

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD APRIL 23, 2012**

Comes now the hour of 8:36 A.M. on the 23rd day of April, 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
David J. (Dave) Dolezal, Vice President
Jack W. Herendeen, Member

Also present were:

Marion S. Cavanaugh, Deputy Auditor
Dennis Graft, County Attorney
and Bob Braley & Scott Perry, News Media

**4-H FAIR BOARD - REQUEST TO USE
CHAIN O'LAKES CAMP CREW FOR ONE DAY**

Joy said she had been contacted by a fair board member with regard to the use of the work crew for one day. She said we have done that before. Jack asked if they wanted the crew before the fair or after the fair. Joy said probably this week yet if it is possible. Dave moved to approve the request. Jack seconded the motion and it carried, 3-0.

**HEALTH DEPARTMENT - IMMUNIZATION
AWARENESS PROGRAM**

Joy said she had been notified that the Immunization Awareness Program that Cheryl Munson, Health Department Nurse had talked to the Commissioners about would be held at Westview Junior/Senior High School on April 30, 2012 at 6:00 P.M. She said there will be door prizes and a dinner. Joy said the speaker for the event is a survivor of meningitis who has lost all four of his extremities. She said there will be a representative from the New York Times in the area doing an article on the Amish, and they might also attend the event.

CSX RAILROAD - BRIDGE #134 PROJECT DISCUSSION

Joy said she and Dave as well as Mike Fitch, Highway Engineer went to a meeting with INDOT regarding Bridge #134. She said there was a really good discussion on some options the county might have. There was discussion about the three options. Joy said one option was to expand the project and if that happens to figure out how it is going to be paid for. Dave said we would ask CSX for a million dollars. Joy said another option, since the bridges all belong to CSX and we consider them a safety hazard, is to ask them to remove them and make them "at grade" crossings with lights and gates. She said there are a couple of other options depending on

how the state and federal highway administration will allow the money that is already pledged to this project to be reallocated. There was discussion about the railroad wanting room to expand to three tracks in the future if needed. Joy said the Commissioners would like to know how the railroad would plan to address the other bridges and viaducts along the route should that happen, and who would be responsible.

Jack asked how we could have a project in the works for two years, and then all of a sudden the railroad wants to put in a third rail. Dave said the additional cost would be more than twice what we have already spent to date. He said Mike said acquiring property and relocating people (to get the extra right-of-way) would be why we would ask the railroad for an extra million dollars.

MINUTES APPROVED - MEETING @ HIGHWAY DEPARTMENT ON MARCH 28, 2012 & APRIL 16, 2012 EXECUTIVE SESSION

After reviewing the minutes of the March 28, 2012 meeting that was held at the Highway Department, Jack moved to approve them. Dave seconded the motion and it carried, 3-0. The Commissioners then reviewed the minutes of the April 16, 2012 executive session. Dave moved to approve them. Jack seconded the motion and it carried, 3-0.

PUBLIC DEFENDER INSURANCE

Jim Abbs, Chief Public Defender was present, and he and the Commissioners discussed insurance coverage for the Public Defenders. Jack asked Jim what he had found out about it. Jim said there is a basic county coverage, so they had some coverage, but not totally what they needed. He said he had talked to Jarrod Ramer (insurance agent) and he suggested that they look at the coverage of #2 on the first page of \$1,000,000.00 (Under Coverage A. Lawyers Professional Liability Coverage), (H.I.). Jim said the things on the second page that deal with disciplinary proceedings, he would take care of out of the Public Defender's supplemental funds.

Jim said they thought they had this all cleared up in 2003, and there are minutes showing that the county had complete coverage on everything. He said he doesn't know when the gap happened.

Jim said there has been a general coverage, and we just needed to get it more specified. Dennis said there was coverage for negligent acts.

Dave moved to adopt the liability insurance (coverage #2) for the Public Defenders based on the document. Jack seconded the motion and it carried, 3-0.

Jim said he would continue on with coordinating the insurance at this point and in the coming years, if that is agreeable with the Commissioners. Joy said the Commissioners don't want a gap in the coverage.

DAVE BAUM, IT – SOUTH COMPLEX WIRING UPDATE

Dave said he would like to hire someone part-time to come in and work with his staff this summer to update technology wiring at the South Complex. He presented an estimated list of materials and labor that would be needed, (H.I.). Dave estimated the total of the project to be about \$12,000.00. He said he has \$5,000.00 in his budget which could be used for this

project. Dave said he would need the Council to approve a part-time position and \$7500.00 for that person. Dave said that is for approximately 500 hours at \$15.00 an hour. He said he thought he could get all of the money out of his funds by re- adjusting them.

Joy said the Commissioners would submit a letter to the Council showing their approval. Auditor Jackie Knafel prepared a letter from the Commissioners to the Council, (H.I.).

EAST NOBLE SCHOOL CORPORATION – ROGER DIEHM APPOINTED TO COMMON CONSTRUCTION WAGE HEARING

Joy said she contacted Roger Diehm and he is willing to serve on the committee for the common construction wage hearing for East Noble School Corporation. Jack moved to appoint Roger to the board. Dave seconded the motion and it carried, 3-0.

INDIANA STATEWIDE 911 BOARD

Auditor Jackie Knafel talked about the paperwork she had prepared to send to the state for the above referenced board that will be established, (H.I.). Joy said it is her understanding that once this is transferred to the State they are guaranteeing that we will receive no less than the average of the last three years. Jackie said she thought they also guaranteed this year's budget.

Jackie said her big concern is that they might have to move six dispatchers over to the General Fund.

Jack moved to approve the letter to the Indiana Statewide 911 Board for Joy's signature. Dave seconded the motion and it carried, 3-0.

ENERGY SAVINGS PROJECT BOND

Jackie said she looked at our courthouse fund to see if there is enough money in there to pay off our bond we took out for the energy savings project. She said that is because we took the courthouse wiring out of there which was \$200,000.00. Jackie said she might go to the Council to see if we could pay that off when our next payment is due in July. She said that would give us a chance to re-build the fund.

PLAN COMMISSION – IRRIGATION COMPONENTS & CEMENT SLABS WITHIN COUNTY ROAD RIGHT-OF-WAY

The Commissioners received correspondence from Steve Kirkpatrick, Plan Commission Director about the irrigation components that are within the County's road right-of-way. Joy said she thought all of them had been taken care of but one.

Steve indicated that he didn't notify the cities and towns about the situation as he said he would, because he had re-thought it and didn't think the letter should come from him. The Commissioners discussed sending a letter to the cities and towns about this issue.

CONNER & COMPANY- HISTORIC WINDOW RESTORATION

The Commissioners received information from Conner & Company regarding their expertise in historic window restoration, (H.I.). Joy said we don't have historical windows in the courthouse any more.

STAR TEAM – MEETING RE: PLACING DOWNTOWN HISTORIC DISTRICT ON NATIONAL REGISTER OF HISTORIC PLACES

The Commissioners received a letter from the S.T.A.R. Team about a meeting that will be held April 30, 2012 at 6:00 P.M. to discuss the above referenced possibility, (H.I.). The letter indicates that the listing would make the district eligible for additional grants and may allow building owners to take advantage of historic preservation tax credits for rehabilitation work.

Joy said she had asked why they didn't include the Presbyterian Church, which she thought was the oldest church in Albion, and why they didn't take it out to Oak Street. She said she didn't know if the map would be altered or not.

KARR TUCKPOINTING - CONTRACT

Dennis reviewed the contract from Karr Tuckpointing for work on the courthouse exterior. There was discussion about paint color selections that need to be made, and where in the county they sell Sherman Williams Grade A paint.

Dennis said the only thing that he saw with the contract is that it says payment should be made within 10 days of the invoice date. Joy said we would have to let them know that we only pay claims twice a month and it could be more than ten days.

HIGHWAY BUSINESS – MIKE FITCH & MARK GOODRICH

LPA CLAIM VOUCHER RE: SIGN REPLACEMENT PROJECT

Mark presented the above referenced voucher, (H.I.). Mike said he understood that they were going to do 1/4 or 1/3 of the signs and then they would request approval of the signs. He said the payment and the inspection approval are two separate issues. Mike said we will wait until we get to where they ask for the approval of the signs and then we will give our complaints to the contractor.

Joy said according to Jill Palmer from Schneider Corp., apparently after the project was submitted for approval by INDOT, they did not approve the total amount. She said there was a complaint about the signs appearing to be closer to the edge of the road than they were previously.

Mark said they are being replaced according to where the existing signs were. He said he stopped and checked on that, and the head of Michiana Contracting said he would start moving them back if the inspector doesn't have a problem with it. Mark said according to the information that they have, they are to be in line with the current signs, and if you stop and look you can usually see a hole in front of or behind where they pulled the old sign out.

Joy said she was under the impression that we had to go out and do all of the locations, because if the signs weren't in the right location according to ASHTO's standards they would have to be moved.

Dave asked if the signs are the same size. Mark said they are bigger. Joy said that makes them look closer to the road. She said many of them are considerably higher too.

Mike said his understanding was that they had to be placed off the roadway and to the height according to ASHTO standards. Joy said there are requirements for the intersections too. She asked if we were meeting all of those previously. Mark said we weren't. Mike said they were supposed to bring those signs to our attention when they came upon one that wasn't the correct distance from the intersection. He said some of these issues keep creeping up. Mike said Schneider's Engineer should be helping with all of these issues, and he would discuss this with them again.

Joy said she asked for a report from their inspector. Mark said he was told the inspector was up here pretty regularly the first two weeks, but now he is just here one or two days a week and a lot of times he doesn't even get out of his truck.

There was discussion about the size of the posts that are being used and whether all posts are being replaced.

Joy said she thought we were the only sign project in the state of this magnitude, and she thought we should communicate our knowledge of what we know about the posts to INDOT so future projects across the state would make better use of the funds they have available. She said there is no use putting a heavier sign on posts that won't hold the signs we already have.

Mark said he hoped with the signs being 7' high that the snow coming off the side plows won't cause as many of the posts to bend.

Mike said he was told the posts are the same that INDOT uses. Mark said the State uses 2 ¼ inch posts and what is being put up are 2 inch posts.

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

CALCIUM APPLICATION

Mark reported that they would start putting calcium on the gravel roads this week.

TRUCK UPDATE

Mark said truck #42 is back on the road. He said the rear end and the drive shaft on truck #14 have been repaired, and the transmission is being checked due to shifting problems.

Mark said the air compressor is bad on Truck #7 and the cost to replace it will be \$956.00. Jack moved to approve the repairs. Dave seconded the motion and it carried, 3-0.

CSX CROSSING AT 700 E IS OPEN

Mark reported that the CSX Railroad crossing at 700 E is now open.

BABY MOUNTAIN ROADS

Mark said the sweeper is down for radiator repairs. He said he sent the camp crew and Ron up to the Baby Mountain area where the concrete was, and they swept the bigger chunks of stuff off of there.

CR 500 S – POT HOLES

Joy said some of the pot holes on CR 500 S have been repaired and some of them haven't. Mark said he would get someone down there.

CR 150 – IRRIGATION SYSTEM

Jack asked Mark to check the irrigation system at Hosted's on CR 150. Mark said the concrete is off the road far enough.

Mike said in Allen County the transportation plan had proposed right-of-way widths for all roads. Mark talked about the places he had checked and the one he has to mark yet, so they can move the cement slab to get it off of the road right-of way.

There was discussion about the fact that some of the irrigation systems would be spraying water on the roads. Scott Perry said he went through a place last week that was bad enough that it had cars stopped. He said it was worse than going through a car wash. It was agreed that there must be something wrong with the system.

DITCHING & BERMING

Jack expressed his concern about areas where the berm has been cut off pretty short. Mark said he had driven some of the roads and he had talked to the men about doing that. He said he will stay on them. Mark said he told them they need to leave some shoulder on there and taper it. Jack said he thought there would probably be enough there that if they went back they could feather out of the ditch and bring it up there. Mark said he would see what could be done to get a shoulder on it.

NEW TRUCK - DEMO TRUCK

Joy asked if the specs for a truck had been drawn up yet. Mark said he hadn't got that done yet and that he hopes to get it done this week.

Jack asked what the guys thought about the demo truck they got to drive last week. Mark said they all liked it. He said it is an automatic and some of them don't like that, but the automatics are better than they used to be. Jack asked if the electrical system is as complicated in it. Mark said it is not as complicated. Mark said there are three different segments on it as far as repairs. He said there are no wires to the control to mess with. Mark said they claim it is a lot simpler to isolate a problem. He said it is easier to get to things to replace them when needed. Mark said the diagnostic procedure is a lot better. He said in the event of an electric failure they can over-ride it and run it manually.

There was discussion that the thing the guys don't like about automatics is that when it comes to plowing snow and sanding, it is harder to control the RPM's and get the material where they want it.

APPLICATION FOR RAILROAD SAFETY FUNDS

Mike said he was putting together the application for the road safety funds. He said it is for the pavement markings for all of the railroad crossings.

GIS MAPPING

Mike said he has been working with Steve Hook, GIS Director, trying to get the road evaluation information on GIS to help with some of our presentations and to let the public see what the condition of the road is.

CR 150 & BRIDGE #134 – FEDERAL AID PROJECTS

Mike said they have applications out there for additional funds on federal projects. He said they aren't looking for new projects. Mike said he would follow up on CR 150 to see what will be done with it.

Mike said we might need an application for Bridge #134. Mike said he thought INDOT was very open to looking at some different options and doing some research to see what is possible. He said he thought it would be important to know what the railroad's plan is as far as the location of the third track and the timing of the construction. Mike said he found it hard to believe that the railroad would put another track all across the county.

Jack asked why that wasn't brought up when this project was started two years ago. Mike said the way it was explained to him was that the railroad had recognized that at some point in the future they would have to add a third track because of the resurgence of track usage in the last five years. He said because of the way the economy is and because of the price of gas, the railroads are booming.

Mike said possibly we should look at the remaining CSX bridges and try to negotiate something with the railroad. Mike said he doesn't see a lot of federal money being available for railroad bridges in the future. He said possibly they should be looking at at-grade crossings. There was further discussion about at-grade crossings and railroad bridges.

SPEED LIMIT ORDINANCE – LIMA ROAD (OLD SR 3) BETWEEN E 350 N & E 415 N (W. LISBON RD.)

After having proof of proper advertising Joy read the proposed ordinance aloud. She asked if there was anyone present from the public to speak on this issue. Hearing nothing, Dave moved to adopt the ordinance. Jack seconded the motion and it carried, 3-0.

KNAPP LAKE SEWER INSTALLATION

Joy said she had been at the meeting regarding the installation of a sewer at Knapp Lake. She said she had talked to Mark Jesse, the engineer from GAI to see if there would be money in the project for restoration of the roads. Joy said Mark felt like most of the work won't be on the roadways, but there would be places where connections may have to go across the road, and he said there is money there. Joy said she told Mark the county would like to coordinate any work they might be doing in that area with the sewer project. She said Mark said he didn't think the construction would be until 2014. Joy told Mark Goodrich and Mike that they might want to check with Mark Jesse so they could get that included in their long range plans.

CRIME VICTIMS' WEEK PROCLAMATION

Present for this portion of the meeting were: Steve Clouse, Prosecutor; Suzie Pippenger; & Terri Skinner.

Steve said National Crime Victims' Rights Week is this week, and he was here to ask for it to be declared Noble County Crime Victims' Rights Week. Steve introduced Suzie and Teri and explained what they do. He said there about 700 or so victims a year that they provide assistance to in one form or another. Steve said the slogan this year is "Extending the Vision,

Reaching Every Victim". He said they had prepared a proclamation for the Commissioners review and acceptance, (H.I.).

Joy said she wanted to commend Suzie and Terri on the hard work they do and the compassion they show for those they serve.

Jack asked if the numbers were up from last year. Steve said total criminal filings were down in 2011 for some reason. He said victim related crimes stayed about the same at around 700.

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

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:43 A.M. and reconvened at approximately 10:54 A.M.

PTABOA BOARD APPOINTMENT - JOHN BENDER

Joy said there has been a vacancy on the PTABOA Board and Kim (Gephart, Assessor) had found someone who is willing to serve.

Kim said for several years they have been trying to fill the five-member board. She said we have had four members and she had been searching and she advertised it in the paper. Kim said she also had a list of people from the Clerk's Office. She said the Clerk had been helping her try to find someone that would be qualified to serve. Kim said John Bender is a Democrat and lives in the Avilla area, and he said he was willing and able to serve on the Noble County PTABOA Board. She said John signed a letter today, and she asked that the Commissioners appoint him to the board, (H.I.).

Dave moved to approve John Bender as the appointment to the PTABOA Board. Jack seconded the motion and it carried, 3-0.

NOBLE COUNTY VISITOR'S & CONVENTION BUREAU BOARD - APPOINTMENT OF TRACEY DUNCAN

Joy said we have had a vacancy on the board and she received communication from John Bry this week that Tracey Duncan is interested in serving on that board.

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

NOBLE COUNTY COUNCIL ON AGING – 5311 OPERATING GRANT QUARTERLY REPORT AND INVOICE VOUCHER

Gregg Parker from the Council on Aging presented the above referenced quarterly report and invoice voucher, (H.I.). Gregg said other than gasoline, most of the expenses have stayed in line. He said the rides are staying about the same.

Joy said the Council on Aging has faced some cost cuts, and they did that by reducing some hours and other things. Greg said there weren't many benefits, but they have done away

with all of the benefits, and they all took a 2% pay decrease. He said they reduced the hours of some of the staff. Joy said they also made some changes regarding those that are required to pay a fee and that will be implemented June 1st.

After further discussion Dave moved to approve for Joy to sign the invoice. Jack seconded the motion and it carried, 3-0.

Joy said the Council on Aging Board had made some difficult decisions and they are to be commended on the work they have done.

KARR TUCKPOINTING CONTRACT CONTINUED

The Commissioners reviewed the colors available for the bird-proof chimney cap. They agreed on aged copper. There were no other color choices made. Joy made phone calls to try to find a local establishment that sells Sherman Williams paint.

JOB CLASSIFICATIONS

There was a brief discussion about the job classifications that are being worked on by a committee. Dave said he had received an e-mail about job classifications, but he thought they had been blown off and they weren't going to do them.

WEIGHTS & MEASURES REPORT – 3/16/12 – 4/15/12

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

PERSONAL PROPERTY AT CROMWELL EMS FACILITY & EMS CONTRACT

Joy said Jackie had inquired of Tom Shoemaker, EMS Director as to what kind of personal property there is in the Cromwell EMS Station, which we don't believe is listed on our liability insurance.

Jackie Knafel, Auditor was present at this time. Joy asked her if we have the EMS' in the EMS buildings insured. Jackie said she didn't know.

Joy said we need to get Jarrod Ramer, the insurance agent to come to a Commissioners meeting and she suggested May 7th as a date to have him come in to answer questions.

Jackie said Tom had sent her a copy of the EMS Contract which she had never seen before. There was discussion about the contract renewing annually in April unless there is written notice at least 180 days prior to the renewal date that it will be terminated.

MINUTES APPROVED – 11/ 7/05 & 11/14/05

Dave moved to give Jack permission to sign the minutes of the November 7 and November 14, 2005 minutes which he had reviewed and found to be correct to the best of his recollection. Joy seconded the motion and it carried, 3-0.

EMS CONTRACT CONTINUED

Joy said she didn't think we have had a report in writing or in person in the last year. Dennis said he hadn't seen one. Joy said she didn't know if the hospital is considering their annual request for funds to be that report or not. She said she thought it should be coming soon, because the contract year is now over. Joy said she thought we should have it at least by the end of May.

WOOD-LAND-LAKES AGENDA

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

**NORRIS TILE/LAUNER WATERSHED SYSTEM -
DAMAGE REPORT, RECONSTRUCTION REPORT,
& NOTICE OF PUBLIC HEARING**

The Commissioners received a report of a need for reconstruction in the Norris Tile/Launer Watershed System because the drain has become inadequate due to an increased flow of drainage resulting from a change in land use by one or more owners of land affected by the drain, (H.I.). Scott outlined two options for reconstruction in each report. There was also a notice of a public hearing regarding the reconstruction on Monday, May 21, 2012, (H.I.).

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 11:44 A.M. recessed from day to day until the 26th day of April 2012.

Joy Y. LeCount, President

David J. Dolezal, Vice President

Jack W. Herendeen, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor