

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD OCTOBER 22, 2012**

Comes now the hour of 9:11 A.M. on the 22nd 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:

Marion S. Cavanaugh, Deputy Auditor
Dennis Graft, County Attorney
and Bob Braley & Scott Perry, News Media

WELLS FARGO - GROUP INSURANCE - RENEWAL

Shelly Hanson from Wells Fargo Insurance came before the Commissioners to give them more insurance information so they can decide how to proceed for 2013. She said when she was here the last time the Commissioners signed two disclosures to see how they would come back. Shelly said Midwest was the one that at the time did not have a laser on an individual. She said they came back with a laser on that individual now. Joy asked if we should just stay where we were then. Shelly said, "Yes". She said they are both saying that there is a possibility of another laser on an individual if the claims do not get in and get paid before the end of this month. Shelly said Pro Claim is calling the hospital daily. She said the laser would be the amount of claims for that illness, which looked like it would be about \$100,000.00 as of Friday.

Shelly presented a list of drugs that were dispensed. She said all of them that are highlighted, which is about \$25,000.00 worth, is what the plan paid that could have been dispensed through the clinic. Shelly said from what WeCare is telling her there is an additional 2/3 of the list that could be dispensed through the clinic. She said she would like to meet with the Auditor and WeCare personnel and go over the list. Auditor Jackie Knafel said that most of the drugs prescribed at WeCare are generic and possibly some employees don't want the generic. There was discussion as to why some of the employees aren't seeing the cost savings that could be realized for themselves and for the county if they would get their prescriptions through WeCare.

Joy asked Shelly if she needed to have the Commissioners determine that they would go with their current carrier. Shelly said, "Yes". She said she brought information on Elect Rx that she didn't have last week. Shelly said they are basing their figures on 30% participation. She said the county is currently with Smith Premiere and she had 4D Pharmacy look at it and compare the current drugs that have been dispensed, the cost to the county and what they could do. Shelly said they are showing a \$24,000.00 savings if we would change from Smith Premiere to 4D. She said Elect RX is basing their price on 30% participation and they are showing about a \$10,000.00 savings. Shelly said they have a fee they charge per prescription and that is it. She said when they get rebates back from the manufacturers they give them back to the county. Shelly said they were

showing about \$11,650.00 in rebates that could come back to the county if we move to 4D Pharmacy. Joy asked if this would be strictly for mail order. Shelly said it would be retail and mail order. She said we would have the Elect Rx for those brands.

Dave asked Shelly what her experience was with 4D. She said she had not had any problems with them. Shelly said they projected a first year savings of \$34,000.00 if there is 30% participation. She said the prescriptions was one of her areas of concern because the county spent \$62,000.00 more in the same time period from last year to this year.

Jack moved to go with 4D Pharmacy Management (& Elect Rx) for the prescription coverage. Dave seconded the motion and it carried, 3-0.

Shelly said she got the long-term disability renewal in from Mutual of Omaha and there is no rate increase. She said the rate will remain the same and they have guaranteed the rate for two years.

Dave moved to go with Spectrum Zurich for the Stop Loss Insurance with no increase. Jack seconded the motion and it carried, 3-0.

Shelly said that Chuck Bodenhafer, the agent of record is going to retire at the end of this year. She said the intent is that she would take over as the agent for the Commissioners if that is ok. Dennis asked if it is definite that Chuck will be retiring then. Shelly said it is. Dennis said he didn't see a reason the Commissioners couldn't do it now with it being effective at that time. Dave moved to have Shelly become the agent of record. Jack seconded the motion and it carried, 3-0.

THANK YOU FROM DR. LEER RE: DRAINAGE WORK IN LAOTTO

Marion reported that Dr. Leer called Thursday, October 18th and said that it was very nice not having flooding in front of his office and the post office that morning. Mr. Leer asked that a thank you be given to the Commissioners for the drainage work that was done in that area.

HIGHWAY BUSINESS - MARK GOODRICH & MIKE FITCH

LINE STRIPING

Mike said he received quotes for phase II of the line striping which is basically to stripe all of the chip & seal projects we have had plus some other routes. He said he had three quotes and they are from: Air Markings in the amount of \$56,003.67 (Mike said they quoted for two coats and he only specified for one coat so the amount would need to be cut in half and it would be \$28,001.84); Three Rivers Barricade in the amount of \$22,068.96; and Accurate Striping in the amount of \$29,684.66. Mike said based on those figures he would recommend Three Rivers Barricade in an amount not to exceed \$22,068.96. Joy asked how many road miles that would be. Mike said it would be 290,000 feet (54.92 miles).

Dave said based on Mike's recommendation he would move to go with Three Rivers. Jack seconded the motion and it carried, 3-0.

SUPPLEMENTAL AGREEMENT FOR BRIDGE #134 - BEAM, LONGEST & NEFF (BLN)

Mike said he had asked BLN for a supplement that would cover all of the additional engineering work and changes to the environmental if we have to add the third rail as requested by the railroad. He said the total amount of the agreement is \$28,100.00 for the additional engineering services. Dave asked if that was "if" they have to do the third track. Mike said it is. He said that is also adding the service road. Mike said a couple of weeks ago when he talked to INDOT they said

CSX had verbally told them that they may relent on the requirement for the service road. He said he e-mailed Fred (BLN) and told him that the supplement is already outdated. Mike said the total amount of the contract now would be \$356,300.00.

Mike said he called INDOT last week and told them that it was urgent that we get some information from the railroad, preferably something in writing stating their position on our request for some funding assistance on the project, because the Commissioners are going to need to make some decisions on the future of the project.

Jack said we will be going into the fourth year on this. He said we were going along really well and then in the second year the railroad decided they wanted the third rail. Jack said he didn't think they could run a third rail without the railroad having to buy a lot of right-of-way.

KAMMERER ROAD EVALUATION

Joy asked Mike how Kammerer Road was listed on the road evaluation. Joy said between 1000 E and the county line the road is terrible. She said there are deep potholes that have had no attention this summer. Mike said it was listed as a number 2 which means it is poor.

Mark said he had Andy up there and it is getting patched today from shoulder to shoulder. He said there is no cheap fix for the road. Mark said it would have to be a reconstruction project which he thought would cost around \$130,000.00 for two miles. He said he would like to start putting calcium in when we grind the roads to make the base more stable, which would cost about another \$5,000.00 a mile or so.

Mike said when we reconstruct them we will reconstruct them to the current geometrics. He said if there are any hills that need cut out we will address that at the same time.

BRIDGE #12

Dave asked if there is anything new on Bridge #12. Mike said they agreed on the PE agreement and he sent out a notice to proceed and they said they would probably be out the middle of last week to start their field survey work.

BROOKSIDE ESTATES ROAD

Jack asked if the concrete was all done and good to go. Mark said they have some patching to do. He said he sent a crew up there and tried to explain to them what he expected. He said they didn't get it right but it would have to do for now because it is too cool to get patch down in the holes. Mark said he thought the work that Garcia did was excellent. He said he went to a class on concrete repair, and he got some information on a way to repair the concrete that they said would last 8 – 15 years. Mark said they will sweep up the loose stone that is on there and that is all that would be done for right now and he will make it a summer project.

SIGN PROJECT – REPORT OF FINAL INSPECTION & RECOMMENDATION FOR ACCEPTANCE

Joy said she received a message from Nancy Vickery about the paperwork for the final inspection and recommendation for acceptance and she said we had turned it in, but we still need to turn the second one in, (H.I.). (There were errors in the first document). Jack moved to approve the report. Dave seconded the motion and it carried, 3-0.

**PUBLIC HEARING – CR 1100 E
SPEED LIMIT IN ALLEN TWP.**

Now being the time, and with proof of publication, a public hearing was held regarding changing the speed limit on CR 1100 E (Lemper Road) beginning 1400 lineal feet north of Baseline Road and running north to SR 8 to 30 MPH.

Hearing no objections, Dave moved to approve the 30 MPH speed limit. Jack seconded the motion and it carried, 3-0.

**PUBLIC HEARING – CR 15 W SPEED LIMIT
IN ELKHART AND ORANGE TOWNSHIPS**

Now being the time, and with proof of publication, a public hearing was held regarding changing the speed limit on CR 15 from CR 900 N running north, 3,683 feet to Waldron Lake Drive to 30 MPH. Hearing no objections Jack moved to approve the 30 MPH speed limit. Dave seconded the motion and it carried, 3-0.

GARAGE DOORS – EXPENSE OVER \$500.00

Mark asked for permission to spend \$1550 for garage doors. Jack moved to approve the expense. Dave seconded the motion and it carried, 3-0.

TRUCK BEDS

Mark said he is going to go to WA Jones IN Columbia City Wednesday to check out the system they quoted for the truck bids. He said he would try to arrange so they could look at the other type of bed too. Mark said he is going to meet with all of the likely prospects of suppliers of a new truck.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:26 A.M. and reconvened at approximately 10:34 A.M.

**GLEN WOODCOCK - UNSAFE
BUILDING AT KNAPP LAKE**

Richard said Mr. Woodcock said he wasn't going to take down his unsafe building and that he would let the county do it. He said he thought we should go ahead and impose the fine on him. Richard said we need to set another hearing where we can let bids to get it demolished or take the work crew down there to do it. Jack asked if we would get into any trouble if we tear the building down. Dennis said we wouldn't. He said there was an order entered for him to have the building torn down by October 17th and since he didn't do it then we will do it. Dennis read from the order that there would be a \$3,000.00 fine.

Jack asked if there were some wing walls there. Richard said there are. He said he thought if we could get the Highway Department out there with a back hoe we could pull them down and cover them with dirt.

Jack said he thought this should be bid out. Dennis asked Richard if he has money in his budget to pay for it. Richard said he has \$10,000.00 in his budget next year. Dennis said if we have to bid this out it would be close to next year before it would be done. He said we would have to make sure they understand they wouldn't be paid until next year. There was discussion as to how to advertise for bids to demolish the building.

Joy asked if there are teeth in the order to make sure we get the \$3,000.00 fine. Dennis said if he doesn't pay it, then we would take him to court. Dave asked if he didn't pay for the demolition if it would get attached to the property. Dennis said it would.

GLENDA KELLY, BEAR LAKE – UNSAFE RV'S

Richard said Glenda Kelly has a couple of RV's that are falling apart on lots down on Bear Lake. He said they sent her notice, and the first time someone signed for it and the second notice came back. Richard said in their research they found out she had died in 2010. He said there are no heirs to the property, and he asked Dennis where we go from here. Richard said it didn't sell at tax sale because it has a huge sewer bill. He said he didn't know why there is a sewer bill because she has two half lots, and the sewer tap is on the half of a lot that doesn't even connect close to the trailer. Richard said the sewer district refuses to lift the sewer lien. Auditor Jackie Knafel said it probably another instance where it is a penalty for not hooking into the sewer. Richard said no one has lived in the RV for so long that trees have grown up through it. Dave asked if there were buildings other than the RV's. Richard said it is just the RV's. He said the one was just used for a storage shed.

Dennis said we could check and see if there was an estate opened.

Jack asked how much of a job it would be to get the RV's out. Richard said it wouldn't be much of a job but they are not ours to move. He asked if we can't contact her to have her come to a hearing, who would represent her. Dennis said if she didn't open an estate we would probably put notice in the paper to anyone that had any interest in it.

Jackie said the Commissioners could take title to it because it was on the tax sale. She said if we clean it up we could offer to sell it to adjoining landowners or whatever and then it would at least be back on the tax roles again. She said there is no one that will buy it right now.

Dave asked what other counties do. He asked if the Commissioners wanted to get in the business of taking over titles to properties. No one knew what other counties do.

When asked by Jack, Richard said there are two half lots and most of the debris is on the one half lot. He said there are two outbuildings that have fallen down, an RV that was used for storage and an RV that they stayed in.

Dennis said he would see if there was an estate opened up for Glenda, and he would talk to the attorney for the sewer district. Dave asked Jackie to find out what other counties do. Jackie said it is fairly new that the county can take title to the properties. She said if we take title and sell it to someone at least we are getting it back on the tax rolls. Richard said a neighbor that has a cottage toward the lake would like to buy it so he could put a detached garage there.

TUCKER UNSAFE BUILDING

Richard said he was going to get with the Highway Department this afternoon to see about going down there and getting the foundation cleaned up. He said he was hoping they could take the tires and debris to the Highway Department to be taken care of. Richard said the fees for the Highway Department to do the work would be the end of it. He said we would be able to close the case except for collecting the money.

SWAN TOWNSHIP – SHARON L. REAGIN UNSAFE BUILDING

Richard said the other one he has is in Swan Township. He said there is no George J. Reagin and Sharon L. Reagin resides in Florida. Richard said they put a new house on the property and there was an old house there and the agreement was that she could keep the old house there for

her mother to live in as long as she was living. He said once the mother died the house was supposed to come down, and that is a Planning and Zoning issue. Richard said Mrs. Reagin moved to Florida and someone else is living in the house and her mother did pass away. He said the house has been a good place for "strange activities". Jackie said that property sold for \$99,000.00 on the tax sale. Richard said he served her notice and someone signed for it the first time but it was refused the second time.

Joy asked if there is a violation of the zoning ordinance. Richard said there is a violation of the zoning ordinance because the second house was supposed to have been torn down once the mother died, and that hasn't happened. He said he has received complaints on it and he has started the process of getting it torn down. He said all of the windows are broken out.

Dennis said we would have to sit on this for a year when the tax sale purchaser can get title to the property or until the property is redeemed, if it is redeemed.

Dennis asked if the Plan Commission had taken any action. Richard said he didn't know.

ELECTRICAL WORK AT THE SOUTH COMPLEX

Richard gave a brief update on the electrical work that has been completed at the South Complex.

PUBLIC HEARING – STEINBARGER LAKE SPEED LIMIT

Now being the time, and after proof of publication a public hearing was held regarding changing the speed limit on Steinbarger Lake Drive from Waldron Lake Drive running east 5,757 feet to CR 900 N to 20 MPH. Mike said he is trying to stay consistent with the roads that meander along the lakes and are curvy.

Hearing no objections, Dave moved to approve the ordinance. Jack seconded the motion and it carried, 3-0.

EMA SUB GRANT AGREEMENT

Mick Newton, EMA Director came before the Commissioners to get their approval and signature on an EMA Sub Grant Agreement. He said it is \$4,054.00 he earned for scoring high on his assessment. He said they will allow us to take the money and build an old school bus into a mobile command center.

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

RESOLUTION #2012-05 RE: ADOPTION OF THE AMERICANS WITH DISABILITIES ACT

The Commissioners received a copy of the above proposed resolution. Dave said this is part of the transition plan that is supposed to be adopted by the end of the year. Joy read the resolution aloud.

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

WELLS FARGO INSURANCE RENEWAL DISCUSSION

Jackie said she received a call from Shelly Hansen (from Wells Fargo) and she said Shelly said she had asked the Commissioners on the Elect RX to waive the deductible on the employees that have plans 2 and 3. She said Shelly forgot to ask if the Commissioners would pay 100% for the employees on the HSA because the HSA money can't be used to pay for it. Jackie said she thought the Commissioners would be paying 100% for plans 2 and 3 by waiving the deductible. Joy asked

if that would get us in trouble with the federal requirements on the HSA? Dave said he thought she had said there couldn't be a first dollar pay with the HSA. Joy asked Jackie to put in writing what she is talking about and the Commissioners will take action on that next week.

**ASSOCIATION OF INDIANA COUNTIES, INC (AIC) –
PROLIANCE NATURAL GAS PURCHASE PROGRAM**

The Commissioners received a letter from the AIC regarding the above referenced program stating that historically the savings have been in the 3%-7% range on natural gas as opposed to purchasing natural gas from the utility, (H.I.). Dave asked if we have anything to compare this to and if we would actually realize a savings. Dennis said we would need a whole lot more information. Dave and Jack said they weren't interested. Joy read some information from the internet. Dave said it would be nice to have something from NIPSCO so we would have something to compare it to. Joy said maybe the Commissioners should find out from NIPSCO if they have some options for saving us money. Dave is going to contact the AIC to see what he can find out from them.

**RE SUTTON & ASSOCIATES - EMPLOYEE
BENEFITS - INSURANCE POOL**

The Commissioners received information from RE Sutton & Associates, a fee-based employee benefit consulting group re: the development of a statewide Trust where county governments will "pool" insurance together, to spread the risk over a larger population of insured members and to save money, (H.I.). No action taken.

**FACILITY USAGE/INDEMNITY AGREEMENT RE:
SYLVAN LAKE IMPROVEMENT ASSOC. "BINGO
HALL" TO BE USED FOR ELECTION**

Joy said they always ask for the agreement to use the facility as a polling place, and they have asked for the agreement for the upcoming election, (H.I.). Joy said she thought we should find another location before we have another election.

Jack moved to approve the agreement. Dave seconded the motion and it carried, 3-0. There was discussion that there is a new fire station there now that they could probably use.

MINUTES APPROVED

After reviewing the minutes of the *October 8, 2012* meeting and making corrections Jack moved to approve them. Dave seconded the motion and it carried, 3-0. After reviewing the minutes of the *October 15, 2012* meeting and making corrections Jack moved to approve them. Joy seconded the motion and it carried, 2-0. Dave was not present at that meeting.

WELLS FARGO INSURANCE RENEWAL CONT.

Jackie said she had received an e-mail from Shelly Hanson, which she read, (H.I.). Jack moved to approve the request to pay the Elect Rx at 100% (after deductible) for the HSA participants. Dave seconded the motion and it carried, 3-0.

CLERK – BROADCAST FROM COURTHOUSE

Joy said she had an e-mail from Candy (Myers, Clerk) and she had an inquiry from a radio station that wanted to broadcast from the courthouse re: absentee voting on Saturday October the 27th and November 3rd from 9:00 A.M. to 12:00 P.M. and they want to have the candidates available

to talk to the public. She said they asked if they could be on the first floor or if they would have to stay outside the courthouse and how far away since the absentee voting is on the 2nd floor.

Jack said he isn't in favor of it because we would have to open up talk shows to other entities. Joy said Candy had checked with Brad at the State Election Office who said the decision would ultimately be up to the Commissioner with the County Attorney being in the loop. Joy read from Brad's response. The Commissioners agreed they weren't in favor of it.

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

RECESSED AND RECONVENED

On a motion made by Dave and seconded by Jack which carried 3-0, the Commissioners recessed their meeting at approximately 12:15 P.M. and reconvened it at approximately 10:30 A.M. on October 24, 2012 at the County Highway Department.

NEW TRUCK INFORMATION

Jack and Dave met with Mark Goodrich at the Highway Department to receive information on new trucks.

**TRUCK INFORMATION & TOUR
OF WA JONES FACILITY**

All three Commissioners and Mark Goodrich met at WA Jones in Columbia City after the meeting at the Highway Department. They received a tour of the shop. They also looked at a Kenworth, Freightliner and International truck and learned of the different options available.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 1:10 P.M. recessed from day to day until the 29th day of October 2012.

Joy Y. LeCount, President

David J. Dolezal, Vice President

Jack W. Herendeen, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor