

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD OCTOBER 8, 2012**

Comes now the hour of 8:45 A.M. on the 8th day of October, 2012, 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
David J. (Dave) Dolezal, Vice President
Jack W. Herendeen, Member

Also present were:

Jacqueline L. Knafel, Auditor
Dennis Graft, County Attorney
and Bob Braley, News Media

**DOMESTIC VIOLENCE AWARENESS
MONTH - OCTOBER 2012**

The Commissioners received notice from the Prosecutor that October is Domestic Violence Awareness month and that there would be three crosses on the courthouse lawn representing the 64 deaths of men, women and children in the State of Indiana as a result of domestic violence, (H.I.).

**JIM COOK - RESIGNATION FROM KENDALLVILLE
PLANNING ADVISORY COMMISSION**

The Commissioners received the above referenced letter of resignation, (H.I.).

**TOWN OF ALBION - INVOICE
FOR LEACHATE DISPOSAL**

The Commissioners received an invoice in the amount of \$360.00 from the Town of Albion for the disposal of 6,000 gallons of leachate from the landfill in September, (H.I.).

MINUTES APPROVED

After reviewing the minutes of the *October 1, 2012 executive session* Dave moved to approve them. Jack seconded the motion and it carried 3-0.

**ELECTRICAL WORK AT SOUTH COMPLEX GARAGE -
QUOTE FROM RICHARD RIDER ELECTRIC, INC.**

Richard Adair, Noble County Building Inspector came before the Commissioners with a quote from Richard Rider Electric, Inc. in the amount \$3,960.00 for electrical work that is needed in the garage at the South Complex, (H.I.). He said it is needed to update the electrical wiring.

PLUMBING AT SOUTH COMPLEX - QUOTE FROM HOOVER PLUMBING HEATING ELECTRICAL, INC.

Richard also presented a quote from Hoover Plumbing, Heating, and Electrical, Inc. in the amount of \$3,155.00 to install 2 - 36" cabinets with laminate tops; 2 - Stainless Steel 15" sinks with faucets; 1 - under counter waste pump; and other things needed for running water lines to rooms 3 and 4 at the Weber Road facility for the Health Department.

OUTSIDE LIGHTING AND SEWER ISSUES AT SOUTH COMPLEX

There was a brief discussion about the outside lighting at the South Complex and what would be needed to complete what the Commissioners want done there.

Richard reported on the discussion he had with Beth (Shellman), Albion Town Manager regarding the extension of sewer lines to the South Complex. He said Beth is supposed to get him an estimated cost for going from River Road to the South Complex, even if we don't hook up now. Richard said he thought at some time hooking to the sewer should be considered because there is no approved area that you can add to the finger system of the leach field.

WELLS FARGO - GROUP INSURANCE RENEWAL

Shelly Hanson was present from Wells Fargo to discuss the upcoming insurance renewal. She said it is not a terrible renewal, but she has some recommendations to make. Shelly said the minimum HSA deductible would be 1,250.00 for an individual and \$2,500 per family for 2013.

Shelly said the calendar year maximum would have to increase to \$2,000,000.00 for 2013. She said it was \$1,250,000.00. Dave asked why there was such a big increase. Shelly said it is because of health care reform. She said in 2014 there will be no calendar maximum.

Shelly said the Flexible Spending Account is currently at a \$3,000.00 contribution limit and that has to be reduced to \$2,500.00.

Shelly said when she is here in November for insurance enrollment she will have the Summary of Benefits and Coverage to be distributed.

Shelly said an Outcomes Research Excise Tax will have to be paid at \$1.00 per covered person and that will increase to \$2.00 next year and supposedly will be gone by 2018.

Shelly talked about some of the things that would be required if the county went to a Non-Grandfathered status. She said she would not recommend doing that.

Shelly said she is concerned that the prescription costs are at 23% of the total. She said they are \$62,000.00 higher this year than they were for the same time period last year. Joy asked how many people were getting their prescriptions at the clinic. Shelly said she is going to check with WeCare to see what is being run through Pro Claim that could be running through the clinic. She said she would recommend that maybe we reduce the cost at the clinic from \$4.00 to \$2.00 to get the employees to go through the clinic. Joy asked Shelly if they could figure from their records what prescriptions are driving the cost up. Shelly said she has Pro Claim working on that right now. She said she wants them to look at different prescription benefit managers to see if we can find someone that has some better costs. Shelly talked about Elect Rx: Personal importation which is mail order and it is strictly for brand name drugs with a \$.65 cost to the county for each prescription. She said it is voluntary and there is a \$10.00 shipping fee. Shelly

recommended reducing the co-pay for prescriptions to give an incentive for the ones that can use the program to use it because of the cost savings.

Shelly said she didn't think we have anyone on dialysis, but what they are looking at is saying that our plan would pay what Medicare would pay for dialysis.

Shelly said most self-funded plans are going to a Fully Insured Transplant Contract to keep the expenses off their self-funded plan. She said the annual premium for that policy is about \$24,000.00. She said one of the re-insurance carriers she has will reduce the premium for adding that, so the actual cost for the transplant policy with them would be about \$13,000.00.

Joy asked Shelly if she had put this out to the various PBM's. Shelly said she had, and she hoped to have the results in a couple of weeks.

Shelly said the renewal itself came in well. She suggested signing disclosures for two companies and sending them in to see what kind of figures they come back with.

Jack moved to go ahead and sign with Zurich and United States Fire and see who comes in with the best quote. Dave seconded the motion and it carried, 3-0.

Shelly said if we move the contract to a new carrier it would go to a 24/12 contract but she is not concerned about that.

Shelly said the dental insurance came in with an 11% increase. She said the employees pay for dental insurance. Shelly recommended that we make a few plan changes as far as frequency on teeth cleanings and we could get that down to 6%. Joy asked if it is twice a year now for cleanings. Shelly said it is. She said we would go to one time per six months, which is basically the same thing.

Dave moved per Shelly's recommendation to change to the 6% increase verses the 11% by using the six month frequency for dental cleanings verses twice a year. Jack seconded the motion and it carried, 3-0.

Dave moved to reduce the co-pay for prescriptions for the people on the HSA plan from \$4.00 to \$2.00 per Shelly's recommendation and see what happens. Jack seconded the motion and it carried, 3-0.

Dave said he wasn't sure he understood the transplant contract. Shelly said it is a fully insured contract. She said transplants are no longer covered under the self-funded plan unless somebody was excluded. Shelly said the contract keeps the (transplant) costs off of the plan. She said she just wanted to make the Commissioners aware that it is available to them. Dave asked what is best for our employees. Shelly said they would have transplant coverage regardless. She said we would just be taking the coverage and putting it under a fully insured contract verses the self-funded contract. Shelly said in the event there are transplants, it would keep the bad claims experience off of the self-funded plan, because that could drive the claims up tremendously. Dave asked if it does the same under Zurich and United States Fire. Shelly said it does, but with United States Fire they will reduce the specific premium by \$13,000.00 by having the contract. She said Zurich would not. Dave said he thought we should wait and see which plan we go with.

Joy asked if they were recommending that the self-funded plan pay only the amount allowed by Medicare for dialysis. Shelly said that was correct.

Joy asked about the One Call Medical. Shelly said that is a free service for radiology services such as MRI's. She said the employee would work directly with One Call. Shelly said if they need an MRI they would call One Call and One Call would direct them where to go to get it, and the expenses are significantly reduced. She said it is voluntary.

Dave moved to go with the dialysis services language and hold off on the fully insured transplant contract since Shelly would be coming back. Jack seconded the motion and it carried, 3-0.

**DOMESTIC VIOLENCE AWARENESS
MONTH CONTINUED**

Steve Clouse, Prosecutor and Teri Skinner, Victim's Advocate assistant were present to request that the Commissioners allow the placement of the crosses on the lawn as requested previously in a letter. Dave moved to approve the request. Jack seconded the motion and it carried, 3-0.

COUNCIL ON AGING - TRANSIT GRANT

Gregg Parker from the Noble County Council on Aging came before the Commissioners to get signatures on the 3rd quarter Transit Grant paper work, (H.I.). Dave asked how the expenses compare to the last quarter. Gregg said it is almost exactly the same. He said he went back to last year, and their quarterly expenses are running about \$20,000 less each quarter this year than they did last year. Gregg said their Medicaid rides are down and that is their second largest source of income next to the grant. He said he went to an INDOT conference last week and we are going to get \$20,000 more in transit funds next year. Gregg said they don't know about the Public Mass Transit funds.

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

SHERIFF DOUG HARP - EMPLOYEE ON SICK LEAVE

Doug said he had talked to the Commissioners a couple of weeks ago about an employee that is on leave and the use of sick time. He said it is in the minutes about allowing sick time to supplement the disability pay. Doug asked if that is something that can be changed. He said he isn't sure why they can just use sick time and not vacation time and personal time. Doug said what could happen is that people would donate sick time to an employee and then they could come back to work and take two weeks off for vacation.

Dave asked what the state says about it. Joy said we allow employees to use 40% of their sick time to add to their short-term disability so they don't lose any pay. She said what has happened in this case is they have already used up all of their sick time, but they still have vacation and personal days. Joy said the request is to change the policy that was made in 2009 to also include personal and vacation days. She said she knew that we did have an individual some years back that borrowed a bunch of sick days from other people and as soon as he came back to work he took his vacation and went to Florida. Jack said that didn't sit very well with people.

Jackie said the reason we went to that was because short term disability didn't start until after 30 days, so a lot of people weren't even faced with going on short term disability. She said now short term disability starts on the 8th day, so it makes it a hard decision for employees because they were faced with going to 60% of their income if they went on short term disability.

Joy said we have another employee on short term disability, and that individual is only getting their short term disability.

Dave said we are going to pay the vacation time either way. Doug said that was his contention. Joy said she thought they should have to use their vacation time to get to the short term. Jackie said they would have had to use something those first seven days, and there is no provision to say they had to use sick time the first seven days. She said a person has to decide in

the first week if they are going to go on short term disability or not, and that is the reason we gave employees the option to use the sick days to supplement short term insurance. Jackie said we recommend that employees go on short term disability because you don't know what complications could come up. She said some people have 30 sick days they could take through their six weeks recovery period, but their window of opportunity is gone and they can't go back and pick it up. Dave asked when they have to decide that. Jackie said it has to be decided by the eighth day. She said that is the reason we put that option out there because then it isn't such a hard decision to make about going on sick leave.

Doug asked if someone is out of sick time why it would be an issue to use personal or vacation time, because we are going to pay it one way or another. There was discussion about whether an employee should have to expire all of their benefits before they are allowed to accept any sick days. Doug said someone could have a pre-planned vacation six months out that they had bought tickets for and everything and then if they had an unexpected illness their vacation time could be all gone if they have to use it for their illness.

Jackie checked and reported that the employee being discussed has enough time to get him through to his expected time back.

Dave suggested that the Commissioners get the department heads input on this.

SHERIFF'S DEPT. EXCESS VEHICLES

Doug said they have two vehicles that were used for narcotics that they are recycling out that are titled to the Commissioners. He said one of them would probably be a good vehicle if someone within the county needs one. Doug said the other one probably won't generate a whole lot of money. Joy asked Doug to get the information on the vehicles for the Commissioners.

HIGHWAY BUSINESS - MIKE FITCH & MARK GOODRICH PURCHASE OVER \$500.00

Mark said he had a request to spend \$788.00 for a remanufactured gear box for truck #15. He said it is for the power steering system.

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

PAVING ON CR 75 S

Mark reported that they started paving CR 75 S today.

PIPE REPLACEMENT ON SAWYER ROAD

Mark said they are starting the pipe replacement on Sawyer Road today. He said when they get done with that they will move to 600 E.

TRUCK UPDATES

Mark said the problem with truck #13 ended up being an electrical issue. He said they didn't get into any big expenses.

Mark said Doug is starting on spreaders for the trucks today. He said he is going through them to get them ready for the upcoming winter.

SOUTH COMPLEX DRIVE

There was a brief discussion about the need for some material and work that needs to be done along the drive that was recently paved at the South Complex.

PATCHING ON CR 300 W & 1000 E/500 S

Joy thanked Mark for the patch that the Highway Department put on 300 W just north of Wawaka. She said it made quite an improvement.

Dave said they put some gravel over the black top on CR 1000 E & CR 500 W and it seems to be holding. Mark said he thought they have most of the spots fixed for now.

TREE AT BEAR LAKE

Dave said he went in and talked to Charisse about the tree at Bear Lake and it looks like from the paperwork that she gave him we had talked to Susan about the same issue on September 2, 2003. Mark said it was apparently a different tree. He said he talked to Susan's husband and he said the REMC had come out in 2003 and cut that tree. Dave said the tree is outside of our right-of-way. Mark said there is a park in there and it is right at the edge of that park. He said he told him it is too far out of our right-of-way for us to deal with.

WETLAND MITIGATION ON CR 1000 E PROJECT

Mike said he got a call from Earth Source who is doing the inspection on our mitigation site. He said we are in the last year. Mike said the Corps of Engineers had asked for a meeting on site with Earth Source. He said the Corps of Engineers requested additional trees be planted on our wetland site because the existing trees have not grown or shown any adequate progress in growth. Joy asked if we planted the trees or if they were existing trees that they thought hadn't grown adequately. Mike said they were installed initially. Joy asked if they were dead. Mike said all they said was that they hadn't grown fast enough and that they were about the same size as when they were planted. He said they want to plant an additional 80 trees. Joy asked if they would be seedlings or what. Mike said in the letter it said "containerized trees" but it didn't give a size. He said he had an estimate of \$2480.00. Mike said he called INDOT and asked them about this, and this is the Corps of Engineers responsibility, and they are pretty much saying that whatever the Corps requests we have to follow through with.

Joy asked if we know how many trees were planted initially and if they are all still living. Jack asked if Earth Source was involved in the wetland. Mike said he asked INDOT who is going to pay for this. He said from our records, from talking to Marc Fisher, the county agreed to pay 100% of the cost for the wetlands. Mike said he is not sure why that was done, but Mark had been paying 100% of the cost of the inspections for the last five years. Mike said INDOT had not done the final audit on 1000 E yet. He said he thought this would still be Noble County's expense. Dave asked how many years ago they planted the trees. Mike said they were planted about 5 years ago. Dave asked if they provided any monitoring data from the planting to date, to show the growth that they said is not adequate. Mike said his concern is that this is the fifth year and if this is the first time the Corps had looked at it, why didn't Earth Source identify this as a problem in their inspection reports. Joy said if this is going to kick in another five year inspection she is not in favor of that. She said they are not going to agree to this today. Mike said he asked Earth Source to get him more documentation on the meeting and the minutes to the meeting before we would agree to move forward. Joy said what she would like for Mike to find out is how many trees were required to plant initially and if Earth Source has written documentation of all five years of their inspections. Dave said he would like to know what the normal growth rate of the trees that were planted is. Joy said she would like to know what type of tree was initially planted.

**TYLER TECHNOLOGIES - BID
FOR 2012 REASSESSMENT**

Assessor Kim Gephart and Blane Bowlin from Tyler Technologies were present for the bid opening. Tyler Technologies were the only ones to submit a bid. Blane said the Commissioners had previously accepted an agreement from Tyler Technologies, but the state (DLGF) wanted something more expanded. He said nothing has changed - the price is the same, the deadline is the same. Dave asked how it is going. Blane said he was going to do his best to have it done this week.

After a brief discussion and after hearing that the DLGF had already approved the document as to the language, Dave moved to accept the bid from Tyler Technologies. Jack seconded the motion and it carried, 3-0.

DLGF HEARING RE: NEXUS

Dave asked Kim if anything had ever come from the hearing with the DLGF (re: NEXUS who was originally doing the reassessment). Kim said they did respond. She said the DLGF came up and did 244 properties themselves, and of that there were 85 that came back with issues and 69 of them were NEXUS issues. Dennis asked if they had filed a written report. Kim said they had and she is working on it.

Dave said that doesn't correspond with what NEXUS said their error rate was, which was 10% or less. Kim told of some of the other errors that were found. Joy asked Kim to have Dennis look over her response to the written report once she has it done.

There was further discussion about the problems with work done/not done by NEXUS, and that supposedly NEXUS has sued the DLGF over this.

Blane talked about the clean up that needs to be done. Dave said we may not know the quality of the work until we go through another whole cycle and have a comparison. Blane said that was right. He said it would not get cleaned up in one reassessment. Dave asked how long it takes to complete a cycle. Blane said July 1, 2014 starts the cycle and it will be a four year cycle. He said it will take a lot of work.

Kim said she felt like everything would be complete so tax statements can go out on time.

**CHECK FROM RAILROAD CO. RECEIVED
RE: DERAILMENT EXPENSES**

Mick reported that we have received a check from the railroad in the amount of \$49,194.84. The money will be split among the agencies that were involved with the derailment.

GENERATORS FROM MILITARY SURPLUS

Dave reported that Mick had been investigating the possibility of getting some generators from the Military Surplus. He said Mick said they used to provide a service where they could come and evaluate the needs of our facility, and then they would give us one of the generators. Dave said we would just have to pay shipping. Dave said he didn't think we would want one of the diesel generators. Mick said he found out that he wasn't registered as a federal donee or someone that would be able to receive it. He said he was only registered with the state so he submitted the paperwork Friday to be a federal donee, so he would be on the federal mail list where he can put out the needs of Noble County and then they will let the county know if any federal equipment may be available.

WINDOWS, CARPET & ELECTRICAL AT SOUTH COMPLEX & ELECTRICAL AND PLUMBING AT WEBER ROAD ANNEX

Jack moved to approve the windows, electrical work and plumbing at the South Complex and the plumbing, electrical work and carpeting at the Weber Road Annex. Dave seconded the motion and it carried, 3-0.

MINUTES APPROVED

After reviewing the minutes of the *October 1, 2012* meeting, Dave moved to approve them as amended. Jack seconded the motion and it carried, 3-0.

TITLES FOR SURVEYOR'S OFFICE VEHICLES

Jackie said she had received a request to have the titles signed for two vehicles that the Surveyor's Office sold at a silent auction. Jackie said before we sign them, she wanted to find out who is getting the vehicles and how much they sold for. Jack moved to approve for Joy to sign the titles once more information is provided. Dave seconded the motion and it carried 3-0.

**OUTSIDE DOORS AT WEBER ROAD ANNEX
NEED TO BE MADE HANDICAPPED ACCESSIBLE**

Dave made mention that the outside doors at the Weber Road Annex need to be made handicapped accessible with automatic openers, and we need to designate a handicapped parking area as well.

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 15th day of October 2012.

Joy Y. LeCount, President

David J. Dolezal, Vice President

Jack W. Herendeen, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor