

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD APRIL 21, 2014**

Comes now the hour of 8:33 A.M. on the 21st day of April, 2014, 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 & Joy LeCount, News Media

CLAIMS APPROVED

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

WEIGHTS & MEASURES REPORT – 3/15/14 – 4/15/14

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

TREASURER'S REPORT – MARCH 2014

The above referenced permit was submitted by the Treasurer's Office, (H.I.).

KONE INC. – ELEVATOR INSPECTION PROPOSALS

The Commissioners received a proposal in the amount of \$2,926.00 from KONE Inc. to perform a 5-Year Traction Elevator Safety Test Inspection on the elevator at the Court House, which includes testing many components which make the elevator operational, (H.I.). After getting clarification between the amount that was written and the numerical amount shown (\$1,926.00) Chad moved to approve the proposal in the amount of \$2,926.00. Dave seconded the motion and it carried, 3-0.

BUSCHE – CR 150 E

Nick Busche, CEO/President of BUSCHE sent the Commissioners a letter in support of their application to INDOT for roadway improvements on CR 150 E, (H.I.).

FROST ENGINEERING & CONSULTING – BRIDGE REVIEWS

R. Jerry Frost submitted a letter and pictures of several bridges he had visited and checked the conditions on, (H.I.).

IT – PART TIME HELP - EARN INDIANA

Dave Baum, IT came before the Commissioners to talk to them about a summer intern, which the Council has already approved the money for. He said he usually hires someone in the summer time to get some overhead tasks out of the way. Dave showed the Commissioners information about EARN Indiana (Employment Aid Readiness Network), a program through which the state uses its work study funds to supplement employers to pay for interns. He said we are one of the groups that qualify because we are local government. Dave said he submitted a copy of the job description to be approved, which would give us the opportunity to get half of the wages paid for. Dave said the Council has already approved the money. Dave Dolezal suggested to Dave that he also show the information to the Council.

SHERIFF – GENERATOR MAINTENANCE AGREEMENT – W.W.WILLIAMS

Sheriff Doug Harp presented a generator maintenance agreement from W.W.Williams to the Commissioners, (H.I.). After some discussion, Chad moved to approve the Agreement in the amount of \$2,546.00 for annual service of the generator at the jail. Dave seconded the motion and it carried, 3-0.

STANLEY CONVERGENT SECURITY SOLUTIONS, INC. - QUOTE FOR ADDITION OF OPTIONS TO PLC TOUCH SCREEN SYSTEM AT NOBLE COUNTY JAIL AND SERVICE AGREEMENT FOR SAME (SECURITY SYSTEM)

Sheriff Doug Harp presented the above referenced quote and service agreement from Stanley Security which were reviewed by the Commissioners, (H.I.). After some discussion, Chad moved, pending the approval from the Council, for \$50,000.00 to come from the CCD Fund and the \$26,500.00 to come from the Commissary Fund for the update to the jail system. Dave seconded the motion and it carried, 3-0. Chad then moved to approve the service agreement in the amount of \$450.00 a month, pending the Council funding the security system and if Dave (IT Director) agrees to assume the funds, or they will have to come from the Commissary Fund. Dave seconded the motion and it carried, 3-0.

MINUTES APPROVED

After reviewing the minutes of the *April 14, 2014* meeting and making corrections, Dave moved to approve them. Chad seconded the motion and it carried, 3-0.

HIGHWAY BUSINESS – MARK GOODRICH & ZACK SMITH UTILITY PERMITS

Mark presented two utility permits from Noble REMC, (H.I.). Permit #UP-010-14 is for work on CR 900 E between CR 1000 N & 1125 N in Wayne Township at the Dennis Nowels residence and #UP-011-14 was for work on CR 700 W between CR 100 S and 200 S in Washington Township at the Doug Burnworth residence.

GAS LINE CUT ON 300 E - NIPSCO SAFETY CLASS

Mark reported on a 2" high pressured gas line that the tile crew hit on Wednesday morning. He said they didn't have to evacuate anyone and they got it repaired. Mark said the operator took full responsibility when he talked to him. He said the operator said it was an area

where there had been a wash out before and it had been filled with rocks, and he was trying to get the rocks out and got into the gas line. Mark said they talked about it and tried to come up with a way to avoid that in the future. He said NIPSCO stopped in and they have a safety class they will put on and hopefully before the week is out they will be in to do that. Mark said it is supposed to be a very in-depth training course.

SAFETY COMMITTEE

Mark reported that he has most of a safety committee in place. He said he has one foreman, a truck driver, and one mechanic that are willing to do it and he wants to get an operator yet.

CHAIN SAW SAFETY TRAINING

Mark reported that six employees will be going for chain saw safety training tomorrow. He said he would like to get them on a two-year rotation.

ETNYRE TOUR

Mark reported the Ford chassis was delivered. He said they got over there Wednesday afternoon and toured the plant and came back Thursday.

BRIDGE #70 UPDATE

Zack gave the Commissioners an update on the Bridge #70 project.

BRIDGE OVERLAYS

Zack reported on a meeting he had re: the bridge overlay for Bridge #69. He said he didn't think we would need any right-of-way.

TRUCK BIDS

Zack said they got bids on both trucks we had for sale. He said the Building Department truck went for \$813.07 and the Highway Dept. truck went for \$905.00. Chad moved to approve the signing of the title for a 2000 Ford F-150. Dave seconded the motion and it carried, 3-0. The second truck title had been signed previously.

BRIDGE INSPECTION PROPOSALS

Zack reported that he followed up with INDOT and sent them all of the information after he and the Commissioners did the grading on the bridge inspection proposals, and we will wait for them to announce before we announce.

LPA CALL FOR PROJECTS

Zack said he thought we should have a good shot at getting the Pigeon Street bridge. He said we have a letter of commitment from both the Council and the Commissioners as well as from the Ligonier City Council and Mayor.

HIGHWAY STANDARDS

Zack said the Highway Standards are posted and he will work on getting a press release for them. There was a brief discussion about the amount of the bond in the Highway Standards. There were no changes made.

ROAD IMPROVEMENT PLAN

Zack said he is working with Marc to get in-house cost numbers instead of having inflated estimates. He said he should have that by next week.

ROAD STRIPING – AIR MARKING

Zack said Air Marking will be out striping starting in May, from their last year's contract. He said at the end of the construction season we will work on contractors for the fall. Chad asked if we are going to do an additional spring striping. Zack suggested waiting

until the fall after all of the paving is done and go a little bit bigger in the fall to get back on a normal cycle.

ERC CONTACT UPDATE

Zack said he is doing all of the ERC on all of the LPA type stuff and right now we have Marc Fisher as the ERC. He said Marc was on file when no one was here, and in order to update that he needs something from the Commissioners and he presented a letter he had drafted, (H.I.). Chad asked if there could be more than one ERC. Zack said there could be multiple ERC's on staff, but they have to be appointed. Chad moved to sign the letter to update the ERC contact to be Zachary Smith instead of Marc Fisher. Dave seconded the motion and it carried, 3-0.

100 N – 150 E – CULVERT EXPOSED

Gary told mark about the above referenced culvert exposure in the roadway on the gravel road. Mark said he would check it out.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 9:44 A.M. and reconvened at approximately 10:05 A.M.

UDO AMENDMENTS – IRRIGATION SYSTEMS

Present for this portion of the meeting was William Price.

Nathan Miller, Plan Commission Director came before the Commissioners to discuss an amendment to the UDO regarding agricultural irrigation systems. He said they had a hearing at the last Plan Commission meeting and he presented a proposed amendment. Nathan said currently if someone is putting in an agricultural irrigation system, the UDO states they would have to be at least 85' from the centerline of the road, and the Plan Commission all agreed that was pretty excessive and that we need to do something about it, and they made a positive recommendation on item #14 on what he had presented. He said it basically exempts irrigation from any setbacks in the UDO, however they would need to follow whatever guidelines are in the Construction Standards for the Highway Department. He said Zack, the Highway Engineer had suggested possibly having a 10' setback beyond the road right-of-way, but he didn't know if that had been solidified yet. Nathan said under the old ordinance they were told to go to the Highway Department to establish an appropriate set-back and that seemed to work before.

After further discussion Dave moved to adopt the Irrigation Setback Standards, Article 5 exempting the setback standards in the UDO and requiring them to meet the Noble County Highway Construction Standards. Chad seconded the motion and it carried, 3-0.

There was discussion with Mr. Price about the cost of an irrigation system, resulting increase in crop production, and the way the irrigation systems work.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:23 A.M. and reconvened at approximately 10:30 A.M.

TAX SALE CERTIFICATE UPDATE

Sheri Auld, Deputy Auditor in charge of tax sales was present to continue the discussion on the tax sale certificates. Dennis said he had filed nine petitions to the court so far. Chad asked which ones they were. Dennis said they were: Bowers; Sinkovics; Harris; Garza;

Woodcock; Kelly; Bacon; Dunlap; Jacobs; and Harlan. Sheri told Dennis he needs to petition Kruger. She said that is the strip of ground where Stone Street owns on both sides of it.

Chad moved to start the petition process for the Rolland & Carol Kruger property in Kendallville; Preston Place Limited Partnership; and for Wilbur Lung. There was a brief discussion about the properties that the City of Kendallville is interested in. Chad said he would have some information on the 28th. Dave seconded the motion and it carried, 3-0.

Sheri talked about the boat lot at High Lake (Jessie Watkins property) that she said is questionable if it even exists. She said the grandson called and said if they could find it, good luck. After some discussion, Jackie said she would like to keep it on the system since it shows on Beacon that it is there, but she would like to take the assessment off of it, and then if someone would want to purchase it later, it would still be there and we could assess them at that time. She said that would eliminate the tax sale costs that we have to pay every year. Dave asked if Kim (Assessor) would agree to do that. Jackie said she hoped so. Jackie said she thought she could probably get the Surveyor to remove the ditch assessments.

There was also discussion about a channel at Rome City which Sheri said is actually a county maintained drain. Chad said that should be taken off the tax rolls too.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:47 A.M. and reconvened at approximately 11:03 A.M.

BAIL BOND ISSUES

Present for this portion of the meeting were: Sheriff Doug Harp; and Les Alligood, Dan Huston, and Vickie Huston, Bail Bondsmen.

Les said he asked for some time to talk about an issue that concerns him. He said he has been involved in bail bonding for about 20 years, and he gave a history on bail bonding. Les said bonding has always been private and is covered by the 8th amendment. He said the Supreme Court has ruled in their explanation of cases that have been challenged, that the sole purpose of a bail bond is to guarantee that person's appearance in court. Les said the bond should never be excessive or punitive in nature. He said the bail bond business is well regulated by the State of Indiana. Les said his issue is that because there is a lot of money involved, our Judges decided a few years back to get involved in the bail bond business, and the reason they were going to get involved was to pay for a service called Court Services. Les said we are not required by law to have Court Services, but the issue with the Judges at the time was that they were not satisfied with the way Northeast Center was handling the people we were sending over there. He said we pay Northeast Center a lot of money. Les said they have to pay for Court Services and they figured it would cost \$400.00 and the money had to come from some place. He said the Judge's set the user fee at \$400.00. Les said right now it is part of Probation somehow and they still need the money to come in even though right now the Probation Department is sitting with 1.2 million dollars in their banking account. Les told how the Judge's set up a plan to include the bail bondsmen sharing the fees, and he told what the plan was. He said it was not a good plan so the bondsmen didn't accept it. He told about a second plan they came up with and he talked about different ways a person can bond out of jail. Les said one of the reasons they need money and are taking it from the bail bondsmen is to put it right back into the court system. He said he thought LaGrange County has about five Probation Officers, Steuben has about 6, and DeKalb has about 6, and we have 15 here. Les said what he is talking about is going to the bail

bondsmen who have no power whatsoever with the Judges and taking the money that has always been private business. He said we would not allow that in any other association. Les said one of the rules of bail bondsmen is that they cannot solicit business at the jail or the courthouse, but we are allowing credit card companies to put their cards all over the jail, and the credit card companies could be domiciled in California. Les said he has lived in this county since 1964 and paid a lot of taxes to support the county, and he is not given the same privilege as some credit card company that's not even here. He showed the Commissioners pictures that he said says, "Post your bail bond using this credit card". Les said it would seem to him that if anyone has any say about whether we are going to allow this to continue, it would be the Commissioners. He said they would never allow the county attorney to set up a private business using their room and they would never allow the Noble County Surveyor to set up a private surveying business at the Surveyor's Office, etc. Les talked about the kiosk at the Sheriff's Department where people can use credit cards for different things including bonding, and he said that was like letting the county attorney use their office and phones etc. to run his private business. He said he had never met any government yet that could do bonding better than private citizens. Les said bail bondsmen have been doing it better for hundreds and hundreds of years. He talked about the places bail bondsmen have to go to locate people that have jumped bail to bring them back to the county. Les talked about the phones at the Sheriff's Department that he said are owned by a private company, and for the right to put the telephones in they pay the Sheriff 50% of their gross income. He said if you are allowed to give away 50% of your gross, you are overcharging tremendously, and in Ohio they said you can't do that. He said the bail bondsmen sued the telephone companies and they changed the law. He said if you can give away 50% of your gross profit, you are taking advantage of everyone that uses your service, and the same thing is happening with the credit cards out there, and we are endorsing it. Les said it is not fair, and we should never penalize private business people to let the government do it.

Chad said the law says bondsmen can't advertise, and he asked if the law says anything about what is there now. Les said the law doesn't say anything about it. Chad said he talked to Judge Lauer, and he said the Commissioners don't have any control over what the Sheriff places there.

Gary said Doug put the kiosk in for the inmate trust system for money to go in for the inmates. He said when they started the credit card bonding they used to have to come up to the Clerk's Office to do it. Doug said if they are going through the county for the bonding they still have to come up here, but they can use a credit card to bond out at the jail through the kiosk. Chad asked if it is a convenience thing, and Doug said it is. Chad said he thought if the law says that bondsmen can't advertise, the law should be the same for credit cards.

Dave said his main concern is the customer. He asked if the people that get arrested are able to get the information they need to bond out. Les said if they go to the jailer at the window with questions, he or she answers their questions. Dave asked how he would have found out who could get him out prior to the kiosk being there. Les said there is a sign right by the window on how to post bond, and if you don't understand it you can ask a jailer.

When asked by Gary if the original intent was to be able to use the credit cards to put money in an inmate's commissary funds Doug said it was. He said now the commissary is all outsourced, and people can put money into accounts in the lobby or over the internet. Doug said the intent wasn't to open the door for bonding. Gary asked if the deposit could be done by cash or credit card, and Doug said it could. Doug said when a person is booked in if they have \$25.00 on their person, that is fed into a kiosk in the back and that starts their offender account.

Chad said he thought any verbiage about the commissary should be able to stay, but any signage or verbiage in regards to bonding should probably be removed from the kiosk. There was discussion that the sign on the kiosk should instruct people to go to the window to ask about bonding options. Doug said that was fine with him.

Les said the main issue is that you should not force a person at the jail who is bonding out, when the sole purpose of a bond is to guarantee their appearance, to pay money for a Court Services Officer or a Probation Officer at the same time. Chad said the Commissioners have no control over that. Dave said if the advertising is an issue and we want to eliminate it from the kiosk that is all the Commissioners can control. He said as far as Les having competition in the private sector, the Commissioners can't control that. Les said he doesn't have issues with private sector but he does have issues with competition from a credit card company, because they are not licensed to do bail bonding. Chad said they are not doing the bonding, the county is, and they are just facilitating the payment for it. Les said yes, and no one has signed to guarantee that persons appearance in court.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 11:47 A.M. recessed from day to day until the 28th day of April, 2014.

Gary D. Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor