 PUBLIC SAFETY COMMUNICATIONS PLAN OF THE FEDERAL COMMUNICATIONS COMMISSION

Mitch Fiandt, E-911 Director said several years ago when the county received the grant for our own 800 megahertz frequency, that is when the state decided to take the system over. Mitch said when the county went on the state's system, one of our agreements was that anything we had banked away, which at that time was five 800 megahertz frequencies, we would sign over to the state if they needed them. Mitch said we signed three of them over to the state earlier in 2003 or 2004. He said the state has gotten to the point that they need to increase the capacity of the Ligonier Tower, and they would like us to sign over our last two remaining frequencies we have banked. Mitch said this would be used to enhance communications for our police, fire and EMS in our county. He said the state sent a master letter for the Commissioners to sign if they approve of it, (H.I.).

Joy asked Mitch if he thought that the continued splitting and reassigning of frequencies is going to eventually result in reduced quality. Mitch said he didn't. He said that is one reason for this project. Mitch said it would enhance our communications here.

Joy asked if all law enforcement agencies and response agencies are on 800 megahertz. Mitch said in Noble County all of the Police, Fire and EMS are on it. He said the only ones in the county that aren't on it is the Highway Department. Mitch said they can get on it but it would require a little more paperwork. Jack expressed his concern that the Highway Department is not on it. He said they clean the roads up, push trees out of the road and stuff if there are tornadoes or storms. Joy said they go out if we have a big snow emergency too. Mitch said they would be able to get the Highway Department on it, and he explained what it would take to do it.

Jack moved to approve the document. Dave seconded the motion and it carried, 3-0.

EMS DISPATCH

Joy asked Mitch what percentage of the dispatch facility is devoted to EMS. Mitch said there is one full time and one part time position set up for medical dispatch. He said they really need to extend that out to two full positions. Mitch said a problem that they are having is that the EMS calls are starting to roll over to the county side, and that would require him to send 20 dispatchers for additional training. He said under state law if you answer a call and a person needs an ambulance, they have to be EMT trained. Mitch said his people were all trained, but they didn't keep it renewed because there was no need to in the past. He said he has a meeting with Tom (Shoemaker, EMS Director) and Dr. Gaff later this month to talk about some things. Mitch said he thinks they need to expand to two full time dispatchers. It was determined that the EMS dispatch takes up about 2/5 of the space.

JUNK ORDINANCE DISCUSSION CONTINUED

Mike Campbell a member of the public was present, and he said he agreed with Jim (County Attorney), that at some point a person has the right to face their accuser. He said that will also prevent people from filing complaints on trivial things.

DAVE BAUM, IT – MANAGED PRINT SERVICES AGREEMENT WITH ADVANCED IMAGING SERVICES RE: DESK TOP PRINTERS

Dave Baum came before the Commissioners with an agreement that had been talked about in the December 20th meeting to put all of the desktop printers on a service agreement. He said everything that is not covered under a service agreement now would be covered under the agreement. Dave said we will start paying for hard copies by page, instead of paying for the equipment and the toner and all of that.

Dave Dolezal moved to approve the contract. Jack seconded the motion and it carried, 3-0. Dave Baum said they would train everyone on what would need to be done if there is a service issue.

VISIONAIR SOFTWARE DISCUSSION

Joy asked Dave Baum where we stand with VisionAir. Dave said he thought we were going to get what we had been asking for. He said the issues mostly will be the timing of the grant versus what we will get. Dave said he had asked VisionAir to work on agreements with Albion Fire, Albion Town or whomever. He said all the county does is say that for them (Albion Fire Department) to get the installation done, the pre-requisites have to be put in place. Dave said that puts the pressure on VisionAir to do it. He said we aren't a party to the agreement. Dave said we are under no demand to do anything as a county other than to put the software in when they give it to us. He said it would become an agreement between Albion and VisionAir.

Jack asked what the time period is on getting what we need. Dave said we will get the version 4 of our RMS this month, but it won't be in a production mode. He said the data wouldn't be rolled over until April, which is outside the timeline of the fire department.

Mitch said the grant administrator for the Town of Albion had applied for a grant extension. He said they had not heard anything yet, but he had asked to have it extended six months. Mitch said hopefully they have everything in place. He said they just have to come up with some user agreements now. Mitch said he thought Dave's conversation with them along with the letter from the Commissioners opened some eyes.

**FIBER OPTIC LINE UNDER RAILROAD –
NEW WIRING TO BE INSTALLED IN
BUILDINGS THAT NEED IT**

Joy asked about the fiber optic. Dave Baum said Baseline will just tell the railroad that they are going to do it (run fiber optic lines under railroad) per the statute that Jim found.

There was discussion about the need to get the new wiring done in the buildings that need it, so when the new phone system is ready to be installed, we will be ready for it. Dave said he is drawing out the layouts right now showing what we have to have. He said it would be here and at the Highway Department, the South Complex and the Prosecutor's Office.

Doug Harp, Noble County Sheriff was present and he asked Dave if he had a time-line on the phones. Dave said if they had to, they could have something installed within 90 days at the Sheriff's Department. There was discussion that there is no voice mail at the Sheriff's Dept.

**OFFICIAL BONDS – DOUG HARP, SHERIFF -
STEVEN CLOUSE, PROSECUTOR – SCOTT ZEIGLER,
COUNTY SURVEYOR & KIM GEPHART, ASSESSOR**

The Commissioners received bonds for the above referenced officials, (H.I.).

Auditor Jackie Knafel asked Jim if he would review the statute on the amount the bonds should be written for. She said she thought the amounts had been increased.

After further discussion, Jack moved to approve the bonds. Dave seconded the motion and it carried, 3-0.

**PTABOA BOARD APPOINTMENT CHANGED
FROM DAVE CRACE TO DAVE BUTTON**

Kim Gephart, Assessor said when she left here after the appointment of Dave Crace, she called the DLGF (Department of Local Government Finance). She said because the Commissioners are supposed to have a freeholder (someone who owns property in the county) she asked the Commissioners to appoint Dave Button, and she would have the Council appoint Dave Crace.

Jack moved to withdraw the earlier motion to appoint Dave Crace to the PTABOA Board. Dave Dolezal seconded the motion and it carried, 3-0.

Dave Dolezal moved to appoint Dave Button to the PTABOA Board. Jack seconded the motion and it carried, 3-0.

SHERIFF DOUG HARP – SHERIFF'S

DEPARTMENT DISCUSSION

Doug told the Commissioners he was looking forward to working with them. He said Dave Baum (IT) had gone through the jail with Kevin Smith, (who is in charge of maintenance at the jail). Doug said they have one issue with the air flow throughout the building that wouldn't be a cheap fix. He said it was his understanding that there is a CCD fund where that money could come from. Joy said there is.

Joy asked if there are any more water leaks. Doug said nothing that is causing any problems.

REQUEST TO BE ON AGENDA – MIKE CAMPBELL RE: “NOBLE 912 PROJECT”

The Commissioners were informed that Mike Campbell would like to be on the agenda some time regarding the above referenced project. Jack asked what the project is. Joy said she thought what triggered this group is the discussion of how state law often requires county government to spend more money to accomplish things than they would need to if they were able to just go out and make their own plans. Joy suggested that the Commissioners have Mr. Campbell send them some information and they would go from there about scheduling a meeting.

ALLEN COUNTY – CONTRACT TO RESERVE ONE BED FOR JUVENILE OFFENDERS

The Commissioners received the above referenced contract, which Jim said looked to be the same as the last one the Commissioners had approved, (H.I.).

Jack moved to approve the contract. Dave seconded the motion and it carried, 3-0.

RESOLUTION #2011-01 - COMMISSIONERS RESOLUTION RE: MEETING SCHEDULE FOR 2011

The Commissioners received a copy of their yearly resolution setting their meeting dates for 2011 which Joy read aloud. Jack moved to adopt the resolution for 2011, (H.I.). Dave seconded the motion and it carried, 3-0.

DISCUSSION RE: REQUEST FOR AMENDMENT NO. 2 FOR HEALTH INSURANCE TO ALLOW EMPLOYEE'S SPOUSES SECONDARY COVERAGE

Joy said she was supposed to get in touch with Chuck Bodenhafer from Wells Fargo Insurance about this amendment, and she called him and he had not returned her call yet. She said she assumed he had gone on vacation.

There was discussion about why there was a request for the amendment and what the understanding of the employees was. There was also discussion about whether this could be discussed in executive session.

Joy said when the Commissioners did their renewal it was with no changes. She also referenced the minutes of the meeting when spouses with access to other insurance were originally taken off the county insurance.

Jim said the plan, as it exists right now, has not changed, it had not been requested to be changed, and does accurately reflect the decision that was made (in 2007) regarding spouses. He said the problem is that somewhere during this last renewal, that was not accurately communicated to our employees. Jim said we don't know why or where that all of a sudden changed, and we are not sure if this renewal is the first time it was inaccurately communicated to employees.

There was discussion as to what the issues are. An executive session was scheduled for next Monday at 8:30.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 12:15 P.M. recessed from day to day until the 10th day of January 2011.

Joy Y. LeCount, President

Jack W. Herendeen, Vice President

David J. Dolezal, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor