

**MINUTES OF A REGULAR SESSION OF THE  
BOARD OF COMMISSIONERS HELD NOVEMBER 4, 2013**

Comes now the hour of 9:27 A.M. on the 4<sup>th</sup> day of November, 2013, 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:

Gary Leatherman, President  
David J. (Dave) Dolezal, Vice President  
Chad Kline, Member

Also present were:

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

**WELLS FARGO INSURANCE – RENEWAL  
APPLICATION FOR STOP-LOSS & ADDENDUM  
FOR PRO-CLAIM & SIGNATURE CARE**

Shelly Hanson, from Wells Fargo Insurance came before the Commissioners to get Gary's signature on the renewal application for the stop-loss insurance coverage, (H.I.). She said we renewed with a \$60,000.00 specific per individual, \$30,000.00 aggregating paid contract. Shelly said there is an addendum for Pro-Claim and Signature Care fees, (H.I.). She said Pro-Claim increased their administrative fee this year and Signature Care increased their fee. The renewal and the additional fees had been previously approved.

**HIGHWAY BUSINESS – MIKE FITCH, ENGINEER  
AND MARK GOODRICH, SUPERINTENDANT  
PROPOSED PROJECT LIST**

Mike presented a copy of a proposed project list for the rest of 2013 and part of 2014, (H.I.).

**1000 E MITIGATION SITE - TREES**

Dave asked if they are going to plant trees on the 1000 E mitigation site this month. Mike said they were. There was discussion as to whether the trees should be planted now or in the spring. Mike said he thought if the trees don't live they have to replace them at their cost.

**ANNUAL BIDS**

Present for this portion of the meeting were: Dave Rassel, Asphalt Materials; Matt Winger, Pierceton Trucking/Great Lake Chloride; Mark Sullivan, Irving Materials; Dean DeVoe, North Central Co-Op; and Kevin Lemler, Irving Materials Inc.

Mark reported that he received a couple of bids from Dean DeVoe (North Central Co-Op) on Friday after the 4:00 deadline because Dean had been called to Bluffton on a family emergency. He said we have bought fuel off of them for three or four years and they have done a nice job for us. When asked if the bids could be accepted, Dennis said the Commissioners reserved the right to reject any bids and waive any formalities. He said it is something that can be done if the Commissioners wish to do it. After further discussion Dave moved to accept the bids. Chad seconded the motion and it carried, 3-0. (It was the only fuel bid).

There was some discussion with Dean DeVoe regarding the difference between the contract bid and the cash price bid, and also the idea that they have been saying in the news that gas prices were going to be going down.

Bids were received from the following, with portions or all of the prices being read for each bidder:

<b>ITEM #2014-01 – UNLEADED FUEL</b>	North Central Co-Op - Wabash
<b>ITEM #2014-02 – DIESEL FUEL</b>	North Central Co-Op - Wabash
<b>ITEM #2104-03 – BITUMINOUS MIX</b>	Pulver & Sons Asphalt Materials - Albion Brooks 1 <sup>st</sup> Construction - Auburn API Construction Corp. - LaOtto Niblock Excavating - Columbia City Phend & Brown - Leesburg
<b>ITEM #2014-04 – CALCIUM CHLORIDE</b>	Great Lakes Chloride - Warsaw
<b>ITEM #2014-05 – LIQUID BITUMINOUS</b>	Pierceton Trucking - Warsaw Asphalt Materials - Warsaw
<b>ITEM #2014-06 – AGGREGATE GRAVEL</b>	Jasper Construction - Albion Bailey Aggregates - Yoder CBK Enterprises - Fort Wayne Keystone Aggregate - Albion Columbia City Mill Serv. - Columbia City Butler Mill - Butler Jack Owen Excavating - Albion Pulver & Sons - Albion Hixson Sand & Gravel - Garrett Klink Trucking - Ashley Stone Street Quarries - Garrett Eshelman Sand & Gravel - Kendallville Niblock Excavating - Kimmell Irving Sand - Auburn
<b>ITEM #2014-07 – AGGREGATE LIMESTONE</b>	Jasper Construction & Trucking - Albion CBK Enterprises - Fort Wayne Bailey Aggregates - Yoder Klink Trucking - Ashley Hixson Sand & Gravel - Garrett Irving Sand & Gravel - Fort Wayne Irving Materials - Huntington
<b>ITEM #2014-08 – PUG MILL EQUIPMENT</b>	Klink Trucking - Ashley Pulver & Sons - Albion

**ITEM #2014-01 – UNLEADED FUEL** - After some discussion with Dean DeVoe from North Central Co-Op, Chad moved to allow Mark (Goodrich, Highway Superintendent) to keep an eye on the fuel prices and make a decision on locking in the price when he feels it is necessary. Dave seconded the motion and it carried, 3-0.

**ITEM #2014-09 – EQUIPMENT RENTAL** Jasper Construction & Trucking - Albion

Bailey Aggregates - Yoder  
CBK Enterprises - Fort Wayne  
Irving Sand & Gravel - Fort Wayne  
R.L. McCoy - Columbia City  
Forker Excavating - Albion  
Jack Owen Excavating - Albion  
Kendallville Iron & Metal - Kendallville  
Caskey Excavating & Trucking - Wolf Lake  
Brooks Construction - Fort Wayne  
API Construction - LaOtto  
Griffiths Excavating - Garrett  
Pulver & Sons - Albion

#### **UTILITY PERMIT**

Mark presented Permit #UP-055-13 from Northern Indiana Public Services Company for work on CR 850 N between SR 9 and CR 175 E, (H.I.).

#### **FINAL INVOICE - SIGN REPLACEMENT PROJECT**

Mark presented the above referenced invoice for Schneider Corporation for the Sign Replacement Project, (H.I.). Per Dennis, no motion was needed. Gary signed the claim form.

#### **FRONTIER BILL RE: DAMAGED PHONE BOX**

Mark said they received another bill from Frontier, but it isn't nearly as bad as he thought it was going to be, (H.I.). He said it is for a (phone) box that was damaged on Albion Road. Mark said the cost was \$319.55. Dave asked if we would be opening a can of worms to pay that. Dennis said we would be. He said they know they are in our right-of-way and they could take the steps to make it visible. Mark said they told him if they are on the edge of the right-of-way they would mark them or give us something to mark them with. He said they are making no effort whatsoever. Mark said when the Highway Department employees worked on 150 E last summer, they lost a day of production waiting for them to come out. He said it doesn't seem fair that they basically want us to watch over their equipment which is in our right-of-way.

Chad moved not to pay the claim to Frontier for the damaged box that was within our right-of-way. Dave seconded the motion and it carried, 3-0. Mark said most of the utility companies work well with us. He said if we hit one of their boxes they fix it and if they damage something of ours we take care of it, unless the damages are extreme.

#### **UTILITY PERMITS**

There was a brief discussion about the current utility permit application that is being used. Mark said when he became Superintendent they sent a form letter to all of the utilities telling them that if they are planning on doing an installation after their permit is signed, they are supposed to notify us so we can have an inspector check in. He said the guidelines in the permit are pretty clear. Mark said the only one that contacts us at all is NIPSCO.

### **LANDFILL DEED NOTATIONS**

There was a brief discussion about where we could get the information for the additional landfill deed notations that are needed per the e-mail received from Jamie Miller from IDEM, (H.I.).

### **CLAIMS APPROVED – REGULAR & SUPPLEMENTAL**

After reviewing the claims to be paid today's date as well as the Supplemental Claims, Dave moved to approve them, (H.I.). Chad seconded the motion and it carried, 3-0.

### **IDEM – COLWELL, INC. IN KENDALLVILLE - PERMIT APPROVAL**

The Commissioners received notice from IDEM that they had approved the renewal of the Air Quality Permit for Colwell, Inc. in Kendallville, (H.I.).

### **IDEM – PRECISION TANK & EQUIPMENT IN LIGONIER - PERMIT APPROVAL**

IDEM notified the Commissioners that they had approved the renewal of the Air Quality Permit for Precision Tank & Equipment in Ligonier, (H.I.).

### **IDEM – STATISTICAL EVALUATION REPORT RE: APRIL 2013 SAMPLING AT LANDFILL**

The Commissioners received a letter from IDEM indicating the following: that the county should continue with their current detection and assessment monitoring program; asking for leachate pumping totals and requesting that future leachate pumping totals be included in semiannual ground water monitoring reports; recommending the county watch for leachate seeps or ponding near the leachate extraction well monthly and after heavy rain falls; and asking that submittal reports be submitted to them within 60 days after the sampling event, (H.I.).

### **SHERIFF'S REPORT OF COLLECTIONS FOR OCTOBER 2013**

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

### **COURTHOUSE SECURITY REPORT FOR OCTOBER**

The Courthouse Security Report was submitted, showing that there were 6,340 people that went through security, thirteen that were taken into custody, and there was one jury trial.

### **PHIL JACOB – REQUEST FOR EXTENSION OF TIME TO USE VACATION DAYS**

Phil Jacob, Head of Maintenance asked for an extension of 30 days to use his remaining 6 days of vacation which should have been used by November 1<sup>st</sup>. Dave moved to approve the request. Chad seconded the motion and it carried, 3-0. (The custodial employee under Phil retired about a month ago leaving him shorthanded).

### **JOB OPENING FOR PART TIME JANITOR FOR THE HIGHWAY & SHERIFF'S DEPARTMENTS & COURT SERVICES**

Jackie presented a job opening listing she had put together for a part time janitor and she asked that the Commissioners look it over to see if it is ok (none for file). She said she received information from Court Services and they said it would probably take about 3 ½ hours to clean that. Jackie said the Highway Department said it would probably take 5 hours and it should probably be cleaned twice through the week and on the weekend. She said it takes about 3 ½ to 4 hours to clean at the Sheriff's Department but she didn't know how many times a week they clean. Chad said they clean it twice a week. Doug said if it is twice a week they will go over the 15 hours. Jackie said she figured between 13 - 15 hours is what it is going to take. The Commissioners scheduled an executive session for November 20<sup>th</sup> to do interviews.

### **HANDBOOK APPROVAL**

Jackie said the handbook was ready. She said she wanted to verify that since it has been adopted as of today there are some employees that have anniversary dates on Friday and that would be when their new vacation schedule would start. It was agreed that was correct.

Jackie said she had a request about the sick time where it says in one spot that employees can use their sick time for immediate family, and it says that the person would be living in the employee's home. She asked if "living in your home" could be removed. Gary said he thought if we took that out it would open the door for possible abuse. Chad said he thought that is what personal days and vacation days are for. Dave asked if the employees could take unpaid time for it. Jackie said they could. It was decided to keep it as it is. Jackie said after the Council signs it, she will work on getting the handbooks put together and out to the employees. There was discussion about sending them electronically to the employees. Chad said he would like to have it put on line for easier accessibility.

### **ASSESSOR – USE OF ASSESSOR'S COUNTY CAR FOR PART-TIME EMPLOYEES ON VETERAN'S DAY**

Kim Miller, Assessor asked if it would be ok for her part time people that will be working Monday, which is a Veteran's Day holiday for regular employees, to take the county car out on Monday. She said there are just certain days that they can work together because they are part time. Chad asked Kim if she was talking about the Assessor's vehicle or the extra vehicle. Kim said it would be the Noble County Assessor's car because that helps them to have a marked car. The Commissioners agreed they could use it.

Jackie said she wanted to verify that since it is a legal holiday that we don't have to pay them - Chad said they are part-time and don't get paid holiday pay. Kim said they won't go over their regular hours or anything. Dennis said they wouldn't get time and a half or double time for the holiday.

### **FINES FOR MISSING PTABOA MEETING**

Chad said he would like to talk about the fine for missing a PTABOA meeting. He said when talking with Dennis, they think the procedure needs to change. Dennis said the one Chad was talking to him about is really ambiguous. He said it said if you wish to appeal send something in and if you don't wish to appeal send something in. Chad said if they don't send anything in they automatically get an appeal and if they don't show up for the appeal they are

supposed to pay \$50.00. Dennis said they didn't do anything affirmative as far as requesting an appeal, and it should be that they should have to fill something out if they are going to appeal it. Kim said the State said you do not have to. She said they just had a Northeast District meeting last week and she brought that up. Kim said she asked what she was supposed to do if they don't pay and she was told to take them to Small Claims Court. She said she is not going to waste time going to Small Claims Court. Chad said the problem is that you are saying there are two forms, one of which they need to sign, and if they don't sign either then it is an automatic appeal, and if they don't show up it is a \$50.00 fine, but if you don't send in either and don't show up to the appeal, it (assessed value) is what she said it was going to be anyways. Kim said there is one letter that goes out that they tell them what they come up with, and that letter states you have to sign it whether you agree or disagree. She said then you get a form 14 that tells you all of the directions of your hearing, and if you don't show up you get a \$50.00 fine. Chad said if they don't sign either one it still goes to the assessed value that you determined anyhow. Kim said it does not. Chad said the one he talked to her about he looked up and it showed the change took place. Kim said she would have to look at it because it shouldn't have. She said the only way it is supposed to change is if they are in the middle of fixing them and they roll to the Auditor and they didn't get the letter back, they have to fix it to what they came up with to come up with a value and that stays in there until they get the letter back. Kim said once they go to the board and they don't show up, they put the values back and that is what they will be based on. Dennis said you still have that person that has to appear, and what if they aren't objecting to anything. Chad said then they have to sign the form. Chad said the other thing is that in the instance that was talked about they never received any paperwork. He said it seems to him that if they didn't send anything back and there is going to be a hearing date set, that they should receive Certified Mail for that hearing if we are going to be charging them for not showing up. Kim asked Chad if he was saying they want everything certified that goes to PTABOA. Dennis said if they are going to try to impose \$50.00 if they don't show up, yes. He said the other way would be if they don't show up then this figure will be used, and they waive the right to question the figure or something. Dennis said he has a problem with saying if someone doesn't show up and they are not fighting it that they have to pay \$50.00. Kim said the 114 tells them. Dennis said that is assuming that they got the 114. Kim said it would come back if they didn't. Chad and Dennis said not necessarily. Dennis said if it is sent to the address we have and someone else is living there they might just throw it away. There was discussion that it could also get lost in the mail. Chad and Dennis agreed that it should go certified if we are going to impose a fine. Kim said only if they don't respond. Chad said that was correct. Kim said they have had a few that said they are not appealing, but according to the State if they send a letter with a name, an address, the parcel number and a question, it is an appeal. Kim asked if the Commissioners agree that she doesn't have to go to Small Claims. Chad agreed. He said the only thing that would impose that fine would be if they own property. Jackie asked why we couldn't just put it on the taxes as an assessment. Kim said the law says we can't do that. It was noted that the option to go to Small Claims Court would always be there.

## **ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 11:41 A.M. recessed from day to day until the 12<sup>th</sup> day of November, 2013 on a motion made by Chad, seconded by Dave which carried, 3-0.

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Gary Leatherman, President

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David J. Dolezal, Vice President

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Chad Kline, Member

ATTESTED: 

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Jacqueline L. Knafel, Auditor