

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD FEBRUARY 24, 2014**

Comes now the hour of 8:32 A.M. on the 24th day of February, 2014, 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:

Jacqueline L. Knafel, Auditor
Marion S. Cavanaugh, Deputy Auditor
Dennis Graft, County Attorney
and Joy LeCount & Bob Braley, News Media

**PROCLAMATIONS DECLARING & CANCELING
LOCAL DISASTER EMERGENCY – 2/18/14**

The Commissioners signed the above referenced proclamations which had been approved by phone, (H.I.).

CLAIMS TO BE PAID TODAY'S DATE APPROVED

After reviewing the claims to be paid today's date Dave moved to approve them. Chad seconded the motion and it carried, 3-0.

KONE ELEVATORS – MAINTENANCE CONTRACT

The Commissioners received notice from Kone that they will be adjusting the price of the annual maintenance contract by an additional 3.35% beginning February 1, 2014, (H.I.).

**REGION 3A – CONPREHENSIVE ECONOMIC
DEVELOPMENT STRATEGY (CEDs) UPDATE**

Dave Schaefer from Region 3A sent an update draft for the Noble County 2014 CEDs, with a request for the Commissioners to review it for any additions or changes needed, (H.I.). This was turned over to Zack Smith, Highway Engineer.

TREASURER'S REPORT – JANUARY 2014

The County Treasurer's Monthly Report for January 2014 was submitted, (H.I.).

**DNR - ALBION COURTHOUSE SQUARE ENTERED
IN THE NATIONAL REGISTER OF HISTORIC PLACES**

The Commissioners received notice from the DNR that the Albion Courthouse Square bounded by Highland, Oak and Hazel Streets and the alley east of Orange Street was entered in the National Register of Historic Places on December 31, 2013, (H.I.).

PUBLIC HEARING RE: RIDDLE TILE RECONSTRUCTION

The Surveyor's Office sent notice of the above referenced public hearing to be held March 10, 2014 at 3:30 P.M. in the Commissioners Room, (H.I.).

**IDEM – ASHLEY INDUSTRIAL MOLDING, INC.
IN KENDALLVILLE - PERMIT APPLICATION**

IDEM notified the Commissioners that the Office of Air Quality, Permits Branch, has received an application from Ashley Industrial Molding, Inc, (H.I.).

**CERTIFICATE OF INSURANCE – MICHAEL
& MELISSA MERONEY**

Erie Insurance sent the Commissioners a Certificate of Insurance for Michael J. and Melissa J. Meroney, (H.I.).

**IDEM – NOBLE COUNTY LANDFILL
STATISTICAL EVALUATION REPORT**

The Commissioners received notice from IDEM that they had received a Statistical Evaluation Report dated December 27, 2013 for the Noble County Landfill, (H.I.). The letter indicated that the county remains in compliance with regards to the current monitoring well system; a lock should be placed on well N-15; and that they agree that the modifications to the pond and the pumping to prevent leachate from migrating off-site appear to have a positive effect on the ground water quality in the vicinity of N-2AR.

**HIGHWAY BUSINESS – ZACK SMITH & MARK GOODRICH
PURCHASE OF 2 COOLING RADIATORS**

Mark requested permission to get 2 cooling radiators re-cored for the Volvo grader at a cost of \$3,351.20. He said the cost for new ones would be \$4,844.18. Mark said both radiators have small leaks, and the grader is down right now because of hydraulic problems which they are getting tested. He said the radiators have been leaking for a while and since they have them out, now would be a good time to replace them. Dave moved to approve the request. Chad seconded the motion and it carried, 3-0.

CONTRACTORS USED TO MOVE SNOW

Mark said three of the four contractors that we used to push back snow because of the drifting used pick-up trucks during the process to help control traffic rather than using signs. He said they had plows on the trucks and they did help clean up. Mark said two of the three sent bills for the use of the trucks and they had never said anything ahead of time about charging us for it. He said he talked to both of them and told them that the charge had not been discussed up front. Mark said they already processed the bills for just the loaders. He said he told the contractors that it would be up to the Commissioners whether to pay for the use of the pick-up trucks or not. Mark said the total cost for the two that are charging is \$8,195.00 in addition to

what we've already paid out. Chad said they are charging for something that we didn't agree to. Mark said usually when we do work that we have to charge for to make repairs on something that someone has done, we use the FEMA rate and their rate for pick-up's is \$35.00 an hour. Chad said when he went down 1000 E near Strater Road they were both sitting at the bottom of the hill, so they really weren't there for safety purposes because when you came over the hill you met them both. Dave recommended not paying them because we didn't agree to pay for that. He said they should have told us up front and we could have offered them road signs. Mark said we offered them "Road Closed" signs up front. He said Jasper Construction had a pick-up out and they just donated the time because they hadn't asked to use it. Dave said they should negotiate that in advance the next time. Chad and Gary agreed that since we didn't authorize it we shouldn't pay for them. Chad said if we were going to pay it and FEMA only reimburses \$35.00 per hour for a pick-up truck that is all we should pay.

ACCIDENT

Mark reported that there was an employee involved in an accident on Monday the 17th, and he gave the location. He said the driver didn't see a car coming from the west and he pulled into the intersection into her path. Mark said the lady was having pain in her legs and was transported to the hospital. He said she lost her job because she had just started working at a trailer factory and was unable to work because of the accident. Mark said the driver has been with the county for 17 years and had been involved in two previous accidents, which Mark gave the details on and the second one was not his fault. He said he is a very good truck driver and he goes out and does his job well. Mark said he talked to Zack about it and they recommend that they just record the accident and not take any disciplinary action. Dave recommended that he should at least get some re-training on safe driving and how to clear intersections, and the training should be documented. He said intersection accidents are very serious and are the most costly and preventable. Chad said anyone involved in an "at fault" accident should have a written reprimand in their file. He said he would think the employees would understand. Chad said he is not saying they should have days off for this, but they should at least have something in their file. Dennis said there definitely should be a record. Zack said he thought this is something that should eventually be a policy so it is not up for discussion every time. Chad said also it would be nice for the Commissioners to have a "heads up" when there is a personal injury accident. Mark said "Okay". Dave said the follow up training is important because of our liability if it happens again. There was discussion about training that IPEP provides. Chad said he didn't know if they have anything for the Highway. Mark said they have had safety training through IPEP, but never anything as far as the driving part. Zack said they would look into some training and draft a policy for the Commissioners for feedback. Mark asked if he should go back and do a written reprimand for the person that had a similar accident previously this winter. The Commissioners said he should. There was further discussion about training on intersection safety. Zack said LTAP might have some kind of training available. Gary said the Commissioners are not saying the employees are bad drivers, considering the amount of driving that is done in 17 years.

Jackie said she thought the accident policy should be a part of the handbook because there are a lot of county employees who drive county vehicles. Mark said there is something in the handbook, but he wasn't sure how to apply it. Chad said the Highway Department should have their own policy because of the magnitude of the driving.

BRIDGE #70 RIGHT-OF-WAY PURCHASES

Zack presented estimates for the property offers for right-of-way for the Bridge #70 project, (H.I.). He said according to the size of the lots, typically there is a minimum price of \$500.00, and he is ok with that if the Commissioners are. Zack also presented copies of the warranty deeds and the right-of-way access, (H.I.). Chad asked if there has been discussion with the landowners. Zack said he wanted to get approval before he talked to them. Dennis asked who did the surveys. Zack said Mike did the descriptions but they are going to have Randy (Noble County Surveyor) check over them.

BRIDGE INSPECTION CONTRACT

Zack presented an LPA Consultant Selection Rating Sheet that INDOT uses for scoring for consultant selection for their projects, (H.I.). He said he would probably draft up something for grading and have the Commissioners review it and make adjustments. Zack said it will be a four year contract with a two year inspection cycle, and on bridges of 4 or less on a 9 point scale, that will be a yearly cycle. Gary asked Zack if he would check references for some of the unknown companies that might submit a proposal to see how the quality of their work was. Zack said previous projects completed by the companies would be listed and he could check with them to see if they were satisfied. Dave asked if Zack would be the scorer. Zack said he would do the scoring but the Commissioners would need to sign off on it.

BRIDGE DECK REPLACEMENT

Zack said he met with Engineering Resources last week to look at their preliminary plans. He said the only action item that they have at this time is that they will probably put together right-of-way access forms so we can get in there and actually have the work done. Dennis asked how much access we would need. Zack said a 60' right-of-way normally covers everything.

NOBLE COUNTY HIGHWAY STANDARDS

Zack said he is working with the Plan Commission to revise the county standards. He said hopefully they will have something finalized within the next month or two.

CEDIT FUND REQUEST - TRUCKS

Zack presented a sheet showing the bid prices for the trucks to be purchased, (H.I.). He said it would be for the purchase of two one tons; one half ton; two plows; and a distributor with the add-ons. There was discussion about how to get the best prices for the trucks and plows that will be replaced. Chad said it would make sense to him to put them out on Craig's List for sealed bids to see if we could get more than we can for trade-ins. There was discussion about listing the trucks and plows as a unit. Chad said we don't have to accept any of the bids if they are lower than the trade-in amounts. Gary agreed it would be good to take bids on Craig's List. Chad said to include the language that any and all bids could be rejected. He told Zack the bids could go through him and didn't need to come to the Commissioners. Gary said we could list the trucks and plows as a unit or separately.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximate 9:38 A.M. and reconvened at approximately 10:00 A.M.

2014-2015 CEDIT PLAN - FIRST AMENDMENT

Jackie said she sent the Commissioners a copy of the CEDIT Plan amendment that had been discussed, (H.I.). Chad moved to approve the amendment to add Project 12 for highway

vehicles for \$195,000.00 and to add Project 13 for a building space study for \$125,000.00, both only for the first year of the plan. Dave seconded the motion and it carried, 3-0.

REZONING

Present for this portion of the meeting were Nathan Miller, Plan Commission Director and Danell Mynhier. Nathan said that the Mynhier's bought the property off of the Hopewell Church. He said during the creation of the zoning maps in 2012 it was automatically tagged institutional. Nathan said institutional doesn't allow for any sort of residence, and since it isn't owned by the Church and is a primary residence, the Mynhier's thought it would be best to rezone it to Rural Estate. He said the Plan Commission recommended approval of the rezoning. After a brief discussion Dave moved to approve the rezoning for Trent and Danell Mynhier on 7377 E Hopewell Road from IS to RE. Chad seconded the motion and it carried, 3-0.

PAT VOORS RE-APPOINTED TO NOBLE COUNTY LIBRARY BOARD

The Commissioners received a request from the Noble County Library Board to either re-appoint Pat Voors or appoint someone of their choosing, (H.I.). Chad moved to re-appoint Pat Voors. Dave seconded the motion and it carried, 3-0.

CLERK'S REPORT – JANUARY 2014

The above referenced report was submitted for the Commissioners review, (H.I.).

KENDALLVILLE POLICE DEPARTMENT/ NOBLE COUNTY PROBATION DEPARTMENT - AGREEMENT FOR USE OF FIRING RANGE AND FOR TRAINING

The Commissioners received the above referenced agreement for their approval. Dennis said it is the same as last year's agreement with the exception of the effective date, and it doesn't say how many people will be taking the training, which we should know before the agreement is signed. This was tabled until next week to get the number of people taking the training.

EMC INSURANCE CO. – RONALD AND JEANELLE STUCKMAN LAW SUIT

The Commissioners received notice from EMC Insurance that the Stuckman matter has been concluded and that they have made payments of \$10,549.32, and the county owes \$5,000.00 for the deductible, (H.I.).

REVIEW OF FUNDS LEDGER

The Commissioners received the review of the funds ledger which shows that the Auditor's Office and the Treasurer's Office have balanced. Jackie answered the questions the Commissioners had, (H.I.). Dave moved to approve the funds ledger for October, November and December of 2013 and for January of 2014. Chad seconded the motion and it carried, 3-0.

MINUTES APPROVED

After reviewing the minutes before them the following actions were taken: *February 2, 2014* - Dave moved to approve. Chad seconded the motion and it carried, 3-0; *February 10, 2014* - Chad moved to approve. Dave seconded the motion and it carried 3-0; and *February 13, 2014* - Dave moved to approve. Chad seconded the motion and it carried, 3-0.

SHERIFF DOUG HARP – CARPET & TILE REPLACEMENT AT SHERIFF'S DEPT.

Doug said he has been getting quotes for the carpet. He said he thought it was the original carpet and it is getting really bad. Doug said about a week and a half or two weeks ago the tile in the front lobby started coming up all over the place. He said he thought it was from the salt and water getting tracked in this winter. Doug said he has one quote for tile and he has another one that is supposed to come in today. Dave asked if there is a water leak. Doug said there isn't, but the tile is popping up like crazy. Gary asked if the tile could be re-grouted and put back down. Doug said you would be talking about the whole lobby. He said probably 50% of the tile have popped or are ready to pop, and it seems like it has happened almost overnight. Doug said they are using different cleaning equipment, but there are no problems anywhere else. Chad asked Doug how he planned to pay for this. Doug said that is why he is here. Gary said he would prefer to table this until we get the other quotes.

CLAIM FOR WEAPON COVERS - SHERIFF'S DEPT.

There was discussion about the claim for weapons covers that was presented this morning. Doug explained that the covers were purchased for weapons that are carried in the trunks of the vehicles, and they are supposed to prevent rust from getting on the weapons.

EASY WATER - TREATMENT FOR WATER AT JAIL

Dean Freije, Chief Sales Officer for Easy Water Freije Treatment Systems came before the Commissioners to inform them of what he has to offer to help with the scale buildup in water pipes at the Sheriff's Department. He said their headquarters is in Hancock County in Indiana. Dean said they develop innovative water treatment equipment and have been in business since '86. Dean said they use a green type of technology with no salt or chemicals. He said there no-salt conditioner uses physical water treatment that out performs a water softener by physically changing the water and the minerals in the water. He said there is no salt or filters that have to be changed out. Dean said the system is becoming extremely popular in Indiana in counties and jails. He said they do the systems nationally. Dean said Motel 6 uses their no-salt conditioners in their motels nationwide, and he gave some examples of other companies that use them. When asked by Dave, Dean explained how their system works. He said they are treating 12 county buildings in the state, and they treat county buildings, Frito Lays and Motel 6 all over the state. Dean said their product will cause the scale build up to slowly be removed from pipes and boiler tubes and it will prevent new scale build up, guaranteed. Dave asked if it removes odor from the water. Dean said the city puts chlorine in the water and that smell would still be there. He said the minerals are still the same, but the system keeps the minerals from having the ability to stick. Dean said according to Kevin (maintenance person at jail) they are putting in about 12 bags of salt a week. He said they are going through mixing valves; pump impellers; and the booster heater for the dish machine is being replaced fairly consistently. Dean said the

county is probably spending at least \$3,500.00 a year in salt. He said Wabash County is putting their system in tomorrow and he just met with Huntington County and they are most likely putting a system in their jail, and he is going to LaGrange County when he leaves here. Dean said everyone wants to use the EASYWATER system to soften their water, and it is to prevent scaling and not to make the water softer for the inmates. Dean listed the counties they are currently treating. He said most of the counties are having them also treat the courthouses and annexes. Dean said there is a 6 month money back guarantee on the systems if for any reason you aren't satisfied, and there is a five year warranty on the product. Dave asked about the electronic frequencies and he asked what happens to all of the scale that is dislodged. Dean said the electronic frequencies are based on pipe size and flow, so they sized the systems when he surveyed the facility. He said the scale is slowly dissolved and it just goes down the drain. Dean said occasionally a piece of scale could not go down the drain but it is easy to get the pieces of scale out. There was discussion about where most of the scaling problems occur. Dave asked if there is a comparison in the quality of the water after this process. Dean said it is still hard water and you can't measure the difference. He said if you want to see the results of their treatment you could unscrew a mixing valve the day they install the system and check the amount of scale that is there, and then check it three months later to see how much scale had dissolved.

Gary asked Sheriff Doug Harp if he had talked to Kevin about this. Doug said Kevin told him that he hadn't done a lot of research into what kind of success there was at this point. He said he didn't think there were any Sheriff's Departments that were relatively close that have had it up and running for any period of time. Doug said he thought they should do a little research and talk to other people that have it in place to see what kind of record it has. Doug said the other thing Kevin is a little concerned with is that if we clean up the pipes if it is going to cause more leaks because of the scaling being gone. Dean said that is probably the most common question that is asked. He said it is very rare to have that happen and he explained why. Dean said it is great to do research and talk to other companies.

Dave said he would like to take this under advisement and check out an existing facility. Dean said he would be going back to Johnson County on Wednesday to check the scaling and Kevin would be welcome to go and see that. He said almost every time the system is installed they open up a heater or mixing valve and take a picture to make sure it is working. Dean said he could send the pictures to Kevin when they go there on Wednesday or he would be happy to have Kevin along to see that the heater is being cleaned out. He said it has been 3 - 3 ½ month since they installed the system. Gary asked if the size of the unit has to do with the amount of water going through the system. Dean said it has to do with the pipe size, hardness and how scale prone the heaters are. He said the owner is an engineer and he invented the systems. Gary asked Dean to send the photos from Johnson County to Kevin if he doesn't go down there. He also said he would also like a cost analysis of what it is costing us now and what it will cost us with this system.

NOVATEK – PROPOSAL FOR 5-YEAR GENERATOR SERVICE

Jackie said Phil (Head of Maintenance) said he would like to have a company come and check the generator annually, after having the power go out and having problems getting off the

generator and back on to the electricity last week when the lights came back on. Phil was present at this time to discuss the proposal he had received from NOVATEK in the amount of \$5,447.05 for the five years, or \$544.71 for each inspection (10), (H.I.). Phil said the generator had been checked in the past and he had told them to come back and do a maintenance check on it and they never did it. He said the problem we had when the power went off, was that when the power came back on, there was a problem in the transfer case part. Gary asked if they will come back and check the transfer switch. Phil said they would do a complete check of everything when they come back. Gary asked if it could be done without disrupting the operation of the courthouse. Phil said it could be. He said the problem that day when they came to switch it back over was that we were out of power for 2 or 2 ½ hours until they could get it switched. Phil said he really thought a maintenance program would be worth it. He said the generator runs every Friday, but it doesn't transfer over to generator power, but when he comes back they are going to put it on a timer to do that. Dave asked where the money would come from. Jackie said there is \$20,000.00 in the Cum Courthouse fund. Chad moved to approve the contract with NOVATEK in the amount of \$544.71 for each maintenance visit, which would be twice a year for a five year contract. Dave seconded the motion and it carried, 3-0.

SHERIFF DOUG HARP – OFFICIAL BOND

Chad moved to approve the surety bond through Western Surety Company for \$30,000.00 for Sheriff Doug Harp. Dave seconded the motion and it carried, 3-0.

GENERAL PRESERVATION CORPORATION - EXTERIOR PRESERVATION

The Commissioners received information on the services General Preservation Corporation has available, (H.I.).

COMMON WAGE CONSTRUCTION COMMITTEE

The Commissioners received a request to appoint someone to the above referenced committee. This was tabled until next week so Chad can ask someone if they are interested in being on the committee.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 11:26 A.M. recessed from day to day until the 3rd day of March, 2014 on a motion made by Chad and seconded by Dave which carried, 3-0.

Gary Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED:

Jacqueline L. Knafel, Auditor