

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD MARCH 26, 2012**

Comes now the hour of 9:02 A.M. on the 26th day of March, 2012, 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, News Media

EXECUTIVE SESSION ANNOUNCEMENT

Joy announced that the executive session scheduled for this morning was not held because the individual they were going to discuss issues with failed to show up.

MARCH 19, 2012 EXECUTIVE MINUTES APPROVED

After reviewing the minutes of the March 19, 2012 meeting Jack moved to approve them. Dave seconded the motion and it carried, 3-0.

**HEALTH INSURANCE – PRO-CLAIM PLUS
CORRECTED SPECIFIC STATUS REPORT**

The Commissioners received the corrected Specific Status report of employees who are exceeding the 40% specific, which Shelly Hanson from Wells Fargo said she would send, (H.I.). The report indicates there is one person at this time that is over the 40% specific, not the seven that was reported last week.

MARCH 19, 2012 MINUTES APPROVED

After reviewing the minutes of the March 19, 2012 meeting and making corrections Dave moved to approve them as corrected. Jack seconded the motion and it carried, 3-0.

**DAVE BAUM, IT – EXPENSE OVER
\$500.00 FOR NEW PHONES**

Dave Baum, IT came before the Commissioners to ask their approval to spend over \$500.00 on new phones. Dave said he needed to order 25 basic phones and 15 display

phones. He said the cost of the phones and the power supplies is \$4,967.35. Dave said anywhere there wasn't a user's PC dedicated to them they put a display phone. He said the non-display phones go where people have their own PC because all of the interaction can be done on the screen, and it does a lot more than the display phones can do. Dave said the only other place they put the display phone is if someone is taking calls for a lot of people. He said the display phones are almost twice as expensive.

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

IDEM - MYERS SEPTIC SERVICE WASTEWATER MANAGEMENT PERMIT

The Commissioners received notice from IDEM that they had approved a Wastewater Management Permit for Myers Septic Service, (H.I.).

LANDFILL LEACHATE DISPOSAL - INVOICE FROM TOWN OF ALBION

The Commissioners received the above referenced invoice in the amount of \$240.00 for the disposal of 4000 gallons of leachate in February, (H.I.).

AFLAC - SHORT-TERM DISABILITY

The Commissioners received a letter from Donald Springer who is with AFLAC explaining that they have a new short-term disability insurance policy, (H.I.). The letter indicates that if the Commissioners want to make this available to the employees that they should call Donald.

Joy said the county has a short term disability plan already. She said she didn't know how this compares, but it might be something the Commissioners would want to take a look at.

NEXT GENERATION 911

The Commissioners received information about Next Generation 911, (H.I.). Joy said she saw in the paper that they are considering developing a district wide RFP for the Next Generation E-911 equipment. Joy said she thought the Coalition would write the specifications.

There was discussion about the grant that Mitch Fiandt, E-911 Director had applied for.

COBALT COMMUNITY RESEARCH – 2012 NATIONAL STUDY OF LOCAL GOVERNMENT HEALTH FUNDING STRATEGIES

The Commissioners received a survey to be filled out to help identify trends and practices of local governments and special districts. The questions on the survey are about health benefits provided to Noble County Employees or retirees.

DNR – LARE GRANT FOR LOG JAM REMOVAL ON ELKHART RIVER

The Commissioners received notice from the Indiana DNR that their application for log jam removal on the North and South Branches of the Elkhart River has been conditionally selected for FY 2012-2013 funding from the Lake and River Enhancement (LARE) program, (H.I.). The grant will cover 80% of the project and the county has to come up with the other 20%. Joy said the project must be completed within 2 years.

FACILITY USAGE/INDEMNITY AGREEMENT – SYLVAN LAKE IMPROVEMENT ASSOCIATION

The Commissioners received the above referenced agreement, (H.I.). Sylvan Lake Improvement Association "Bingo Hall" is to be used as a voting place in the primary election.

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

2012 CENSUS OF GOVERNMENTS

The Commissioners received notice from the U.S. Census Bureau about a 2012 Census of Governments, Survey of Public Enrollment & Payroll that they will be receiving in the coming weeks, (H.I.).

PLAN COMMISSION - ZONING IN UDO

The Commissioners received information about the different types of zoning in the proposed UDO (Unified Development Ordinance), and how they are applied, (H.I.).

HIGHWAY BUSINESS – MARK GOODRICH & MIKE FITCH

UPDATE ON TRUCKS

Mark reported that the bed is badly rusted on Truck #6. He said the estimate to have plates bent to fit the bed, including the metal is \$582.00. Mark said this truck is the best of the spare trucks they have, so he'd like to fix it.

Dave asked if the problem with truck #9 is an electronics problem again. Mark said it is. He said they sent it to Vomac and it is fixed now. Mark told the Commissioners what was wrong with it and how much it cost to fix it.

Jack asked about the truck that had the brake problems. Mark said that was truck #11 and he explained what they found to be the problem. He said they are picking up parts for it today.

Joy asked about Truck #42. Mark said they put a new injector in it and they had it running and was doing some wiring so it could be hooked up to the trailer. He said they turned the truck off and then it wouldn't start again. Mark said they didn't have anything to go off of, so they took it to Bob Thomas and they are going to go through. He said the thought was that it could be an oil pump that energizes and runs the injectors, but the part is costly and it is quite a process to get to it, and they didn't want to go to that expense and have it not be the problem.

Dave moved to approve the expenses to fix the bed on Truck #6. After some discussion Jack seconded the motion and it carried, 3-0.

PATCHING, DITCHING AND BERMING

Mark said they are pretty well caught up on patching. He said the guys are all out today checking roads.

Mark said they have seven miles of roads ditched and bermed in addition to the crack sealing they have done. He said they should be saving money on cold patch, which they could use in the garage if needed, or they could put it into road repairs. Mark said they spent \$151,000.00 last year on cold mix.

Joy asked where they are taking the material that they are removing when they are ditching or berming. Mark said they usually take it to the closest person that is on the list that wants it, and sometimes while they are doing it people stop and say they would like to have it and they might be closer than someone on the list.

LOADER

Jack asked what the loader situation is. Mark said it had a flat tire again today. He said they got it fixed and they called McMahan's and they said they would be up today to see what is going on with it and there won't be a charge because they said it is a re-call.

SIGN PROJECT

Mark gave an update on the sign project. Dave asked how the scrap return is. Mark said they are piling it up, and Wayne is sorting through it to see what he could re-use. He said the Surveyor's Office is also using some of the shorter posts.

There was discussion about the possibility of fixing "High Water" signs so they could be left up all of the time, with hinges on the signs so they could be up when there is high water and down when there is not.

CSX RAILROAD – 700 E ROAD CLOSURE

Mark said he found an e-mail address for CSX and he sent an e-mail to their corporate office explaining what was going on here. He said there was a call on the answering machine this morning and another representative called this morning, so he now has a name with a phone number of the assistant Road Master out of Garrett. Mark said they called to let us know how long 700 E is going to be closed, and to apologize for the confusion. There was discussion that the railroad had not notified the Highway Department, the Sheriff's Department, the schools, the EMS or anyone else that they were closing 700 E.

Jack said it doesn't take two to three weeks to take the asphalt out and put it back in. Mark said he had been past there several times and there hasn't been anyone working on it.

Jack asked if they said how long the road would be closed. Mark said he was told they thought they would have it done in about two weeks.

There was discussion about work that is being done at other railroad crossings.

FUEL SYSTEM CERTIFICATION

Mark said because we have an underground fuel tank we are going to have to get two people certified for our fuel system. He said from the information he has it looks like it could all be done on-line. Dave said there is supposed to be an employee there to monitor the fuel drops, even though the person making the drop is certified. Mark said they would go on line and get a couple of people certified.

**SPEED LIMIT ORDINANCE - LIMA ROAD (OLD SR3)
BETWEEN E 350 NORTH AND E 415 NORTH (W LISBON RD)**

Mike said the Highway Department had a request to review the speed limits on the above referenced road, which was discussed last week. He said he asked Region 3A to do a review and collect some data on the site. Mike said their results indicate that the average speed is 39 MPH with a maximum of 71.6 MPH. He said the 80 percentile speed was 45.4 MPH and 85% are traveling at a speed of 46.5 MPH. Mike said the speed should be set at the 85 percentile after a speed is done, so he would recommend that the speed limit be set at 45 MPH.

Jack asked if that area would qualify as an urban area. Mike said there was nothing in the report that indicated that, but he could check it out.

After further discussion, Dave moved to approve the proposed ordinance for advertising with the public hearing to be at 10:00 A.M. on April 23, 2012, (H.I.). Jack seconded the motion and it carried, 3-0.

**BOB WILSON – CONDITIONAL GIFT AGREEMENT
WITH COUNTY RE: NICHOL'S RELIEF MODEL
(MAP) OF THE UNITED STATES**

Joy read the above referenced agreement aloud. After Bob agreed to the contents of the agreement, Dave moved to approve it. Jack seconded the motion and it carried, 3-0.

**LAWN MOWING BIDS – STUMP’S LAWN
CARE & J & J LANDSCAPING LLC**

After showing the proof of advertising the Commissioners opened the lawn mowing bids. The bids were as follows:

J & J LANDSCAPING LLC

STUMP'S LAWN CARE

Sheriff's Department

MOWING

\$140.00 per cut

\$216.00 per cut

TRIMMING SHRUBS

\$ 70.00

\$100.00

WOOD MULCH

\$ 65.00

\$135.00

WEED CONTROL IN BED AREAS

Included in Shrub Trimming

\$ 50.00

SOUTH COMPLEX

MOWING

\$115.00 per cut

\$172.80 per cut

TRIMMING SHRUBS

\$160.00

\$150.00

WOOD MULCH

\$365.00

\$250.00

WEED CONTROL IN BED AREAS

Included in Shrub Trimming

\$100.00

WOODED AREA

\$105.00 per cut (2)

\$350.00 per cut (2)

TOTAL COST

\$7,245.00

\$11,205.00

Dave moved to accept the low bid of J & J Landscaping. Jack seconded the motion and it carried, 3-0.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:50 A.M. and reconvened at approximately 11:05 A.M.

HEALTH DEPARTMENT – REQUEST TO PURCHASE VEHICLE

Present for this portion of the meeting were Linda Gray and Jack Chronister.

Linda passed a quote for a 2012 GMC truck with a trailer hitch, and a copy of a letter from the Indiana Department of Health approving the Health Department's request to spend \$19,379.00 from their Local Health Maintenance Fund carryover, (H.I.). The cost of the truck after a \$4,000.00 rebate and a \$2,500.00 trade-in allowance is \$18,879.00.

Joy asked who needs a vehicle. Jack said they are actually replacing his vehicle. He said he only has a 4 cylinder and it is not suitable for pulling the trailer the Health Clinic uses for immunizations and that Mick Newton, EMA Director has used a few times for a command post. Jack said the trailer is listed at 7,000 pounds when loaded with medical supplies. He said they have money for a new truck so they decided to pursue it and purchase a vehicle that can pull the trailer. Jack said he and Dr. Warrenner, Noble County Health Officer picked the truck out. It was pointed out that Mick Newton pulls the trailer with the EMA vehicle which is an old EMS.

Joy asked what kind of mileage the truck would get. Jack said he thought it was rated for 22 MPH. Dave asked if it is a two-wheel drive. Jack said it is.

Joy asked if the Health Department pays the insurance or if the County does. Linda said the county pays the insurance.

There was discussion about how the truck should be titled. The Commissioners felt that all vehicles should be titled to them. Linda said Dr. Warrenner and the State would prefer that it was titled to the Health Department. She said she had an agreement the state would like signed if the vehicle is going to be titled to the Commissioners, (H.I.).

Linda said they asked for an additional amount above the cost of the truck to cover license plates and a trailer hitch.

Joy read the agreement aloud, which listed the vehicle being considered, and said that it could only be used by the Noble County Health Department.

The Commissioners asked Jack to check and make sure he doesn't need a special license to pull the trailer.

After further discussion, including the need to have the title in the Commissioners name so they can insure it, Dave moved to have the truck titled to the Noble County Commissioners. Jack seconded the motion and it carried, 3-0.

After further discussion about the truck, Dave moved to approve the purchase of the truck, which is to be paid for by the Health Department. Jack seconded the motion.

Scott Perry questioned how many times a year this vehicle would actually be used for pulling the trailer, and found that it would not be used very often. Scott then asked why they need to trade in a vehicle that only has 83,000 miles on it. He said in everyday life we have people struggling and they have to keep those 83,000 mile vehicles for another 100,000 miles. Scott asked when the spending is going to stop. He said they spend it just because it is there, and it is all taxpayer money.

Joy had called the dealer to see if the truck in question was suitable for pulling the trailer. She reported that the truck was rated to pull 5400 pounds. Joy said the dealer said he would give them a V8 that would have a 7400 pound rating for the same price. Dave said then you lose the mileage. Joy said where you lose the mileage is when he goes out and does his inspections.

Jack said when they received that trailer it was supposed to be in a fenced in area. He said it has never been fenced in.

There was then some discussion about where the money is actually coming from. Auditor Knafel said it is not grant money. She said it is the tobacco money that they are combining with the Local Health Maintenance fund, because they are discontinuing the tobacco fund. She said they haven't applied for a grant.

Joy said she thought that it was money that they had to apply to the state for approval to spend. Dennis said it would be interesting to see what they can spend the money for. Jackie checked and reported on some of the things the money in the two funds had been used for previously. She said she charges the Health Department for the insurance on their vehicles and it comes out of their funds.

When checking the title, Jackie noticed that the truck currently being driven by Jack is titled to the Health Department.

Jack Herendeen said they are only allowing a \$2500.00 trade-in, and he thought the truck should be kept if someone else in the county could use it.

After further discussion, Dave withdrew his motion and Jack withdrew his second. This will be tabled until next week to allow for obtaining more information.

**DEPARTMENT OF NATURAL RESOURCES DIVISION
OF HISTORIC PRESERVATION AND ARCHAEOLOGY –
COURTHOUSE EXTERIOR PRESERVATION**

The Commissioners received the above referenced information that could possibly help them in their determination on what to do with the tuckpointing, water sealing, etc. on the courthouse exterior.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 12:09 P.M. recessed from day to day until the 28th day of March 2012.

Joy Y. LeCount, President

Jack W. Herendeen, Vice President

David J. Dolezal, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor