

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD FEBRUARY 14, 2011**

Comes now the hour of 8:30 A.M. on the 14th day of February, 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, News Reporters

**MINUTES APPROVED – 1/24/11 –
1/31/11 EXECUTIVE – 1/31/11 REGULAR**

After reviewing the above referenced minutes and making corrections as needed, the following actions were taken: 1/24/11 – Dave moved to approve the minutes as corrected. Jack seconded the motion and it carried, 3-0; 1/31/11 Executive – Jack moved to approve the minutes as presented. Dave seconded the motion and it carried, 3-0; 1/31/11 – Jack moved to approve the minutes as corrected. Dave seconded the motion and it carried, 3-0.

TRADITIONS GROUP – MASONRY RESTORATION

The Commissioners received information from Traditions Group, informing them of the services they have available for restoring masonry structures, (H.I.).

**REGION 3A – SEMI-ANNUAL REPORT FOR
BEAR, HIGH, WOLF LAKE SEWER DISTRICT**

The Commissioners received the above referenced report for their approval and signature. Jack moved to approve the report. Dave seconded the motion and it carried, 3-0.

**IDEM – LEROY JR. & INAH SCHROCK –
APPLICATION FOR CONFINED FEEDING OPERATION**

The Commissioners received notice of the above referenced application for approval of a confined feeding operation, (H.I.). There was also a notice from the IDEM Confined Feeding Section regarding the same application, (H.I.).

**IDEM – NIBLOCK EXCAVATING AND
ASPHALT – PERMIT APPLICATION**

The Commissioners received notice of the above referenced permit application, (H.I.).

**IDEM – CREATIVE WOOD DESIGNS,
INC. – PERMIT MODIFICATION**

The Commissioners received notice from IDEM that Creative Wood Designs had applied to transition from a Federally Enforceable State Operating Permit to a Part 70 Operating Permit, (H.I.).

SHERIFF'S 2011 CASHBOOK REPORT

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

TREASURER'S REPORT – JANUARY 2011

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

HUMANE SOCIETY REPORT – JANUARY 2011

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

**NORTHEAST INDIANA SOLID WASTE
MANAGEMENT DISTRICT – NEWS LETTER**

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

TOWN OF ALBION – INVOICE RE: LEACHATE DISPOSAL

The Commissioners received an invoice from the Town of Albion in the amount of \$270.00 for the disposal of 4500 gallons of leachate from the landfill, (H.I.).

**WOOD-LAND-LAKES RESOURCE CONSERVATION
AND DEVELOPMENT – 2010 ACCOMPLISHMENTS,
2011 WORK PLAN & NEWS LETTER**

The Commissioners received information from Wood-Land-Lakes showing what they had done for Noble County in 2010, what their work plan for 2011 is, and a news letter, (H.I.).

PYRAMID – CENTRAL DISPATCH FACILITIES

The Commissioners received information from PYRAMID Architecture/Engineering & Construction Administration, Inc. stating that Pyramid specializes in the design of central dispatch facilities, and offering to set up a free initial consultation, (H.I.).

**SHERRY LABS – INVOICES RE: METHANE
MONITORING AT THE LANDFILL**

The Commissioners received three invoices in the amount of \$305.00 each from Sherry Labs for methane monitoring done at the landfill on 12/09/10, 12/16/10 & 1/14/11, (H.I.).

NACO COUNTY NEWS – WATERS OF THE U.S.

Joy read a portion of the “Waters of the U.S.” article referenced above.

STEVE HOOK – NOBLE COUNTY EDC BOARD

Steve Hook, GIS Director said he had been approached by John Bry to see if he would like to be John’s replacement on the EDC (Economic Development Commission) Board. After some discussion the Commissioners said they had no problem with Steve being on the board.

**KIM GEPHART, ASSESSOR – 2011 TRENDING CONTRACT
WITH NEXUS GROUP PROPERTY TAX CONSULTANTS**

Kim came before the Commissioners to see if Jim had looked at the contract she gave him last week. She talked about the questions she had that she was going to ask, and she asked if Jim had any additional questions. Jim said he didn’t have.

**MICK NEWTON, EMA DIRECTOR – APPROVAL OF
PURCHASE OVER \$500.00 FOR A REIMBURSABLE
GRANT – ELECTRICIAN FOR WORK IN RADIO ROOM**

Mick said he had been approved to buy three TV’s for at the South Complex. He said he had written the grant for purchasing them at Wal-Mart on line, but he can’t order them on line and he has to go to a local store to purchase them. Mick said one of the TV’s would be in the Hal Stump meeting room, one would be in his room, and one would be in the radio room.

Jackie Knafel, Auditor said this is a reimbursable grant and Mitch needs the check before he can pick up the TV's, and if the Commissioners give their approval the check could be written in advance and then it would go through the normal claims process.

Joy asked if the price is still the same. Mick said it was actually a couple of hundred dollars less. He said the total is \$1,814.00.

Jack asked Mick how long it would be before he got the grant money back. Mick said it had been coming back in two to three weeks.

Jack moved to approve Mick's request, with the Auditor notifying the Commissioners when the reimbursement from the grant is received.

Mitch said they are very close to making the radio room operational, but there are so few plugs in there that the only way to run the radios and computers right now is to piggy-back power strips. He asked if there is some way we could get an electrician. Joy asked Mitch to get some quotes to find out what it would cost.

FEMA REIMBURSEMENT FROM SNOW EMERGENCY

Dave asked Mick where we stand with the possibility of getting reimbursement from FEMA for the expenses having to do with the snow emergency, Mick said we need to come up with approximately \$155,000.00 worth of expenses and we are very close to that. He said he was pretty sure he was going to be able to come up with enough expenses.

WEAVER BOOS – METHANE MONITORING PLAN FOR LANDFILL

Joy said there are some things the Commissioners need to answer for Weaver Boos so they can move forward with the work they are doing for us. She said one of those things is the methane monitoring system for the three properties. Joy said we know what the cost is going to be. She said we need to let Weaver Boos know if we want this to be included as an amendment to our methane monitoring plan.

Jack asked how often they have to be monitored. Joy said it was her understanding that it would be a constant monitoring.

Dave questioned if there will be an end to the monitoring at some point, like after so many months of the monitor not going off. Jim said the best answer he could give is that it would be indefinite.

Joy said when she asked IDEM if they had any recommendations (for monitors), IDEM said they don't make recommendations, but if they did the monitor the Commissioners are looking at (ENMET) would be on that list.

Jack moved to indicate to Weaver Boos that methane monitoring devices for recommended residential properties should be included in Noble County's methane monitoring plan. Dave seconded the motion and it carried, 3-0.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 9:24 A.M. and reconvened at approximately 9:36 A.M.

HIGHWAY BUSINESS – RUSS LEITCH

OVERTIME REPORT

Russ presented the Commissioners with an overtime report that Joy had requested (none for file) and he reviewed it with them.

EMERGENCY RUN WEDNESDAY

Russ said they got a call last Wednesday from the Sheriff's Department that said the EMS needed help to get to a residence. He said they sent someone out, and by the time they got there the EMS was already backed up to the house. Russ said this is the second request the Highway Department had received, and both times the roads were plowed, and in one case the driveway had been plowed, and they were not really needed at either place.

Joy asked Jim to address the issue. Jim read the report that Russ had, and he said if the requests come from the Sheriff's Department, he didn't know how we could not go.

There was discussion that it was the same EMS driver on both occasions that had asked for the Highway Department to be dispatched.

Doug Harp, Sheriff was present, and he said the EMS personnel are the ones that make the request, because his dispatchers do not know what the road conditions are.

Jim said he thought there should be some discussion with the EMS Director.

Dave asked if it is normal to send two Highway employees when a truck goes out like this. Russ said it is, especially if it is after dark.

There was discussion about when a truck went off the road a few years back when trying to help get the EMS to someone, and then a property owner came back and wanted to sue the county for damage to their fence.

It was determined that when the Highway Department gets a call for help like that, they can just send someone without calling a Commissioner first.

Sheriff Doug Harp said the Sheriff's Department is pretty much at the call of the EMS and fire department too, just like the Highway Department is. He said he needs to talk to Tom (Shoemaker, EMS Director) about some other things, and he would be happy to talk to him about this too.

EXPENSE OVER \$500.00 FOR BELLY BLADES

Russ said there would be a large expense coming up in the claims for belly blades. He said everything they have is on now, and they should be good for about a year and a half. Russ said they are ordering new ones for each truck so they will have them on hand, and it will cost around \$24,000.00.

Jack moved to approve the expense over \$500.00. Dave seconded the motion and it carried, 3-0.

COMPLAINT – SNOW ON FENCE

Russ said he had one complaint of shoving snow on a barbed wire fence. He said he didn't really think there was any damage, but he would take a look when the snow melts.

SIGNS MISSING AT BRIDGES

There was discussion about some signs that are missing at a couple of bridges. Russ said he had ordered the signs and they were told that we need them ASAP.

HEALTH CLINIC – MOVE FROM DOWNSTAIRS TO UPSTAIRS AT OFFICE COMPLEX SOUTH – FREEZER AT HEALTH CLINIC

Cheryl Munson and Judy Fox from the Health Department came before the Commissioners to talk to them about where they stand on the idea of moving the health clinic upstairs at the Office Complex South. Cheryl said she knows that all of the Commissioners had talked to Dr. Gaff. Cheryl presented some plans that had been prepared to show changes that are needed or wanted if the clinic is moved upstairs, and the Commissioners reviewed the plans.

Jack asked if there was grant money available for the renovations. Cheryl said she had asked to use grant money for it and she was refused.

Jack said he couldn't see changing it if there is not any grant money available.

Dave asked Cheryl if she had any idea how much it would cost. Cheryl said she did not.

Jack asked if they moved the clinic upstairs, why they couldn't move some of the other Health Department personnel downstairs, and that would leave a couple of rooms empty upstairs that could be used for something else.

Cheryl said there is still the need for people to go up and down the stairs and that it would just be different clientele. Judy said the other offices are intertwined and should all stay on the same floor. Cheryl said that Linda uses the vital records room on the second floor several times a day, so she would be up and down the stairs several times a day if she were moved downstairs.

Jack said since there is no grant money available, he didn't want to get involved in it.

Joy said if we do this, she thought the Health Department should consolidate all of the stuff that they have everywhere else and put it in the basement. Joy said she would have to think a while about renovating the restrooms.

There was discussion about other changes that had been requested. Cheryl said the only thing additional that they would need would be a new counter. She said her husband and Linda's husband are very crafty and they could probably build it at a pretty reasonable cost.

There was a brief discussion about the stainless steel freezer that had been purchased previously and the fact that it went bad right after the 1-year warranty was up, and it is just sitting there in the furnace room.

SHERIFF DOUGLAS HARP – SHERIFF'S BUSINESS

JAIL DOCTOR CONTRACT

Doug presented a copy of a contract for the current jail doctor, Dr. Paul Blusys, (H.I.). Jack asked Doug if he and Jim Mowery were both satisfied with it. Doug said they were.

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

AIR HANDLER BIDS

Doug said they still hadn't gotten the bids for the air handlers, but it is being worked on.

TIRES FOR ARMORED VEHICLE

Doug said he was requesting to replace the front tires on the armored car. He said it would cost \$621.46 through the state bid for two tires with mounting and balancing and everything. Doug said they do have an account they can pay for them out of.

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

CONTRACT – BUYCRASH.COM – ACCIDENT REPORTS

Doug said he had a contract through Buycrash.com. He said it is the company that the state is piggybacking with on crash reports. Doug said all of our crash reports are done electronically, and they have been for quite a while. He said they all go to a central repository with the state, and the state has out sourced them to this company, so if people want copies of their accident reports they can get them electronically. Doug said he thought this has actually been in effect since October of last year, so any reports that we have had that people are purchasing on line, we are not getting reimbursed, and we won't get any money until this contract is signed. He said for every report the state sells that belongs to us, we would get reimbursed \$8.00.

Jim questioned if the Sheriff's Department could still do walk-ins after the contract is signed. Doug said his understanding is that they could. Jack asked what they charge for a walk in. Doug said he thought it was \$7.00 or \$8.00.

Joy asked what the cost of the contract is. Doug said there is no cost for us.

Dave asked if we would get reimbursed for all of the reports that had been sold since October. Doug said we wouldn't.

Jack moved to have Jim review the contract, and if it is ok the Commissioners could sign it. Dave seconded the motion and it carried, 3-0.

WRIGHT EXPRESS GAS CREDIT CARD

Doug said he would like to be able to use the Wright Express gas credit card that had been discussed last week. Doug said it would save us some money in the long run. He said there were a couple of other counties he had talked to that have it, and they like it.

There was discussion about the cost, and the fact that the paperwork said the installation costs would be waived, but according to Doug he had been told the waived fee only applies to the state.

Joy asked how many vehicles would need a card. Doug said probably around 35. There was discussion as to how the savings would be realized from using the cards.

Doug is going to get further questions answered and get the form completed, and then come back to the Board.

REPLACEMENT OF FIREARMS

Doug said they are looking at replacing their firearms. He said the reason is that generally in law enforcement you look at replacing them every five to eight years. Doug said he thought we had ours for probably 12 years. He said he had quotes for trading in the Glock's for new Glock's. Doug said we wouldn't have to change holsters, mag holders or the magazines. He said with a trade-in he can get the weapons at around \$150.00 a piece. Doug said the quote he has is for \$3,718.88 which could be paid out of the firearms fund.

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

SEX OFFENDER ORDINANCE

Doug said he wanted to check on the sex offender ordinance. Jim said he had it drafted and he would get it to Jackie this week.

VEHICLE PURCHASES

Doug said he went to the Council meeting with Gary (former sheriff) last summer, and he thought there was money in the budget for the purchase of vehicles in the amount of \$105,000.00. Auditor Jackie Knafel said she couldn't find anywhere that the Council put money in for cars. She said we have to take it from somewhere else than the CEDIT Fund, and they had talked about the Rainy Day Fund and the Riverboat Fund. Jackie said she can't find that there was an actual decision made as to where the money would come from. She reported on how much was in each fund and what else would be paid from the funds.

Doug talked about the different options for new cars, and the problems and the good things about each of them, as well as the costs.

Doug said they are looking at about \$7,400.00 in equipment that they are going to need. He said the current light bars are going to be obsolete. When Joy asked if this amount is in addition to the cars, Doug said it was included in the \$105,000.00.

Joy suggested to Doug that he talk to the Council to see if they could take the money out of the county side of the CCD Fund.

PROSECUTOR STEVE CLOUSE – EQUITABLE SHARING AGREEMENT AND CERTIFICATION

Steve Clouse, Prosecutor came before the Commissioners to get Joy's signature on the above referenced agreement, (H.I.). He said in 2003 we assisted the DEA in an investigation and there was money that we got a share of. Steve said we hold it and we certify to the federal government every year that we still have it and haven't spent it. He said it is \$6,249.33.

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

MEMO RE: STORAGE SPACE

Joy said that she had given Jack and Dave a copy of a memo last week to be sent to the Elected Officials and Departments regarding storage, and she had asked that they review it.

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

SNOW EMERGENCY PROCLAMATIONS

The Commissioners reviewed the proclamations that had been prepared for the snow emergencies.

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

GREG PARKER, COUNCIL ON AGING – APPROVAL TO SPEND STIMULUS MONEY

Greg said the original stimulus grant that was submitted requested to purchase 5 small transit vehicles at \$50,000.00 a piece. He said after the original was approved, INDOT added a mini-van option which they went for, and they changed from 5 small transits to 2 small transits and 3 mini-vans. Greg said the mini-vans were only \$25,000.00 so they didn't spend \$45,000.00 of the budgeted amount. He said he wanted to get another van with that but INDOT would not

allow that, and he couldn't put a new line item that wasn't in the original budget in the revision, so he ended up having to put the money in existing line items. Greg said the only other line items that were there were miscellaneous office equipment and miscellaneous radio communications equipment. He said they do have a need for the radio equipment. Greg said they don't have a need for that much office equipment, so some of that money would probably be turned back in.

Greg said they were up 7% over last year and 22% over the last two years on rides. He said they do have a need for vehicles.

Joy said it is the same amount of money but being spent in a different way.

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

**GRANT APPLICATION FOR LOG
JAM REMOVAL ON ELKHART RIVER**

Joy said in order for Region 3A to do the grant application for the log jam removal, we have to have a needs assessment done to show that the income is low enough. She said it would cost between \$2,700.00 and \$3,000.00 for Region 3A to do that assessment.

Joy checked with the Auditor and she found out that there is \$7,000.00 in Legal Counsel that we could transfer some money out of.

The Commissioners are going to talk to Scott Zeigler, Noble County Surveyor before making a decision.

BLACK PINE – REQUEST FOR DUST CONTROL

Joy said we have had a request from Black Pine for the Highway Department to apply dust control on the entry drive that runs from CR 300 N to the ditch, which we have never given them an answer to.

Jack said he had no problem with it if Black Pine is going to pay for it. He said the county pays for having dust control applied.

Dave asked if we could get a cost to do that and let Black Pine know how much it would cost and see if they would want to pay for it.

LETTER TO GROUND RULES RE: UDO

Joy asked what the Board wanted to do about the letter to Ground Rules regarding the UDO (Unified Development Ordinance). Dave asked why the Commissioners didn't consolidate the letter and send it. Joy said she would have it ready for the meeting on Friday.

E-MAIL CORRESPONDENCE RE: LANDFILL

The Commissioners received copies of some e-mail correspondence regarding the landfill, (H.I.).

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 12:08 P.M. recessed from day to day until the 18th day of February 2011.

Joy Y. LeCount, President

Jack W. Herendeen, Vice President

David J. Dolezal, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor