

**MINUTES OF A SPECIAL SESSION OF THE  
BOARD OF COMMISSIONERS HELD MARCH 25, 2013**

Comes now the hour of 9:01 A.M. on the 25<sup>th</sup> day of March, 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:

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

**INDIANA PIPELINE AWARENESS ASSOCIATION  
(INPA) EMERGENCY RESPONSE AGENCY  
CAPABILITIES SURVEY & INFORMATION**

The Commissioners received the above referenced survey which they will ask Mick Newton, EMA Director to fill out, (H.I.). There was also a 2013 Pipeline Emergency Response Planning Information manual included which was also given to Mick.

**IDEM - LEBANON SEABOARD CORPORATION  
STATE ROAD 9, ALBION - AIR PERMIT RENEWAL**

The Commissioners received notice from IDEM that they had approved the renewal of the above referenced air permit, (H.I.).

**LIGTEL COMMUNICATIONS - CERTIFICATE  
OF FRANCHISE AUTHORITY TO PROVIDE  
VIDEO SERVICE IN STATE OF INDIANA**

The Commissioners received a letter from Ligtel Communications d/b/a LigTV as well as a copy of the Order of the Indiana Utility Regulatory Commission stating that Ligtel has been granted a Certificate of Franchise Authority to provide the requested video services in their designated service areas within the State of Indiana, (H.I.).

**MINUTES APPROVED**

After reviewing the minutes of the *March 18, 2013* and the *March 11, 2013* meetings Dave moved to approve them as presented. Chad seconded the motion and it carried, 3-0.

## **DAWN BARR - UNSAFE PROPERTY AT BEAR LAKE**

Dick Adair, Building Inspector came before the Commissioners to discuss the Dawn Barr Property at Bear Lake. He said he sent her a letter telling her there were things that she had never contacted him on to close out her file. Dick said when he went out there he told her this could be taken before the Commissioners to see whether they wanted to condemn her property or still give her time. He said we have been working with her since 2011. Dick said he received a complaint on March 8, 2011 and he did a site visit and took pictures and sent her a letter about seven items that needed addressed. He went through the list of contacts and correspondence sent to Dawn since the receipt of the complaint, and the list of things that were supposed to be fixed. Dick said he went on March 22, 2013 and took pictures, (H.I.). He said the cardboard ceilings are one of the issues. Dick said she was supposed to have them all down and have some kind of approved ceilings up. He said the kitchen range doesn't work and she is using a double hot plate that sits in her bedroom. Dick said she still has exposed romex wiring that should be put in conduit or be buried in the wall. Dick said she has two broken windows that have cardboard on them, but Dawn told him her son had ordered new windows for the house. He said the floor in the bathroom is not the greatest. Dick said she has a portable electric heater in the bathroom and one in each bedroom. He said almost all of the windows and the rear door were covered with plastic. Dick said she has some material in the house that she said her son was going to put up on the ceiling. He said it looks like there is water leaking in the one bedroom. Dick said he thought the pellets that are being burned in the pellet stove must be stored somewhere where they are drawing moisture and that is what is causing stain on the outside of the house but it is not dangerous. He said he worked to get her on a winterization program and she never followed up on it. Dick said he thought she would have gotten at least new windows and doors and the siding put back on, but she never followed up on it. He said he hadn't condemned the house yet but he thought it should be condemned. Dave asked if there are any smoke alarms in the house. Richard said if there were, he didn't see them. Dennis asked Dick if he had talked to Child Protective Services. Dick said he called them when it was real cold about the windows with the cardboard and they went through Indianapolis to schedule for someone to go look at the house and it was a few days before they got there. He said Child Protective Services said the house was ok and the kids were fine. Dave said based on the photos and Dick's recommendation he thought it was time to condemn the house. Dick said he explained to Dawn that once he condemns the house she will have to remove herself and her family right away. Dave asked if she would have somewhere to go. Dick said he didn't know that she had anywhere else to go. Sheriff Doug Harp was present and he asked if there would have to be a court order. Dick said if they didn't leave then he would have to turn it over to Doug and then they would have to get a court order to remove them. Dave expressed his concern about the lack of smoke alarms in the pictures. Gary agreed there were some major problems from the pictures presented. Dave moved that based on Dick's recommendation and the pictures, that for the safety of the children and the residents that we condemn it and they get out of there. Dick said if he condemned the house he could give the residents 10 days to be out, and then remove them. After further discussion, Dave amended his motion to have them be out by Monday, April 8<sup>th</sup>. Chad seconded the motion and it carried, 3-0.

### **PROPOSALS TO BUILD WALL AT SOUTH COMPLEX NEXT TO STAIRWAY**

The Commissioners received a proposal from Doug Roe and John Edwards in the amount of \$850.00 and one from J.P. Building & Remodeling in the amount of \$930.00. Dick Adair, Building Inspector said they would remove the handrail, because it is too short to meet the code. He said they will put up a solid wood wall that will be 42 inches high, and they will come as close as they can to make it match the wood paneling that is in that area. Dick said there will be a post on the end of the top of the stairs that will go up to the ceiling, and they would trim the post.

After further discussion Chad moved to accept the bid from Doug Roe and Jon Edwards in the amount of \$850.00. Dave seconded the motion and it carried, 3-0.

### **GEORGE BEALL – UNSAFE BUILDING AT HIGH LAKE**

Dick said George Beall had been removed from his house because it was condemned. He said George had a mortgage on his home in the amount of \$24,000.00. Dick said the mortgage company has hired a company to come in and either renovate the house or tear it down, and they want access to it. He said they have asked permission to go inside and look the house over, and if they think they can renovate it they would send us a set of plans. Dick said they would like to have extra time to look at it to see what they could do. Dave asked if it would be best if they viewed it with Dick present. Dick said it would be. Dennis said that is the way he would want it. Dick said they have already started the foreclosure process. Chad moved to give them (mortgage company) the access. Dave seconded the motion and it carried, 3-0.

### **GENERATOR FOR ANNEX**

Dick said he has one estimate for a generator and he has another one coming. He said he wondered why we didn't ask for a quote for a heat pump instead.

### **IMPELLERS AT SHERIFF'S DEPARTMENT**

Doug said previously they had talked about getting some high end impellers and Kevin (Maintenance Person) had re-thought that because they cost more than he thought they would, and they are now going to go with the lower end impellers. He said they are going to get a couple of extra ones to keep on hand. There was discussion about how long they last.

### **RECESSED AND RECONVENED**

The Commissioners recessed their meeting at approximately 9:46 A.M. and reconvened at approximately 10:03 A.M.

### **CHAIN O'LAKES FESTIVAL – USE OF COURTHOUSE LAWN AND RESTROOMS**

The Commissioners received a request from the Chain O'Lakes Festival committee to use the courthouse lawn and restrooms June 5 – June 9, 2013 for the Chain O'Lakes Festival. Jackie Knafel, Auditor also presented their request.

Chad moved to approve the request. Dave seconded the motion and it carried, 3-0.

### **REVIEW OF FUNDS LEDGERS**

Jackie said she had talked to Stacey from the State Board of Accounts regarding the review of the ledgers that she wants the Commissioners to do. She said she drafted a report which the State Board of Accounts said was acceptable, which is something to show differences/reconciliation between the Auditor's Office books and the Treasurer's Office reports, and she reviewed the report with them. Jackie said she will be preparing a report each month for the Commissioners. Chad moved to approve the ledger of the Treasurer's and Auditor's balances for January and February 2013, (H.I.). Dave seconded the motion and it carried, 3-0.

### **CREDIT CARDS**

There was discussion about departments that should have a credit card. Jackie said she thought the Probation Office and IT Departments should have a credit card because of the large amounts of purchases they make. Jackie said they need to have social security numbers on the application so she will ask Stacey and Dave if it is ok to use their social security number. There was discussion that the bookkeeper at the Highway Department should also have a credit card. Jackie asked who she should put as the authorized officer. Gary said he would sign as the authorized officer. Dave and Chad said they didn't think they should need any social security numbers since we are a government agency.

Dennis said we would have to keep the "authorized persons" updated in case someone who will be on there now isn't here at some time. After some discussion, Dennis said he thought the Commissioners should pass a resolution authorizing purchases up to a maximum amount of money, and send it along with the application for the cards. Jackie is going to check on a few more things before any action is taken.

### **CONTRACTOR DOING WORK AT LANDFILL TERMINATED**

Gary said there was an incident involving the contractor (Allen Freels) that takes care of the landfill, and based upon the nature of the incident we need to look at replacing the contractor and hiring a new one. Dave moved to terminate the current contractor today and hire someone else to do the job. Chad seconded the motion and it carried, 3-0.

### **EMC INSURANCE CO. - NEXUS GROUP, INC. V KIM MILLER, ASSESSOR**

The Commissioners received notice from EMC Insurance, the county's insurance carrier, regarding the above referenced case, (H.I.). Dennis said the letter is saying they will provide a defense but if a judge and jury should determine that we wrongfully terminated a contract then they won't pay any damages.

### **MINUTES APPROVED**

Chad moved to approve the minutes of the *March 18, 2013 Executive Session*. Dave seconded the motion and it carried, 3-0.

### **TAX SALE (CERTIFICATE SALE) UPDATE**

Deputy Auditor Sheri Auld who is in charge of tax sales came before the Commissioners to give an update on the tax sale properties which the county can petition the court to take title to. She said she furnished Dennis with all of the information regarding all of the properties that the adjacent property owners have expressed an interest in. Sheri said today she will give Dennis

the tax sale certificate from when it was assigned to the Commissioners, a signed letter from the adjacent owners saying they are interested in the property, and a legal description so he has the information to prepare the tax title deed.

Chad asked if any of the people interested in the properties changed once the fees were addressed. Sheri said there were two people on the list that never sent the letter back saying they were interested in it. When asked, Sheri said those that didn't respond were #12 and #24.

Sheri said there is one property that has someone interested in obtaining it who isn't an adjacent property owner, but he wanted to take title to it and clean it up and deed it to an adjacent landowner to the south, who possibly couldn't afford the attorney fees to get the property. She said his interest is in getting the property cleaned up.

There was discussion about the railroad property and the fact that not all persons adjacent to it had sent letters of interest. There was also discussion that part of #23 (US Railroad Vest Corp possibly already belonged to one of the adjacent landowners because of some research that had been done. Sheri said they found a survey that was done in 1998 when Paul Bolinger owned the property along there. After further discussion the Commissioners agreed that the portion being talked about could be taken off the tax rolls and the property lines fixed.

Sheri said #14 is under Dawn Grady. She said the Hoffelders that live adjacent to it returned their signed committal form. Sheri said Charles Knott owns the other adjacent property is in a nursing home in Colorado, and his son Kevin Knott had called and said he was interested but he did not return the letter of confirmation. She said the Commissioners would need to decide if that would be given entirely to Hoffelders. Chad and Dave said they thought anyone that didn't return a letter would be disqualified. Chad asked Sheri if she had heard anything from the City of Kendallville. Sheri said Doug Atz, attorney for Kendallville had called her and said they wouldn't put any liens on the property and that they thought it would be better off to get the property conveyed to somebody who will clean it up and maintain it.

Chad moved to proceed with the petition for a tax deed for the parcels listed with the exception of #12, #17, #24 and #31 that people didn't return letters for. Dave seconded the motion and it carried, 3-0.

#### **GRANT AGREEMENT – SALARY REIMBURSEMENT FOR MICK NEWTON, EMA DIRECTOR**

Mick Newton presented a grant agreement for reimbursement of \$18,750.00 of his salary, (H.I.). Chad moved to approve the agreement. Dave seconded the motion and it carried, 3-0.

#### **INSURANCE COVERAGE FOR VOLUNTEERS AND NON-COUNTY EMPLOYEES**

Present for this portion of the meeting were: Auditor Jackie Knafel; Cheryl Munson, County Nurse; Cory Silcox, Contracted Health Department Employee; Mick Newton, EMA Director; Teresa Griffiths, Assistant EMA Director; Jarrod Ramer, County's Insurance Agent; and Dr. Terry Gaff, Noble County Health Officer.

Cheryl said they are trying to figure out POD (Point of Distribution) places that they can have in the county to meet their goals of how quickly they need to get medications to people in the event of an emergency. She said they are trying to find different locations in the county that would allow them to see a lot more people in a shorter period of time. Cheryl said they had been working to try to put together a drive-through POD where people won't even have to get out of their vehicles. She said county properties are not large enough to accommodate the size of a

drive-through POD that they need. Cheryl said there is a lot of confusion as to where they can have the PODS and have our liability insurance be in effect.

Cory said she had sent the Commissioners information last week. She said the method they are held to is an ANTHRAX attack. Cory said they would have 48 hours from the time of exposure to get medication into everyone that might have been exposed. Cory said in most cases they wouldn't know who had been exposed so they would have to give it to everyone. She said it would take some time to get the medication from the feds to the state to us, so they would have roughly 32 hours to get medication into everyone. Cory said to do that the majority of the people would have to come to them and that is what the PODS are for. She said they could do indoor ones where people would come inside to get their medication or they could do drive through ones that would work very well for our county, because of the small number of staff and volunteers they have. Cory said schools would work well because they have large parking lots, indoor facilities, air conditioning, refrigeration, heat, internet, and all of the things that we need. She said they are asking permission to contact those facilities to get agreements with them.

Dave said we did the H1N1 shots off site. Mitch said they did until the lady fell at the Kendallville Convention Center and broke her arm and sent a bill to the county. Jarrod said the issue in that situation was that it was a medical premises that needed to go through the property owner. He said if it was a liability issue and the county was held liable, the county insurance would pick up. Chad said when the contracts are discussed, they need to be made aware of that. Dave asked if they administer shots or give pills or what. Cory said it could be either. She said in an influenza situation where a vaccine is needed it can be done right in the vehicle, which takes a little longer. Chad asked if the schools are not willing to accept the liability for the medical side of things where would they go then. Cory said they would look at other locations within the county that have a large parking lot and a large building.

Jackie asked if they had ever thought of using the 4-H grounds. Mick said they had looked at that and considered it and they had considered fire departments as well. He said they need multiple locations. Dave asked if we had used the schools before. Cory said they do have an old memorandum of understanding with the Central Noble Middle School but it would need to be updated.

Dave moved to approve approaching the schools for a memorandum of understanding for the PODS. Chad seconded the motion and it carried, 3-0. After some discussion about who could be approached if the schools wouldn't go a long with it, Dave amended his motion to say they could approach non county property entities. Chad seconded the amended motion and it carried, 3-0.

Mick said the second issue is Workman's Comp coverage for volunteers. He said in 2009 they were told that someone who was registered as a volunteer for the county would have workers comp insurance. Mick said the issue came up again and what he has learned is that county pays \$1000.00 a year for coverage for up to 20 volunteers for Workman's Comp Medical with a cap up to \$25,000.00. He said the Sheriff's Department has ten volunteers and he has probably 7 volunteers. Mick said Jan Abbs search team asked if they could be rostered as EMA volunteers because they would like to deploy with the District 3 Task Force, and the state says they would have to be covered by somebody with Workman's Comp/Medical to do that. He said he thought she currently has 18 volunteers. Mitch said from what he understands it would be an additional \$1500.00 to cover above 41 employees, which would be a total of \$2500.00. Jarrod said the volunteers would have to be on the roster list. He said it is really designed for Sheriff's

Reserves, and it is medical only, so in a claim situation if a volunteer got hurt it would go to their primary health care provider first and whatever they do not pay, this would kick in. Jarrod said there is a cap of \$25,000.00 except for on the emergency side such as the police reserves and volunteer firemen. Chad said they would ultimately fall under the EMA control then. Mick said they would. Chad asked if it would cover trainings as well. Jarrod said if they got hurt. There was discussion that the Emergency Response Team is not under anyone currently and that they are not affiliated with the fire department.

Mick said his concern would be if there was a missing person and the Sheriff said if anyone wanted to help search for them to show up. Jarrod said if someone were hurt in that situation where they were a good Samaritan out there volunteering, if the county was held liable if the county's policy would respond. Jarrod said it is an excess policy not a catch all policy.

Chad asked if the Sheriff's Department called in the Emergency Response Team for a search instead of Mick if they would be covered. Jarrod said as long as they are on the list and the county calls them out, they are covered. He said if the City of Kendallville, Ligonier or whoever called them out, that is where he would have a concern.

Gary asked about volunteer nurses that might be called in. Jarrod said they would be covered for liability and if they were on the list they would be covered for liability and medical. Cheryl talked about the volunteers that she has. Jarrod said the premises is that they are regular volunteers and on the roster.

Chad asked if the \$1500.00 increase in the policy is from this point forward or what. Jarrod said the policy renews in June. Chad asked if the budget would allow for the extra \$1500.00. Jackie said she would check. Chad asked if we would start it now or in June. Gary said right now we have 34 people on the roster. Dave asked how that would work in the interim between now and June. Jarrod said he assumed they would pro-rate it.

Dr. Gaff said the coroner calls out the cadaver dogs intermittently, but the Coroner is a County official. He requested that this be extended to the Coroner's Office and that the Coroner be given the procedure that needs to take place to call out the rescue team. Jarrod said if they are volunteering for the County Coroner's Office, ultimately they are volunteering for the county. Jarrod said he wants to check with the insurance about the general liability for the Emergency Response Team since there is no entity covering them. He said ultimately we are saying that they are a county organization. Mick said the team is a 501C3 (non profit) organization. Chad asked if they should be required to carry their own liability. Dennis said if they are their own separate entity he would think they would have coverage. Jarrod said he would have to check on how that would work since they are a 501C3 organization. Mick asked about his ham radio operators. Gary said that is two separate issues, and until we get some questions answered he didn't think the Commissioners could make a decision today.

There was much discussion about when the state calls someone out. Jarrod said the coverage here would be when the people were called out by the county. He said he would have to check to see if they are already county volunteers and are called out by the state how the coverage would work. Mick is going to find out if the Emergency Response Team has insurance and Jarrod will check with the insurance company on questions that were brought up this morning.

**HEALTH DEPARTMENT MOVE  
AT SOUTH COMPLEX**

Gary asked Cheryl Munson about vanities and sinks that will be installed at the south complex so the clinic portion of the Health Department can move upstairs. Cheryl said she had vanities and sinks in a warehouse. She said if we are ready to use them she will get with them and tell them to get them finished up. Dave asked if they are custom for the facility. Cheryl said she gave them the measurements for where they thought they would have to go. Chad asked if the sinks that were put in at Weber Road (annex) would not be needed then for the upstairs at the south complex. Cheryl said she wouldn't need them because she only needs two, and there are two of them in the warehouse.

Dr. Gaff said they would like to know for sure what is going to be done with the remodeling before they give any answers. Chad said the railing was approved today to be a 4' wall, and they should probably be getting that done in the next couple of weeks. Dr. Gaff said they are thinking of moving the Health Department Offices down the hall starting April 15<sup>th</sup> so the clinic could be moved upstairs as soon as possible. Gary said Dick (Building Inspector) is supposed to get in touch with them about what needs to be done.

**ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 11:51 A.M. recessed from day to day until the 1<sup>st</sup> day of April, 2013 on a motion made by Dave, seconded by Chad which carried, 3-0.

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Gary Leatherman, President

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David J. Dolezal, Vice President

\_\_\_\_\_  
Chad Kline, Member

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