

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD DECEMBER 12, 2011**

Comes now the hour of 8:35 A.M. on the 12th day of December, 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
Dennis Graft, County Attorney
and Bob Braley & Scott Perry

**RE-APPOINTMENT OF GEORGE BENNETT & JAMES
McFARLAND AND APPOINTMENT OF GLEN P. LEMON
TO NOBLE COUNTY PLAN COMMISSION - RE-APPOINT.
OF GEORGE BENNETT TO BOARD OF ZONING APPEALS**

The Commissioners received a recommendation from the Noble County Plan Commission to re-appoint George Bennett to the Noble County Plan Commission and Board of Zoning Appeals for another four-year term; James McFarlin to the Noble County Plan Commission for another four-year term; and to appoint Glen P. Lemon to fulfill the unexpired term of Josh Rosenogle on the Plan Commission for the year 2012.

After a brief discussion Dave moved to make the appointments as recommended. Jack seconded the motion and it carried, 3-0.

PAYROLL TO BE PAID 12/15/11 APPROVED

While reviewing the payroll from 11/18/11 – 12/01/11 to be paid 12/15/11 there was some discussion about vacation days and comp time and when they are used. Dave expressed his concern about the possibility of employees being off work for the last couple of weeks of the year, or being paid comp time after the new pay goes into effect, which if a raise had been given would be more than when the comp time was earned. Dave then moved to approve payroll. Jack seconded the motion and it carried, 3-0.

CLERK'S REPORT – NOVEMBER 2011

The Commissioners received the Clerk's report for November 2011, (H.I.).

HUMANE SOCIETY REPORT – NOVEMBER 2011

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

**WEAVER BOOS CONSULTANTS – INVOICE RE:
GROUNDWATER MONITORING RE-EVALUATION
PLAN FOR NOBLE COUNT LANDFILL**

The Commissioners received the above referenced invoice in the amount of \$4,986.21, (H.I.).

**DR. TERRY GAFF RE-APPOINTMENT TO
NOBLE COUNTY HEALTH BOARD**

The Commissioners received notice that Dr. Terry Gaff's term on the Noble County Health Board will expire on December 31, 2011 and that he desires to serve another four-year term, (H.I.).

Dave moved to re-appoint Dr. Gaff. Jack seconded the motion and it carried, 3-0.

**WEIGHTS & MEASURES REPORT –
OCTOBER 16 – NOVEMBER 15, 2011**

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

BRAD AND MARY SMITH – SHARE THE ROAD SIGNS

The Commissioners received a letter from Brad and Mary Smith regarding their recent request for some "Share the Road" signs in LaOtto where their daughter was killed. They indicated that they had offered to pay for 10 of the signs.

Dave said Mike Fitch did an evaluation and he was going to move the speed limit sign. Joy said she would ask Mike to draft a letter to them.

The Commissioners acknowledged that it was a tragic accident and that the loss suffered by the Smith's was great.

**IDEM - COMPLIANCE WITH AGREED ORDER
OF DECEMBER 28, 2009 RE: LANDFILL**

The Commissioners received a letter from IDEM indicating that based on a record review they did on November 21, 2011 it had been determined that the Noble County Board of Commissioner had achieved compliance with the terms of the above referenced Agreed Order, (H.I.). There was also discussion about the need to continue the collection and proper disposal of leachate.

EMC INSURANCE CO. – VEHICLE DAMAGE

The Commissioners received a letter from EMC Insurance regarding damage to Michelle Bricker's (Plan Commission employee) vehicle, and stating that it was their understanding that Noble County did not want to pursue a claim, (H.I.). Jackie Knafel, Auditor was present, and she said on a real windy day Steve Kirkpatrick (Plan Commission Director) opened his door and the wind caught it and it hit Michelle's car. She said they were able to just buff the damage out and since we have a \$250.00 deductible it wouldn't have been enough to turn in.

TREASURER'S REPORT – NOVEMBER 2011

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

CANI - REQUEST FOR DONATION

The Commissioners received information from CANI regarding what they do for people in need of help, and asking if the Commissioners could help with a donation, (H.I.). No action taken.

FUNDAMENTAL CHURCH OF JESUS CHRIST LATTER-DAY SAINTS

Joy reported that the Commissioners had received several pieces of correspondence from the Fundamental Church Latter-Day Saints. (nothing for file)

CAPITAL PROJECT REPORT FOR HIGHWAYS FOR INDOT

Joy said she had received the above referenced project report by e-mail. She said she had a copy of it if anyone wanted to read it. (nothing for file).

REVISED CREDIT PLAN FOR JANUARY 2012 – DECEMBER 2013

Joy asked Jack and Dave if they had a chance to look at the revised CREDIT Plan she had given them for January 2012-December 2013, (H.I.).

Jack said he had one question on it. Joy said it is all the same except the changes that needed to be made to add the police cars and the \$20,000.00 for the renovations at the South Complex. Jack asked if Parkview was going to get any more money. Joy said they were not.

EMC INSURANCE – RENEWAL OF LINEBACKER AND UMBRELLA INSURANCE COVERAGE

Auditor Jackie Knafel said Jarrod from Black and Ramer Insurance came over last week and they went over the above referenced documents.

Dave moved to approve the renewal of the linebacker and umbrella insurance coverage if Dennis (county attorney) approves it. Jack seconded the motion and it carried, 3-0. (Auditor has copies)

REVISED CREDIT PLAN FOR JANUARY 2012 – DECEMBER 2013 CONTINUED

After further discussion Dave moved to approve the CREDIT Plan as amended. Jack seconded the motion and it carried, 3-0.

CAPITAL ASSET REPORT

Jackie gave each of the Commissioners a copy of the Capital Asset Report because she thought they would be interested in it. (none for file) Jackie said we have a net book value of everything they went over of \$107,000,000.00. Joy asked if that was in addition to buildings. Jackie said it is everything - the land, buildings, roads, vehicles, machinery, etc. She said she sent Marc and Charisse at the Highway Department an e-mail thanking them for the work they did for the report. Jackie said they went above and beyond what was expected of them.

Dave asked what the report would be used for in subsequent years. Jackie said it would be used in conjunction with our bond rating. She said the report will be updated from this point on, on a yearly basis. Dave asked if each department would do their own. Jackie said there were very few departments with the exception of the Highway and Sheriff's Department that have anything. She said when we put the \$5,000.00 limit in place it eliminated a lot of things. Jackie said the \$5,000.00 is per unit. She said we have well over \$5,000.00 in computers, but it is per unit so none of them were over \$5,000.00. Jackie said we have \$15,000,000.00 in bridges in Noble County.

Jackie said Dennis helped her with the resolution to be signed next week for the Capital Asset Policy.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 9:28 A.M. and reconvened at approximately 9:42 A.M.

HIGHWAY BUSINESS – MIKE FITCH, HIGHWAY ENGINEER & MARK GOODRICH, SUPERINTENDENT

INVOICES - BRIDGE #134 PROJECT AND NOBLE COUNTY BRIDGE INVENTORY

Mark presented invoices for preliminary engineering on the Bridge #134 project and for preliminary engineering on the Bridge Inventory, (H.I.). After reviewing the invoices Jack moved to approve them. Dave seconded the motion and it carried, 3-0.

SIGN & SIGN POST SLEEVE PURCHASES

Mark said there is some money left in the sign fund, and Wayne wants to use it for the purchase of some signs and some sign post sleeves, in the amount of \$4576.09.

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

TRUCK #14

Mark said that Truck #14 is still down and it is at W.A. Jones. He said Brad had called them twice, and the man that was working on it has been out sick with the flu. Mark said he is going to call today to try to get some answers, because this is not a good time of the year to have trucks down.

UTILITY PERMITS

Mark said they are going to start inspecting the utility jobs a lot closer. He said on 650 W north of Kimmell, Ligtel went through there and trenched a tile in, and the ground got real soft after we got a lot of rain. He said two trucks went off the edge there and had to be pulled out.

Mark said he made two trips to Ligonier to talk to Ligtel about it and also to talk to them about 300 W at 800 where they set a box in the middle of the ditch. He said Ligtel is aware of the problem on 300, and they are planning on fixing that problem. Mark said they are supposed to be there this morning to pull part of the berm out on 650 W and put gravel down in there and compact it so the berm is fixed up again.

Mark said as the utility permits come in, he and John Strange are going to get copies of them and they will be going out and checking on them to make sure things are done properly.

There was further discussion about other problems with where utility companies are putting their lines and equipment. Mark said there is a letter that goes out with each utility permit that explains the rules quite well.

Mike said if the companies can't put their lines and equipment where it is supposed to be put, they should call us and ask us to come out and look at it.

Mark said Ligtel promised to re-set the box and get it out of the ditch, but he didn't say when it would be done. There was further discussion about utility permits and what the utility companies are doing.

Mark asked how far we can go as far as requiring them to stick to the standard and do what the permit says. Mike said it could affect future permits if they don't follow the requirements. Joy suggested that Mike and Mark hold a meeting with representatives from the utility companies after the first of the year.

CR 750 W/ROCHESTER ROAD

Mark said he had a call from a gentleman at the Norfolk Southern Railroad, and the bridge that goes over the tracks on the north side of US 6 had been taken out years and years ago. He said the ramps are still there, and the railroad has a switch station down there. Mark said the gentleman said the railroad is having a lot of trouble getting down off 700 to get to the switch that is west of 750. Mark said he wanted to know what it would take for the railroad to be allowed to take the hump off where it goes up to the bridge, and pull it around and set it up to where they would have an access point off of 750. Mark said he told the gentleman he would have to put a gate there.

After further discussion Jack moved to approve the railroads request, as long as they coordinate it with the Highway Department. Dave seconded the motion and it carried, 3-0.

HIGHPOINT DRIVE - DIP IN ROAD - OTHER ROADS WITH PROBLEMS

Mark said the Commissioners had been talking about the dip in the road on Highpoint Drive, and he would like to put off working on that until summer. He said he was pretty sure we could put a lift in there and take care of the problem. Mark said Scott Zeigler, Noble County Surveyor had recommended that we do some boring to see what kind of soil is under the road.

Joy said Scott wants to find out if the sub-base is there to support the road. Dave said Scott told him the lake is up so high the water is coming across the road.

Mark said he would work with Scott. He said his concern is that it might take so much work and material that it could get very expensive.

Joy said we had the same problem on 200 N between 750 & 800 E. Mark said that keeps sinking and they add gravel to it every year.

Jack asked Mark if we are going to have to raise the road on 600 E off the south county line. Mark said it is level with the ground now. He said he was working here when they put a three foot lift in it about 15 years ago. There was further discussion about water problem areas

WEBER ROAD ANNEX – CEMENT CAR STOPS

Mark said the Highway Department has not set the cement car stops back at the Weber Road Annex, and he asked if the Commissioners just wanted them placed, or if they wanted them anchored down. Jack said they could use their own judgment. There was discussion about painting lines on the newly black-topped drive way. The Commissioners said they were very pleased with the black topping that was done. Mark said if they are going to paint lines, they would not anchor the car stops when they put them back. He said he did see one crack in the black top, and he said he would put some tar in it when they get some.

Dave asked if the Town of Albion might have a little patching they could put in the crack. Mark said they might have. Dave said if we could keep water out of the crack it would make a big difference.

DAMAGE TO DURAPATCHER

Jack said he found out last week that there had been damage done to the other durapatcher. Mark said it had been sitting right next to the one that burned up. Jack asked how much damage Mark thought was done to it. Mark said they took pictures and he had talked to the insurance man. He said he had the mechanic check it over and make a list of what would be needed. Mark said they faxed the list and pictures to Equipment Marketing and they are supposed to put that in with the bid on the other machine.

TRAINING FOR DISTRIBUTOR

Jack asked Mark if he had been prepping one or two people to run the distributor. Mark said he hadn't yet because that would be used in the summer. He said most of it would be hands on experience, which he would work on with them. Mark said his goal is to get two or three people trained on each piece of equipment. He said he has two people that are going to get certification through the insurance company to run a bucket truck this week. Mark said with the distributor, the operators will have to have a hazmat license which would probably take four to six weeks to get.

GRADER

Jack asked if there was any report on the other grader. Mark said he had one of the operators take it out one day last week and run it all day, and he didn't have any problems with it. He said they replaced the one filter and the problem went away, but he is not real confident that was all that was wrong with it.

STAFFING

Joy asked Mark if he thought the Highway Department was sufficiently staffed. Mark said it is really running border-line. He said he had talked to Wayne, John and Marc about that last week. Mark said he is trying to get a program going where the men can have a better understanding on what things to be done are of the highest priority. He said when he has the right people down there working with them they do real good. Mark said he is trying to get a couple of large dry-erase boards and one of them would be for keeping track of services, and the other one would be for the trucks, and they are to list everything that needs repaired on them, and then when it is repaired it can be marked off.

Mark talked about the problem that when a truck is brought in for a particular thing, they find other things that need fixed after the truck is put up on the hoist. He said he thinks they are going to need a third person in the shop to help with the mechanics. Mark said he feels like he is getting caught up on other things and he thinks he can spend more time walking through to make sure things are getting done.

BRIDGE # 134 UPDATE

Mike gave the Commissioners an update on the Bridge #134 project. He said he had asked INDOT and our consultant about the status of the railroad and had not heard anything back yet.

BRIDGE INSPECTION – SCANNING OF PLANS

Mike said they (United Consulting) had picked up all of the bridge plans and road plans last week and they are going to scan them.

NOBLE COUNTY ROAD CONSTRUCTION STANDARDS

Joy asked Mike if we have a "Noble County Construction Standards" document. Mike said he didn't think we have any official standards. He said he thought from what he had read Noble County adopted the INDOT standards for our subdivision developments. Mike said he did find a file that Keith (previous Highway Engineer) had where he was doing some research. He said Keith had asked 6 or 8 counties what standards they used, and he was summarizing what their standards were. Mike said Don (Highway Engineer prior to Keith) had a draft of a standards manual. He said he looked at it 3 or 4 months ago, and it doesn't look too bad. Mike said it referred to INDOT standards, which a lot of the county's do because contractors are familiar with those standards.

Joy said the reason she asked is that the UDO (proposed Unified Development Ordinance) refers to the standards several times, and we either need to have the document or have the references taken out of the UDO.

Mike said he could go through the document Don had put together. He said he thought Don was probably striving to have a standardized document but it had just never been approved by the Commissioners. Joy asked Mike to make sure it told what specifications Noble County has for road standards if they are ever expected to be maintained by the county.

ROAD EVALUATION STUDY

Mike said they are about 2/3 of the way done with the road evaluation study and he hopes to have a draft by the next meeting.

SRI – TAX CERTIFICATE SALE & PROPERTIES THAT DIDN'T SELL

Present for this portion of the meeting were: Claire Schaler, SRI; Jackie Knafel, Auditor; Sheri Auld, Deputy Auditor and Doug Harp, Sheriff.

Claire Schaler from SRI came before the Commissioners to talk to them about a Commissioners Certificate Sale. She said they had a sale last year which was pretty successful. Claire said there are 17 properties that are in the Commissioners names because they didn't sell (at the last regular tax sale in October). She said she put together a list of the properties and the Commissioners would need to do a resolution to say that they would like the properties to be up for sale. Claire said the Commissioners can set the minimum bid, which can be a percentage of the total lien amount owed or a flat fee. She said the process would be the same and there would be a 120 day redemption fee.

Claire said there is the option for her to do a live sale where she would come here and do the sale, and there would be a fee of 15% of the proceeds. She said another option would be an on-line sale where there would be a 10% of the proceeds fee. Claire said she had talked to Diann (Treasurer) because they offer an on-line payment portal system which would free Diann from all of the work (of collecting the money, etc.). She said it would be a separate contract, but it is a free contract. Claire said the contract would be through LOGO Indiana. She said SRI had already contracted with them and built the payment portal to match their site.

When asked by Dave, Claire said they have a better response on-line. She said Grant County had 14% sold last year on a live sale and on line they had 28%.

Claire said one of the services that SRI provides is to notify people the county thinks might be interested, and to also notify adjacent property owners.

Sheri said from the 2010 tax sale, there were 25 properties that were eligible for certificates to the Commissioners from the Certificate Sale, but there are only 6 properties that the Commissioners want to take title to. There was discussion about why some of the properties don't sell, especially around the lakes.

Dave asked Dennis if he saw any issues with this. Dennis said he didn't.

Joy read aloud the resolution establishing the intent to conduct a Commissioners' Sale to sell Tax Sale Certificates for properties that are severely delinquent in payment of property taxes. She said Exhibit "A" contains the properties that are for sale. Joy said the Commissioners are considering the internet certificate sale method, which is the addendum. Dave moved to approve the resolution and the addendum. Jack seconded the motion and it carried, 3-0, (H.I.).

Joy asked when the sale would be held. Claire said it would be whenever Jackie (Auditor) and Diann (Treasurer) want to have it. She said it takes SRI about six weeks to get everything set up because they have to do the proper legal advertising. Claire said the sale lasts for ten days.

Jackie said she is a little bit apprehensive of doing the certificate sale every year, because she is afraid we will lose some of the clients from the regular sale. She said she doesn't want people not coming to the regular tax sale knowing that within months it would be available at a

lot less cost. Jackie said if we see an increase in the certificate sales, we might want to back off on them for a few years.

Claire said the other thing the Commissioners would need to decide is what they would want the minimum bid to be. She said they would have to decide if they want it to be a percentage or a flat fee. After some discussion Dave said it would be easier if we stayed with the 10% or the \$25.00 minimum.

There was discussion about an active railroad tract on the Southern Railroad Company that is on the sale for \$20,538.84. Sheri reported that it is entirely drainage assessment and penalties. She said there was some work done some time back and the railroad was supposed to pay \$20,000.00 and didn't. She said it is an active tract. The Commissioners are going to talk to Scott Zeigler, Noble County Surveyor about this at the Drainage Board meeting this afternoon.

PROBLEM PARCELS THAT DID NOT SELL AT TAX CERTIFICATE SALE IN JUNE

Sheri Auld, Deputy Auditor talked to the Commissioners about the six properties that they had previously determined that they might be interested in taking title to after they did not sell at the Tax Certificate Sale, (H.I.).

Sheri said she had sent notification to all of them as required. She said some of them came back as undeliverable and two of them came back signed by the individuals, but they never took any action.

After further discussion about the properties, Dave made a motion to seek to obtain a tax sale deed to all six properties as discussed, with the County Surveyor checking to make sure the Robert Hamilton property exists. Jack seconded the motion and it carried, 3-0.

INFORMATION TECHNOLOGY DISCUSSION

Present were Dave Baum and David Janssen, IT personnel.

ADVANCED IMAGING CONTRACT

Dave Baum said that last week when the Commissioners signed the contract for Advanced Imaging it should have had two signatures and only had one. He presented a new contract for signatures, (H.I.).

NEW PHONE DISCUSSION

Dave Baum said that after they had their supervisors meeting last week there was a great deal of interest in getting the new phones on desks, and they deployed almost 30 of them. Dave asked if the Commissioners wanted him to get some more phones since he can still get them out of this year's budget. When Joy asked Dave Baum if he had the money, he said since they are doing the phones internally it isn't going to cost anywhere near how much was approved.

Dave Dolezal moved to approve the expenditure for another 50 phones at a cost of around \$5,000.00 from the Cum Cap fund. Jack seconded the motion and it carried, 3-0.

There was discussion about the phones at the Sheriff's Department. Dave Baum said right now all of the phone calls come through the dispatchers, and they are trying to figure out a way to not have them all go through the dispatchers.

There was discussion about the wiring that would need to be taken care of at the South Complex before new carpeting is put in, and because of the new phone system that is going to be installed. Dave Baum said he would like to see a floor plan of where the departments want to have their desks and equipment placed, so he would know where the wiring would need to be run. Joy said they have their plans, but they haven't been approved yet.

Joy said the Commissioners are holding off on the carpeting until any remodeling at the South Complex that needs to be done is done, and until the wiring needs are completed.

Joy asked Dave Baum if he was going to have to do anything at the Weber Road Annex. Dave said he didn't think they would have to do much of anything there.

Joy asked about the Court Services and Public Defenders Offices. Dave Baum said we can put them on the phones because it is wireless. He said we would just have to make sure we adjust them properly.

MINUTES APPROVED – DECEMBER 5, 2011

After reviewing the December 5, 2011 minutes and making corrections, Jack moved to approve them. Dave seconded the motion and it carried, 3-0.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 11:46 A.M. recessed from day to day until the 19th day of December 2011.

Joy Y. LeCount, President

Jack W. Herendeen, Vice President

David J. Dolezal, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor