

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD MARCH 7, 2011**

Comes now the hour of 9:12 A.M. on the 7th day of March, 2011, in the Commissioners Court in the Noble County Courthouse, Albion, Indiana, being the time, date and place set for a regular 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
and Bob Braley & Scott Perry, News Reporter

**DEER LAKE CONTROL STRUCTURE
CONSTRUCTION EDS (CONTRACT)**

The Commissioners received the above referenced contract, (H.I.). Jack moved to approve it. Dave seconded the motion and it carried, 3-0.

**FLOOD SAFETY AWARENESS WEEK
PROCLAMATION – MARCH 15 – 18, 2011**

Mick Newton, EMA Director came before the Commissioners to ask that they proclaim March 15 – March 18, 2011 as Flood Safety Awareness Week, (H.I.). Dave read the proposed proclamation aloud.

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

**SURVEYING SERVICES AT LANDFILL –
ACCEPTANCE OF PROPOSAL OF MARK OBER**

Joy signed the above referenced proposal which had been approved at the February 28th meeting and asked that it be faxed to Mark Ober, (H.I.).

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 9:22 A.M. and reconvened at approximately 9:28 A.M.

HIGHWAY BUSINESS – RUSS LEITCH & MIKE FITCH

**BEAM LONGEST & NEFF – LPA INVOICE
VOUCHER RE: BRIDGE #134 REPLACEMENT**

Russ presented an LPA invoice voucher for preliminary engineering done by Beam, Longest and Neff, L.L.C. for the Bridge #134 replacement. Jack moved to approve the invoice. Dave seconded the motion and it carried, 3-0.

**BRIDGE INSPECTIONS 2006 – 2008
INVOICE FROM FROST ENGINEERING**

Russ said he had an invoice from Frost Engineering for bridge inspections from 2006 – 2008 in the amount of \$1,068.74. He said Marc Fisher, Highway Department Bookkeeper said that Mike Fitch, Highway Engineer had looked at it and said it should be paid. The Commissioners agreed to put this on hold until Mike is present or until they can get further information.

PRIVATE TILE – 600 N by 100 W

Russ said they have someone that wants to put in a private tile, and he had been instructed before that we (Highway Department) took care of everything under the road to make sure everything is done right. Russ said it is on 600 N by 100 W. He said it is going to cost \$863.20 for materials and an employee to be there to watch what is going on.

Jack asked how big of a tile it is. Russ said it is an 8 inch tile. Russ said Bonar would bore that for \$1,000.00 total and we would pay half. He said we would be saving \$363.00. Joy asked who would pay for the other half. Russ said it would be Eric Strater, the owner. Russ said with the way things are, if it is a private tile, his theory is that we should just have someone out there to make sure it is being done right, because it isn't of any benefit to us.

Joy said the reason we had been helping with the cost is that if we didn't, some people would do it the cheapest and in the most unacceptable way just to save money.

There was discussion about whether the county should continue to pay a share of the cost, when it doesn't benefit the county. Joy said our task is to supervise it so that it is done properly, so that our road continues to be safe.

Jack moved to continue on as we have in the past. Dave seconded the motion, and he asked if the Commissioners would review that policy at some point in time, or if we just consider them on an as needed basis. Joy said by doing this, we get notification that it is going to be done. She asked what if someone opened up the road and there were no signs and we weren't aware of it, and someone driving along falls in it. She said that is the issue. Joy said by us having someone there, we know the right kind of fill goes in, etc. Jack said he thought that is the way to go. The motion then carried, 3-0.

BRIDGE INSPECTION 2006 – 2008 – INVOICE FROM FROST ENGINEERING CONTINUED

Mike Fitch, Highway Engineer was present at this time. He explained the reason for the invoice was because of two additional bridges that had to be inspected between 2006 and 2008 that were not a part of the contract, and that it is something that we really do owe.

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

SIGN REPLACEMENT PROJECT

Mike said the sign replacement project had been approved, and we have to issue a Notice to Proceed. He said he prepared one for Russ to sign. Jack moved to approve the Notice to Proceed. Dave seconded the motion and it carried, 3-0.

ROAD FROM SR 9 INTO CHAIN O'LAKES STATE PARK

Jack asked Mike to do some research about the road from State Road 9 going into the Chain O'Lakes State Park. Joy said the county had never maintained it, but the park manager had contacted Russ and indicated that the state wants the county to maintain the road from SR 9 back to the park and to plow the snow.

Mike said that is the responsibility of the Indiana Department of Transportation. He said when he was at the Fort Wayne District they did about half a dozen access roads from the state route back to connecting state parks.

Jack said it was an old chip and seal road, and the state said they would come in and pave it and maintain it, but we couldn't find any records of it being switched over.

Mike said it is not only state parks. He said the Fort Wayne District maintained all public access through the Department of Natural Resources. He said the Department of Natural Resources has no department to fix their roads to access public boat launches and stuff like that. Mike said they actually had projects where they built roads and improved roads back to a public access point.

Russ said what Sam Boggs is wanting is something in writing to show the agreement to take it to the next level up. Russ said he went through the minutes and he couldn't find anything. Mike is going to call Sam and talk to him and do some investigation.

ROADWAY INTO 4-H PARK & BLACK PINE

Joy told Mike there is a driveway going back to the 4-H park, which is county property, and going to Black Pine. She asked Mike to see if we could get that drive put onto the Noble County road inventory since it is county property.

Mike said he talked to the thoroughfares man at INDOT and he is going to send what he thinks has been submitted and we can revise that and add it to the map and get it included in the mileage. He said he thought some of the question was if we could legally do that.

Joy said the question is if we can legally do that, and if it is something we want to do.

Russ asked if the road gets added are we going to be plowing snow off that road and if they would come back in two years and say it would be nice to have it paved back there.

CONTINUING EDUCATION

Mike said he needs to check on some continuing education things. He said for engineers in his position it is expensive. Mike said they want 30 continuing education credits over two years, and from what he could tell it would cost him \$5,000.00 a year to go to the classes to keep his accreditation up. He said as far as he is concerned he doesn't need his license for what he is doing, because he isn't stamping anything.

CLAIMS TO BE PAID 3/07/11 APPROVED

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

PAYROLL TO BE PAID 3/10/11 APPROVED

After reviewing the payroll from 2/11/11 – 2/24/11 to be paid 3/10/11 Dave moved to approve it. Jack seconded the motion and it carried, 3-0.

DOUG HARP, SHERIFF – SHERIFF'S BUSINESS

OVERTIME RE: PAYROLL

Having been present for the discussion regarding payroll, Doug told the Commissioners that part of the reason for overtime in his department is that he hired a deputy that came from dispatch, which is causing some shortfalls. He said they also hired a dispatcher that came from the jail, which will cause some shortfall in the jail. Doug said that is where they are at on some of the overtime issues. He said dispatch has had a lot of shortfalls lately, so there would be more overtime showing up.

EXPENSES OVER \$500.00 – UNIFORM & EQUIPMENT & EXPENSES FOR POLICE ACADEMY FOR NEW DEPUTY

Doug said he has about \$1500.00 in outfitting the new deputy. He said they try to recycle what they can. Doug said they had put a couple of new reserve officers on too, so that has depleted some of their supplies. Doug said he would have a claim that would be over \$500.00.

Doug said from what they had been told the uniform prices are going to go up by probably 10% because of the price of cotton. He said groceries and other things will probably go up too.

Jack asked if we would have to send the new deputy to the academy. Doug said he would, and that now they are not supplying all three meals like they used to and the county will be paying for dinner for the deputy.

Dave moved to allow Doug to spend more than \$500.00 to outfit the new Deputy. Jack seconded the motion and it carried, 3-0.

ELEVATOR SAFETY INSPECTION

Doug said the elevator company comes in to do inspections every year. He said apparently there is a new requirement by the feds that requires them to come in an additional time and do some additional safety inspection. Doug said it would cost about \$255.00 extra per year, and it is a contractual thing. Jack moved to give Doug permission to sign the contract on behalf of the Commissioners. Dave seconded the motion and it carried, 3-0.

AIR HANDLER QUOTES

Doug said he had another company that wants to quote on the air handlers. He asked if after he got the third quote if it would be ok for him to proceed with one of the companies, or if he should come back to the Commissioners.

Joy said we have to figure out where we are going to get the money. She told Doug he should talk to the Council about that today. Doug said he would come back next Monday with the other quote and see where the Commissioners want to go with that.

SEX OFFENDER ORDINANCE

Doug said there are a couple of areas that need some corrections, and he told what they were. Doug said he could have Jim make the changes.

Jack moved to approve the corrections and allow the proposed ordinance to be advertised as corrected. Dave seconded the motion and it carried, 3-0.

SHERIFF'S 457 DEFERRED COMPENSATION PLAN

Doug asked if he could go ahead with the deferred comp program that was talked about last week.

After some discussion, Joy said an ordinance would have to be established, and she read the sample ordinance that had been provided aloud.

Dave moved to approve the ordinance allowing the Sheriff's 457 Deferred Compensation Plan. Jack seconded the motion and it carried, 3-0.

QUOTES FOR PURCHASE OF CHAIRS

Doug said the chairs in the squad room are about 12 years old and most of them have holes in the arms and are looking pretty ratty. He said he has one quote to replace them. Doug said the chairs in his office are in pretty good shape except for the Sheriff's chair, which is worn out in the arms and is faded and getting kind of ratty. Doug said the reason for replacing the office chairs (4) is that they are too narrow, and the officers have to go in sideways to get into them if they have their duty gear on. He said they are very good chairs, and he had talked to the Auditor about the possibility of getting new chairs and bringing the four good chairs to the Courthouse for anyone to use that needs one. Doug said he had a quote for \$3,212.95 from Atz Furniture to replace the chairs in his office and to replace his chair.

Jack asked how many chairs would be replaced in the squad room. Doug said it would probably be around a dozen. He said the other quote he had, which included some additional chairs, was around \$9,000.00, and that was from Office Interiors from Granger Indiana. Doug said he only had one quote on them too.

Auditor Jackie Knafel was present. She checked to see how much was in the furniture fund and she said there is \$7,500.00 in it.

Joy said with what Doug had given for prices on all of the chairs, it is more than what the Council has. She told Doug to talk to the Council, and then when he knows what he could buy, he should come back to the Commissioners to get permission to spend over \$500.00.

Jack asked what we would do with the old junk chairs. Doug said there is a company that would put it out on e-bay or some internet type of auction. He said they come in and take the used up or confiscated stuff that has been disposed of by the courts, and they take care of pricing it and getting it to wherever it goes. Doug said the county would get a percentage of what the company makes on it. He said they have quite a bit of stuff out there that needs to be removed. Doug is going to check to see who the company is.

INMATE PAY PHONE SERVICE CONTRACT – SECURIS

Doug said he should have the contract next week for the inmate pay phone service with Securis. He said we do not have to pay them anything, but they need a contract to continue their service. Doug said he had another phone company that he is looking at. He said he should know by next week which company he is going to go with.

CONTRACT FOR COMMISSARY COMPANY TO HANDLE COMMISSARY ACCOUNTS FOR INMATES

Doug said there is a commissary company that would come in and set up electronic inmate trust accounts. He said the company would handle the inmate's money, and the inmates would place their commissary orders by phone. Doug told how the commissary orders are handled now by personnel at the jail. He said with this company, when an inmate gets booked in they would use the kiosk machine in the back, and their money would be fed into it to start their account. Doug said the office would get a report on who had money put into their accounts. He said when the inmates order their commissary items the company would fill the order and it would come in all pre-packaged. He said it would save a lot of time for Peggy. Doug said the bookkeeping would be done by the company.

Jack asked if there would be a cost for the company to do all of that. Doug said there wouldn't be, because the company would be making money from the commissary goods.

Joy said they wouldn't need the Commissary Fund then. Doug said they would still keep that fund. Joy asked how the Sheriff's Department would still be making money on commissary items. Doug said they would get a commission from the company.

Doug said the inmates would still be able to get haircuts, Tylenol, and those types of things from their commissary fund. He said the money would be deducted from their accounts.

Doug said it would free up space to order more food in bulk, which would save money on what it costs for the inmate's meals.

When asked by Dave, Doug said they would still keep a few of the more popular items in the commissary.

LEPC – PURCHASE OVER \$500.00 – EMERGENCY KITS FOR HAZMAT TEAM

Present for this portion of the meeting were Mick Newton, EMA Director; Judy Fox, Secretary; and Jerry Sprague, Chairman.

Jerry said they were here to ask permission to purchase three emergency kits to be used for the Hazmat Team. He presented a quote in the amount of \$6,904.00 from IndianSprings Manufacturing, (H.I.).

Dave asked Jerry if he could give an overview of the kits. Jerry said they are for problems with chlorine gas containers, ammonia containers, or LP bottles or tanks. He said they can contain the leaks with these kits. Jerry said at the present time they don't have these kits. Mick said they always had to borrow the kits before.

Jack asked where the kits would be stored. Mick said they would be stored in Kendallville with the Hazmat Team at Fire Station 2.

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

LOCAL EMERGENCY PLANNING COMMITTEE – DAVE DOLEZAL APPOINTED TO THE BOARD

The Commissioners received notice from the Noble County Local Emergency Planning Committee (LEPC) that Hal Stump, former Commissioner had been on their board and that since he is no longer a Commissioner they requested that a new board member be appointed, (H.I.).

Jack moved to appoint Dave Dolezal to the LEPC as the Commissioners representative. Dave seconded the motion and it carried, 3-0.

UPDATE ON MOBILE DATA TERMINALS FOR FIRE DEPARTMENTS

Mitch Fiandt, E-911 Director came before the Commissioners to update them on the mobile data terminals that are being purchased for the fire departments through a grant that the Albion Fire Department submitted.

Mitch said they have memorandums of understanding written up. He said the software is county software so he and the sheriff have to sign the memorandums. Mitch said there are memorandums written up to go between the other seven fire departments and the Albion Fire Department, relieving the Albion Fire Department of any financial responsibility of the equipment once the other departments receive it. He said that would include repairs, software licensing, maintenance contracts, etc.

Mitch said in talking to both attorneys, (Mike Yoder for Albion Town and Jim Mowery for the county) they felt the best thing to do with the software and hardware that would be

required to operate it on the dispatch side, would be to turn ownership of it over to the county. He said that would be about \$100,000.00 worth of hardware and software that the county would receive out of this. Mitch said a lot of it is hardware that they need to use in dispatch to operate.

Mitch said the previous Sheriff and the current Sheriff both wanted to get a full mobile data terminal system for the law enforcement in the county.

Jack said all of that is not going to cost the county anything, but to get the Sheriff's Department on it would cost \$46,000.00. Mitch said that was right.

Jack asked Mitch if Albion would be in charge if anything needs work done on it, and if they have the money available to get the equipment worked on. Mitch said the county would have five computers and eighteen monitors replaced at no cost. He said Mike Yoder, Albion Town Attorney will be writing the resolution to sign the equipment over to the county. He said he thought the county would have to have a resolution to accept the equipment. Mitch said there would be some software maintenance charges which he could absorb within his service contract budget.

Mitch said VisionAir told him they should have the update installed by mid April. He said once the training is completed, they are going to deploy that portion of it the week of April 25th or 26th. Mitch said once they get that portion deployed they would be able to start adding the software and put both data terminals on it.

Dave asked what the life span is on the equipment that the resolution is going to be written for, and where the money would come from when it needs replaced. Mitch said it would probably fall back under the IT budget. He said the computers are pretty hefty ones. Dave asked about the server. Mitch said that is a question that Dave (Baum, IT) would have to answer.

Jack asked Mitch if he had any idea how long it would take to get this put in place. Mitch said they are shooting for mid May to be up and running. He said they have to have it done by June 30th.

Joy asked if VisionAir is staying on target with their schedule. Mitch said they are. Joy said the Commissioners need to know if they aren't.

SUPER TOWN OF ALBION REVITALIZATION
(S.T.A.R.) TEAM – USE OF COURTHOUSE LAWN
& PARKING AREAS – FARMERS MARKET

Present were Beth Shellman, Albion Town Manager and Mary Ann Troutner.

Beth passed out a brochure, (H.I.). She said she and Mary Ann are co-chairs of the S.T.A.R. Team. Beth said they are here to ask for the Commissioners approval to close down York Street between Main and Jefferson on the first Friday of every month from May through October at 5:00 P.M. She said they would be going to the (Albion) Town Council tomorrow night to get their approval. Beth said they would also like to ask permission to use the parking lots and the courthouse lawn to do some of the events. Joy asked if any of the events would tear up the lawn. Mary Ann said it would be more like family things like a picnic, farmers market, etc. Mary Ann said the functions in the brochure right now are preliminary and they might not all be included.

Beth said they are a branch of the Courthouse Preservation Society and are operating under their 401C3, and their mission statement mirrors what this group is trying to do.

Dave asked if they were all fundraisers. Mary Ann said they are not necessarily fundraising. She said it is to get the community involved to revitalize the down town area. Mary Ann said the courthouse is the center of the down town area, and with it being the county seat it makes sense to keep it in the center of town.

Jack asked who would be responsible for barricading the street off. Beth said it would be the town street department.

Beth said the primary function of their group would be to enhance the courthouse square and to attract and retain business and industry. Beth said their fundraisers would be geared toward trying to bring life back in to the down town. She said all of the fundraising efforts would be within the courthouse square and no further than one block out in any direction.

Joy said the only problem she could see is if there is a jury trial that might not be concluded by Friday at 5:00. It was discussed that there are normally not any Friday hearings and that jury trials are usually scheduled for Monday, Tuesday and Wednesday.

Beth said there had been discussion of having the Farmers Market at the First Friday events, as well as still having it on Saturdays. Beth asked if the Commissioners would also approve the Farmers Market. After further discussion, Dave moved to approve the requests for use of the courthouse lawn and county parking areas, the First Friday events, the Farmer's Market etc. to be held on a one-year trial basis. Jack seconded the motion and it carried, 3-0.

COUNCIL ON AGING – CLAIM VOUCHER FOR FURNITURE FROM STIMULUS GRANT FUNDS

Greg Parker from the Council on Aging came before the Commissioners to get their approval for a claim voucher regarding the purchase of some furniture from the Stimulus Grant Funds, which he reviewed with the Commissioners.

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

WORK ONE – LOCAL ELECTED OFFICIAL AGREEMENT TO ESTABLISH A WORKFORCE INVESTMENT BOARD (WIB)

The Commissioners received a letter from WorkOne Northeast indicating that the Regional Workforce Board submitted a Letter of Intent to the Department of Workforce Development to request designation as a workforce service area and authorization to establish a Workforce Investment Board (WIB), (H.I.). The state granted the request and in order to move forward they will need a Local Elected Official Agreement to be approved and signed by the Commissioners, (H.I.). Dave pointed out a couple of things that needed corrected.

After further discussion, Dave moved to approve the documents with the changes. Jack seconded the motion and it carried, 3-0.

MEDIACOM – SERVICE TRANSFER RATE

The Commissioners received notice from Mediacom that on or about April 1, 2011 Mediacom will standardize the service transfer rate at \$29.95 throughout the North Central Division, (H.I.).

HUMANE SOCIETY REPORT – FEBRUARY 2011

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

CERTIFICATE OF LIABILITY INSURANCE – MEDIACOM INDIANA, LLC

The Commissioners received the above referenced certificate of insurance from Pinnacle Risk Solutions showing that they have Mediacom Indiana, LLC insured, (H.I.).

UTILITY/TELECOMMUNICATIONS EXEMPTION – TID #0003118770 & FID #35-6000180

The Commissioners received notice from the State of Indiana that all present and future metered utility and/or telecommunications accounts, excluding sewer charges, billed under the legal entity name of **NOBLE COUNTY** registered under Federal Identification Number 35-6000180/ Taxpayer Identification #**003118770** are exempt from the requirement of paying Indiana Sales Tax only, (H.I.). The letter indicated that a copy of this blanket exemption should be provided to each of the county's utility/telecommunication providers. A copy of this letter was given to Mary Applegate, Deputy Auditor who pays the utility bills. Joy requested that Mary make copies of the letter and put a note on it to make sure it is given to the proper person in that entity, and send it with each of the utility bills that she pays.

TOWN OF ALBION – INVOICE FOR LEACHATE DISPOSAL FROM LANDFILL

The Commissioners received an invoice in the amount of \$240.00 from the Town of Albion for disposing of 4000 gallons of leachate from the landfill, (H.I.).

TREASURER'S REPORT – FEBRUARY 2011

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

**SHERRY LABS – 1ST QUARTER 2011 GAS
MONITORING TEST RESULTS RE: LANDFILL**

The Commissioners received the above referenced test results, (H.I.). See Landfill file for complete test results.

**MINUTES APPROVED 2/18/11 REGULAR
SESSION & 3/3/11 EXECUTIVE SESSION**

After reviewing the minutes of the February 18, 2011 meeting and making corrections as needed, Dave move to approve them as corrected. Jack seconded the motion and it carried, 3-0.

Dave moved to approve the minutes of the March 3, 2011 executive session. Jack seconded the motion and it carried, 3-0.

**PRO ACT INC. – PRESCRIPTION DRUG
DISCOUNT CARD PROGRAM**

The Commissioners received information from Pro Act Inc. about the prescription discount card program they have available to provide financial relief to any person needing to fill a prescription who is uninsured or underinsured, (H.I.). The letter indicates that there would be little to no effort required on the county's behalf, and that there is no cost of any sort to either the county or their residents.

There was discussion about giving this information to the Auditor to see if she wants to explore it any further.

COUNTY ATTORNEY POSITION

Joy reported that she had received calls from two additional attorneys that are outside of the county who want to interview for the County Attorney position. After some discussion it was determined that there would be no further interviews.

**LETTER TO GROUND RULES RE:
UNIFIED DEVELOPMENT ORDINANCE**

Joy presented the letter she had prepared to send to Ground Rules with questions and comments about the proposed Unified Development Ordinance (UDO) which Ground Rules is preparing for Noble County, (H.I.). Having been approved earlier, the Commissioners signed it.

**ALBION WESLEYAN CHURCH - AGREEMENT
TO USE FACILITY FOR VOTING PURPOSES**

The Commissioners received a "Facility Use Request Form" from the Albion Wesleyan Church for the use of their facilities as a voting location, (H.I.). After reviewing the form, Jack moved to approve it. Dave seconded the motion and it carried, 3-0.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 12:19 P.M. recessed from day to day until the 14th day of March 2011.

Joy Y. LeCount, President

Jack W. Herendeen, Vice President

David J. Dolezal, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor