

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

Comes now the hour of 9:07 A.M. on the 4th day of February, 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 Knafel, Auditor
Marion S. Cavanaugh, Deputy Auditor
Dennis Graft, County Attorney
and Bob Braley, News Media

PAYROLL TO BE PAID 2/07/13 APPROVED

After reviewing the payroll from 1/11/13 - 1/24/13 to be paid 2/07/13 Chad moved to approve them. Dave seconded the motion and it carried, 3-0.

CLAIMS APPROVED

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

SARAH KNOPP - NOBLE COUNTY HISTORIAN

The Commissioners received notice from the Indiana Historical Society that Sarah Knopp had been reappointed to serve as the official Noble County Historian, (H.I.).

IDEM – ESSEX GROUP - PERMIT APPLICATION

The Commissioners received notice from IDEM that Essex Group in Kendallville had applied for an air permit, (H.I.).

**IDEM - COURIER KENDALLVILLE -
PERMIT APPROVAL**

IDEM sent notification to the Commissioners that they had approved a permit for Courier Kendallville, (H.I.).

IDEM - TENNECO INC. - PERMIT APPROVAL

The Commissioners received notification from IDEM that they had approved a permit for Tenneco, Inc. in Ligonier, (H.I.).

TOWN OF ROME CITY - TAX SALE PROPERTY

Leigh Pranger, Rome City Town Manager sent a letter to the Commissioners expressing an interest in a piece of property that had been on the tax sale but did not sell, (H.I.). The letter was taken under advisement.

FINDINGS & ORDERS RE UNSAFE BUILDINGS - RICHARD HATTON AND REGINA HAMPSHIRE

The Commissioners received the above referenced Findings and Orders, (H.I.).

The order for Richard Hatton indicates that he has until March 4, 2013 to develop and present to the Noble County Building Department an action plan, including the time frame for removal of the unsafe structures on his property at Bear Lake.

The order for Regina Hampshire states that she is to pay costs in the amount of \$374.39 that have been incurred by the county and that a \$1,500.00 fine has been permanently stayed.

MINUTES APPROVED

After having reviewed the minutes of the *December 17, 2012* minutes and the *JANUARY 7, 2013* minutes and making corrections as needed, Chad moved to approve them. Dave seconded the motion and it carried, 3-0.

APPOINTMENTS TO RDC BOARD

It was pointed out that the RDC would like to have Scott Pounds, Rebecca Schroeder, and Roger Diehm appointed as board members and that they would like to have John Wicker appointed as a non-voting board member. Chad moved to approve the appointments. Dave seconded the motion and it carried, 3-0.

Jackie said that Steve Hagen, the attorney for the RDC is aware now that they need to send a request in for the appointments to be made and that we don't automatically do that.

DUANE STOHLMAN –LEASE FOR LANDFILL FARM GROUND

Gary reported that he had talked to Duane Stohlman who presently rents the farm ground at the landfill, and Duane has contacted an attorney to prepare a lease agreement. Gary said Duane has other properties he leases in that vicinity and he would like to have uniform land lease agreements. He said we should put Duane on the agenda for February 11th.

MANDEL HORN McGRATH, P.C. – LITIGATION

The Commissioners received notice from Mandel Horn McGrath, P.C. that they have been retained by EMC Insurance Company to defend the county in a lawsuit.

OCTOBER 2012 GROUNDWATER SAMPLING REPORT RE: LANDFILL - WEAVER BOOS

The Commissioners received the above referenced landfill groundwater sampling report from Weaver Boos, (H.I.). (See landfill file for disc containing the complete report).

HIGHWAY BUSINESS – MIKE FITCH AND MARK GOODRICH

LETTERING ON FRONT OF BUILDING

Mark reported that the new plastic lettering was put on the front of the Highway Department building on Friday.

TRUCK UPDATE

Mark said truck #14 is still down. He said it was taken to Fort Wayne to be diagnosed because they had done all that they could at the shop to analyze it. He said the mechanic at Cummins that has done quite a bit of work for us said it could be an ECM system and it could cost \$2,500.00 to get the truck going.

Gary asked Mark if there is diagnostic equipment at the Highway Department. Mark said all they have is a lap top that has programs, but the programs have to be updated and it costs \$700.00 - \$800.00 a year for each program to update it. He said Mac has a tool that they would update for \$200.00 every year that would cover all of our trucks. Mark said the tool is about \$5,000.00. He said he has put money in the budget this year for diagnostic equipment. Dave asked if the guys in the shop know how to use the tool. Mark said the company has a training program and they would come in and make sure they are familiar with the equipment.

TRUCK LIFTS

Mark said the previous Commissioners were aware that there were problems with the truck lifts, and Joy (previous Commissioner) said possibly there would be money available in the CREDIT Plan this year. He said they were only looking at purchasing one lift last year, but now it appears the second one is leaking from the cylinder. Mark said we went from \$98,000.00 to replace one lift to probably around \$200,000.00 to replace two units. Dave asked if they replaced the seals in one of them last year. Mark said they replaced the seals in both of them. He talked about some lifts he had looked at in LaGrange County that would work for us. Mark said he could get Roger back up here and have the Commissioners come in. Gary said he would like for Mark to do that. After further discussion Chad said we would probably need to have some specs written up and get some quotes.

BEET x HEET - DE-ICER FOR ROADS

Mark presented some information on BEET x HEET, which he had talked to the guys about using on some of the primary roads, (H.I.). He said it melts at a colder temperature. Mark said LTAP has started a new program where they will fund up to \$10,000.00 if we qualify or are chosen, for new innovative programs, and one of the things they listed was de-icing and anti-icing methods. Mark said he has a couple of mechanics that think they can put together a pump system to try this out for probably less than \$500.00. He said if we could get the grant he could go through Monroe who made our truck beds, because they have a spray system build for these trucks. Mark said as soon as he gets a quote he would apply for the grant if that is ok with the Commissioners.

Mike said most of the State Highway Departments are going to some version of this, and most of them use a separate liquid tanker truck to do this, and they use it primarily on their high volume roads. He said ideally you apply this before the snow event, so the timing is critical for when it is done. Mike said it goes on the pavement surface and unlike salt it sticks to the road surface and stays in the crooks and crannies, so when it snows the material is already on there so it prevents the snow from turning to ice on the surface. Mike said it would probably stay there for four or five days, or if it is sprayed before it snows it will stay there for about a week. He said one of the problems with it is that it has to be the right temperature when you put it down.

Mike said he thought we should check into this, but we should also check with other rural counties that are using it. He said it is environmentally safe. There was discussion about the cost savings, and the availability of the product as more entities begin to use it.

BALLENSHIRE ROAD IN COBBLESTONE

Mike reported that Kendallville had called and asked for a meeting regarding Cobblestone Roads and especially Ballenshire Road. He said there is a meeting set for February 12th at 11:00 at the Kendallville City Hall.

Mike said about 6 months ago some residents of Cobblestone came before the Commissioners to talk about their roads. Mike gave an update on where Ballenshire Road stands today, including having a new owner. He said the only thing that hasn't been done on the road is the surface. He said Keith Lytton the previous Highway Engineer had asked for a performance bond, and that is the last information in the file and there was not anything indicating that the developer ever submitted any maintenance bond. Mike said apparently Kendallville had misunderstood what was going on and that the streets weren't complete, and they had been issuing building and occupancy permits. He said the best way to get a developer to complete the roads to acceptance standards is to not issue permits, so he recommended to Kendallville that they not issue any permits. Mike said Kendallville has not been issuing permits, and the purpose of the meeting Tuesday is to determine who is going to finish the street. He said our position is that if they complete the street we will accept it. There was discussion that Ballenshire Road is in Kendallville's 2-mile planning jurisdiction. Mike said it is not real clear about what is to be done in the 2-mile jurisdictional areas, and he thought something should be re-written to make it clear. He said there should be some leverage to force a developer to complete the road process and not be able to just walk away from the project. Dennis said it would have to be some sort of a mutual agreement with the towns and municipalities.

ADA MAPS

Mike said he completed all of the ADA maps.

EMS BUILDING PARKING LOTS

Mike said he looked at all three EMS Building parking lots. He said two of them are concrete and are in excellent condition but don't have any striping on them. Mike said the one in Kendallville is a paved asphalt lot and it is in real good shape. He said they might want to look at putting a sealer on it in a few years. Mike said there was one construction joint that could probably be sealed and all of the line striping is almost worn off.

DEBRIS MANAGEMENT

Present for this portion of the meeting were Mick Newton, EMA Director and Terresa Griffiths, Deputy EMA Director.

Mick said John Strange was appointed Debris Manager for Noble County last year, but he is out plowing and can't be here today. He said they built a Debris Management Plan and it took over a year of working with the Northeast Indiana Solid Waste District to do it. Mick said the plan has been approved by FEMA. He said John has been going through it to make sure if we have a disaster such as a tornado that we are able to do the response correctly. Mick said if the documentation on the debris management and everything isn't done correctly you can't recover from it. He talked about issues that are encountered with the removal of debris. Mick said he was hoping that the Commissioners would reappoint John Strange as Noble County Debris Manager.

There was further discussion about the importance of good documentation and what is required to get reimbursement from a disaster. Mick said John just wants to know that he has the support of the Commissioners and the Council, and that people understand that he might have to take some time (from his regular job at the Highway Department) from time to time to work on this. Gary said there is no problem there. He said John just needs to work with Mark (Highway Department Superintendent).

Dave moved to reappoint John Strange to be the Noble County Debris Manager. Chad seconded the motion and it carried, 3-0.

Gary asked if John had been able to get in touch with other counties that are already ahead of the game on this to see what they are doing. Mick said he thought we are among the first to do this and they are taking the plans we have worked on for a year to the state. He said it is the initial 24-48 hours where it really falls to us to know what to do.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:31 A.M. and reconvened at approximately 10:41 A.M.

ASSESSOR - TRENDING BIDS

Present for this portion of the meeting were: Kim Miller, Assessor; Blaine Bowlin from Tyler Technologies and Bill Schultz from Accurate Assessments.

Kim said she and Dennis had gone through the bids and found that they were pretty much bidding on the same things, with one exception where the wording wasn't real clear, and the company was notified and they put in writing more specifically what they would do.

Kim said the main differences were the cost, and that one of them gave us 22 days included in the cost.

Kim said the bid from Tyler Technology is \$57,900.00 and they gave us five days of appeals and preliminary hearings. She said Accurate Assessment's bid was \$47,700.00 and they included twenty-two days. Kim said the appeal days mean a lot, and they can add up considerably.

Chad asked how many appeal days Kim has had that she needed the company's consultation. Kim said she thought it was 12 – 14 days the last time they did trending. She said she could see more appeals this time, because some people want to appeal their values that went down. When asked, Kim said Accurate Assessments would charge \$600.00 a day for additional days and Tyler Technology would charge \$700.00.

Kim said her recommendation would be Accurate Assessments because of the price, the fact they have worked in the county previously, and because of the appeal days. There was further discussion about the bids and Gary asked if there were any gray areas. Dennis and Kim said there were no gray areas.

Blaine Bowlin questioned what it was that Accurate Assessment was allowed to change. Dennis said they didn't really change anything, it was just a clarification.

Dave moved to accept the bid of \$47,700.00 from Accurate Assessment. Chad seconded the motion and it carried, 3-0.

BEAR, HIGH, WOLF LAKE RSD

Present for this portion of the meeting were: Gary McMahan; Tim Tomcik; Matt Shipman, attorney for RSD; Tammy Goodrich; Sally Tomcik; Janette Harlan; and Monty Harlan.

Matt said he was recently hired to be attorney for the Bear, High, Wolf Lake Regional Sewer District. He said it is his understanding from multiple conversations with IDEM that the current status of this district is that the Board of Trustee members are supposed to be elected. He said they have talked to IDEM and they have given them preliminary approval to change that so they are appointed by the Commissioners, because that is the way every district does it. Matt said at the next board meeting on February 14th they are going to approve a petition to IDEM to change the way that the district's Board of Trustees is appointed. He said once it is approved by IDEM they would come to the Commissioners and ask them to make the appointments. Matt said right now there is supposed to be two members from Bear Lake, two from High Lake and one from Wolf Lake. He said the only property that is serviced in Wolf Lake is the school and the old Lucky Hospital so they would like to have them all be "at large" because it is sometimes difficult to get people that want to do this in smaller communities.

Matt said he had told the current board members that if they wished to be reappointed they would need to talk to the Commissioners. He said right now they have four board members and there will be five total. Matt said of the existing four, some of them may want to be reappointed and some may not, because they have been on the board for a while.

There was discussion about the questions that had been asked in a letter the Commissioners had received at home, one of which was about the records. Matt said John Owen was the previous counsel for the district and he did get all of John's files, but he didn't have everything because they went through a period of two consecutive presidents passing away while they were acting presidents. Matt said you can always get all of the important records from the bond counsel or IDEM, and he thought he had almost everything now. He said Lee Rottinghaus had sent a request to IDEM to get some records, and some of the things she wanted were records that we didn't regularly keep and she wanted us to create them. Matt said he thinks that issue has been rectified.

Chad asked if the board is a legal board if they weren't put in place by the laws that govern them and do they have the authority to draft the letter to be sent to IDEM. Matt said IDEM believes they do.

Matt said the meetings are well attended and there is a lot of feedback. He said he believes the board members are authorized to do what they are doing because there isn't an alternative. Matt said once they get the duly appointed board they will go back and ratify whatever is needed. Matt said the person that sent the letter to the Commissioners just wants his home serviced and he has offered to help if his help is needed.

Dave said it seems like one of the main issues is that there are people that haven't hooked up or aren't paying, so the burden of the bills fall on those that are paying. Dennis said there are a lot of sewer liens out there. Matt said thankfully the district received about \$40,000.00 at the end of the year from liens, and part of it was probably because of the tax sale. He said in any sewer district in a lower income bracket people wait to pay, and the reason is because nothing happens right away and they have until it goes up for a tax sale to pay it. Matt said the way to remedy that sometimes is to get together with the Health Department and come up with a way where after a certain amount of bills not being paid we shut them off and the Health Department goes out and condemns the property because at that point they won't have a septic or a sewer system. He said he represents the Tri-Lakes sewer district and that is how they do it.

There was discussion about why Wolf Lake didn't hook up. Matt said he didn't know. Shelley Mawhorter, Clerk and former Auditor said she thought Wolf Lake was included because the school was having so much trouble with their septic tank at that time. Matt said the problem they have now is that there is a two inch line running from Bear Lake to Wolf Lake, which he thought the school paid for, that can't service the town.

Gary asked Matt to get things taken care of through IDEM and then come back to the Commissioners with a list of people interested in serving on the board.

DEPARTMENT HEADS - WORK HOURS AND LISTENING TO COMMISSIONERS MEETINGS

Present were: Jackie Knafel, Auditor; Doug Harp, Sheriff; Michelle Bricker, Treasurer; Stacey Beam, Chief of Probation; Shelley Mawhorter, Clerk; Candy Myers, Recorder; Dave Baum, IT; and Kim Miller, Assessor.

Shelley said they (Department Heads) want to know what the Commissioners had thought about the 4:00 closing and where they are at with it.

Dave Dolezal said he had contacted five counties, and four of the five close at 4:30 and he went through and listed their closing times and whether they were closed at lunch. He said he didn't ask what time they opened or how long their lunches are.

Jackie had contacted several counties, and she went through them and told when they were open, how long of a lunch they get, if breaks were allowed for, if they are closed for lunch, etc.

Jackie said federal law requires a break in the morning and one in the afternoon, but that the breaks could not be added to a time for lunch. There was discussion about whether there is a federal or state law that requires paid breaks. Dennis said there is no Indiana law or federal law that he could find that requires breaks.

Shelley said in the last week we have had five people come in after 4:00 and the latest of them was at 4:10, per security.

Dave Baum said it seemed like there were two different issues - the hours the courthouse is open because of public access and the number of hours employees work. He said if the hours people are working is a concern, in order to compare apples to apples we would have to know how much the employees in the other counties are being paid for those positions. Dave asked if we are looking at the public use of the courthouse after 4:00 or if we are looking at an HR issue.

Shelley said she thought it had been proven that there is very little usage of the courthouse after 4:00 with the exception of Probation on Mondays and Tuesdays. She said we have moved ahead so much in technology that people don't even have to come to the courthouse to do their business in many cases. She said she thought the issue is working until 4:30.

Stacey said we wanted to be able to have the public come in after they get off of work, so giving the extra half an hour seemed to be a good way to gauge whether or not that was helpful to them. She said it seems that it is not because very few people come in after 4:00 except for Probation.

Jackie said for a number of years the Treasurer's Office and a lot of the other offices were open until noon on Saturdays prior to tax collection. She said it was a great day to get caught up on some things, but very few people came in so we no longer do it. Jackie said there are issues downstairs (security) with overtime and staying until 4:30, especially if one of them is there by themselves. She said there weren't any customers in the Auditor's Office after 4:00 last week.

Gary asked about the few people that could ruin it for everyone. He asked how the department heads would handle it without time management software, if the employees are given half an hour for lunch and they take an hour. Stacey said that is something the department heads need to be held accountable for. Dennis asked if that is the consensus of every office including the courts. Jackie said there were two judges at the department head meeting and both of them were very much in favor. She said she didn't hear from Judge Kramer.

Dave Dolezal asked if the proposal was to work from 8:00 - 4:00 with half an hour unpaid lunch and a morning and afternoon break. There was discussion about the fact that the handbook would have to be changed no matter what is done.

Dave Baum brought up the issue of employees having to use half a day of sick time for a doctor's appointment when they might only need an hour. There was discussion that it would probably be better to have the hand book amended to allow it to be taken in half hour or hour increments. These issues were taken under advisement until February 25th.

LISTENING TO MEETINGS

Shelley said she would like to be able to listen to the Commissioners meetings at her desk like she can the Councils. Dave Baum said it is only in the local network and is only by request, and the supervisor would control the access at that point.

After some discussion Chad moved to make the audio available for department heads for the Commissioner meetings. Dave Dolezal seconded the motion and it carried, 3-0.

ECONOMIC DEVELOPMENT COMMISSION UPDATE

Present for this portion of the meeting were: Rick Sherck, Economic Development Director; Loren Kravig, Executive Director of Region 3A; and John Sampson, CEO of the Regional Partnership Board.

Rick gave the Commissioners an update on what is going to be done by the Economic Development this year, and some of the things that were done last year, (H.I.). He talked about the need to connect industry with education and he talked about some of the goals they have to do that. Rick said to work towards that goal, one of the things they would like to do is to promote internships so students can get an idea if what they think they want to do is really what they would want to do. There was discussion about the possibility of setting up evening and weekend programs that could help people get training in certain types of work.

Loren said he has worked with Rick a lot since taking his job in August. He talked about tax abatements and what Region 3A can do for companies in their six county region regarding tax abatements, writing and administering grants, downtown revitalization, transportation planning, etc.

John said the partnership (Northeast Indiana Regional Partnership) was started in 2006. He said they work at marketing the region productively. John presented a graph that he reviewed with the Commissioners, (H.I.). He talked about how they go around and talk to out-of-state companies that want to relocate, to let them know why they should relocate to our area. John talked about how they try to get companies to come together and sit down at a table to discuss what their needs are.

John said he is convinced we are just scratching the surface as far as potential to grow this regions economy. He said he thought we were just beginning to get the benefit of what they have been working on for five or six years.

Rick said in 2006 the average pay of the jobs they were attracting was \$13.46 and in 2012 that average was \$16.15. Rick said about 75% of his time is spent working with the companies that are already here to help them in whatever way he can.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 12:27 P.M. recessed from day to day until the 11th day of February 2013.

Gary Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor