

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD JULY 2, 2012**

Comes now the hour of 9:05 A.M. on the 2nd day of July, 2012, 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:

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

Also present were:

Marion S. Cavanaugh, Deputy Auditor
Dennis Graft, County Attorney
Chad Kline, Commissioner Candidate
David Smitts, Public
Mike Campbell, Public
Ron Meyer, Public
Scott Zeigler, Noble County Surveyor (for UDO portion)
and Bob Braley & Scott Perry, News Media

E-911 UPGRADE FUNDING

Mitch Fiandt, E-911 Director came before the Commissioners to talk about the cost of the E-911 upgrade, and how it will be funded. Mitch said there are about 10 counties that joined together in a consortium. He said they wanted to go together and get their equipment at the same location to see if they could get a cost saving by buying in bulk. Mitch said last week they opened the RFI's (request for information). He said they had three responses. Mitch said most of the group had gone with the Indigital Frontier Solution. He said he sent the Commissioners an e-mail of the 80 page RFI and bidding process. Mitch said Frontier was able to delete some charges that the others were charging us, like customer support. He said the new system would be monitored 24/7 by someone like Frontier. Mitch said with the Indigital Frontier Solution they would only have one place to call to get service like we used to have. He said currently we have to call up to five or six people to find someone whose problem it is, in order to get it repaired. Mitch said it came in at \$110,178.35, and with discounts it would be \$108,693.85, installed. He said that would be about \$30,000.00 less than we paid for the system we are replacing that we bought about 10 years ago.

Mitch said he had been talking to Joy about funding. He said as of midnight yesterday we are receiving our funding from the State now. Mitch said we know how much money we will be getting, but we don't know when we will get it. He said with what the county will be drawing off of the state, for the first time since funding started dropping because of land lines being dropped, we will be receiving more than we are paying out.

Joy asked about the grant Mitch said he had. Mitch said the total grant amount is \$45,000.00. He said that grant expires July 31st, but there are some ways to extend it. Joy asked how much additional money Mitch will need. Mitch said he needs to maintain his 911 funds (about \$350,000.00) to continue operations throughout the year until everything levels out with the state. He said some time we have to start locally putting funds into the 911 system according to what they had told him at the state. Mitch said he and Joy had talked about using CREDIT funds for this purchase. Mitch said if everything from the grant comes through he would need sixty thousand and some dollars.

Joy asked if the \$108,693.85 includes everything. Mitch said it did. Jack asked how long it would take to get the system up and running. Mitch said feasibly, if he could order it today he could probably have it up and running by the first of August.

Joy asked if we are guaranteed that if we spend the money we will get the grant. Mitch said as long as we follow the guidelines we should get the grant. He said it is a reimbursable grant where we will have to spend the money and then get it back.

Mitch said under the new law the wire lines are being charged 90 cents and cell phones and track phones are being charged 50 cents now. Mitch said the biggest problem they are having with funding right now in addition to the land lines decreasing, is the disconnected cell phones. He said they still call 911. Mitch said last year they had 2,963 untraceable phone calls on the 911 system. Dave asked if a mobile phone that doesn't have service can still dial 911. Mitch said it is just like the land line. He said federal regulations require that it can still call 911.

BURN BAN

Mick Newton, EMA Director came before the Commissioners to discuss whether to continue or discontinue the burn ban. Joy asked what other counties are doing with their burn bans. Mick said there are two counties that lifted theirs down toward central Indiana and there are 85 counties as of this morning that are still under the burn ban. He presented a map showing the amount of rain that was received in Noble County. He said in most areas it was an inch or less. Mitch said there were 12 grass fires last week, and he had a list of the locations, (H.I.). Mitch said the latest drought forecast is dated June 26th and they are still saying that we are in an extreme situation.

Joy asked if any of the communities in the area had indicated they would allow camp fires if they are in a fire ring. Mick said not that he was aware of. There was discussion about the phone calls that had been received about the burn ban, and the fact that camp grounds are losing business because of not allowing camp fires.

Mick said his personal feeling was that the conditions hadn't changed that much and he thought the ban should continue.

Dave said he would be in favor of keeping the ban in place and if things change during the week we can change it. Mick said it could be changed at any time. There was no action taken because the burn ban was made "until further notice".

JIM ABBS, CHIEF PUBLIC DEFENDER – IMPROVEMENTS TO BUILDING

Jim said their office is in need of some carpeting and some painting. He said he would like to have some guidance on the issue. Jim said he has never seen the lease agreement and he didn't know who is responsible for what. He asked that someone look into it.

Dave asked Jim how long they have been in the building. Jim said they have been there for eight years.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 9:29 A.M. and reconvened at approximately 9:36 A.M.

HIGHWAY BUSINESS – MARK GOODRICH UPDATE ON STORM DAMAGE & OVERTIME

Mark gave the Commissioners an update on the storm damage and the amount of overtime involved with clearing roads of trees and tree limbs, etc.

UTILITY PERMITS

Mark presented permit #UP-032-12 from Noble REMC for work on 1100 E or Lemper Road between State Road 8 and Baseline Road in Allen Township, and #UP-033-12 from Frontier Communications for work on S CR 500 E between Baseline Road and CR 235 S for work at the Jacob and Nicole Griffith residence, (H.I.).

TRUCK LIFT

Mark presented a quote from Ott Equipment Service, Inc. for a 75,000 pound capacity, in ground truck lift in the amount of \$98,809.00 and for a 50,000 pound, in ground lift in the amount of \$83,691.00, (H.I.). He said he was still waiting on one more quote from Gasoline Equipment. He said a guy was here Thursday or Friday that did some measuring and checking on the equipment we have. Mark said he is looking at what it would take to repair the system that is in there now, including a new pump and rear cylinders.

Mark said on the rotary system that he handed out the quote for, Roger came up and talked to them and explained things quite well. Mark said he was impressed with Roger and his knowledge of the equipment. He said he thought that system would be a good fit for us. When asked, Mark said the only thing that would have to be done to the air system would be to put a dryer on it.

Mark said if a lift isn't ordered by the end of the year there will be a 7% increase.

There was discussion about putting a sump pump in the bay to keep the water and oil pumped out. Mark said they are going to come up with a maintenance plan to keep things cleaner in the shop.

Mark is going to get in touch with DeKalb County to try to make arrangements for him and the Commissioners to go check their lift out.

MAINTENANCE WORKER/TRUCK DRIVER

Mark said the information he had as far as job classification had classified them as Maintenance Workers. He said he had been telling all of the applicants that is what it was because half of the time will be spent doing labor type of work and not all time would be in the truck. Mark said he didn't want to mislead the applicants.

Mark said he still has two maintenance worker/truck driver positions open. There was discussion about what had been approved by the Council. Mark said he still had one interview to do for the position. Joy asked if the applicants have their CDL's. Mark said they do. Joy asked Mark if they have good driving records and that sort of thing. Mark said he needs to do the background research on them yet. He said he has done some back ground checking on one of the applicants but he hadn't gotten to the others yet. Dave suggested that Mark have the applicants get police checks. Joy asked if all of the applicants had provided references. Mark said they had, but he had only checked on one of them so far.

Jack asked if the applicants are from within the county. Mark said they are.

GARAGE FOREMAN

Mark said the new Garage Foreman started Friday.

CHIPPER

Jack asked how close they are to getting the chipper ready to go. Mark said everything is ready. He said they put all of the finishing touches on it Friday. Mark said they would start chipping next Monday.

PONTOON ON 5' OF ROADWAY

Mark reported that they are running into some more issues of people leaving things on the road. He said there is a new addition at Big Lake where there is a pontoon parked 5' onto the roadway in a fairly congested area. Mark said he had made two trips down there to try to catch them but they weren't home so he sent them a letter letting them know it was illegal and a liability and he told them if it wasn't removed by the 6th he would turn it over to the Sheriff. He said he is spending a lot of time running around trying to catch people to deal with stuff and it is wasting a lot of his time driving back and forth. Mark asked if there would be an issue with sending letters out if he can't contact them in person.

The Commissioners and County Attorney advised Mark to turn such situations over to the Sheriff's Department. Dennis said there are liability issues if the pontoon sets there.

TRUCK #9 AT VOMAC

Mark said truck #9 is down at Vomac. He said it died and they couldn't get it started. Mark said they tested everything on it and had to load it on a lowboy and take it to Vomac.

MOWERS

Mark said there are two townships that haven't been mowed, and they are being mowed today.

UNIFORM CLAIMS

Dave said the uniform costs are down. He asked Mark to spot-check them occasionally. Mark said Marc Fisher, Highway Dept. Bookkeeper watches them pretty close. He said this company is not quite as good to work with as the last, but they are cheaper.

CLAIMS APPROVED

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

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

The Commissioners received the above referenced findings and order, (H.I.). Joy said she thought the Commissioners had signed it last week. Dennis said they did, but the date changed from the 9th to the 16th because the Building Inspector won't be here the 9th.

Dave moved to approve the amended order. Jack seconded the motion and it carried, 3-0.

**MULTIHAZARD MITIGATION PLAN/
PRE-DISASTER MITIGATION GRANT**

Mick Newton, EMA Director had sent the Commissioners a letter to be sent to Janet Crider the State Hazard Mitigation Officer indicating that they will commit personnel time, travel, data and other resources as needed toward the effort and the local match for the above referenced grant, (H.I.). After reviewing the letter Jack moved to approve it. Dave seconded the motion and it carried, 3-0.

**SEMI-ANNUAL SUB RECIPIENT REPORT
RE: NOBLE TOWNSHIP FIRE STATION GRANT**

The Commissioners received the above referenced report from R.P. Murphy and Associates for their review and approval, (H.I.). Jack moved to approve it. Dave seconded the motion and it carried, 3-0.

**AEP/INDIANA MICHIGAN POWER -
RIGHT OF WAY MAINTENANCE**

The Commissioners received notice that AEP will be performing routine maintenance and conducting a ground survey and soil borings on their existing easement on property which the county owns, (H.I.).

**PERIODIC MAINTENANCE RATE INCREASE
FINAL ORDER- PARKER WATERSHED**

The Commissioners received notice of the above rate increase, (H.I.).

**MARILYN EMMERT - THANK YOU
FOR WORK ON ALBION ROAD**

Joy read a thank you from Marilyn Emmert for work done on the Albion Road.

SPEED LIMIT NORTH OF LAOTTO

Dave mentioned that the speed limit sign had not been changed north of LaOtto per the ordinance that was done. He will talk to someone at the Highway Department about this.

CONFISCATED VEHICLE TITLE

Auditor Jackie Knafel said she had a title for a 2007 Dodge Charger that the Sheriff's Department had sold. She said it was a car that had been confiscated and it had to be sold after three years. Jack moved to approve for Joy to sign the title. Dave seconded the motion and it carried, 3-0.

MAP DONATED BY ROBERT WILSON

Jackie said she wanted to make sure the Commissioners are ok with the map that was donated by Robert Wilson being installed on the second floor where the bulletin board is now. The Commissioners agreed that was acceptable.

MINUTES APPROVED

Dave moved to approve the minutes of the *June 25, 2012 executive session* as presented. Jack seconded the motion and it carried, 3-0.

BURN BAN

Bob Braley said his editor had asked if the burn ban for Noble County includes a ban on fireworks. Dennis read from the burn ban that it does prohibit fireworks.

BRAD JOHNSON, GROUND RULES – CONTRACT FOR UDO (10:45)

Brad Johnson was present to discuss the contract Ground Rules has with the County in regards to establishing a UDO (Unified Development Ordinance). There was discussion as to what point the county is at in terms of completion of the UDO and the contract.

Joy said she knew that Brad thought we were well past the length of the contract as far as their original commitments were. Brad agreed. Joy said what the Commissioners need to know is what they owe Ground Rules, and what it would cost to get the UDO finished.

Brad read from a letter he had sent July 28, 2011 talking about how much over the contract we were, and that Draft F was representing about 30% overage in the scope of services. He said he had proposed \$5,840.00 as a fair amount to both of us. Joy said there had been some expense since then. Brad said basically the \$5,840 was about 25% of what the contract would have allowed them to charge for the overages. He said as a company, they try not to nickel and dime communities. Brad said in the eleven plus years that they have been in

business they have only had two cases amongst many communities where they had actually asked for additional services, even if they have gone over their contract amounts. Brad said he would not ask for any more than the \$5,840.00 even today.

Joy asked Brad if he had submitted a claim for that amount. Brad said he had not. He said he thought they needed to get a contract amendment in place to legitimize a claim. Joy asked Brad how soon he could have the amendment done. Brad said he could have it by the end of this week. Joy said there would be some finish up work regardless of how the UDO goes, and she asked what costs would be associated with that. Brad said assuming that we don't take another step backwards and start all over again with drafting, whatever comes out of the last polishing of the draft he would do for the \$5,840.00. Joy said she felt the county should be fair to Ground Rules. Brad said he would feel okay with charging the 25% of the contract amount (\$5,840.00) if they can get the changes the county is requesting and address them in the document one time, and if the county goes through the adoption process and it becomes effective. He said when it is really final they will send the county the electronic copies and the hard copy version. Brad said they warranty the document from any errors such as spelling errors for one year. He said that doesn't include policy changes that the County would want to make. Brad said most companies make at least one minor amendment to the document within six months to a year. He said they usually try to lump everything together at the end of the year and make the changes all at one time. Brad said the last time they did that for a community the things that were not errors cost them a couple of hundred dollars.

Joy asked what the time frame would be for delivery once the Commissioners approve it and they receive the information. Brad said it depends on when that happens. He said at the end of July they are going to be very busy because of a couple of their projects. Brad said the worst case scenario should be three weeks. Joy asked if that would include the electronic version as well. Brad said it would.

Dave asked after we get through with the entire process if we have a policy change, if we would make that change. Brad said, "Yes". He said the editable versions they give us will be in Design CS4, which replaced Pagemaker as was stated in the contract six years ago. Brad said it would be in PDF and there would be a hard copy version. He said when they finish a project and the county adopts their work, Ground Rules will license the UDO with no time limit on it. Brad said there is no restriction on the County hiring someone else to amend it, as long as it is for the County's purposes. He said if Kendallville would want to take the County's ordinance and hire someone to modify it for their use that is where the restriction kicks in. Brad said once the County has adopted it and paid Ground Rules it is theirs to use. He said the County could internally update it, they could externally update it, and they could hire Ground Rules to update it or whatever they want. Brad said the only other restriction is that if the County hires another firm and they make some minor changes to it, they prohibit that firm from claiming the whole work as their own.

Joy asked Brad if he would provide a contract amendment. Brad said he would.

Joy asked if we had paid them for their reimbursables. Brad said they had over the course of the contract. He said the only thing they charge for is mileage and printing, and they only charge for printing when it is over \$30.00. Joy said she wanted Ground Rules to be reimbursed for what they feel is appropriate to try to get to where we need to be.

CEDIT DISCUSSION

The Commissioners discussed their CREDIT Plan for 2012/2013 and amendments that may be made to it. Those amendments could include: Convention & Visitors Bureau; Noble County Redevelopment Commission; Parking Lot & Windows at South Complex; E-911 Funding; Highway Department Truck; and additional money above what was planned for the Ambulance in 2013.

There was discussion about why there is a need for additional money for E-911. Chad Kline said the County used to charge \$2.60 per land line, and now the State says you can only charge \$.90, and many people are not using land lines any more. There was discussion as to whether the money should come from CREDIT or an Additional Appropriation.

There was also discussion about whether the entire CUM Capital Fund should be restored back to the Highway Department, which is where it should be.

The Commissioners thought it would be best if Mitch would take his E-911 Funding problem to the Council.

SPACE ASSIGNMENTS

Joy said she would like to talk about space assignments if the Commissioners have time on July 16th. Jack said the carpeting issue has been on hold for a year and a half.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 11:43 A.M. recessed from day to day until the 9th day of July 2012.

Joy Y. LeCount, President

David J. Dolezal, Vice President

Jack W. Herendeen, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor