

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD JANUARY 31, 2011**

Comes now the hour of 10:04 A.M. on the 31st 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 J. (Dave) Dolezal, Member

Also present were:

Marion S. Cavanaugh, Deputy Auditor
James B. Mowery, County Attorney
and Bob Braley & Scott Perry (@10:40) News Reporters

HIGHWAY BUSINESS – RUSS LEITCH

**DAN DOZER – RECLASSIFICATION OF
COUNTY ROADS**

Russ gave Joy a phone number for Dan Dozer of INDOT. He said Dan has had a paper lying on his desk about road classification since 2009 and he wanted to know if we wanted to go forward. There was discussion about whether any roads had been reclassified. Joy is going to give Dan a call.

**WEST LAKES REGIONAL SEWER DISTRICT –
CLAIM FOR DAMAGE TO MANHOLE COVER**

Russ said he had received a second notice on the claim for \$1,410.00 from West Lakes Regional Sewer District for damage they allege the county did to a manhole cover, (H.I.).

There was discussion as to how to handle this, and that West Lakes Regional Sewer District should know that they need to mark the manhole somehow. If the sewer district does not mark it and it gets hit again the county wouldn't pay for it.

Jim said roughly half of that amount was their (West Lake's) man hours. It was determined that the manhole is on the berm, and that it was covered with grass and the Highway Department personnel hit it when they were pulling grass off the berms.

Jim said his question is if the Sewer District has some responsibility here.

After further discussion Jack moved to pay \$690.00 towards the bill (contractor's portion). Dave seconded the motion and it carried, 3-0.

UTILITY PERMIT #UP-001-11 – UNITED TELEPHONE

Russ read from a utility permit application where United Telephone Co. is requesting to install a fiber optic line on Old SR 3 and Swan Road. On Old SR 3 it would be between Fourth Street in Avilla and Swan Road, and on Swan Road it would be between Old SR 3 and CR 900 E. He said they are aware that it needs to be at the back side of the right-of-way, etc.

Hearing no objections, Russ then signed and presented Permit #UP-001-11, (H.I.).

DOCUMENTATION OF WORK DONE IN SHOP

Joy asked Russ if the employees that do the service on the equipment fill out reports to show what they have done. Russ said they do, and the reports go to the office and Charisse puts it all on the computer. He said it tells what was done, who did the service, the amount of time spent on it, parts used, etc.

PAVER REPAIR

There was a brief discussion about the paver repairs, and the bills that will be coming in.

SNOW & ICE ABRASIVES

Dave asked about the sand that is used for snow and ice abrasives and if we ever patronize the local gentleman with the sand he has. Russ said his sand is not washed sand. Dave asked if it has to be washed, even for snow. Russ said they have always used 23 or 24 sand. He said he didn't know if dirty sand will feed through the trucks or not. Russ said with the old wheel sanders they couldn't use it.

WEATHER RELATED MISSED WORK

Jackie Knafel, Auditor asked for clarification from the Commissioners on what to tell employees about how they would be paid if they have to go home because of snow or if the courthouse is closed. It was determined that if an employee doesn't work or leaves work early, regardless of whether the Commissioners close the courthouse or not, they don't get paid for any time they did not work unless they use vacation time or personal days.

Jackie asked about people who live in town and can walk to work, if it is all right for them to come in. Joy said as long as the courthouse hasn't been officially closed. Jackie asked for clarification that if the courthouse is actually closed then the Commissioners do not want anyone working. Joy said the employees shouldn't work, because the county would have to have security and other things. (See file for copy of memo sent to department heads).

There was discussion about the weather ordinance and if it is worded correctly or needs a few changes. There was discussion that a weather emergency could be enacted for just certain areas of the counties too if needed, for things such as a train derailment or a tornado.

CLAIMS TO BE PAID 2/07/11 TENTATIVELY APPROVED

After reviewing the claims to be paid 2/07/11 Dave moved to tentatively approve them. Jack seconded the motion and it carried, 3-0.

FLOWERS AROUND COURTHOUSE

Jackie said she had been contacted concerning the flowers around the courthouse. She said evidently the Chamber is a little short on money this year and they were wondering if the Commissioners would be willing to pay a portion of the cost. Jackie said she had a copy of the claim from where they are getting the flowers and other materials, and it will cost \$1,390.00 to do all of them. Joy suggested approaching the Courthouse Square Preservation Society about that, and she asked Jackie to give the information to Judge Kramer.

CANDY MYERS, CLERK – STORAGE ROOMS AT WEBER ROAD ANNEX

The Commissioners received a letter from Candy Myers, Clerk about storage at the annex on Weber Road, (H.I.). She came before the Commissioners to talk to them about the storage rooms. There was discussion about what is in the two rooms that are currently being used as storage and who all has things stored there. Candy said she wasn't sure that everything that she keeps will fit in the Public Defenders basement, because it is getting pretty full. She said she is asking to re-vamp one or both of the storage rooms at the annex with shelving, so she could re-organize it. The Commissioners are going to meet Candy at the Annex at 2:15 P.M. to look at the storage rooms with her.

PUBLIC NOTICE RE: WORK NOBLE COUNTY SURVEYOR'S OFFICE WILL BE DOING THAT WILL AFFECT SOME PROPERTY OWNERS AT MARL LAKE, HAWK LAKE AND SWEET LAKE

The Commissioners received notices that the Surveyor's Office intends to do work at Marl Lake to lower the lake and for flood control, to do lake preservation work at Hawk Lake, and to lower the lake level of Sweet Lake, (H.I.).

IDEM – ALUMINUM RECOVERY TECHNOLOGIES, INC. – PERMIT RENEWAL

The Commissioners received notice that Aluminum Recovery Technologies, Inc. had been issued a Part 70 Operating Permit Renewal, (H.I.).

ROXANNA PRATER – TORT CLAIM

The Commissioners received a copy of a tort claim notice indicating that Roxanna Prater intends to take legal action to claim compensation from Noble County, Noble County Commissioners, Noble County Sheriff's Department, Noble County Highway Department, etc. because of injuries she received as a passenger in a vehicle that was involved in an accident, (H.I.).

**EMC INSURANCE COMPANIES – DENIAL
OF TORT CLAIM FILED BY ROXANNA PRATER**

The Commissioners received notice from EMC Insurance Companies that they had determined the tort claim Roxanna Prater had filed against the Noble County Commissioners is groundless and without merit, and that they are denying the claim and closing their file, (H.I.).

**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 reference request, (H.I.). Joy asked Jack if that is a road that we could add to our inventory. She said if we made it a road we could get paid what we get for other roads that are paid by the state. Jack said it might already be on the list. Joy asked if it is on the list why we would be upset about maintaining it. Jack said the agreement with Black Pine is that they would maintain that portion of the road. Joy said they aren't the only people that use that road.

Joy said people come here to this county and spend money, and it is a poor reflection on what the county offers when you look at that road. Joy said she is not in agreement that Black Pine should have to maintain the road. Jack said that is what was agreed upon by Black Pine and the Board of Commissioners.

Joy called Charisse at the Highway Department, and Charisse said she did not think the road was on the list of roads to be maintained by the county.

MINUTES APPROVED 12/20/10 - 12/23/10 – 1/03/11

After reviewing the minutes of the December 20, 2010 meeting and making corrections, Dave moved to approve them as corrected. Jack seconded the motion and it carried, 2-0 with Dave abstaining because of not being a Commissioner in 2010.

After reviewing the minutes of the December 23, 2010 meeting Jack moved to approve them as presented. Dave seconded the motion and it carried, 2-0 with Dave abstaining because of not being a Commissioner in 2010.

After reviewing the minutes of the January 3, 2011 meeting and making corrections, Jack moved to approve them as corrected. Dave seconded the motion and it carried, 3-0.

MINUTES ON INTERNET

Dave asked Joy and Jack if they would want to consider putting the minutes on the internet on a weekly basis, and just replace the past minutes with the current ones. Jack asked if that many people would look at them. Jim said there could be a counter put on each page.

Dave moved to put the weekly minutes on the internet for one week after they are approved, on a trial basis for three months. Jack seconded the motion and it carried, 3-0.

MINUTES APPROVED 1/10/11

After reviewing the minutes of the January 10, 2011 meeting and making corrections, Dave moved to approve them as amended. Jack seconded the motion and it carried, 3-0.

**KONE ELEVATORS – MAINTENANCE
CONTRACT ESCALATION**

The Commissioners received notice last week from KONE Elevators Escalators, stating that there will be a price adjustment of +5.10% beginning on February 1, 2011 for labor and/or material indexes. Joy said she had checked on the contract. She said we paid them \$1,444.65 quarterly last year and the notice from last week said that would be going up 5.10% February 1st.

FIRE DEPARTMENT GRANT EXTENDED

Joy said she did learn that the fire department grant had been extended. She said as far as she was concerned, that did not give VisionAir any additional time to comply with work they have scheduled for Noble County.

SPACE NEEDS FOR HEALTH DEPARTMENT

The Commissioners discussed the space needs of the Health Department. Joy explained to Dave, the new Commissioner that currently the clinic is downstairs, but they don't want to be there. She then went over a proposal that Dr. Gaff, a member of the Health Board had made previously, to move the clinic upstairs.

HIGHWAY GARAGE RENOVATIONS

Joy said she gets calls at least once a week about whether we are going to do the renovations at the Highway Garage. There was discussion that contractors that had placed bids want to know, so they know how to do their scheduling for the construction season. Jim said there could be a need for a common wage hearing.

**LETTER TO BRENDA LEPTER AT IDEM
RE: LEACHATE DISPOSAL FROM LANDFILL**

Joy read the above referenced letter that she had drafted, (H.I.).

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

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 12:35 P.M. recessed from day to day until the 7th day of February 2011.

Joy Y. LeCount, President

Jack W. Herendeen, Vice President

David J. Dolezal, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor