

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD FEBRUARY 11, 2013**

Comes now the hour of 8:32 A.M. on the 11th day of February, 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
and Bob Braley and Scott Perry, News Media

MINUTES APPROVED

After having reviewed the minutes of the Executive sessions, *two* on *January 28, 2013* and one on *February 4, 2013* Chad moved to approve them. Dave seconded the motion and it carried, 3-0.

Chad then moved to approve the *January 28, 2013* regular session minutes as presented and the *February 4, 2013* regular session minutes as corrected. Dave seconded the motion and it carried, 3-0.

**MICHIANA LAND SERVICES, INC. –
TWIN BRANCH – ROBISON PARK**

The Commissioners received notice from Michiana Land Services that they had postponed all work on the Twin Branch – Robison Park and will commence on a date yet to be determined, (H.I.).

**IDEM – LEBANON SEABOARD CORP. IN -
ALBION - AIR PERMIT RENEWAL**

IDEM sent notice to the Commissioners that Lebanon Seaboard Corp. had applied for an air permit renewal, and informing them that there is a 30-day public comment period, (H.I.).

CLERK'S & TREASURER'S REPORTS – JANUARY 2013

The Commissioners received the above referenced reports, (H.I.).

TOWN OF ALBION – LEACHATE DISPOSAL

The town of Albion submitted an invoice in the amount of \$390.00 for the disposal of 6500 gallons of leachate from the landfill in January 2013, (H.I.). Dave and Chad said they thought the Commissioners had talked about reducing the leachate removal to see what

happens. Dave said the Commissioners are going to have to make that clear to Allen Freels. He said on the last landfill monitoring report everything looked good. Chad said he thought the Commissioners had talked to Allen about pulling one less load per week and Allen said it has been dry. Chad questioned if it is dry, why he is still pulling three a week.

SHERIFF'S 2012 ANNUAL REPORT

The Commissioners received the above referenced report, (H.I.). Chad Willet, Chief Deputy was present at this point and the Commissioners asked him about the questions they had on the report.

PAYROLL TO BE PAID 2/21/13

Dave moved to give Gary permission to approve payroll next week since there won't be a meeting. Chad seconded the motion and it carried, 3-0.

DISCUSSION RE: SOUTH COMPLEX AND WEBER ROAD ANNEX

Chad said the Commissioners should talk to someone about doing something with the South Complex and what we want to do with the stairway. Dave said Pulver's had quoted to extend the handrail all of the way up to the ceiling so kids couldn't fall through or get through it. Chad said he thought we could just build a 5' wall.

Gary said he talked to Dave Baum about the problem we are having with the 50' tower and cell phone reception. Chad said they say the cell phone reception is really bad.

Dave Dolezal said Dave Baum had talked like the wiring at the annex is not the updated computer wire and is not adequate.

DEPARTMENT HEAD MEETING

Dave said he had attended the Department Head meeting and he filled Gary and Chad in on what they had talked about and who was there.

SHERIFF'S DEPARTMENT CARS

Gary asked Chad Willet, Chief Deputy where they stand at the Sheriff's Department with cars. Chad said he had just sent Chicago Motors copies, pictures and descriptions of all of the vehicles we have to sell/trade. He said last year they gave us almost three times what anyone else offered on a Charger they auctioned off. Chad said they are still waiting to hear from them and to hear on trade values. Gary asked how many cars they had to get rid of. Chad said there are six. Gary asked if that included the Blazer that Dave Baum, IT wants. Chad said it did not. There was discussion about different vehicles that could be traded for the county car, the number of miles on them, and the condition of each. Gary said he would make a point to look at the '05 and the '08 before they are sold or traded in. He asked when they anticipate the new cars will be in. Chad said they are in and they just have to coordinate on picking them up after they get the trade prices and the numbers from Chicago Motors.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 9:05 A.M. and reconvened at approximately 9:16 A.M.

DICK ADAIR, BUILDING INSPECTOR – DOCUMENTS FOR UNSAFE BUILDING REMOVAL

Dick said they are ready to send notice for bids for removal of the Glen Woodcock building, and we need to set a time and a date for the bids to be due and to be opened. He said there are a couple of trees real close to the house that he had Allen Shultz look at because of the closeness of them, and he said if you take the basement out of there the trees will fall onto a property that doesn't belong to Woodcock. Dick said his recommendation was to take the trees out before taking the basement out. He said Dennis has that as part of the bid. Chad asked if that is something that should be done while the ground is still frozen. Dick said because of the type of soil that is there it won't really matter.

Chad moved to send notice for a public hearing on February 25, 2013 at 10:30 A.M. for the Glen Woodcock property at 0758 South Highland Drive. Dave seconded the motion and it carried, 3-0.

STAIR RAIL AT SOUTH COMPLEX

Chad asked Dick what he thought should be done with the stair well at the South Complex. Dave asked Dick if Pulver's had given us a bid on that. Dick said they had but he didn't know if he was given the ok to do it. Dick said he (Pulver) was going to post up to the ceiling to support the railing that was there, and then put a different type of rail in there and raise it. He said his bid was to put a gate on the stairway too so little kids in the hallway couldn't fall down the stairs. The Commissioners asked Dick to get a quote on extending the rail and as an additional option to put a gate on the stairway.

HEALTH DEPARTMENT

There was a brief discussion about the idea of moving the Health Department to the upstairs at the South Complex and how it had been planned for them to move to the Weber Road after that, and now it is all up in the air.

HIGHWAY BUSINESS – MARK GOODRICH & MIKE FITCH TAKE HOME VEHICLE FOR WINTER

Mark said a couple of weeks ago he had requested for one of the foremen to have a take-home truck for the winter. He said at this point we are about through winter and he is not too worried about it, but he would probably revisit it next winter. Mark presented a copy of the minutes where this had been approved previously. Gary asked about the fact that the person Mark had talked about taking home a vehicle only lived a mile and a half out of town, and he asked if there is any reason he couldn't come in and get a truck and go. Mark said he could. He said when he runs the roads himself he is usually on the road by 1:30 in the morning. Mark said it is a little more convenient to have the truck, and it would be a benefit for being willing to get up in the middle of the night to check on the roads.

MATERIALS USED FOR SNOW AND ICE

Mark said he had been in contact with two counties about the liquid treatment for ice removal. He said Randy Knach, Allen County Highway Department said they use a calcium spray-on treatment at Lakes Chloride this afternoon who is Allen County's supplier to get some information from him. He said Randy told him we could go down and look at their

system. Mark said Randy said they use it with mix and with straight salt, and because they don't have to put so much material down it is saving them money and it works quicker to get the roads cleaned off.

Mark said the other gentleman was from Williams County Ohio and he uses the BEET-HEET and he loves it. He said they use as much as 10 gallons per ton, and they are using straight salt. Mark said he would get further information and make a packet to pass out. He said he's not expecting to use any of it this season but wants the information for the next season.

ROAD EVALUATION REPORT

Mike presented the Road Evaluation Report he had prepared. He said it gives us a benchmark of where we are, and to help us in our annual maintenance planning process for the roads. Mike said the Indiana LTAP picked eight counties in 2009 to do a road evaluation. He said based on that report the average rating is around 51-52% and our averages are around 38-40%, so we are better than the eight counties in 2009. Mike said he thought there were some counties whose roads are more deteriorated than ours. He said our funding is about half of what we need to maintain our roads. Mike said the Commissioners could review the report and later they could meet to discuss their questions. He said all of the information he is collecting is being put in GIS. Mike said Steve Hook, GIS Coordinator is going to create a map to show that information.

Mike said with the funds we have we are going to focus on maintaining the good roads we have. He said the reason for that is that reconstruction of roads costs ten times or more what it costs to maintain the roads so we don't want to let our good roads go, to the point they need reconstructed. There was further discussion about the report. Mike said generally the roads in the southeastern part of the county are a little worse than the rest of the county, and it could be because there isn't as much traffic on them. Gary thanked Mike for the report.

MEETINGS

Mike updated the Commissioners on the various meetings that he will be attending this week.

TRUCK #14

Gary asked if they have Truck #14 figured out yet. Mark said they hadn't. He said they took it down last Monday and they were going to try to work it in Thursday. Mark said he would check with them to see where they are on it.

UTILITY PERMIT

Mark presented permit #UP-001-13 from Noble REMC for work on CR 600 N between CR 300 E and CR 400 E in Orange Township for work at the Mitch and Chuck LLC property, (H.I.).

IDEM & INDOT – OUTREACH

Michael Aylesworth from IDEM and Toni Mayo from INDOT were present for this portion of the meeting, as well as Randy Sexton, Noble County Surveyor.

Michael said he and Toni often tag up in their outreach efforts to try to attend the county board meetings every two-three years in the northern part of the state. He said he thinks it is very important as part of their role in state government to make sure there is good contact between the agencies. Michael said their mission is to keep the communication up with the Commissioners, and to see if there is anything they can help with or if there are issues to resolve.

Toni said she is the Communications Director. She asked if the Commissioners know about an asphalt resurface job that is coming up this year on US 30 from about ½ mile north of

SR 109 to US 6. Chad said 30 doesn't go to 6 and he asked if it should be 33. Toni said there could be an error on her sheet. She said right now INDOT is putting together their plan on what roads will be chip sealed. Toni said one thing they do is to go into a community where it is going to be done and make the people aware of it. She said it is a very important preservation process, even though a lot of people don't like it because it stays soft for a couple of days. Toni commended Mike Fitch for having the ADA LPA put on the website for the citizens of the county to be able to see. She talked about a Self-Assessment form that the Commissioners had to fill out. Toni said it is going to have to be done every year, and each time it is done it should be time stamped and put on the web site. She said she is the person that made the phone calls but she is not the expert on them. Toni gave the name of the person at INDOT that knows all about it, and she said if the Commissioners have any questions she could get them in touch with her. She said if the Commissioners have any concerns she could take them back to the district.

Chad asked if the 33, if it is the 33 project, is going to require any lane closures. Toni said normally there isn't any with an asphalt resurface unless they have to replace a culvert or something. She said usually they would do one lane at a time. Toni said the pre-construction meeting has not been held so she doesn't have any details.

Dave asked Toni to let the Commissioners know if she sees anything on any of their paperwork that looks out of line or that needs some work done on it. Toni said she would.

Michael said his agency does a lot of water permitting and they had been involved with Noble County's landfill issues a few years back. He said he has not heard anything from Indianapolis about there being any issues with the landfill. Dave said the last reports we got looked pretty good. He said they are trying to move towards closure. Michael asked if there had been any water permitting issues. Randy said there had not been. Michael said there are three or four agencies involved with water permitting. He said they are working on making the permitting process quite a bit simpler. Michael said the goal is to make it a one-stop shop. He said if Noble County ever has a new business that doesn't understand the permitting process they have someone who will come out for free and give them assistance. Gary asked if our economic development people know about that. Michael said he couldn't say for sure but they should.

Michael presented a DVD to Gary, Chad and Randy (Dave has one) regarding the importance of using regional sewer districts or area sewer districts to reduce water pollution within the county.

DUANE STOHLMAN – LEASE OF LANDFILL GROUND FOR FARMING

Duane presented a written land contract he had made up for Dennis to look at. He said it is kind of generic and the Commissioners could look through it and see what they think. After Dennis looked at it he said he thought we should go year to year with it instead of doing it for three years. Duane said there is a place on the back where it can be extended without re-writing the whole contract.

Duane said he had talked to a couple of landlords within a half mile and one was getting \$80.00 an acre and one that is getting \$90.00. There was discussion about how many acres are being farmed. Duane said it depends on the year and the weather. He said in a wet year there is one field that you can't farm near all of it. Duane said it is 25 acres plus or minus. When asked, Duane said he would go up to \$2500.00 (approximately \$100.00 an acre).

Dave moved to accept \$100.00 an acre since Duane is putting the fertilizer on it and maintaining the land. Chad seconded the motion and it carried, 3-0.

Dennis said Duane could come in three months prior to December 31st to see if any of the terms of the contract need to be changed.

BRIDGE ON CR 225

Duane said he had read where the bridge on 225 would not be closed, but he thought eventually it would be closed because of the condition of it. Chad said if the CSX goes with the third rail they are proposing, they will have to replace the bridge.

NOBLE COUNTY COUNCIL ON AGING – TRANSIT GRANT - 2013 VAN PURCHASE

Joyce Hogge from the Noble County Council on Aging came before the Commissioners to get Gary's signature for the above referenced purchase, (H.I.). Dave asked what type of van it is. Joyce said it is called a small transit van. She said it holds eight passengers or if you fold up the seats it holds two wheel chairs. Chad moved to allow Gary to sign the paperwork for the van purchase. Dave seconded the motion and it carried, 3-0. When asked, Joyce said that makes 15 vehicles that they have.

PITNEY BOWES – CERTIFIED MAIL

Present for this portion of the meeting were Jackie Knafel, Auditor and Shelley Mawhorter, Clerk.

Jackie said they met with Pitney Bowes to talk about the certified mail. Shelley said right now when the Clerk's Office sends certified mail you hit a button in the Clerk's system and it prints everything off on a form with the label and everything. She showed the Commissioners the form that is used for that. Shelley said if we go to e-certified mailing they won't do the green card anymore. She said it would be kind of like when UPS brings something in and you sign for it and you can look it up on line to see that they had signed. Shelley said we send about 667 pieces of certified mail a month. She said if we would go to the e-mailing, we would save about \$1,400.00 a month. Dave asked what the average cost is the way we are doing it now. Shelley said the cost savings is \$2.10 per mailing. Jackie said \$1.30 is what it saves in postage. She said the \$2.10 would include the form Shelley uses. Shelley said the Clerk's Office is getting ready to go with new software, so she is checking with them to make sure this will work with the new software. She said at this point they don't retype anything. Shelley said if someone is already in the system because they are part of a case, she tells it Party 1, Party 2, or Party 3 and it puts everything on the sheet. She said she wants it to work that way with the new system, and they have already met with Pitney Bowes and they think it will work. Shelley said it would cost us \$13,385.00 to buy the software, and then there is a \$1,000.00 a year maintenance fee. She said they figured we would get the return back in 9.6 months.

Dave asked if Dave Baum, IT had looked at this. Jackie said Dave had talked to Pitney Bowes and he is currently reviewing it.

Jackie said we have looked at this for several years. She said she thought the Clerk's Office spends about \$2,000.00 every quarter for the forms they use.

Gary asked if the 667 pieces of certified mail per month was just from the Clerk's Office. Shelley said it is everything that has gone through the postage machine. Jackie said the envelopes say "Certified Mail" right on them. Shelley said they have to have a bar code. She said there would be some expense for the new envelopes that have two windows.

Jackie said we spend more money on certified mail in a year than we do on regular mail.

Chad asked whose budget this would come from. Shelley said it would be from the Commissioners budget. Jackie said with the kind of savings we will have we could take it from postage.

Gary asked how the confirmation would be tracked to a specific case. Shelley said that is something she was not sure of and she would have to check on it. She said they can look it up by name instead of the cause number if they have to.

Chad asked if the software came out of the postage budget this year if it would cause a shortfall at the end of the year. Jackie said it could. She said the forms wouldn't come out of postage. Chad said he thought there were some questions that need answered before the Commissioners make a decision.

After further discussion Dave made a motion to approve the purchase pending making sure all of the logistics work together. Chad seconded the motion and it carried, 3-0.

DOCULIVERY - W-2'S

Jackie said with the Doculivery for direct deposited checks, which is where our pay stubs are, we don't have 100% participation in that at this point. She said all new employees are asked to go with direct deposit. Jackie said we have saved a lot by not printing the checks. She said there is a capability of putting the W-2's out there. Jackie said there is a \$1,000.00 one-time set up fee and then it would be \$.97 per W-2 which would be an annual cost of around \$300.00 a year. She said it is another phase of Doculivery and she would have enough money to pay for it out of technical assistance for Low. Chad asked if this would be adding it and not discontinuing printing. Jackie said we would still continue to print for those that don't buy into this. Chad asked if once they signed up if they would no longer get a printed version of their W-2. Jackie said exactly. She said her only fear is if the employees don't buy into it. Chad said he personally wouldn't want it. He said he likes having a printed version.

Jackie said with pay-stubs being out there (on Doculivery) it has eliminated two-fold what Mary (Deputy Auditor) has to do.

Gary asked if there is any way of getting feedback from employees to see if they are interested, to make sure it would justify the expense. Jackie said she didn't know that we would really be saving that much per year like we do with paychecks because this is only once a year.

HANDBOOK ISSUES

Chad said he didn't think we need to do a whole new handbook. He said he thought we could just do some amendments. Chad talked about some things they have been asked about changing. Gary said he thought if they want to focus on issues that are coming up repeatedly at the Department Head meetings that might be a way to do it. He said he wouldn't want to focus on more than ten amendments right now.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 11:15 A.M. and they reconvened at approximately 1:23 P.M. on Wednesday February 13th at 5333 Hatfield Road in Fort Wayne to meet with INDOT.

BRIDGE #134 PROJECT DISCUSSION WITH INDOT

Present were: Gary Leatherman, Dave Dolezal and Chad Kline, Noble County Commissioners; Mike Fitch, Noble County Highway Engineer; and John Leckie, Greg Smith and David Armstrong with INDOT.

Mike discussed the letter Noble County received from INDOT regarding the required repayment by Noble County of approximately \$80,000.00 that had been spent on the project. He asked what the appeal process would be for this. Mike said that many government entities do not pay for any required payment from INDOT. He said he felt that this project was different, due to CSX changing the scope of the project. Mike requested that Noble County be forgiven and not held responsible for the payment. He said it has saved the federal government nearly 3 million dollars by not continuing with the project.

INDOT will proceed by starting with a conversation to forgive the payment. Noble County will be contacted if that does not work, and INDOT will come back with the next option. Noble County should be contacted on or before March 15th.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 2:17 P.M. recessed from day to day until the 25th day of February 2013.

Gary Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor