

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD FEBRUARY 28, 2011**

Comes now the hour of 8:45 A.M. on the 28th 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:

Jacqueline L. Knafel, Noble County Auditor
James B. Mowery, County Attorney
and Bob Braley, KPC
Kim Gephart
Dave Baum

CLAIMS TO BE PAID 3/07/11 TENTATIVELY APPROVED

After reviewing the claims in the amount of \$578,377.98 to be paid 3/07/11 Jack Herendeen moved to tentatively approve them. Dave Dolezal seconded the motion and it carried, 3-0.

MINUTES APPROVED

February 18, 2011, February 23, 2011, and February 24, 2011 Executive Session Minutes were approved as corrected with a motion from Dave Dolezal and seconded by Jack Herendeen. Motion carried 3-0.

February 7, 2011 - Dave moved to approve with corrections. Jack seconded the motion. Motion carried 3-0.

February 14, 2011 – The Commissioners began the review of the February 14, 2011 minutes.

HIGHWAY BUSINESS – RUSS LEITCH

TWO-PERSON TEAM AFTER HOURS

While reviewing the minutes of the February 14, 2011 meeting, Dave Dolezal had questions about two Highway Department Employees going out in one truck if called out at night because of a tree in the road or other circumstances. Russ said he sends two men as a safety issue. He said if there is one man cutting up a tree and he gets cut or the tree moves and pins him or something, he needs someone to be there that can summon help for him. Russ said the same is true if being called out at night on bad roads. He said if there is only one man in the truck and he has to get out of his truck and slips and falls on ice or something, he needs to have someone there to help him or call an EMS or whatever is needed. Russ said the second person in the truck is not receiving “on-call” pay. He said the second employee only gets paid for the time worked.

**CR 75 S BACK TO CHAIN O’LAKES
STATE PARK - WHO IS TO MAINTAIN?**

Russ said he received a call from Sam Boggs out at Chain O’Lakes State Park about the state not doing anything with CR 75 S going back to the park. He said the state says it is not theirs to take care of. Russ said it is not the counties to maintain. Russ said Charisse (Highway Dept. Employee) called Ray Morton at the state. Russ said CR 75 S is not on the county or the states certified road inventory from SR 9 back to the park. He said the county has NEVER plowed that road or maintained it since the park has been there.

Jack said he thought when the state closed the south entrance, they (the state) were to maintain everything from State Road 9 into the park. (Jack worked at the Highway Department at that time).

Russ read from some Commissioners minutes from May 1965 about an order of the Indiana Department of Conservation dated May 10, 1965 closing certain roads in Chain O'Lakes State Park effective July 1, 1965, (H.I.). He said there was a deed record map ordered filed with the minutes of that meeting. Russ said the map is not anywhere to be found. Russ read from minutes in 1970 "County Auditor and President to the Board a communication from the State Highway Commission acknowledging that County Road 75 S has been accepted by the Indiana Arterial and Street Board and is approved for distribution from Local Road and Street Accounts".

Joy said that means it is ours to maintain. Russ said that was the way he read it too, but when Charisse called, the guy at the state said it is not on our (Noble County) road inventory.

There was discussion about some paving the state had done. Jack said we have never maintained that road. He said the state had taken care of the road for more than 30 years. Jack said it would take some research. Joy is going to ask Mike Fitch, Highway Engineer to work on this when he gets back.

UTILITY PERMIT

Russ presented Permit #UP-003-11 from United Telephone Company for work on CR 600 S between CR 300 E and SR 205 in Green Township, (H.I.). He said it is a fiber optic line.

Joy asked if we are having anyone map where the fiber optic lines are. Russ said there is a map with the permit that we get a copy of. Joy said it would be good to have a layer on our GIS showing where the fiber optic lines are.

TRUCKS IN DITCH

Joy asked if there was any damage to the trucks that went into the ditch. Russ said there wasn't. Russ said there would be two wrecker bills coming in.

ROAD CONDITIONS – PATCHING

Joy asked how the roads are holding up. Russ said they patched for five or six days before we got the last two snows, and they will start again tomorrow. He said there are some spots that are really getting bad.

Dave asked about an area on 900 E between 100 S and 200 S. Russ said a plow shoe went in the road. He said they are putting limestone in it today and they will finish patching it tomorrow.

FARM BUREAU REPORT – SHARED EQUIPMENT

Joy had a Farm Bureau District News Letter. Joy reviewed the Farm Bureau report explaining possible options for maximizing funding. One idea was to share equipment with other government agencies. Joy will make a copy for all to review.

SALT AND SAND

Russ said we were out of sand and salt at three of the pits on Thursday when we got the second ice storm. He said that was the day we were going to haul it and mix it, but that didn't happen. Russ said Hixson's brought a load of straight sand to the lot and took a load of salt back and mixed it.

Russ said the Town of Avilla called Thursday and their sander was down and it was real slick at the light, so he had the county truck go through the town with sand.

RAILROAD SIGNS

Dave asked Russ if the railroad overpass signs were back up. Russ said they were. He said they have had three signs down in the last three weeks.

STOP AHEAD SIGN ON 300 S

Dave asked Russ to check to see if we need a "stop ahead sign" going east on 300 S. Dave thinks that there needs to be a sign there.

NEXUS GROUP, INC. – CONTRACT FOR ANNUAL ADJUSTMENTS (TRENDING) FOR 2011 PAY 2012

Kim Gephart, Assessor came before the Commissioners with the above referenced contract which Jim had reviewed, (H.I.). Joy asked Kim if Nexus had made all of the changes she wanted, and Kim said they had.

Jack moved to approve signing the contract for Nexus to do trending for 2011 pay 2012. Dave seconded the motion. Motion carried 3-0.

BILL SCHNEPF APPOINTED TO PTABOA BOARD

Kim Gephart, Assessor said Bill Schnepf is from the Angola Steuben area and he had finally agreed to be on the PTABOA Board. She said he is excellent in industrials. Kim is asking that he be the Commissioners appointment.

Joy asked if he would be the Commissioner's appointment. Kim said he would be. Joy asked if that would bring Kim up to full speed. Kim said it would. Joy asked how much Bill would be paid. Kim said she thought he was qualified for the \$125.00 per meeting.

Jack moved to appoint Bill Schnepf as the fifth member to the PTABOA Board and to pay him \$125.00 per session. Dave seconded the motion. Motion carried 3-0.

REASSESSMENT CONTRACT ADDENDUM

Kim Gephart, Assessor said the Assessor's Office plans do some data entry associated with reassessment which would save the county \$37,000.00. She said she had Nexus Group send an addendum, which Jim had reviewed, (H.I.). Kim said she wouldn't say that she wouldn't need any overtime, but right now she is not planning on any overtime to accomplish this work. Kim said with the addendum her office would be doing the data entry.

Joy asked Kim if she had done the data entry before. Kim said they (Assessor's Office Employees) did it the last reassessment, and it took an extremely long time because they rolled to new software, and they had to re-draw every building. She said they shouldn't have to do much re-drawing this time.

After further discussion, Jack moved to approve the addendum to the original contract. Dave seconded the motion.

Joy asked Jim if we (Assessor's Office Employees) aren't able to accomplish the data entry ourselves, if it would nullify the whole thing. She asked what if we only did ¾ of it. Kim said then we would probably have to pay Nexus for the portion they did. Jim said it was calculated at \$2.00 a parcel, so there would be a way to calculate it if that would happen.

The motion then carried, 3-0.

GIS TECHNICIAN SERVICE CONTRACT AGREEMENT – JONATHAN MITCHELL

Steve Hook, GIS Coordinator presented the above referenced service contract, which had been discussed at prior meetings, (H.I.). This is for a part-time person, Jonathan Mitchell, to work for 4 months or for an amount not to exceed \$10,000.00, whichever comes first. Jonathan would be working on some re-mapping in the Kendallville city limits, which would be associated with re-mapping that has been done by Rick Kiersey a Kendallville mapping employee, in hopes of getting the two maps to agree.

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

FIBER OPTIC LAYER ON GIS

The Commissioners talked to Steve Hook, GIS Director about the possibility of getting a layer set up on GIS that would show where utility companies have buried fiber optic lines in county road right-of-way.

Jim said he thought the only thing they would struggle with is that they don't get an "as built" with the utility permit applications. He said it would just be an original estimate of where things are at. Steve said if someone would give him the contact information he would see if the companies would be willing to give us a copy of what they have. Jim said it might change our permitting process to require digital copies.

FEBRUARY 14, 2011 MINUTES APPROVED

After finishing the review of the February 14, 2011 minutes, Dave moved to approve them as corrected. Jack seconded the motion and it carried, 3-0.

SHERIFF DOUG HARP – SHERIFF’S BUSINESS

AIR HANDLER QUOTES – HAVEL & TCS

Doug said he had two quotes for the air handlers. He said Havel is the one company and TCS is the other company. Doug said there is about \$10,000.00 difference in the quotes. He said the quote from Havel is for \$128,777.00 if it is all done in one phase. Doug said if it is done in phases it would be \$135,857.00.

Joy asked how many air handlers there would be. Doug said there would be 12.

Doug said the quote from TCS (Technical Control Solutions) is \$138,981.00. Joy asked if Havel is from Fort Wayne. Doug said both companies are out of Fort Wayne.

Joy asked if Kevin (Maintenance Man at Jail) had looked at the quotes. Doug said he had. Joy asked if we were comparing apples to apples.

Doug said even though there is about a \$10,000.00 difference between Havel and TCS, Kevin had a couple of things that he wanted Doug to talk about. Doug said TCS did the original installation of the equipment, and Kevin thought that would be a smoother transition as far as the update, because they are familiar with the current system. Doug said we have had TCS for 12 years, and service wise Kevin has been very impressed. He said they come when they are called.

Doug said if we get the equipment from Havel we are pretty much locked into getting their parts and so on. He said with TCS if there are repairs or parts needed, we can go to different places and maybe get a savings.

Doug said in TCS’ quote they are actually updating some of the other devices, primarily concerning the discharge and return air sensors. He said Havel was pretty much going with the existing features as they are now.

Doug said Kevin will do things like valve replacements and pulling the wire and TCS will provide the new wire at \$100.00 for a thousand foot, and Havel would not provide the wire. Doug said the drives for the 12 handlers are not included in either quote, so another \$10,000.00 needs to be added to each quote.

Doug said this system is web based and Kevin could get on the web and check the system and maybe even do some web-based repairs. He said the one thing that TCS does that Havel doesn’t is that they take care of the cost of the software company that basically does the web based program.

The Commissioners thought that we would be better off to do it all at once. Joy asked that Doug get the value of the wire and the software for the air handlers. Doug will also check warranty amounts. Joy asked that Kevin and Doug go over the contracts again thoroughly and make sure they understand it correctly, and to determine if \$150,000.00 would be enough.

**ELAINE BEATTY, MCCREADY & KEENE
& KRIS CALLOWAY, CIMA RE: INDIANA
SHERIFF’S 457 DEFERRED COMPENSATION PLAN**

Doug introduced Elaine and Kris. Elaine said McCready and Keene had provided actuarial services to the retirement plan that covers the Sheriff and Merit Deputies here in Noble County, and all but one other county in the state. She said Kris and his partner Ed Painter are from Morgan Stanley and they handle the investments for about 2/3 of the counties retirement plans in the State of Indiana. Elaine said they work together a lot. She said they had received a lot of questions about deferred comp plans. Elaine said they put a program together and went to the Indiana Sheriff’s Association and they jumped on board and said they supported it, and they asked that it be expanded to all employees of the Sheriff’s Department. She said there are IRS requires that the plan has to be exclusive just to employees of Sheriff’s Departments, so it is not available to all employees of the county. Elaine said they have about 40 counties in the state that had joined. She said some counties may only have one member. Elaine said by state statute it requires that the County Commissioners approve the adoption of such a plan through the passing of an ordinance. Kris passed out some folders with information in them, (H.I.). Elaine said it is a 457 plan. She said this would not cost the county any additional money in terms of fees. Elaine said the only thing it would cost would be for the time of the payroll processing clerk having to add it as a possibility for employees to do the referral.

Kris Calloway said he is with Morgan, Stanley, Smith, Barney. He said he had worked with sheriff’s pension plans for the state for the last 16 years. Kris said that is all he does. He

went on to explain how deputies and civilian staff said they needed another means than their regular retirement to prepare for their future. Kris then told how they give individual advice to the employees to help them get prepared for retirement, and not just have them sign a paper and be gone. There was discussion about the services Kris provides, and some of the rules and regulations that pertain to the deferred comp contributions.

Jack asked why this is only for the Sheriff's Department and not for all county employees. Elaine explained that when they put the program together, according to the federal government they had to have a sponsoring unit, so that is why they went to the Indiana Sheriff's Association. She said they have 7 Sheriff's that serve as the administrators of this program. Elaine said one of the drawbacks is that the federal government says that if you have a sponsoring unit, they can only sponsor employee groups that have a like-minded employment role, so it can only be Sheriff's Departments. Elaine said they had talked about getting a group of Commissioners together in the state that maybe a committee could be formed so that it could be branched out to being available to all employees in a particular county.

Dave and Jack would like to have a chance to study this and to check with other counties. Whitley and Steuben Counties are currently offering this program.

Doug said he thought it would be a good program for the Sheriff's Department. Joy asked Doug to check with the Sheriff's in Whitley and Steuben County about this program.

LIABILITY INSURANCE RENEWAL – BLACK & RAMER INSURANCE

Jarrod Ramer from Black and Ramer Insurance came before the Commissioners to go over the renewal for liability insurance. Jarrod said he did a premium history back to 04 /05. Jarrod said the premium has dropped every year since 2004 when it was \$251,702.00 to this year's premium of \$180,986.00. He said the biggest decrease was in the area of automobiles and that is because of the safety of newer EMS's and vehicles. Jarrod attributed a lot of the cost saving on the market value and the competitiveness of the market.

Jarrod presented a Statement of Values for each of the buildings the county has insured, with a 5% standard increase in value, (H.I.). It was signed by Joy LeCount with a motion from Jack and a second from Dave. The motion carried 3-0.

IDEM – ALUMINUM RECOVERY TECHNOLOGIES, INC. IN KENDALLVILLE – PERMIT AMENDMENT APPROVED

The Commissioners received notice from IDEM that they had approved the above referenced permit amendment, (H.I.).

INDOT – NOTICE OF AUTHORIZATION FOR PRELIMINARY ENGINEERING SERVICES RE: SIGN REPLACEMENT PROJECT

The Commissioners received the above referenced notice of authorization, (H.I.). INDOT has requested an e-mail copy of the Notice to Proceed letter once it has been sent to the consultant.

WEIGHTS & MEASURES REPORT – 1/15/11 – 2/15/11

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

CLERK'S REPORT – JANUARY 2011

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

IDEM – GROUNDWATER AND RESIDENTIAL MONITORING RE-EVALUATION PLAN RE: THE LANDFILL – RELOCATION OF MONITORING WELL N-4R & RESIDENTIAL WELL SAMPLING

The Commissioners received letters (2) about the above referenced topics relating to the landfill and well monitoring, (H.I.).

**OBER LAND SURVEYING COMPANY – QUOTE
FOR SURVEYING SERVICES AT LANDFILL**

Joy presented a quote she had received from Mark Ober for surveying to establish horizontal and vertical coordinates for the monitoring wells and the piezometers at the landfill, (H.I.). The quote was in an amount not to exceed \$800.00.

Jack moved to approve the quote. Dave seconded the motion. Jack said if the wells are not numbered, he would like to see them put numbers on them. The motion carried, 3-0.

**IDEM – NIBLOCK EXCAVATING & PAVING –
PERMISSION TO OPERATE PORTABLE ASPHALT
PAVEMENT PRODUCTION PLANT IN KIMMELL**

The Commissioners received notice from IDEM of the above referenced approval, (H.I.). This plant was previously located at 487 S 275 W, Columbia City, Indiana in Whitley County.

**IDEM – DUCK FARM, LLC –
PERMIT APPLICATION FOR CONCENTRATED
ANIMAL FEEDING OPERATION**

The Commissioners received notice of the above referenced permit application from IDEM, (H.I.). They also received information from IDEM with a brief description of the permit application, and explaining some of the details of the operation, as well as advertising, (H.I.).

**AEROQUEST OPTIMAL – MAPPING SERVICES
FOR STATEWIDE LIDAR**

The Commissioners received an offer from Aeroquest, for a quote for 2' contour intervals or planimetric mapping for transportation or hydrology applications such as storm water planning, (H.I.).

**VOTING LOCATIONS FOR PRIMARY ELECTION
IN LIGONIER, ALBION AND AVILLA**

The Commissioners received notice of the above referenced voting locations from the Clerk, (H.I.). Jack moved to approve them. Dave seconded the motion and it carried, 3-0.

**SHERRY LABS – INVOICES RE: WELL
MONITORING AT LANDFILL**

The Commissioners received two invoices from Sherry Labs for the 1st Quarter Gas Well Monitoring Event at the landfill, (H.I.). One invoice is in the amount of \$240.00 and the other is in the amount of \$945.00.

**SHERRY LABS – GAS WELL MONITORING
TEST RESULTS RE: LANDFILL**

The Commissioners received the above referenced test results from Sherry Labs, (H.I.).

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 11:52 A.M. recessed from day to day until the 7th day of March 2011.

Joy Y. LeCount, President

Jack W. Herendeen, Vice President

David J. Dolezal, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor