

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD MARCH 21, 2011**

Comes now the hour of 8:34 A.M. on the 21st day of March, 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
and Bob Braley & Scott Perry, News Reporters

PAYROLL TO BE PAID 3/24/11 APPROVED

After reviewing the payroll from 2/25/11 – 03/10/11 to be paid 3/24/11 Dave moved to approve it. Jack seconded the motion and it carried, 3-0.

**MINUTES APPROVED 3/14/11 & 3/18/11
EXECUTIVE & 3/07/11 REGULAR**

After reviewing the minutes of the March 14, 2011 executive session Jack moved to approve them. Dave seconded the motion and it carried, 3-0. Dave then moved to approve the March 18, 2011 executive session minutes. Jack seconded the motion and it carried, 3-0. Jack moved to approve the March 7, 2011 minutes as corrected. Dave seconded the motion and it carried, 3-0.

**DEPARTMENT OF NATURAL RESOURCES –
SKINNER LAKE OUTLET WORKS**

The Commissioners received some e-mail correspondence from David Nance from the DNR regarding the Skinner Lake Outlet Works, and a request for permission to complete test borings, (H.I.).

SOUTH COMPLEX RENOVATIONS

Joy said she got the drawings to three local contractors to quote on the work at the South Complex.

**PUBLIC NOTICE – WORK TO BE DONE AT
MARL LAKE, SWEET LAKE & HAWK LAKE**

The Commissioners received notice from the Drainage Board that they would be performing work on the above referenced lakes, (H.I.). The work that is to be done is outlined on the notices.

**AMBULANCE BILLING SERVICES, INC. –
EMS BILLING AND CONSULTING**

The Commissioners received a letter from Ambulance Billing Services, Inc. regarding EMS Billing & Consulting, indicating that they provide the tools and support necessary to do the job right, (H.I.). The letter also indicated that they have an extensive background in all areas of EMS operations and that they serve only Indiana based clients. Joy said we do not do our own billing.

**CERTIFICATE OF INSURANCE –
MICHAEL & MELISSA MERONEY**

The Commissioners received a Certificate of Insurance from Erie Insurance showing that they have Michael and Melissa Meroney insured, (H.I.).

**IDEM – METAL SHRED INDUSTRIES,
LLC – PERMIT RENEWAL**

The Commissioners received notice from IDEM that they had approved a permit renewal for Metal Shred Industries, LLC in Kendallville, (H.I.).

**NOBLE REMC – INCENTIVES TO
UPGRADE LIGHTING & HVAC**

The Commissioners received information from Noble REMC on different ways they could help homeowners and commercial and industrial members to improve their energy efficiency, (H.I.).

**OBER LAND SURVEYING COMPANY –
INVOICE FOR WORK AT LANDFILL &
MONITORING WELL FIELD LOCATION REPORT**

The Commissioners received an invoice from Ober Land Surveying for work performed at the landfill, (H.I.). They also received a Monitoring Well Field Location Report resulting from the fieldwork that was completed, (H.I.).

**LEGAL SERVICES AGREEMENT
(CONTRACT) FOR COUNTY ATTORNEY**

The Commissioners reviewed the above referenced agreement which they hope to enter in to with a new county attorney on March 28, 2011. Joy said they had not voted to hire an attorney in a public meeting. It was agreed that the Commissioners would do that next week.

**ALBION TOWN COUNCIL – REQUEST FOR
DONATION FOR FLOWERS FOR PLANTERS**

Joy said Vicki Jellison, who is on the Albion Town Council, had talked to her last week regarding the possibility of the county helping with the expenses of the flowers that are in the planters around town. Jackie Knafel, Auditor said she had received the request from Beth Shellman, Albion Town Manager and when she asked the Commissioners about it they had asked her to pass the request on to Judge Kramer. She said she had e-mailed Judge Kramer three times and never received a response, and when she told Beth that, Beth said that if they couldn't get any money they would probably plant less flowers. No action taken.

**SHERRY LABS – REPORT ON METHANE
MONITORING AT LANDFILL**

The Commissioners received a report from Sherry Labs on gas well monitoring at the landfill, (H.I.).

**LOW COMPUTER COMPANY – DOCUMENT
DELIVERY PROGRAM - CHECK STUBS ON WEBSITE**

Jackie asked the Commissioners if they had a chance to look the paperwork over she had given them last week about putting employees check stubs on the website for them to view instead of printing them out. After some discussion Jackie said there are some people that have their paycheck direct deposited but if they have overtime they want a check for it. Jackie said she would like to have it that if the employees have direct deposit everything is direct deposited.

Jack said he was ok with it as long as we don't mandate direct deposit for all employees.

Dave asked Jackie if the system would have the capability of capturing the employee's hours electronically to do their start and finish time to where the company could capture the

hours and print the checks and everything to save us even more time and money. Jackie said Low has something but they have never fully explained it to her.

Jack asked if we should send a notice to department heads and have them talk it over with their employees and get some input from them.

Dave said that would give Jackie the chance to get the answers to some questions. Dave said if they didn't have that capability he would be concerned, because eventually he could see them doing all of it. Jackie said she could look at that.

Joy said she questioned whether the savings would be as much as they are saying. There was discussion that the postage savings for one would not be as great as they are saying, because most of the checks are picked up and not sent in the mail.

Dave asked Jackie if there are any other counties using this that she was aware of. Jackie said there are some other counties using it, but she didn't know who it was.

The Commissioners agreed that there should be some input from employees and that Jackie should check with other counties that are using it to see how it is working. Dave also asked Jackie to ask about the possibility of tracking hours worked, etc.

CHAIN O'LAKES FESTIVAL – REQUEST TO USE COURTHOUSE LAWN & RESTROOMS

The Commissioners received the above referenced request for the festival that is to be held from June 8 – June 11, 2011, (H.I.). Jack moved to approve the request. Dave seconded the motion and it carried, 3-0.

HIGHWAY BUSINESS – MARC FISHER & MIKE FITCH

BEAM, LONGEST & NEFF LPA INVOICE VOUCHER – BRIDGE #134

Marc presented the above referenced invoice voucher, (H.I.). Dave moved to approve the invoice. Jack seconded the motion and it carried, 3-0.

UTILITY PERMITS & PRIVATE ROAD CUT PERMITS AND FIXING ROADS

Marc presented the Commissioners with some Fiber Optic Utility Permits for their approval. He said he thought Mike Fitch, the Highway Engineer had looked them over and said they were okay.

Joy asked if there is any fee associated with the permits. Marc said there is no money that exchanges hands. There was discussion about where the permits were for. Jack said the permit was for placing fiber optic cable on the existing power poles. Joy said she didn't mind that.

Mike Fitch came in at this point. Joy said she thought we should start asking for "as built" maps. Mike said the way the permit is set up, it requires the companies to submit a set of drawings as part of the permit, but there is nothing that requires them to submit an "as built" set of drawings. He said there is some language in the permit about wanting "as built" submitted if there is any fiber optics involved, but there is no language for having "as built" after they are completed. Mike said we would have to modify the permit to include that language.

Joy asked if other counties charge for use of their right-of-ways. Mike said his research shows that Allen County is the only one that has a permit set up for fees for all different types of permits. He said Whitley County and Noble County don't have fees for anything other than residential driveway permits. He said there are no fees for a road cut, oversized loads, utility permits or sidewalk permits and he is not sure why, because there are basically the same administrative requirements for all of them, and some may have more requirements than a private driveway permit.

Marc said we sign the utility permits, and he thought we should inspect the work before the utility companies cover them up, and if we had a charge for the permits that would cover the expense for us to do that. There was further discussion about charging a fee for utility permits. Dave said he would agree with permitting fees to go out and check to see that things are done right. Mike said he didn't see a bonding fee for utility permits and there should be one. Joy said she thought we should charge at least a minimal fee for handling the paperwork too.

Marc said we don't inspect utility work when it is being done to make sure it is being done right, and then when the Highway Department is out berming or mowing we catch the lines

because they are not buried deep enough. He said it really messes the mowers up when you catch a line and tangle it up on the blades.

Joy asked Mike to review the permitting process and make some recommendations to improve them. Mike said he thought there should be some consistency from permit to permit. He said he would tweak them and work with the county attorney on it.

There was discussion about utility boxes that get put in, especially the green ones, and then they get hidden by tall weeds and grass and there are no markings to show they are there when the Highway Department does mowing and berming. Mike said we could put something in our standards about them being flagged or something.

Mike said the way the cut permit is set up, the person/company getting the permit is required to take out a permit to cut the road and replace it per county standards and to submit a bond for the work, and then the county Highway Department would go out and inspect it. He said we have been going out and doing some of the patching and we shouldn't do that because it messes up the liability process up. Mike said he thought we were doing it because some of the patching had not been good and it was better to do it ourselves. He said we should wait until the process is completed and then use the bond if the work is not done right.

Joy asked Mike if there is paperwork that had never been approved by the Commissioners to make any updates he felt necessary and bring them back to the Commissioners so they could be advertised if necessary and an ordinance passed.

Mike said we should in no way be involved in private tile work, which would include not fixing the road and not supplying the signs, because of liability that might be incurred.

UTILITY PERMITS #UP-004-11 - #UP-08-11

Marc presented the following utility permits, all from Zayo Bandwidth, LLC for placing fiber optic cable on existing power poles with the exception of #UP-004-11 which is also for placing innerducts underground along CR 400 S between US 33 and CR 200 W: #UP-004-11 is for work on CR 400 S between US 33 and SR 109 and the placing of innerducts previously mentioned; #UP-005-11 for work on CR 350 S between SR 9 and CR 1100 W; #UP-006-11 for work on CR 1100 W between CR 350 S and CR 325 S; #UP-007-11 for work on CR 325 S between CR 1100 W and SR 5; and #UP-008-11 for work on CR 350 S between SR 5 and the west county line, (H.I.).

THOROUGHFARE PLAN

Mike said he had reviewed the thoroughfare plan and it looks good. He said we are supposed to route it through Region III A before it goes back down to INDOT, and he has an appointment with David Gee at Region III A to have him approve it.

ACCESS TO 4-H PARK

Mike said he got the information from Russ, Highway Superintendent about the access into the 4-H park. He said it is about 1200 feet and he would get it added to the road inventory.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:18 A.M. and reconvened at approximately 10:24 A.M.

COUNCIL ON AGING – CLAIM VOUCHER APPROVAL

Greg Parker, Director of the Council on Aging came before the Commissioners to get their approval on a claim voucher in the amount of \$1,870.58 for some office furniture that is being purchased through a grant, (H.I.). Dave moved to approve the voucher. Jack seconded the motion and it carried, 3-0.

COUNTY HEALTH NURSE – STATE CHANGES RE: PAYING FOR VACCINES

Cheryl Munson, County Health Nurse came before the Commissioners to discuss with them some changes that the state has made regarding paying for vaccines. Cheryl presented a

list of costs for vaccines, (H.I.). She said they are really cracking down on children meeting the eligibility for the vaccine for children program. Cheryl said for children to meet that criteria they have to have no insurance, be on Medicaid, or have insurance that does not cover immunizations. She said that had always been the rule but hadn't been enforced, but because of the vaccine that we went through the last couple of years the state is running out of money. Cheryl said we have a large population of kids that come to the Health Department for immunizations that do have insurance, and not all of the physicians in our area provide the immunizations because they don't want to compete with the Health Department and then get stuck with a lot of vaccine that is very expensive.

Cheryl said what the state wants the county health clinics to do is to order private stock vaccine and keep it on hand so that the children that have insurance can come to them and pay for the vaccine. She said if she just ordered 40 doses of all of the vaccine that she needs it would cost her approximately \$39,000.00. Cheryl asked if she could have \$39,000.00. Joy said, "No". Cheryl said if she buys all of that vaccine and doesn't use it, then she (the county) would be eating the cost. She said the other thing the state said was to have people on hand to bill the insurances. Cheryl said she would need another position to be able to do that. She said there are people that have \$5,000.00 deductibles before their insurance company pays a dime, and if their insurance company pays for vaccines, the children aren't eligible for free vaccines, even if the deductibles had not been met.

Cheryl said she wanted to make the Commissioners aware of what is going on because they might start getting calls from people that are unhappy with her because she is no longer giving free vaccines and people are having to pay for it at their doctor's.

Cheryl said she and the people from Whitley and LaGrange Counties are going to get together and talk about the possibility of ordering 10 doses of each vaccine and dividing it among the three counties so they won't get stuck with all of the vaccine at one time. There was discussion about the shelf life of the vaccines.

Cheryl said she had sent out e-mails to all of the doctors and all of the school nurses explaining the changes that are going to happen.

Cheryl said the CDC doesn't require proof of no insurance, so they just have to take the peoples word on it. Cheryl said when people call in they are asked if they have insurance, and if they do they are told they need to call their insurance company to see if the insurance covers immunizations, and if so they need to go to their physician to get them.

Joy asked how the state expects all of these kids to meet the requirements to get into school if they are taking this position. Cheryl said she asked that question and it went unanswered. She said if it comes down to keeping food on the table and having heat, that is what the parents are going to do instead of paying for immunizations.

Joy asked about the liability of transporting vaccines from county to county and what happens if someone gets a reaction. Cheryl said the liability wouldn't change. She said they transport the vaccine in temperature controlled coolers.

STORAGE OF CABINETS PURCHASED FOR THE HEALTH DEPARTMENT

Cheryl said the cabinets she had purchased that had been stored in the warehouse in Topeka had to be picked up today. She asked the Commissioners where she should store them until the decisions are final on moving the clinic from downstairs to upstairs.

The Commissioners said they are going to go out to the South Complex today and they will check it out to see if they can find a place for storing the cabinets.

WOLF LAKE FREE HEALTH CLINIC

Present for this portion of the meeting were: Judge Michael Kramer; Kay Luce; Shirley Hirt; and Roger Hirt. They passed out some clinic information, (H.I.).

Roger explained that they started their free clinic at the Luckey Hospital (in Wolf Lake) in 2007. He said the state came in and put in a new intersection and took away all of their parking space, so for safety sake they moved the clinic to the Wolf Lake Methodist Church. Roger said this is a totally volunteer organization with no one getting paid a salary. He said everything they have to pay for is paid from donations, and all of the doctors and nurses and the people that work there all volunteer their time. Roger said the clinic is only open two days a month, and that is basically because of the limitation of the availability of the volunteers. Roger said they need to find a different location, and they have no funding. He said they were hoping

that the Commissioners might know of a business or organization that would possibly have space that they could utilize for their clinic. He said it could be anywhere in Noble County. Roger said they are not asking for funding or for anyone to pay for anything.

Joy asked if the fire department (Noble Twp.) would be available for use. Kay said she didn't think that option had been explored.

Jack asked what the hours are. Roger said the hours are 1:00 – 7:00 P.M.

Shirley said they have quite a bit of equipment, and it would be helpful if they had a place to leave the equipment and possibly leaving it put up, because it is timely to set it up and take it down.

Judge Kramer said the Church was just a temporary place when they relocated there. There was discussion about the number of rooms that would be needed and the size of the rooms. Jack asked if they would need phone access. Shirley said they are using their own personal cell phones and they have no phone bills.

Jack said a thought would be the Green Center Community Building. He said it is a community building. Dave said there is plenty of parking and it is handicapped accessible.

Scott Perry said there is a home by the Community State Bank in Wolf Lake that he thinks is a HUD home, and sometimes those homes can be purchased for as little as \$1.00, depending on the program.

Dave asked what days they operate the clinic. Kay said it is the second and fourth Thursday of the month. Shirley said that is with the exception of November and December which are the second and the third Thursdays of the month.

Jack asked how many doctors there are. Judge Kramer said he thought there were 17 doctors and nurse practitioners that are donating their time.

JOB DESCRIPTIONS

The Commissioners discussed a presentation that had been made to the Council by some individuals about developing job descriptions for county employees. Dave said he has been contacting people from other counties that have had this done to get their input.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 11:38 A.M. recessed from day to day until the 28th day of March 2011.

Joy Y. LeCount, President

Jack W. Herendeen, Vice President

David J. Dolezal, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor