

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD JUNE 25, 2012**

Comes now the hour of 8:47 A.M. on the 25th day of June, 2012, 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:

Joy Y. LeCount, President
David J. (Dave) Dolezal, Vice President @ 10:21
Jack W. Herendeen, Member

Also present were:

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

**DAVE BAUM, IT BUSINESS
WORKSTATIONS FOR SHERIFF'S DEPARTMENT
EXPENSE OVER \$500.00**

Dave Baum came before the Commissioners go get approval to purchase 20 workstations for the Sheriff's Department in the amount of \$35,000.00. He said he has the money in his 2012 budget. Jack moved to approve the purchase. Joy seconded the motion and it carried, 2-0.

PAYROLL TO BE PAID 6/28/12 APPROVED

After reviewing the payroll from 6/01/12 - 6/14/12 to be paid 6/28/12 Jack moved to approve it. Joy seconded the motion and it carried, 3-0.

CLAIMS APPROVED

After reviewing the claims for utilities, phone bills, etc. Jack moved to approve them. Joy seconded the motion and it carried, 2-0.

**CLERK - EXPENSE OVER \$500.00 FOR
MARRIAGE LICENSE KEEPSAKE KITS**

The Commissioners received a request from the Clerk to spend approximately \$700.00 on the above referenced kits, (H.I.). Jack moved to approve the purchase. Joy seconded the motion and it carried, 2-0.

**WEIGHTS & MEASURES MONTHLY REPORT,
ANNUAL REPORT & 100TH CONFERENCE**

The Commissioners received the Weights & Measure's report from May 16 - June 15, 2012 as well as an annual report from June 16, 2011 - June 15, 2012, (H.I.). They also received a letter from the LaPorte County Department of Weights & Measures indicating that the 100th conference will be held in March of 2013 and the total cost for attendance should not exceed \$600.00, (H.I.).

SHERIFF'S DEPARTMENT 2012 OVERTIME & PART TIME PAY

The Commissioners received a report for the 2012 overtime and part time pay from the Sheriff's Department, (H.I.).

PLAN COMMISSION – CERTIFICATION OF DISAPPROVAL OF COMMISSIONERS REQUEST FOR CHANGES TO DRAFT "G" OF THE UDO (UNIFIED DEVELOPMENT ORDINANCE)

The Commissioners received the above certification, showing that the Plan Commission had voted to not adopt the amendments to Draft "G" of the UDO at their meeting last Wednesday, (H.I.).

MINUTES APPROVED

After reviewing the minutes of the *June 18, 2012* meeting and making changes as needed, Jack moved to approve them. Joy seconded the motion and it carried, 2-0.

RDC (REGIONAL DEVELOPMENT COMMISSION) - CREDIT MONEY FOR 2010/2011 RESTORED

Jack moved to restore the \$25,000.00 the Commissioners had anticipated spending in the 2010/2011 CREDIT Plan for the RDC.

Jackie Knafel, Auditor said that Steve Hagen had asked her to contact the State Board of Accounts with reference to this, which she did. She said she talked to Bill Akey, and he said we would need a contract with them to pay the whole amount out just like we do with the EDC, or we could set up a special fund and put the money into it, and then they would have to submit claims to pay out of that fund. After further discussion Joy said Jackie and Steve should talk about it to see what would work best. Dennis said he thought the contract would be the best way, especially since they are talking about the past and the next two years. He said after that it would be looked at. Jackie asked Joy if it would be Steve's obligation to write up a contract. Joy said it would be. Dennis said he would review it.

Joy seconded the motion and it carried, 2-0.

MICK NEWTON & TERRESA GRIFFITHS, EMA – CONTINUATION OF BURN BAN

Mick said 55 counties have now issued burn bans. He said there were a couple of areas in the county that got less than a tenth of an inch of rain, and they (weather service) are pretty much saying they don't expect much relief through September. Mick said there were 12 grass fires in Noble County from Jun 18 – June 25, 2012, which does not include Kendallville. He said there is one where we were sent into DeKalb County and one assist in Whitley County.

Mick said the State had said that putting an expiration on an emergency declaration only applies when it is signed by only one Commissioner. He said if it is signed by more than one Commissioner, it can last as long as those Commissioners deem it necessary. Mick said each Monday it could be looked at, but we wouldn't need to do another declaration.

Jack asked what they would do if we would get an inch of rain on Friday. Mick said they would review it. He said he didn't know that an inch of rain would be enough to change anything. Mick said he thought we were 7 inches of rain behind for the year. There was discussion about the number of communities that have canceled or delayed their fireworks.

Having only two Commissioners present at this time, Joy asked Mick to come back later when the third Commissioner is present.

FINDINGS AND ORDER RE: SHERRY BATES AND RANDY TUCKER'S UNSAFE BUILDING AT BEAR LAKE

Joy said that Dennis had prepared the above referenced document, (H.I.). After reviewing the document Jack moved to approve it. Joy seconded the motion and it carried, 2-0.

NEPOTISM POLICY

Joy read from the state statute about the Nepotism Policy that is required by July 1st. She asked Dennis if the Council has to approve the policy also. Dennis said they do.

HIGHWAY BUSINESS – MARK GOODRICH & MIKE FITCH GENE STRATTON PORTER HISTORICAL MARKER SIGN

Mark reported that the State Historical Society wants us to replace a historical marker sign for the Gene Stratton Porter Historical Site at CR 850 N & 450 E. He said he didn't think that was ours to take care of. Mark said the Historical Society called the State Highway Department and the state told them it wasn't theirs to take care of and that it would be the county's to take care of. He said the man told Charisse (Secretary) the county put the sign up about 30 years ago. Mark said Charisse asked him for documentation of that and he couldn't give it to her. He said Wayne (Sign Foreman) said he hadn't done anything with the sign. Joy said if anyone had done anything it would be the county historical society. Mark said he didn't want to start getting into that kind of stuff. He said last week they got a call from someone on Perry Road who wasn't getting their mail because the Perry Road sign was down. Mark said he told them the county has their sign up, which is CR 900 N - State Road 5. He said the city didn't want to replace the sign but they finally did. Mark said if the name is changed by the city they should be responsible for that. There was further discussion about signs.

KAMMERER ROAD SPEED LIMIT SIGN

Jack said on the Kammerer Road there is a speed limit sign that is supposed to be 30 MPH and someone has used black paint and made the 30 into an 80. He said it has been that way for quite a while. Mark said he would look at the papers he got back. He said he paired the township drivers up and sent them into their townships and told them to trim any brush where the signs can't be seen, and to check the signs and write any of them down that have anything unusual about them. Mark said he hadn't had a chance to go through them yet, but he would check to see if it is written up.

QUOTES ON TRUCK LIFTS

Mark said he was still waiting on some quotes on lifts. He said Roger called him this morning, and he said the rotary lift that he had highly recommended would be the best avenue for us. Mark said it is \$98,800.00 and some. He said he is waiting on an estimate from Gasline Equipment to replace the pump and the cylinders.

PURCHASE OF POST DRIVER

There was discussion about the purchase of a post driver that had been discussed last week. Mark said he found the driver on the internet that the Commissioners had talked about last week. He said he sent out a questionnaire to County Highway Engineers to see if any of them had them. Mark said two of them had the Tippman's and liked them. He said Wayne (Sign Foreman) had seen them and didn't like them. Mark said he told Wayne that we weren't going to spend \$4,000.00 on a driver so he had better get a couple of other quotes and see if he can find something he likes better. Joy asked what Wayne didn't like. Mark said Wayne told him it was awkward. He said he told Wayne it was up to him to find one he likes at a better price or get the Tippman.

MOWER DOWN

Mark said there is a mower down again. He said they can't find a fitting for it, so they are going to put a new line system on it so it will match to anything we have. Jack asked how many townships are mowed now. Mark said there were eight that were complete.

BASELINE ROAD - BLEEDING PROBLEM

Mark said they are having trouble with Baseline Road off SR 9 bleeding again. He said he had part of that on the schedule for chip and seal next year. Mark said he might see if he can come up with enough money to strip it and put stone on it and spray it real light to get the wheel tracks built up to where we can eliminate that problem.

ROAD STRIPING CONTRACT

Mike said he had been working on the striping contract, and he showed the Commissioners a map he had prepared showing what he would propose to be striped, and when they would be striped. He said we will do the striping in two phases, one now and one when the chip and seal is done this year. Mike said he has roughly \$45,000.00 in the budget for the first phase and he would have to find another \$30,000.00 for the next phase. Mike said the striping program is about a three year cycle, so he will get with Mark to see what might be on the 2014 road work list so we wouldn't stripe those roads now.

BROOKSIDE ESTATES ROADS

Mike said he had information on Brookside Estates from two contractors. He said basically there are three areas where the concrete is in poor condition, and their recommendation was to remove the concrete and replace it. Mike said they told him that to go in and remove the

bad portion and replace it would be more labor intensive and cost more than just removing it all and replacing it. He said the curbs are in good condition on both sides. Mike said the contractors said by the time you cut out just the joints and try to replace them it would be better to do the whole thing. Mike said it would cost about \$10,000.00 per location so it would be about \$30,000.00 for the whole thing. He said his recommendation would be for the Highway Department to go in and clean the joints and crack seal in the fall.

Mike said after the concrete is removed they would check for drainage to make sure there are no issues with it.

Mark talked about an area where they sometimes have six inches of ice on the road in the winter. He said there is a ditch that runs through there that they might be able to run the water into. Mark said there could be a spring in the yard or something too.

There was discussion about where to get the money for this project.

Jack asked with the quotes Mike had received if they would haul the material away. Mike said they do everything. He said they remove it and replace it.

Mike asked if he needs to get two additional quotes. Joy said he would need to. She said it is under the amount that requires us to get bids. Joy said sometimes they have those that are going to quote come to a pre-bid conference so they can all have an understanding on what is to be done. She said they might want to meet at the site to do that.

ROAD CONDITIONS

Mike said he thought we were going to get to the point where financially all we can do is to go to a maintenance mode and maintain the best roads first. He said there wouldn't be much that could be done with the roads that are in terrible condition when you look at the money, which is unfortunate.

SIGN INVENTORY

Mike said he is working with Steve Hook, GIS Coordinator, trying to get all of the new signs coordinated in the GIS data base. He said they need to take pictures of all of the signs and get them tied to the location on the GIS map so we can verify them.

Joy said when we started the sign project we went out and got a GIS coordinate on all of the signs. Mike said Steve has that information. He said now all of the sign information that was in the plans such as the type of sign has to be put in the data base, and then we need to get a new photograph to go with that data base.

DETERIORATED ROADS

There was discussion about the roads that need to be ground up, and whether it would be cheaper to grind it up ourselves or hire it done. Mike said Mark is going to lease a grinder to see how it works. Mark said Whitley County leased a grinder and a huge roller from Southeastern Equipment for a month and they figured that it cost them about \$1500.00 a mile to grind their roads. He said that is good compared to \$3,500.00 - \$4,000.00. Mark said he talked to the superintendent and the foreman in Whitley County and they were real happy with it.

GAS TAX

There was a brief discussion about gas tax. Joy said that Indiana and Illinois were about the fourth and fifth highest in gas tax of all of the states. Mike said he wished that they would point out how much of that tax goes to the Highway Department when they put out information on how much gas tax is collected. Mark said a lot of the western states still have a lot of gravel roads too, and they wouldn't have near the maintenance or near the miles of roads that we do.

IMPAC - POSTAGE METERS

David Wagner, Marketing Representative from IMPAC came before the Commissioners to give them information about his company. He talked about some of the companies in the area that they do business with. There was discussion about how long the lease is with Pitney Bowes for the postage machine currently being used. David said they are a member of the Better Business Bureau, and the bureau also uses IMPAC's equipment.

Joy asked David to talk to Jackie Knafel, Auditor because the postage machine is in her office and they are the ones that know what goes on with it.

There was discussion about the large amount of certified mail that is sent in the county and the cost to send it.

LARE GRANT FOR ELKHART RIVER LOGJAM REMOVAL

Present for this portion of the meeting were Scott Zeigler, Noble County Surveyor and Rod Edgel, Department of Natural Resources (DNR).

Joy said some time back we received a LARE Grant to do logjam removal on the north and south branches of the Elkhart River. She said the grants are being handled through the Division of Fish and Wildlife. Joy asked Rod if this was their first round of that. Rod said it was. He said logjam removal just got put in the statute. Joy said the writing of bid specifications was under the auspices of the DNR. She said Scott and some his staff and Rod Edgel had floated the river and marked logjams that qualify for removal. Joy said last month she and Scott received the bid document and it is time to get going on this. She said she reviewed it and she didn't know all of the ins and outs of the technical aspect, but she thought Scott had a couple of comments.

Scott said his question was on page two where it says "Trees and tree parts removed from the stream as well as miscellaneous debris shall be removed to an approved location above the ordinary high water mark and properly secured". He said he was okay with that as long as they aren't talking about the flood plain. Scott said as long as we are above the ordinary high water mark but we can still dispose of them within the flood plain, and as long as the properly secured could be either "cabled in place" or "wedged" sufficiently so they would not re-enter (the river) he was ok with it. He said typically they would wedge them from the upstream side in between a couple of trees so any high water would push them into the trees further. Scott said they had some concern from landowners that didn't want any wire on their property. He said in some areas the flood plain is extremely wide and if we had to move the trees out of the flood plain it would be very costly. Rod said that is what he meant by that. Scott said just so they are on the same page. There was discussion about where the project would start.

Joy asked if all of the logjams were marked. Rod said they are marked with paint. Joy asked Rod if they plan to do a pre-bid conference. Rod said they could do that.

Dave asked what the cost was that was dedicated to each branch. Rod said it was \$40,000.00 for the north branch and \$25,000.00 for the south branch. Scott said we are anticipating that the county's portion would be 20% of the total of the two figures.

Joy asked if there would be a pre-determination of what work the county would do for their in-kind share. Rod said his hope is that everything would fall in place once they get the bid documents back and review them, and discuss it when we find out who would be doing the work.

Joy asked what kind of time-frame we are looking at. Scott said since this is under the \$75,000.00 bid amount we could just ask for quotes and bid bonds and not have to put notice in the paper. He said they could just ask three interested companies for quotes. There was discussion about how they would find companies that are qualified to ask for quotes.

Dave asked how long it would take to complete the project. Scott said it would depend on being able to work on the water. He said we will need a depth of water to work on. Scott said if we get the contract signed by the end of July, his guess would be in the fall of the year.

Jack asked if there is enough money to remove all of the logjams that have been marked. Rod said he didn't know. He said they granted a little less than was requested because they are new to this and they wanted to be a little bit conservative. Scott said in the past the usual rule of thumb was \$500.00 - \$1,000.00 per log jam. He said a lot of it varies on if there is one tree there or if there are multiple trees stacked up. Scott said he thought we were probably pretty close.

Scott said someone would have to contact the landowners to get permission to cross their land. He said the last time they had 80 to 100 man hours to track down landowners. He said he also sends a notary with whomever is going out, because otherwise the landowner has to find the time to come in to the office or they have to go to a notary and sign it and sent it back.

Jack asked if they have any problems with the people about wedging what they take out of the river. Scott said some of the landowners had concerns and they wanted to know who was doing the work, how it was being done, and where the logs would be placed. He said some of them said they would like to have fire wood out of it if it is a bigger tree. Scott said it seems like every landowner has their own idea of what they want.

Jack asked if any other counties close have one of these grants. Rod said there were only two awards that they gave this year. He said they didn't have many requests since it was so new to the program. He said the other grant they gave was to Brown County, and theirs is a totally different program. Rod said it is just one massive logjam they are removing there.

It was determined the pre-quote meeting will be July 13th and the quotes will be opened on July 23rd. The companies that quote will be told that the county intends to provide a work crew for an in-kind contribution of 10% on the project.

MINUTES APPROVED

After reviewing the minutes of *June 4, 2012* and making changes as needed, Jack moved to approve them as amended. Dave seconded the motion and it carried, 3-0. Dave moved to approve the minutes of *April 16, 2012* as amended. Jack seconded the motion and it carried, 3-0.

NEPOTISM POLICY CONTINUED

The Commissioners discussed the different options they have for establishing a nepotism policy, (H.I.).

Dave asked about Auditor Jackie Knafel's request last week about having an exception to the policy. There was discussion as to what could be done if an elected official currently has a family member in their office (who would be grandfathered in) and that employee became the newly elected official and wanted to keep the former elected official in their office, because of the knowledge they would have about the office.

Shelley Mawhorter, Recorder came before the Commissioners to tell them what she had learned from Debbie Gibson from the State Board of Accounts. She said she asked Debbie if we have an elected official go out of office and their daughter became the new elected official, if the

parent could stay. She said Debbie said there has to be a policy in place by July 1st and the policy could be worded in such a way that grandfathered her. Shelley said she didn't know how it should be worded.

Shelley said she thought Jackie has done a great job. She said this is a hard job to come into and every eight years we start all over again. Shelley talked about the budgets, the abstract, and settlement which are all done by the Auditor, and are huge jobs.

Jackie said she didn't want a special exception for just her. She said when any elected official walks out of the door after 8 years there is a great deal of experience that you hate to see go just because of an issue like this.

Dave said from what he has heard it is also going to cost the taxpayers, because there is a learning curve involved. He said if we are looking truly at the interest of the taxpayers it is beneficial for the county (to keep them). Dave said it is not because of nepotism or friendship, but it is because of experience and having the best qualified person.

There was discussion about the fact that an elected official is not considered an employee as far as the state is concerned, but when it comes to the county the elected official would keep their years they spent in an elected position if they stay on and work for the county in another position. That employee would receive vacation pay based on the years they had worked as an elected official. There was also discussion that elected officials receive health insurance and PERF just like regular employees.

There was much discussion about how an exception could be made to the nepotism policy to protect the county from losing the knowledge that elected officials have in an office, should one of their relatives become the next elected official of that office.

Joy suggested that the Commissioners should decide if they are going to go with option A, B, or C and she would recommend option A which is the most liberal of them.

Joy said the Commissioners have to decide if the Sheriff's spouse may be the Matron or may not be the Matron. She said she would say to go with the first possibility, (which would allow the Sheriff's wife to be his Matron).

Joy said the third thing they need to decide would be about Deputy Coroners. The Commissioners talked about making it so a relative may be a Deputy Coroner.

DECLARATION - BURN BAN EXTENSION

Mick Newton, EMA Director came before the Commissioners again to request the burn ban be extended "until further notice". (Mick will give a weekly report of conditions as long as the ban is in place). Dave moved to approve the declaration to extend the ban. Joy seconded the motion and it carried, 2-1 with Jack being opposed.

NEPOTISM POLICY CONTINUED

Joy read aloud a sample resolution. After determining that the resolution included the alteration the Commissioners wished it to have, Dave moved to approve the resolution. Jack seconded the motion and it carried, 3-0. (Resolution #2012-02)

RESOLUTION ESTABLISHING POLICY REQUIRING DISCLOSURE OF CONTRACTS WITH RELATIVES

Joy read aloud a proposed resolution to make the above referenced policy. After a brief discussion Dave moved to approve the resolution. Jack seconded the motion and it carried, 3-0. (Resolution #2012-03)

COMMISSIONERS BUDGET ESTIMATES FOR 2013

The Commissioners received copies of their budgets that will be given to the Council for their review and approval, (H.I.). Joy said the only question was about the CEDIT Fund. She asked Jackie about it and after getting her question answered she said she was ok with it.

SUPERINTENDANT OF FINANCIAL SERVICES OF THE STATE OF NEW YORK - CHECK RECEIVED

Jackie told the Commissioners she had received a dividend check for \$1300.00 from the Bank of New York which says it is as liquidator of Ideal Mutual Insurance Company. She said it is to the Noble County Board of Commissioners in care of the Noble County Treasurer. Jackie said she had talked to the Treasurer and Tonya (Deputy Auditor who does claims). She said it has Anita Huff's (Auditor from 1991 - 1998) name on it.

Joy said a long time ago we had the Sheriff's liability insurance through a company that went bankrupt, and she wondered if this was the settlement.

Dennis suggested turning the check over to the Sheriff or the Prosecutor's Office. Joy and Dave gave Jackie some phone numbers they found on the internet for her to try.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 12:13 P.M. recessed from day to day until the 2nd day of July 2012.

Joy Y. LeCount, President

David J. Dolezal, Vice President

Jack W. Herendeen, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor