

**MINUTES OF A REGULAR SESSION OF THE  
BOARD OF COMMISSIONERS HELD APRIL 4, 2011**

Comes now the hour of 9:16 A.M. on the 4<sup>th</sup> day of April, 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  
Dennis Graft, County Attorney  
and Bob Braley & Scott Perry, News Reporters

**PARKING LOT PLANS FOR SOUTH COMPLEX**

The Commissioners briefly discussed with Scott Zeigler, Noble County Surveyor, some drawings he had prepared for the parking lot at the South Complex, and what would need to be done to accomplish what they are setting out to do. (no drawings for file)

**RESIGNATION OF GEORGE CLIFFORD,  
PTABOA BOARD MEMBER**

Kim Gephart, Noble County Assessor came before the Commissioners to inform them that George Clifford had resigned from the PTABOA Board. She and the Commissioners discussed what qualifications a replacement person would need. Joy asked if the members have to be politically balanced. Kim said they are supposed to be, but if not, the Commissioners can waive the requirement.

**LAPTOP COMPUTER FOR COUNTY ATTORNEY**

Dave Baum IT came before the Commissioners to discuss the request for a laptop computer for the new County Attorney. Joy told Dave she thought he should talk to the attorney when he gets here to find out what he needs. Dave asked if there was a budget amount the Commissioners want him to stay within. He said laptops can be anywhere from \$400.00 - \$1,500.00. Joy said she thought there might be one around somewhere that no one was using. Dave said anything we have is used and out of service so they should order one.

**CLAIMS TO BE PAID TODAY 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 4/07/11 APPROVED**

After reviewing the payroll from 3/11/11 – 3/24/11 to be paid 4/07/11 Dave moved to approve it. Jack seconded the motion and it carried, 3-0.

**MINUTES APPROVED – 3/21/11 & 3/28/11**

After reviewing the minutes of the above referenced meetings the following actions were taken: 3/21/11 - Dave moved to approve them as corrected. Jack seconded the motion and it carried, 3-0; 3/28/11 - Dave moved to approve them as corrected. Jack seconded the motion and it carried, 3-0.

## **HIGHWAY BUSINESS – RUSS LEITCH & MIKE FITCH**

### **REJUVTEC – PRESERVATIVE FOR ROADS**

Russ gave the Commissioners a brochure from REJUVTEC with information about a pavement preservative they have available to extend the life of the roads, (H.I.). He said someone from the company is going to come back and drive all of the roads and come back with some figures. Russ said they would probably be talking \$100,000.00 - \$120,000.00. He said he told them not to go to a lot of work.

### **EXPENSE OVER \$500.00 - CHARGE AIR COOLER ON VOLVO TRUCK**

Russ said they would be having an expense over \$500.00 for a charge air cooler on one of the Volvo trucks. He said diesels don't run without air, and it is the cooler on the front. Russ said it is \$1800.00 minimum for the cooler. Joy asked how many Volvo trucks we have. Russ said we have five total but they don't all need it. He said they have two trucks right now that don't have much power.

When asked, Russ said he just needs one at this time. Jack moved to approve the purchase of a charge air cooler. Dave seconded the motion and it carried, 3-0.

### **2010 OPERATIONAL REPORT CORRECTION**

Russ said there was a mistake on the operational report that he presented last week. He presented a corrected page to be put with the report, (H.I.).

### **TRAFFIC ACCIDENT DATA**

Mike said he met last Tuesday with the Sheriff and Region III-A. He said they have taken all of the traffic accident data off the States data base for Noble County and put it on a map that shows where the accidents were. Mike said Region III-A can go after different types of grants to improve hazardous locations. He said there was one section in '03 that had two fatalities but they couldn't identify any specific reason for either accident. Mike said they looked at the map and couldn't find any specific project that they could pursue. He said there could be area-wide projects, which might tie in with our sign project. Mike said Region III-A wanted to make Noble County aware that they have that information available to the county so if we do get citizens that are asking about accident locations they have a lot of statistics and data now.

Dave asked if it is on GIS, and what kind of grant they are talking about. Mike said they didn't go into any detail, but it could be signage or it could be something like road improvements or cutting a hill down or clearing trees. He said he didn't think they were talking about a large amount of money.

### **SIGN PROJECT**

Joy asked Mike if anyone from Schneider Corp. had been in contact with him about the Sign Project in recent weeks. Mike said he had been working with Jill Palmer (from Schneider) and she sent a couple of different tables with some questions about various signs. He said he had been working with Russ and the Highway Dept. staff. Mike said the blind (hidden) driveway signs are no longer in the manual. Mike said we can continue to use the signs. He said it is just that they are trying to update the whole system to current signage, and that will probably be brought to the Commissioners to get a decision on whether we want to continue using those signs. Mike said he told Jill he thought those were the property owner's signs and not county signs, because with the driveway permit if a hidden drive sign is put up the landowner has to pay for it. The Commissioners talked about other signs like child at play, blind child, deaf child, etc. that are in the county. Mike said those signs are not even in the manual. He said the way he understands it, if the property owner wants to put them up they can, but they have to put them up just off of our right-of-way. Mike said the reason those signs are no longer in the manual is because with national studies they have found out that they have no impact on drivers at all. Mike said once Jill gets the results they will bring all of the odds and ends issues to the Commissioners to resolve, and he thought that would be before the end of the month.

Joy asked if they were still looking at sometime this summer for the bid letting. Mike said he thought they were looking at July for the letting.

### **BRIDGE CALL - BRIDGE #70**

Mike said he had a call from Toby Steffen from Butler, Fairman & Seufert, and he advised Toby to go ahead and put together an application for Bridge #70. Joy asked Mike to work with Marc (Highway Dept. Bookkeeper) about funding.

### **BRIDGE #134**

Mike said everything is going smooth on the Bridge #134 project. He said INDOT should be returning the Stage 1 plan review and we should have a field check sometime this spring and have a meeting with the landowners. Mike said he thought he had about 90% of the permits done.

### **OLD ORDINANCES RE: HIGHWAY DEPT.**

Mike said he had been trying to find some of the old ordinances. He said the Highway Department has a big black book with all of the ordinances in it, but it was in the 1960's when the book was approved. He said they have copies of a few of the ordinances that were changed over the years but from reading some of the letters he knows we have had numerous changes in ordinances regarding permits, stop signs, yield signs, etc. Mike said we will have to have a new ordinance for all of the new signs (sign project) and we will have to repeal all of the old ordinances. He said Charisse (at Highway Dept.) said she knew there were some things that were developed and discussed, but to her knowledge they were never officially approved.

### **J & K COMMUNICATIONS – QUOTE RE: TOWER UPGRADE AND NEW RADIOS**

Present at this time in addition to those mentioned above were: Delbert Smith, Public; Dave Baum, IT; Sheriff Doug Harp; Mitch Fiandt, E-911 Director; Ted Hurley from J & K Communications, Inc; and Mick Newton, EMA Director.

Ted Hurley from J & K Communications came before the Commissioners to discuss updates to the Highway Department radio system, and he presented a quote and some information to go with it. He said narrow-banding is here. Ted said they did narrow-band the license, so the county is ok with that. Ted said he met with Russ and Mitch and found out the repeater needs to be replaced, which is the motor of the system, along with 18 mobiles. Ted said they are recommending going to digital in the future, and that will allow the county to do GPS to see where the trucks are, and it would add about 20% more into the coverage of the footprint. He said where it is real scratchy when they talk now, the digital would clear it up. Ted said they can migrate slowly, so when the Highway Department wants to go digital they could just flip the switch.

Ted said the tower at the Highway Department is a dangerous tower. He said they could move the equipment to the Sheriff's Department tower, and the only thing that wouldn't be in the quote would be the antenna and the coax. Dave asked what kind of cost the county would be looking at. Ted said maybe \$3,500.00 for the antenna, coax and labor. Jack asked Mitch if the tower at the Sheriff's Department would be capable of handling an antenna for the Highway Department. Mitch said it would be.

Ted said he would encourage the Commissioners to consider replacing the equipment fairly soon. He said the next phase would be interference. Ted said when they give out frequencies beside Russ' frequency he won't be able to talk on his radio. He said Kenwood would give a \$60.00 rebate on each mobile radio until April 15<sup>th</sup>, which would be a savings of about \$1,080.00 for the 18 radios. Ted said he would like to add Mick's radio in with the Highway Departments, because there has to be a minimum purchase of 5 radios to get the rebate.

Mitch said he told Russ that he would purchase the radio they need to connect the Sheriff's dispatch center with the Highway Department.

Jack asked how many hand held radios the Highway Department has now. Russ said they have three but they are only going to replace his.

Joy said then there would be a total of 19 radios needed. There was discussion about how much money would be needed and where it would come from.

Mitch said the Highway Department communicates with the Sheriff's Department a lot by radio when there are snow storms or severe thunderstorms. Jack asked if they communicate with Russ or if they communicate with the truck. Mitch said, "Both". He said usually when it is after hours, the on-call person calls Russ and once the crew goes out they communicate with the

Sheriff's Department and let them know when they are going out, when things are cleaned up, and when they get back.

Jack said during a snowstorm, the guys have their routes and they know what they are supposed to be doing and then the Sheriff's Department might call and want them to go somewhere else and override who is in charge of the Highway Department. Mitch said when they need a snowplow for an emergency or something, if it is during business hours they usually call and talk to Charisse or Russ or someone else.

Mitch said he did seek quotes from Ted's competitor but there were some things we need that they couldn't do. He said the competitor couldn't interlink the analog and the digital together, and they couldn't get the radios for as good of a price as Ted was able to. There was further discussion about where the money would come from to pay for this, and how it would be billed.

Ted said there is a repeater system at the South Complex that is narrow bandable and it would just have to be reprogrammed, so he advised them not to shut it down. He said Mick has the radios that he had sold to the Health Department three or four years ago that they weren't using. He said there wouldn't be any equipment needed.

There was discussion about the Noble County Surveyor wanting to get his radios compatible so he could communicate with the Highway Department and the Sheriff's Department.

Dave Baum talked about some things that should be switched from one tower to another. Ted said if they do that the same time as when they put the antenna up it would be cheaper because the equipment to do it would already be there.

Jack said we should let all of the offices that are going to be involved in all of this get their heads together and decide what they are going to do. Joy said what the Commissioners need to do today is to approve the purchase of the mobile radios so we can realize the savings.

Ted said he would like for the Commissioners to approve the whole quote that he provided, but he would only be billing for the mobile radios in the first phase. Ted said the total for all that had been quoted today would be \$28,062.29 with the addition of the other radio and the subtraction of the rebate money which would go to J & K instead of the county.

Joy asked what the date is that we have to be compliant. Ted said it is December 31, 2012. Mitch said he and the Sheriff set a date of April 1, 2012 for everyone to be narrow banded.

Dave Dolezal asked if the Health Department radios that aren't being used are compliant, and if the Surveyor could use one of them. Ted said they are compliant and the Surveyor could use one of them.

Joy said the Commissioners would need the final figures soon so they could ask the Council about getting the money.

Dave Dolezal moved to approve the J & K Communications, Inc. quote of \$28,062.29. Jack seconded the motion and it carried, 3-0.

Ted is going to get the Commissioners a final price for all of the extra things that were discussed.

### **SEX & VIOLENT OFFENDER REGISTRATION FEE ORDINANCE**

Sheriff Doug Harp was present. Proof of advertising of the above referenced ordinance was provided. Jack moved to approve the ordinance as advertised. Dave seconded the motion. Joy read the proposed ordinance aloud. The motion then carried, 3-0. (H.I.).

### **SHERIFF'S BUSINESS**

#### **PROBLEM WITH DISHWASHER IN KITCHEN**

Doug said they had a problem with some equipment in the kitchen related to the dishwasher and they were down for a couple of days, but they did get it fixed. He said what happens to the system is that it gets lime deposits on it which creates some issues. Doug said when Kevin (Smith, maintenance person) goes to clean it, he usually has to shut it down for a 24 hour period to clean it up and put it back in. He said when it is down they have to wash the dishes by hand. Doug said Kevin is recommending getting a new booster heater, so when it comes time for maintenance on it he can shut the one down and put the other one in, and clean the one he took out, so we aren't down for a long period of time. He said the quote Kevin had was for \$1559.00.

Joy asked Doug if they have money in their budget for that. Doug said they should have.

Jack moved to approve the purchase if the money is in place. Dave asked if they could use paper plates. Doug said they could, but there would be cups and other things to wash. He said his big concern is the sanitizing that is done with the dishwasher. Dave then seconded the motion and it carried, 3-0.

### **AIR HANDLER PROBLEM**

Doug said he wasn't aware when he started getting bids to fix the air handler system at the jail, that because of the cost being over \$75,000.00 it would have to be advertised for bids. He said Dennis Graft, County Attorney had advised him of that. There was discussion about the bid process. Dennis asked Doug to let him look at what they work up for the advertisement before it is sent to the papers.

### **PROBLEM WITH SECURITY ALARM SYSTEM AT COURTHOUSE**

Doug said apparently there is a problem with the alarm system here at the courthouse, and he isn't sure who is responsible financially. Joy asked what kind of issues there are. Doug said it isn't working properly. Joy said it has only been in for a few months. She told Doug he should talk to Rick Anderson. Doug said he is the one that hit him up this morning. Joy said the Sheriff's Department had always been in charge of it. Doug said he would talk to Rick.

Dave asked what kind of problems there were. Doug said it tripped and there was a door that was open and they were having problems re-setting it. He said he was told that Bob (?) was supposed to get with him, and he didn't know if the Commissioners had additional information.

### **RECESSED AND RECONVENED**

The Commissioners recessed their meeting at approximately 10:57 A.M. and reconvened at approximately 11:01 A.M.

### **LAWN CARE QUOTE REVISIONS – MERONEY'S LANDSCAPING & STUMP'S LAWN CARE**

The Commissioners received the revised lawn care quotes referenced above, (H.I.). Meroney's had been missing a quote for mulch and Stump's had been missing the weed control.

The total for Meroney's revised quote was \$12,650.00 and the total for Stump's was \$11,205.00.

### **BUILDING ORDINANCE REVISION**

The Commissioners received copies of the proposed new building ordinance that had revisions made to it as was requested by County Attorney Dennis Graft, (H.I.). They also received copies of Building Ordinance #1986-4 and #1998-10 as requested for comparison, as well as Ordinance #1997-11 and #2010-1 which is the fee schedule, (H.I.). Joy noted a couple of corrections that need to be made to the ordinance.

Further discussion and approval of the ordinance was tabled until the Building Inspector could be present.

### **BUILDING INSPECTIONS FOR LIGONIER**

The Commissioners briefly discussed an e-mail they had received regarding the possibility of Noble County's Building Inspector doing inspections for the Town of Ligonier during Ligonier's absence of a Building Inspector.

### **RESOLUTION TO CONDUCT A COMMISSIONERS SALE TO SELL TAX SALE CERTIFICATES FOR PROPERTIES THAT ARE SEVERELY DELINQUENT IN PAYMENT OF PROPERTY TAXES**

Auditor Jacqueline Knafel presented a list of properties she would like for the Commissioners to take a lien on and get a tax sale certificate so the certificates could be sold at a

Commissioner Tax Certificate sale, (H.I.). She said she would like to see the liens released on the Sinkovics properties and the Harris properties. Jackie said the liens for Sinkovics are penalties because they didn't hook into the sewer, so the sewer district has not really rendered a service to them. She said they would never sell at the full amounts listed. Jackie said she had the liens removed from the Harris property too, leaving just the taxes and the ditch assessment.

Jackie said everything on the list is road rights-of-way, a portion of a road at Skinner Lake, abandoned railroad, etc. The Commissioners reviewed the list and discussed some of the properties.

Jackie said SRI, the company that we have an agreement with to do the sale, would notify surrounding land owners and do what is needed for the sale. Jackie said she would like to see the minimums at least include the taxes that are due and the ditch assessments that are due. She said that would be removing all penalties, tax sale liens, and that type of thing. Jackie said most of them had been on the tax sale for several years and we aren't getting a dime out of them now.

Joy said what the Commissioners need to talk about is if any of the properties are something that the county would want to take ownership of.

#### **COUNCIL ON AGING – CLAIM VOUCHER RE: TRANSIT OPERATING EXPENSES FOR 1<sup>ST</sup> QUARTER OF 2011**

Joyce Hogge from the Council on aging came before the Commissioners to get their approval on a claim voucher for transit operating expenses, (H.I.).

#### **INDOT - OPEN HOUSE RE: DRAFT 2012-2015 STATE TRANSPORTATION IMPROVEMENT PLAN**

The Commissioners received an invitation to the above referenced open house, (H.I.).

#### **IDEM – ASHLEY INDUSTRIAL MOLDING, INC.**

The Commissioners received notice that Ashley Industrial Molding, Inc. in Kendallville had applied for a permit, and that the public could make comments, (H.I.).

#### **IDEM – CROMWELL DUCK FARM, LLC – PAPERWORK RE: CONCENTRATED ANIMAL FEEDING OPERATIONS**

The Commissioners received notice that IDEM had received information from the Cromwell Duck Farm and that IDEM considers that they had submitted sufficient paperwork to obtain coverage under the NPDES CAFO rule for 5 years, (H.I.).

#### **MEDIACOM – RATE CHANGES**

The Commissioners received notice of some rate changes being implemented by Mediacom, (H.I.).

#### **VISION INSURANCE RENEWAL WITH VSP**

The Commissioners received a "Client Authorization to Accept Offer for Coverage" form for their approval, which has to do with vision insurance that is paid for by the employees, (H.I.). It shows that there will be a 14% decrease in the current rates beginning July 1, 2011 which is guaranteed through June 30, 2013.

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

#### **LAWN MOWING QUOTES CONTINUED - STUMP'S LAWN CARE SELECTED**

The Commissioners asked County Attorney Dennis Graft if they would need a conflict of interest affidavit from Stump's Lawn Care since Justin Stump, who owns Stump's Lawn Care is an employee of the county, and he had the lowest quote. Dennis said Justin would need to sign a conflict of interest affidavit.

Jack moved to accept the quote of Stump's Lawn Care as the lowest quote for lawn care. Dave seconded the motion and it carried, 3-0. Marion will inform Mr. Stump that he will need to fill out the form.

**RESOLUTION TO CONDUCT A COMMISSIONERS SALE TO SELL TAX SALE CERTIFICATES FOR PROPERTIES THAT ARE SEVERELY DELINQUENT IN PAYMENT OF PROPERTY TAXES - DISCUSSION CONTINUED**

With Dennis being present now, the Commissioner discussed with him the process by which the county could take the properties on the list that Auditor Jackie Knafel had presented and that had been discussed earlier in the meeting. Joy said some of the properties had been on the tax sale since 1991. She said they are slivers of land, abandoned railways, etc. Joy asked if the properties could be vacated that didn't get sold and then given to the adjoining landowners. Dennis said we could vacate them, and then they would go half and half (to the landowners on each side). Joy said we aren't collecting any money on them anyway. There was further discussion about the properties on the list.

Sheri Auld, Deputy Auditor who deals with the tax sale was present at this time, and she answered some of the questions the Commissioners had.

Dennis suggested that the properties be offered for tax sale, and if any of them don't sell the Commissioners could decide what to do with them then.

Joy read the resolution aloud. Jack moved to approve the resolution and to have the liens set aside. Dave seconded the motion and it carried, 3-0.

After further discussion with Sheri regarding the liens, Dennis said we couldn't have the liens set aside because they are not our liens.

Dave moved to rescind the motion he made previously. Jack seconded the motion and it carried, 3-0.

Dave moved to approve Resolution #2011-02. Jack seconded the motion and it carried, 3-0. The resolution includes the original list of properties, (H.I.).

**HAPNER, MICHAEL J. – TORT CLAIM**

The Commissioners received notice of a tort claim filed by Michael J. Hapner who alleges that he was refused the right to see the doctor at the Noble County Jail, (H.I.). The notice was received April 4, 2011 from the Sheriff and has been sent to the insurance company.

**LANDFILL – SHERRY LABORATORIES – TEST RESULTS FOR WELL MONITORING AT LANDFILL & INVOICES FOR MONITORING**

The Commissioners received four reports from Sherry Laboratories for weekly and monthly gas well monitoring at the Noble County Landfill, (H.I.).

The Commissioners also received invoices for the above referenced monitoring, (H.I.).

**ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 12:21 P.M. recessed from day to day until the 11<sup>th</sup> day of April 2011.

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Joy Y. LeCount, President

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Jack W. Herendeen, Vice President

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David J. Dolezal, Member

ATTESTED: \_\_\_\_\_  
Jacqueline L. Knafel, Auditor