

**MINUTES OF A SPECIAL SESSION OF THE  
BOARD OF COMMISSIONERS HELD DECEMBER 23, 2013**

Comes now the hour of 8:36 A.M. on the 23<sup>rd</sup> day of December, 2013, 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:

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

Also present were:

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

**PAYROLL TO BE PAID 12/26/13 APPROVED**

After reviewing the payroll from 11/20/12 – 12/12/13 Dave moved to approve it. Chad seconded the motion and it carried, 3-0.

**IDEM – ALAN & SUE HOCHSTETLER – WITHDRAWAL  
OF APPROVED CONFINED FEEDING OPERATION**

The Commissioners received notice from IDEM of the above referenced withdrawal, due to the fact that the facility is no longer operating as a confined feeding operation, (H.I.).

**WEIGHTS & MEASURES REPORT – 11/15/13 – 12/15/13**

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

**CLERKS REPORT – NOVEMBER 2013**

The Clerk's Office submitted the above referenced report, (H.I.).

**STEVEN D. CLOUSE, PROSECUTOR –  
PUBLIC OFFICIAL BOND**

Chad moved to approve the public official bond that was received for Steven Clouse, Prosecutor. Dave seconded the motion and it carried, 3-0.

**MINUTES APPROVED**

After reviewing the minutes of the *December 2, 2013* meeting, Dave moved to approve them as presented. Chad seconded the motion and it carried, 3-0.

## **REMOVAL OF OLD BOOKS & DOCUMENTS**

Shelley Mawhorter, Clerk reported that the college students are on the fourth floor and are beginning to move the old books and documents that are no longer needed to the Annex, where they will take things apart so all that is left when the shredding people come is paper.

## **SNOW REMOVAL QUOTE - DICK COATS HOME, LAWN, GARDEN & SNOW REMOVAL**

Phil Jacob, Head of Maintenance presented a quote from Dick Coats Inc. for snow removal at the Prosecutor's Office for \$60.00 per plowing; at the South Annex (Complex) for \$90.00 per plowing; at Weber Road Annex for \$30.00 per plowing; and at the Public Defender's Office in the amount of \$30.00 per plowing, (H.I.). Chad moved to approve the quote. Dave seconded the motion and it carried, 3-0.

## **JANITORIAL SUPPLIES FOR COURT SERVICES**

Phil said he talked to Stacie Beam, Head of Probation and she told him that Court Services has their own budget for toilet tissue, paper towels, and soap and soap dispensers. He asked if we should continue to let them get the supplies from their company or if he should change it to what we use here. Phil said he furnishes the other supplies. The Commissioners agreed that if Court Services has their own budget for supplies that they could continue to purchase the supplies they have been purchasing.

## **ORDINANCE CODIFICATION**

Chad said he had a conference call with a company called Municode that does the ordinance stuff. He said they will submit two different quotes, one to take all of the ordinances that we currently have and break them down by year, and the second one would be to do a full legal analysis and review of the ordinances to determine which ones they think may still be valid and those that may not be. They would then be put on the internet.

## **HIGHWAY BUSINESS – MIKE FITCH, HIGHWAY ENGINEER MARC FISHER, BOOKKEEPER AND ZACHARY SMITH, PART TIME HIGHWAY ENGINEER UTILITY PERMIT**

Marc presented Permit #UP-056-13 from Noble REMC for work on CR 750 N between CR 450 W and US Hwy 6 in Elkhart Township, (H.I.).

## **2014 DIESEL AND GASOLINE PRICES LOCKED IN WITH NORTH CENTRAL COOPERATIVE**

Marc presented paperwork to lock in the prices for diesel fuel and gasoline for 2014 which Mark Goodrich, Superintendent had discussed last week, (H.I.). Dave moved to approve to contract to lock in diesel fuel at \$3.192 a gallon and gasoline at \$2.81 per gallon. Chad said the prices do not include taxes. He seconded the motion and it carried, 3-0.

## **DAMAGED GUARD RAIL ON ROAD BACK TO WALDRON LAKE**

There was discussion about damage to a guardrail. Zack said he talked to John this morning and looked through some photos and his proposed repairs. He said he is going to go out and look at it this afternoon. Zack said he thought we should be able to fix it in-house. He said it looked like it was clipped by a trailer and no one knows who did it. Marc said we are going to

replace a guardrail on 1000 E that we got insurance for, and hopefully they can use some scrap pieces to fix it. He said normally if we know who did it we turn it into their insurance. Marc said he thought the costs would be fairly minimal.

### **CONSTRUCTION STANDARDS**

Zack said he is planning on finalizing the construction standards the first week in January. He said he did receive the CAD files and the Word files, so he will be able to edit things in-house if anything comes up. Zack said once the standards are finalized he will put them on the website. Mike said Zack and Nathan will need to agree on them. There was discussion about holding a public hearing, and about putting the standards on-line prior to the hearing so people can review them.

### **CR 150 – LPA FUNDS**

Zack reported that he would be going down to INDOT's Fort Wayne District to present on CR 150 for LPA funds.

### **POLICY/PROCEDURE FOR DRIVEWAYS**

Zack said he will be working on a policy/procedure for drives based on the talks we had about a week ago.

### **CR 1000 E – LISBON ROAD INTERSECTION – RECOMMENDED SIGN PLACEMENT**

Mike presented a drawing of where he would recommend placing signs regarding the CR 1000 E/Lisbon Road intersection becoming a 2 way stop instead of a 4 way stop, (H.I.). He recommended adding intersection crossing signs on 1000 E. Mike said there had been discussion about putting flashers on some of the signs. He said the signs he would suggest adding would include Cross Traffic Does Not Stop, Crossroad signs and Stop Ahead signs. Chad said Scott Derby the engineer from Kendallville made a recommendation to place a sign near the intersections that stated the date the changes would take place. There was discussion about putting an advisory 35 MPH sign under the "Cross Traffic Does Not Stop" sign. Mike said they were planning on removing the stop signs on January 31<sup>st</sup>. Dave asked if Friday is a good day to make a switch. Chad said his only concern would be that when people were going to work the signs would be there on their way to work and then be gone on their way home. Zack said we could put the signs up and leave them covered and then uncover them when they feel it is a good time. There was discussion about putting flashing lights on top of the signs to help alert people of the changes and about having a deputy sit there for a while when the signs are first pulled.

### **MIKE FITCH - CONTRACT TERMINATION**

Mike said he would like to clarify his contract. He said the Commissioners could leave it open or they could close it. Mike said he would prefer that they terminate the contract and then for any additional services - He said he just doesn't want to leave the contract open. Mike said there are a lot of things that Zach might have questions on, and he will come up a couple of times and go through things with him and not charge for it. He said if the Commissioners have a project or something they want him to tackle he would be glad to do it on a project by project basis and give the Commissioners a fee for it and we wouldn't need the existing contract. Gary said the Commissioner appreciate Mike being willing to step up and help Zack. Marc said there is money available if we need Mike to do some consulting.

Chad moved to terminate the contract with Mike Fitch in 30 days. Dave seconded the motion and it carried,

Marc said Mark Goodrich wanted him to go on record to say that they appreciate the work that Mike has done for them and that he had cleaned up a lot of stuff from when we didn't have an engineer. Zach said he has also made for a very good transition by putting notes together in files for several different projects. Mike said it has been a very good thing for him as far as keeping him from getting too bored in his semi-retirement. He said the Highway Department Staff and the Commissioners have all been very good to work with. Mike said hopefully the funding for the counties will get better and better. Dave said he has had the pleasure of working with Mike for the last three years and he appreciates all of the initiatives he has taken on, especially the huge project of evaluating all of our roads. He said when Joy and Jack were here they appreciated him too. Chad agreed with Dave and he thanked Mike too.

### **RECESSED AND RECONVENED**

The Commissioners recessed their meeting at approximately 9:28 A.M. and reconvened at approximately 10:11 A.M.

### **HAZARDOUS MATERIALS EMERGENCY RESPONSE PLAN**

Mick Newton, EMA Director came before the Commissioners to get their approval and signatures for the above referenced plan, (H.I.). He said every year they have to review and update the local emergency plan that deals with hazardous material, which they did. Mick said they got a note from the State last week and apparently he needs a new signature page signed by the Commissioners, which they had never had to do in the past. He said they are supposed to have information on factories, day cares, etc. There was discussion about how important it is to get all of the information timely. Mick said they have a Cameo program they are trying to get all of the information on so emergency responders can pull it up and see the layout of the building, see if there are hazardous materials in the building, etc. He said the hazardous materials listings they get are always a year behind.

Dave asked how the Sheriff's Department would know what people to call in, in the initial call. Chad said the CAD system allows for hazardous materials and location alerts to be placed on addresses. He said the problem is you have to know what address to put them under. Chad said if Mick can't get that information, Dispatch wouldn't get the information either. He said probably 95% of the fire departments have done a pre-plan on every commercial building in this county.

After further discussion Chad moved to approve the signature for the LEPC Hazardous Materials Emergency Response Plan Order of Promulgation. Dave seconded the motion and it carried, 3-0.

### **FRONTIER NORTH, INC. – MAINTENANCE AGREEMENT FOR SOLACOM EQUIPMENT**

Mitch Fiandt, E-911 Director, came before the Commissioners to get their approval on the Maintenance Agreement for the Solacom equipment at the Sheriff's Department, (H.I.). He said it has been in for a year now. He said this covers more than what we have ever paid for in the past. Mitch said someone monitors the system 24/7 and we have to pay a little additional for that. He said all of the equipment that comes with the system is covered, where before if a

monitor went bad we had to pay for it, and for some other hardware too. Mitch said if there would be some kind of catastrophic event happen in Noble County and the Sheriff's Department and Kendallville were taken off the air, by the time he could get personnel to the 6<sup>th</sup> floor of the Fort Wayne/Allen County building our 911 lines and our radios would all be transferred there and our people could go in and sit down and work like they were here. He said that is part of the additional cost. Mitch said April 1<sup>st</sup> we will be switching totally to Frontier. Dave asked who monitors this 24/7. Mitch said it is Indigital in Fort Wayne. He said they have a maintenance contract with Frontier. Chad said when there is an issue they usually fix it within minutes instead of hours. Mitch said the system has been in for 14 months now and they have never had a complete outage on it. Chad said it costs a little bit more but the service is ten times better.

Chad moved to approve the maintenance agreement with Frontier North, Inc. for one year of maintenance on the Solacom 911 System for \$16,909.29. Dave seconded the motion and it carried, 3-0.

### **WECARE SAVINGS**

Jackie reported that we saved \$337,969.83 this year with WeCare, most of it being in pharmacy distribution. She said there are savings computed on the number of office visits, what it would have cost to go retail, and what it cost us there. Dave asked what our percentage of utilization is. Jackie said she thought it was about 80% and it has increased every year.

### **BUSINESS PERSONAL PROPERTY - DISCUSSION ABOUT LEGISLATION DOING AWAY WITH IT**

Jackie said she didn't know how the Commissioners feel about it, but there is talk about doing away with Business Personal Property. Chad said they talked to our legislators about it last week. He said they got an ear full. Jackie said she took the 13 pay 14 Business Personal Property net AV times an average of the tax rates from last year, and she got about \$5,000,000.00 throughout the county. She said last week she was working on a real breakdown, and for Noble County the General Fund if they did away with Business Personal Property (based on last year's tax rates) the General Fund would suffer \$922,000.00. When asked, Jackie said that would be about 10%. Jackie said overall of all of the county funds that would lose money, it would be about a 1.1 million dollar loss. She said someone has to make up those dollars. Jackie said the way she looks at it, business' can pass those costs on to someone where the county can't. Chad said that is ultimately what they expressed to them last week during the Mayor's and Commissioners caucus. Chad said he brought up that he had talked to a small business owner and he said they tacked on more taxes somewhere else so it is actually costing him more than it would have if they had left the original tax in place. There was further discussion about how the county could make up for the lost tax amounts.

### **HOOSIER START - DEFERRED COMP PLAN**

Jackie said she and Mary met with Todd Williams last week concerning Hoosier Start about a deferred comp plan that they have to offer. She said we currently have NACO, which is a national association. Jackie said she would send the Commissioners some information on Hoosier Start to look at, because she thought it was a better way to go. She said their charges are lower and their performance seems to be better than what NACO was when we looked at theirs. Gary asked if the people with NACO would be able to transfer their balance. Jackie said they would but they would have had to be with NACO for more than five years to do that. Dave

asked if there would be a fee to move from NACO. Jackie said only if they haven't been with them for five years. Chad asked if the employees could stay in NACO if they chose to. Jackie said they could.

**ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 10:45 A.M. recessed from day to day until the 6<sup>th</sup> day of January, 2014.

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Gary Leatherman, President

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David J. Dolezal, Vice President

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Chad Kline, Member

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