

**MINUTES OF A SPECIAL SESSION OF THE  
BOARD OF COMMISSIONERS HELD NOVEMBER 19, 2012**

Comes now the hour of 8:30 A.M. on the 19<sup>th</sup> day of November, 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

**PURCHASE OF BUILDING FOR PUBLIC DEFENDERS**

Jim Abbs, Chief Public Defender came before the Commissioners to talk to them about the financing for purchasing a building for the Public Defenders if the Commissioners decide to go that route. He also said there had been discussion three or four years ago about purchasing a building, and at that time the Public Defender Board was willing to pay approximately half of anything that was purchased. Jim said he had talked to the Public Defender's Commission three or four times, and he would talk to them again before we made any final steps. He said anything spent for the Public Defenders they can ask for about a 40% reimbursement for. Jim said he had been told by them on three different occasions that we could get that reimbursement. Jim said there would probably have to be some kind of contract between the county and the agency that says the Public Defenders would have usage of the building for X amount of years. He said eventually it would go into ownership with the county.

Dave asked Jim if he likes the facility he is currently in. Jim said they love the building that they are in. He said there are a few things that need to be done such as replacing some carpeting. Jim said the agency doesn't want to put money into the building if the county eventually wants to move. He said the county has put a lot of money into that building already. Jim said they do like being in a separate facility. Jim said every time the county talks about doing this he goes back to the (Public Defenders) Commission and their attorneys, so if it comes down that we really want to do it he would go back to them again. He said he has talked to them three times already.

Jack asked if the owner of the building had been approached. Jim said he can't purchase buildings so he had never been comfortable talking to them. He said when the prior county attorney was here he had talked to them.

Joy said we would have to get the building appraised. Jim said he and his board have never been opposed to purchasing a building if they can find one that fits their needs. He said the one they are in works great.

### **ASSESSOR – FORM 11’S**

Kim Miller, Assessor said she got three proposals for having the form 11’s printed and mailed out. She said she got one from ProForma in the amount of \$13,002.00 for 24,578 parcels; Worrell in the amount of \$13,707.07; and Fineline is still fine tuning their quote. She said they estimated roughly \$13,000.00. Kim said she told them to figure on 24,578 parcels. When asked, Kim said she has \$12,000.00 in postage, and she has mileage and technical assistance funds that she could transfer from if needed. When asked, Kim said ProForma sounds like it would be the best now. Joy asked Kim if she knows anything about their performance. Kim said she would check and report back later in the meeting.

### **REASSESSMENT**

Joy asked Kim to give the Commissioners an update on reassessment. Kim said she is planning on being done by Thursday.

### **SHERRY LABS – REPORTS**

There was a brief discussion about an e-mail that Dave had received from Sherry Labs about being able to get reports regarding the landfill on-line.

### **CLAIMS APPROVED**

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

### **RECESSED AND RECONVENED**

The Commissioner recessed their meeting at approximately 9:14 A.M. and reconvened at approximately 9:20 A.M.

### **MINUTES APPROVED**

After reviewing the minutes of the *November 5, 2012* meeting Jack moved to approve them. Dave seconded the motion and it carried, 3-0.

### **REVISION OF MAPS TO GO WITH UDO**

Joy said she had e-mailed Jack and Dave the final version of the UDO (Unified Development Ordinance). She said apparently the Commissioners are responsible for the revision of the map that goes with the UDO. Joy said apparently it wasn't their responsibility when they were done the first time. Dennis read that under the advisory planning law or the area planning law any participating legislature may also initiate the proposal and require the Plan Commission to prepare it. Joy said if the Commissioners need to site that and send them a letter she would like for Dennis to draft a letter to the Plan Commission Director and their attorney. Dennis said he thought the Commissioners should get with Steve Hook, GIS Coordinator and have him update the maps.

**HIGHWAY BUSINESS – MARK GOODRICH & MIKE FITCH**  
**UTILITY PERMITS**

Mark presented the following utility permits from Frontier Communications: #UP-070-12 for work on N CR 290 W between W CR 500 N and W Albion Road at the Earle Peffer residence; #UP-071-12 for work on S CR 375 W between W CR 50 S and W Noble Street at the Bill Minich residence; and #UP-072 for work on S CR 100 W between SR 9 and US 33 at the Todd Sherman residence, (H.I.).

**2012 ROAD PROGRAM**

Mark presented the above referenced road program which he reviewed with the Commissioners, (H.I.). He said most of what is not done yet is crack sealing, which could still be worked on this year as long as it is not raining or snowing. Mark said the camp crew had been real inconsistent this year, but they are getting some of that worked out.

Joy said the only thing she could see to improve the report would be Mark's assessment of the condition of the roads when they are done.

Mike said he is driving the roads again and he has Washington, Sparta and Perry complete. He said when he gets them all driven he will do a comparison and put together the information to show the improvements and to show if the classifications of the roads have changed. Mike said the only really significant changes he has seen, is that in areas where there is peat there are larger cracks because of having such a dry summer.

**CR 75 S – ENTRANCE TO CHAIN O'LAKES STATE PARK**

Dave asked Mike about CR 75 S going into the Chain O'Lakes State Park. He asked if INDOT is going to do anything with the shoulders. Mike said he has still not heard anything from the state because the person he needs to talk to has been on vacation. He said he thought the best we would get from the State would be some road striping. Mike said to stripe it and put edge lines on it you are talking about \$1,000.00. He said he didn't think they would do anything with the shoulders. Joy said the State wanted this project done and asked why they would have skimmed on it and not do it right. Mike said Dave (Armstrong, INDOT) told him that is their typical way of doing park entrance roads, with asphalt and dirt shoulders. Jack suggested putting up signs about the soft shoulders. Joy asked if you get a \$75,000.00 or \$80,000.00 unit off the road and it caused damage to the unit, who they would complain to. Mike said he would talk to Sam (Boggs, Chain O'Lakes State Park Director) about it. He said they should be having a pre-final meeting on that, and hopefully we would be invited to it.

**PUG MATERIAL**

Jack asked how much pug material was put on the lot with the \$123,000.00 they spent. Mark estimated it at 4,300 ton. He said he had figured that the cost was about \$35.70 a ton. He said Pulvers are going to make about another 1,000 ton today.

**SNOW REMOVAL**

Jack asked if the plows have all been checked and if the sanders are all ready. Mark said they need to hook the plows up to the pickups yet. He said they had gone through the equipment, and they have one sander they are working on. Jack asked how many pickup trucks they usually have plows on. Mark said they usually run 4 to try to break the county down into

quarters. When asked, Mark said they use the pick up's for plowing at the lakes. Jack asked if they use any graders on the road. Mark said he had hoped to do that last year but the roads were so soft he didn't want to gouge them up. He said they have two graders they can put out there. Jack said maybe they should use them on the priority roads because the trucks aren't going to get all of the snow off.

### **2012/2013 SNOW REMOVAL**

The Commissioners received a proposal from Mark Jackson for plowing snow at the Annex, Public Defenders, Prosecutor, and South Complex for the same price he did it last year, (H.I.). Phil Jacob, Head of Maintenance had said he was very pleased with the work he does.

### **UNSAFE BUILDING AT BEAR LAKE – REGINA HAMPSHIRE**

Richard Adair, Building Inspector said there is no one here to represent Regina Hampshire, who lives 100 miles away at Union City. He said this involves an old RV. Richard said they have torn off the built on front porch. He said they know they have to remove the RV, but they can't pull it to Union City to get rid of it because it is in such bad shape. Richard said at first they thought they could salvage it, but once they got inside of it they know they couldn't. Richard said obviously they aren't going to have it out by the due date (November 12<sup>th</sup>) so we need to determine if we are going to fine them and how much time we are going to give them to get it out of there. The Commissioners reviewed pictures which Richard had taken. They also received a copy of the Notice and Order which had been sent to Regina re: the unsafe building, (H.I.). There was discussion that Regina could hire a local company to get the RV out of there, and of possibly giving Regina until the end of the year to get the RV removed. Dennis asked how long it had been since anyone had used it. Richard said it has been at least 10 years.

Dennis asked Richard if Regina didn't get rid of the RV how he would propose getting rid of it and what kind of cost it would entail. Richard said the junk yard out on 6 has added salvage now, but he doesn't know if they would take trailers or not.

Dave asked if the Commissioners could asses a current fine based on what the county had spent. Dennis said the Commissioners have to decide if they are going to continue the order for having the RV re-moved and if so, by what date. He said he thought we should impose a fine to be consistent with what we have done before, and then the fine could be stayed if they get it torn down by the appropriate date, which is December 31, 2012.

After further discussion Jack moved to impose a fine of \$1500.00 if the RV is not out by December 31<sup>st</sup>. Dave seconded the motion and it carried, 3-0. A hearing has been set for January 7, 2013 in case the RV is not gone by then.

### **BEAR, HIGH, WOLF LAKE SEWER LIEN PROBLEMS**

Richard talked about another problem where there are some RV's and a shed in poor condition. He said he contacted the people and the property was up for tax sale. Richard said they owed about a \$12,000.00 sewer bill which is fines because they had never hooked on to the sewer. He said he didn't know where we are going with this, but he would like to see them get rid of the buildings. Richard said there is no sewer tap there. Joy said she thought the Commissioners should schedule a meeting with the sewer district to explain to them what the circumstances are, if we don't get any response from their attorney. She said they are never going to get the money and they might as well forgive what is owed and start over. Richard said

they raised the sewer bills to \$69.00 a month and for some of the people down there that is just about more than they can deal with and he feels they will have more and more people that can't pay that. He said then there are some people that just aren't going to pay it no matter how much it is. Richard said there is another property that they are going to have to deal with come the end of the year.

Jack asked if Bear Lake is the only place that the sewer bills went up to \$69.00. Richard said it included High Lake too. He said it was mainly because Wolf Lake decided not to join the sewer district (as had been planned). Richard said that was a mistake because there have been two fires there and the people can't rebuild because they don't have enough room for septic systems, so it has hurt two couples already.

### **FIRE DETECTORS AT WEBER ROAD ANNEX**

Dave said Phil (Head of Maintenance) had informed him that there are no working fire detectors at the Weber Road Annex. Dave said he asked Phil how that could be, and Phil said because when we didn't have that many people in there we didn't need to have them. Phil was present a little later in the meeting, and Dave asked him about it. Phil said they found a problem with the system out there and the system was obsolete. He said at that time the State Fire Marshall, by code, said we didn't have to have it for the number of people that were in there at the time. He said since we are going to have more people out there he will need to get that taken care of. Phil said he would be in contact with someone today. Joy asked for an update next week.

### **IT - EXPENSES OVER \$500.00**

Dave Baum, IT came before the Commissioners to request to spend over \$500.00 for equipment. He said he would like to replace the computers and software in the courts and it would be 18 computers and software in an amount not to exceed \$28,800.00. Dave said he would also like to replace a few network switches at a total cost not to exceed \$5,000.00.

There was discussion about what is done with the old computers. Dave said normally there are employees that want to purchase them. Joy asked if the computers are swiped and cleared out. Dave said if there is anything confidential on them he does, but if not, they don't worry about it, especially if a user is taking their own computer, because they are already responsible to maintain confidentiality. He said typically most machines don't have confidential information on them because it is all stored on the servers. Joy asked what is being charged for them. Dave said typically it is between \$50.00 and \$100.00.

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

### **TELEPHONE ISSUE AT JAIL**

Joy asked if there has been any resolution with the telephone issue at the jail. Dave said Doug is going to take care of the recorder and it should be on order, so they should have the system in place in the next two weeks. He said once that system is in place they can switch the outside lines over.

### **LIST OF ITEMS TO BE DISPOSED OF**

Phil Jacob, Head of Maintenance presented a list of items that could be disposed of at the Prosecutor's Office, the Annex and the South Complex, (H.I.). There was discussion about

circulating the list to other offices to see if there is anything they could use, and to have a dumpster at the site to dispose of anything not needed.

### **PROPERTIES THAT DIDN'T SELL AT TAX SALE**

Jackie Knafel, Auditor and Sheri Auld, Deputy Auditor in charge of tax sales were present to discuss properties that did not sell at the tax sale in October, (H.I.). The Commissioners reviewed the list and asked questions about each property.

Jackie asked if the Commissioners took title to the properties if they could give them away. Dennis said there is a procedure that has to be followed when we get rid of properties. He said we have to have them appraised. Sheri said once you take title from a *tax sale* it is a different scenario. She said you could quit claim it to any adjacent property owner or any non-profit group that would be interested. Dave asked what happens if the Commissioners take title and the adjacent property owners don't want it. Dennis said the county owns them. Jackie said at least we wouldn't have to pay the costs for the tax sale every year. She said a lot of them have been on since '05 and '07 and probably \$500.00 - \$600.00 is tax sale costs. Jackie said the most that the county would have to pay if they owned them would be the drainage assessments.

Dave said if we take title to the properties we have maintenance and liability issues. He asked what would happen if someone gets hurt on them. Dave said we would have to carry insurance on them.

Joy said the first thing we need to do is to try to resolve the issue with sewer liens with the Bear, High, Wolf Lake Sewer District. She said then they need to look at the list to see if we are interested in any of the properties. Jackie asked if it would be to our best interest if we contact some of the adjoining property owners to see if they would be willing to take the properties first. Dennis said it would be. He said we had done that on prior properties.

Sheri said she could contact Ligonier and Kendallville to see if they would be interested in taking title to properties in their areas if the Commissioners take title. She said she could also make a list of the adjacent property owners and their addresses of those properties on the list.

### **OLD EMS UNIT**

There was discussion about an old EMS vehicle that might be going to another government entity.

### **ASSESSOR – FORM 11'S CONTINUED**

Kim said Fineline came in at about \$12,800.00. She said Wells County was very happy with Fineline and they would use them again.

Dave asked what they do with the ones that are undeliverable. Kim said they will do research and send them out one to two more times and then they are done. She said if they are still undeliverable then they put them in a file and keep them so if someone comes in and says they didn't get one we have proof that we tried to send it to them.

Joy asked Kim if she thought Fineline could do the job she wanted done. Kim said it sounded like they could. She said they will already have everything set up and if she tells them on the 28<sup>th</sup> they could still get them out on the 7<sup>th</sup> (of December).

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

**SNOW REMOVAL – MARK JACKSON**

Jack moved to retain Mark Jackson for the snow plowing (at the Prosecutor's, the South Complex, the Public Defender's Office and the Weber Road Annex) at the same rate he charged last year. Dave seconded the motion and it carried, 3-0.

**VFIS, GLATFELTER INSURANCE  
GROUP – PRIVACY POLICIES**

The Commissioners received a privacy policy for the above referenced companies re: the county's Accident & Sickness Coverage, (H.I.).

**CLERK'S REPORT – OCTOBER 2012**

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

**ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 12:13 P.M. recessed from day to day until the 26<sup>th</sup> day of November 2012.

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Joy Y. LeCount, President

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David J. Dolezal, Vice President

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Jack W. Herendeen, Member

ATTESTED: \_\_\_\_\_

Jacqueline L. Knafel, Auditor