

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD JANUARY 10, 2011**

Comes now the hour of 9:28 A.M. on the 10th day of January, 2011, in the Commissioners Court in the Noble County Courthouse, Albion, Indiana, being the time, date and place set for a special session of the Board of Commissioners of Noble County, Indiana.

Present were:

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

Also present were:

Marion S. Cavanaugh, Deputy Auditor
James B. Mowery, County Attorney
Jacqueline Knafel, Auditor
Bob Braley & Scott Perry, News Media
and Mike Campbell, Public

PAYROLL TO BE PAID 1/13/10 APPROVED

While reviewing payroll, Dave questioned the reasoning for paying mileage to Highway Department employees who are on-call, if they are called into work. Jim explained that some time back it was decided to do that instead of having the employees take the trucks home. After finishing the review of the payroll from 12/16/10 – 12/30-10 to be paid 1/13/10 Jack moved to approve it. Dave seconded the motion and it carried, 3-0.

HIGHWAY BUSINESS – RUSS LEITCH

**WEST LAKES REGIONAL SEWER – CLAIM
REGARDING DAMAGED MANHOLE**

Russ reminded the Commissioners about the claim he had received which had been discussed in a previous meeting, about some damage done to a manhole. Jim said he wanted to get in touch with them directly. Russ gave him the phone number that was on the bill. The amount being asked for is \$1,410.00.

**UNITED CONSULTING - NOTICE TO
PROCEED RE: BRIDGE INSPECTIONS**

Russ presented a copy of the above referenced notice to proceed, (H.I.).

REQUEST TO PURCHASE NEW BATTERY

CHARGER FOR CHARGING BIG TRUCKS

Russ said the battery charger for charging the big trucks when they are dead needs replaced. He said they got three quotes and the lowest one is from Tool Warehouse in the amount of \$633.95. Russ said it is a 175/50 40 amp, 300 amp engine start, for 6 – 12 – 18 – or 24 volts.

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

PAVER REPAIR__

Russ said that the individual that is going to look at the paver to see if he can fix it will be at the Highway Department a week from Friday (21st) to look at it.

WEEKEND WORK

Joy asked how the weekend went. Russ said it went pretty well.

DEMONSTRATOR TRUCK – PALMER TRUCK

Russ said that Palmer Truck brought in a Kenworth tandem truck for a demonstrator. He said they want us to drive it and give them our honest comments.

JACKSON EXCAVATING – SNOW PLOWING

The Commissioners received a quote from Mark Jackson for snow plowing at the Prosecutor's Office, Public Defender's Office and the South Complex, indicating that it would be done at the same price as last year, (H.I.). This was requested by the Commissioners to continue his contract from last year.

CASEY MYERS, ALBION TOWNSHIP TRUSTEE – POOR RELIEF STANDARDS

The Commissioners received the above referenced copy of the Poor Relief Standards, (H.I.). Joy said she thought Casey supplied this because if there is an appeal on a poor relief request, that appeal comes to the Commissioners.

BLACK PINE ANIMAL SANCTUARY – REQUEST FOR HIGHWAY DEPT. TO APPLY CHEMICAL TREATMENT ON THE ENTRY DRIVE FROM CR 300 N TO THE DITCH

The Commissioners received the above referenced request, because of a car, truck and motorcycle show that will be held at Black Pine on August 20, 2011, (H.I.). Jack said it was agreed that Black Pine would be responsible for the maintenance of their portion of the drive. Dave asked if it was something we had done in the past. Jack said we never had done it. Jim read from the agreement between Noble County and Black Pine, and it indicated that Jack was right about the maintenance.

Joy said that road is used for other events at the 4-H Park in addition to the Black Pine access, and it does belong to the county. She said she wants that property to be successful and to be used, but the Commissioners have to decide what kind of maintenance they want for their own property as well. The discussion was tabled until the January 24th meeting.

HUMANE SOCIETY MONTHLY REPORT FOR DECEMBER 2010 & 2010 ANNUAL REPORT

The Commissioners received the above referenced reports, (H.I.). Dave asked when a pet is returned to an owner, if the owner is charged for that. Auditor Jackie Knafel said she thought they were charged a certain amount for the first time and then more the second time, plus any shots or anything that would be involved. Joy said she thought they also charged by the day.

2010 ANNUAL REPORT FOR PURDUE UNIVERSITY COOPERATIVE EXTENSION SERVICE

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

4-H WEEK PROCLAMATION – 1/23/11 – 1/29/11

Doug Keenan from the Noble County Extension Office came before the Commissioners to ask that they proclaim 1/23/11 – 1/29/11 as 4-H week in Noble County. Dave read the proclamation aloud.

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

Doug expressed his appreciation for all that the Commissioners do for 4-H.

IDEM – COURIER KENDALLVILLE, INC. IN KENDALLVILLE – PERMIT REVISION

The Commissioners received notice from IDEM that Courier Kendallville, Inc. had applied for a permit revision, (H.I.).

IDEM – ALUMINUM RECOVERY TECHNOLOGIES, INC. PERMIT RENEWAL

The Commissioners received notice from IDEM of the above referenced renewal, (H.I.).

NOBLE COUNTY PLAN COMMISSION – INVITATION TO JANUARY 19, 2011 MEETING

The Commissioners received an invitation from the Plan Commission to attend their next meeting on January 19, 2011 @ 7:00 P.M. to review procedures as they relate to the Noble County Zoning and Subdivision Control Ordinances, and the Indiana Code and associated Findings of Fact, as required for all petitions and applications, (H.I.).

E-911 – CLAIMS IN EXCESS OF \$500.00

The Commissioners received a letter from Mitch Fiandt, E-911 Director informing them that he will have three claims that are in excess of \$500.00, and he told them what the requests are, (H.I.). Jack moved to approve Mitch's request for expenditures over \$500.00. Dave seconded the motion and it carried, 3-0.

VISIONAIR – VISION RMS, VISION MOBILE FIRE

The Commissioners received a response from VisionAir to the letter they had sent them regarding the VisionRMS/VisionJAIL 4.3 that is needed for a grant that has been applied for by the Albion Town Fire Department, (H.I.). Joy read the letter aloud, and there was a brief discussion about it.

Sheriff Doug Harp was present, and he said the original RMS called for upgrades, and we haven't received the upgrades like they said we would. Jim said that is the VisionRMS 3 to VisionRMS 4.3. He said he thought the Vision Cad would be the Sheriff's data terminal. Joy asked if we know the cost of the CAD upgrade. Sheriff Doug Harp said if we are talking about the same thing, the figure he was given was about \$45,000.00. He said that is for the software for us (Sheriff's Dept.) to have the ability to have the MBT's in all of the squad cars. There was further discussion about the different types of software, and the things that are needed to get Noble County to where they need to be.

REVIEW OF WEATHER RELATED EMERGENCY ORDINANCE #2008-03

The Commissioners reviewed the Weather Related Emergency Ordinance to make sure everyone understands it.

Joy said the first thing the Commissioners do is to consult with the Sheriff, the EMA Director and the Highway Superintendent to evaluate what the weather situations are. Dave asked if that is done through a conference call. Joy said it is, or else all of the Commissioners had conferred. Joy read the ordinance aloud.

Dave asked how the public knows when the emergency is over. Joy said the same people that are notified of the snow emergency are notified when it is over. Jim said there is actually a proclamation that is to be signed to enact the emergency, and it is supposed to designate an end time. He said you can always go back and extend it. There was discussion that just certain townships or areas could be designated to be in the proclaimed emergency.

Sheriff Harp asked if there is a snow emergency and the courthouse is closed and the Sheriff's Department front office is closed, if those people are required to take a personal day or something like that if they want compensated for that day. Joy said they have to take a personal or vacation day. Joy read from the handbook where it says employees would not be paid if their office was required to be closed. There was discussion about the confusion and inconsistency in the way the closing and compensations were handled the last time a snow emergency was declared.

Jack said his biggest concern is with the factories and how hard it impacts them. Jim said some factories have furnaces and things that they have to shut down which would have to be restarted.

Joy asked if the Commissioners were in agreement that only a level 1 (one) would require the closing of county offices. She said it is not part of the ordinance. Jim said he thought level 1 was when you can't keep the plows out.

Jim said to be clear, the board is saying that the county offices would stay open until level 1 (one) and if there is a level 1 (one) designation county offices will close, but people will not get paid unless they take their own time. He asked if that meant people would be instructed to go home and not have the option to stay. Jim said that was the other issue (the last time a snow emergency was declared). He said there are people that can walk, and they had work to do and wanted to get paid. Joy said they should have gotten paid if they stayed.

Dave said it would be closed to the public then. He said the department head approved the employee to stay because they had work to do. Jim said that was right. Jack said he thought we should leave it like that.

Dave asked how the conference call works. Joy said she didn't know that they would set up a conference call, but they would do a round robin and then get back with everybody. Jim said historically what happens is that the Sheriff calls the president of the Commissioners and then the president would consult with the other Commissioners and with Mick (the EMA Director). She said the Sheriff would have probably already consulted with Mick and Russ (Highway Superintendent) by the time he calls. Joy said then they all make the decision based on the information that they can gather.

Mick Newton, EMA Director was present at this time. Joy went over what had just been discussed about how the emergency is called. Mick agreed. He said they have a flow chart that shows the procedure, which he went to his car and got, (H.I.).

Jack said once an emergency is declared, there is paperwork that is involved. Jim said on a level 3 (three) for example, where you have a severe storm that isn't really shutting down your county, but the Highway Department is having to work a lot of overtime hours, there will be things from FEMA sometimes that will give reimbursement for money spent. He said that won't happen unless you have an emergency declaration.

Joy asked if there is a copy of the proclamation. Jim said he was e-mailing it to the Commissioners right at that moment.

Joy asked who puts out the information to the media. Mick said he would do that, and he would file it with the state. Joy asked if there is a list of the media. Mick said it is in the Crisis Communication book. Mick said he has all of the contact information in his computer.

MINUTES APPROVED – 12/13/10

After reviewing the minutes of the December 13, 2010 meeting and making corrections as needed, Dave moved to approve them. Jack seconded the motion and it carried, 2-0 with Dave abstaining because he was not a Commissioner at that time.

HEALTH DEPARTMENT - MEMORANDUM OF AGREEMENT FOR INDEPENDENT CONTRACTOR

Cheryl Munson, Noble County Health Nurse came before the Commissioners with a proposed memorandum of agreement for independent contractor, (H.I.). Joy asked what the total allowed was. Cheryl said it was \$10,000.00.

Jack asked if Jim had looked it over yet. Cheryl said he was given a copy but she didn't know if he had looked at it or not. (Jim was out of the room).

Dave questioned some of the things referred to by initials only, and Cheryl explained what they were. Mick Newton, EMA Director also explained some of them.

Jim returned and Jack asked him if he had looked over the memorandum. Jim said he hadn't.

Joy asked Mick Newton, EMA Director what LEPC stands for. Mick said it is Local Emergency Planning Committee. He explained some of what the committee does, what they receive money for, and what they do with the money.

In reference to the contractor memorandum, Jim told Cheryl if the hours this person works or the particular tasks this person is completing during any bi-weekly period are not being tracked, we are going to have issues making payments without claims, or just making a bi-weekly payment this way. He said he had been talking to Jackie (Auditor) because he didn't know if this money was being held in a payroll account or why it would be structured this way. Jim said it is typically a benchmark or a percentage complete and the contract employee would submit claims showing what they have completed or how many hours they had worked. He said he was concerned we would run into problems.

Jackie said it seems like this is kind of the same situation as the Highway Engineer who is paid on a monthly claim basis. She said for her (contract employee) to be paid bi-weekly, it seems like she would have to be an employee. Cheryl said if there is a problem with it, that portion of the agreement could be re-written.

It was determined that in order to pay the contracted person, that the county would have to pay the money up front and then be reimbursed, because it is coming from the Bioterrorism Grant. Jackie said it would come from the grant fund and it would show that the fund would be in the hole until the state reimburses the county for what had been paid.

There was discussion that the Highway Engineer is a contract employee, and he submits a claim showing what he has done. Jim said we have to have an itemized bill somehow, and he explained other things that also needed to be included in the contract.

Auditor Jackie Knafel explained how the contract employee payment process works.

FOOD ESTABLISHMENT AND/OR BED AND BREAKFAST ESTABLISHMENT ORDINANCE

Jackie said that Judy Fox from the Health Department had brought this ordinance to her the end of last week to be advertised. Jackie said she told Judy that she would talk to the Commissioners to get their approval before she advertised it.

Joy said she would like to have a copy of the ordinance that is already in affect so she could compare them before the Commissioners meet again.

VETERANS SERVICE OFFICER NOTICE OF APPOINTMENT

Jackie presented the above referenced document for the Commissioner President to sign showing that Michael Clouse had been appointed as Noble County Veterans Service Officer, (H.I.).

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

VISIONAIR LETTER RE: VISION RMS, VISION MOBILE FIRE DISCUSSION CONTINUED

Dave Baum, Information Technologist was present at this time to discuss the above referenced letter with the Commissioners.

Joy said Jim had pointed out that the county isn't entering into any contract like it sounds. Dave said he and Jim had been communicating about that, and that is a misstatement as to what is to happen. He said since we are not the grantee, we don't really have a contractual relationship for the new stuff, other than what they already owe us, which is the RMS.

Joy asked where it talks about VisionCAD, if we already have VisionCAD. Dave said we do. He said CAD is the dispatching and RMS is records management, and basically the two products work together. Joy asked if the upgrades and everything are not included in our contract. Dave said they are included. He said it is the timing of them, which he explained. There was further discussion about what needs to happen and in what timeframe.

TREASURER'S REPORT – DECEMBER 2010

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

LETTER TO GROUND RULES RE: UDO

Joy gave Jack and Dave a copy of a letter she had drafted to send to Brad Johnson at Ground Rules regarding the UDO (Unified Development Ordinance). Joy asked them to review the letter and e-mail her their comments.

RICHARD ADAIR – RE-APPOINTED TO BE NOBLE COUNTY BUILDING INSPECTOR

Joy said that the Commissioners had not re-appointed Richard as Building Inspector. Jack made a motion to appoint Richard Adair as Noble County Building Inspector, Dave Dolezal seconded the motion. Motion Carried 3-0.

COUNCIL ON AGING – JOY LECOUNT APPOINTED TO SERVE ON BOARD

Joy said she had been serving on the Council on Aging Board and she was willing to continue doing that, but the Commissioners did not make that appointment. Jack asked that she continue. Joy said she would do that.

WE CARE CLINIC REPORTS

The Commissioners received a packet of information from the WeCare Clinic which included some information from 2/01/08 – 11/30/10, notes from the Inter-Local Clinic, Governing Committee, etc, (H.I.). Joy asked Jackie if she thought there would be an annual report. Jackie said she thought the report that would be given to them would be in coordination with the information WeCare gets from the insurance company and all of that stuff. There was a brief discussion about the packet that was received today, including the number of no-shows, and who should be paying for them. There was also discussion that the clinic does the drug screening for the Central Noble school bus drivers. There was discussion as to why they couldn't do it for the Highway Department employees who have CDL licenses. Jim said he thought it had something to do with the random drawing of names for who will be tested.

The Commissioners agreed that this should be looked into further because of a potential cost savings.

2010 BUILDING DEPARTMENT REPORT

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

E-MAIL CORRESPONDENCE RE: LANDFILL

The Commissioners received a copy of e-mail correspondence regarding the landfill, (H.I.).

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 11:59 A.M. recessed from day to day until the 19th day of January 2011.

Joy Y. LeCount, President

Jack W. Herendeen, Vice President

David J. Dolezal, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor