

**MINUTES OF A SPECIAL SESSION OF THE  
BOARD OF COMMISSIONERS HELD AUGUST 26, 2013**

Comes now the hour of 8:30 A.M. on the 26<sup>th</sup> day of August, 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 & Scott Perry

**WELLS FARGO INSURANCE – BUSINESS  
ASSOCIATE AGREEMENT RE: HEALTH INS.**

Shelly Hanson, Wells Fargo Insurance Agent came before the Commissioners to talk to them about the Business Associate Agreement which needs approved and signed. She said they have updated the language, (H.I.). Shelly said it has to do with the privacy rules. She said the employees will be getting a new privacy notice. Shelly said the agreement lists whom, within this organization has access to PHI (Private Health Information). There was discussion about the number of companies that are forcing employees to drop their spouses off their insurance if the spouse has the opportunity to get their own insurance through their job.

Shelly said hopefully she will have the renewal in September. She said basically right now, the county is at expected claims of 80%, and that is what the underwriter expects the claims to be. She said she is hoping claims go down or we stay at the 80%. Shelly said she thought a lot of the claims are not going to be ongoing, and most of them should go away. She said there is one she is watching right now because she is not sure it is going to go away. Shelley said hopefully we will see the claims go down the next three months and we will be ok.

Dave moved to approve the 2013 Business Associate Agreement. Chad seconded the motion and it carried, 3-0.

**QUIT CLAIM DEED FOR NOBLE TRAILS INC.**

Dennis presented the above referenced deed which is a result of a tax sale property that the Commissioners took title to and are now deeding to Noble Trails, Inc. Dave moved to approve it for the Commissioners signatures. Chad seconded the motion and it carried, 3-0.

**ORDER RE: JACK WONDERLY UNSAFE  
BUILDING AT SILVER LAKE**

Dennis presented the above referenced order that was approved last week, and the Commissioners signed it, (H.I.).

**CLERK'S REPORT – JULY 2013**

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

**WEAVER BOOS – INVOICE FOR LANDFILL SAMPLING**

Weaver Boos Consultants submitted an invoice in the amount of \$2,950.00 for the April 2013 sampling at the landfill, (H.I.).

**GENERAL PRESERVATION CORP. –  
EXTERIOR MASONRY PRESERVATION**

The Commissioners received information from General Preservation Corp. regarding the services they have available for repairs and the preservation of courthouse exteriors, (H.I.).

**PRO ACT PHARMACY BENEFIT MANAGEMENT  
COMPANY - DISCOUNT CARD PROGRAM**

The Commissioners received information from ProAct Inc. regarding a pharmacy discount card they have available that is not contingent upon an association membership, and has an average savings of 50%, (H.I.). No action taken.

**BURNWORTH ZOLLARS - QUARTERLY NEWSLETTER**

The Commissioners received a quarterly newsletter from Jake Smith at Burnworth Zollars, thanking them for their business and letting them know about the new vehicles that are arriving; about some renovations to their dealerships; and about their Construction Reduction Sale, (H.I.).

**WEX FLEET FUEL CARD PROGRAM**

WEX Fleet submitted information about a fuel card program that could save the county up to 15% of their fuel management costs, and restrictions could be set to help prevent unwanted spending, (H.I.). No action taken.

**NIPSCO - FINAL ROUTE FOR NEW  
ELECTRIC TRANSMISSION LINE**

NIPSCO sent the Commissioners a letter notifying them that they have determined a final route for the new electric transmission line, (H.I.).

**IDEM – DEED NOTATION RE: LANDFILL**

The Commissioners received copies of email correspondence with Jamie Miller who is with IDEM, regarding the deed notation Noble County has put on their landfill deed, and whether or not it is sufficient for IDEM, (H.I.). See the landfill file also for copies of the correspondence.

**TAX SALE PROPERTY – BODENHAFER &  
WESTFIELD DRIVES - COUNTY MAINTAINS**

The Commissioners received a letter from Sheri Auld, Deputy Auditor in charge of the tax sale, (H.I.). She indicated that she will not be contacting the adjacent property owners to see

if they would want to take title to a tax sale property acquired by the county, Tax Deed #120300593, because they are county maintained roads.

### **RECESSED AND RECONVENED**

The Commissioners recessed their meeting at approximately 9:00 A.M. and reconvened at approximately 9:09 A.M.

### **HIGHWAY BUSINESS – MARK GOODRICH** **LAKESHORE DRIVE – STUMPS REMOVED**

Mark reported that the Highway Department removed the tree stumps on Lakeshore Drive at Big Lake on Wednesday where the trees were uprooted, and they backfilled the holes, (H.I.). He said it was a little more work than he had anticipated getting the stumps out, but they did an excellent job.

### **CULVERT ON 500 E SOUTH OF** **BASELINE ROAD REPLACED**

Mark said they closed 500 E south of Baseline Road after the buses went through Monday morning, and it was opened back up on Wednesday afternoon.

### **CULVERT REPLACEMENT ON** **500 E SOUTH OF 600 N STARTED**

Mark said culvert replacement on 500 E south of 600 N was started today. He said hopefully the road will be opened back up tomorrow.

### **DRAINAGE WORK ON 415 N**

Mark said they should be starting on drainage work on 415 N by the end of the week. He said he personally talked to about 70% of the people on that road to explain to them what was going on and giving them an idea of what to expect. Mark said if all goes well on the culvert replacement on 500 E they will start drainage work on 415 N by the end of the week.

### **PAVING**

Chad asked Mark when he anticipated starting the paving. Mark said the last week of September is what he is hoping for.

### **500 E CULVERT REPLACEMENT**

Mark said they will start the culvert replacement on 500 E south of 600 N on Monday the 26<sup>th</sup>.

### **CHIP SEALING**

Mark said if we get the extra money he is hoping for on September 4<sup>th</sup> he would start chip sealing again. He said it looks like they would do about 12 more miles, and then they will finish up with the ditching and then start paving as soon as they can. Mark said last year they chip sealed 29 miles of road. He said this year, due to some money put back in the road funds when the county picked up part of their insurance costs, they have chip sealed 42 ½ miles which will have an impact on the roads. He said he hopes to do about 12 more miles. Mark said he would like to get up to where we can resurface 80 – 90 miles a year, and that would get us on the 10 year turn around on our roads.

Gary told Mark he had been getting some complaints about when they are chip and sealing, that the roads aren't marked that they are being closed from off of the main thorough fare. He said they get down the road and then all of a sudden there is a "road closed" sign and they don't know where to go from there. Mark said one issue they have is being really limited on manpower for having someone moving the signs. He also said that chip sealing is a very fast

moving operation. Mark said he would see if he could come up with a plan to at least get "road closed ahead" signs at the nearest major thorough fare.

#### **WALLACE ROAD – E OF 1000 E**

Chad said he got a call about Wallace Road, east of 1000 east being in bad shape. Mark said that is not our road to maintain. Chad asked whose it is. Mark said it is a private road.

#### **NEW TRUCK**

Gary asked when we would be getting our new truck. Mark said they could possibly have it this week yet. He filled the Commissioners in on the things that need to be done yet, and he said we would be getting the truck soon.

#### **HIGHWAY EMPLOYEES**

Dave asked Mark when he said his staff is pretty tight, if that was because of vacation, illness, injury or what. Mark said there are a number of projects going on. He said he has one man that has been off six or seven weeks with a back injury. Mark said when things were going good we had five operators and we are down to three operators now. He said eventually we will probably have to add another operator to keep things going. Mark said he has 23 employees including the office help and mechanics. He said he was talking to a guy in Harrison County. Mark said we have 820 miles and they have 860 miles of road and 40 employees. Dennis asked if they were doing 90 miles of chip and seal if he would have the staff to do it or if he would have to look at expanding. Mark said he is hoping to get the part time mowers back and that would free up some guys.

#### **CHIP SEAL ROADS BLEEDING**

Mark said 900 N and the River Road coming out of Ligonier, and the west County Line was chip sealed this year. He said they hadn't received any complaints, but they have been putting some sand on top of it because it has been bleeding. Mark said the biggest issue is getting the right amount of tar, because each road is different.

#### **CROMWELL ROAD - SLAG APPLIED**

Mark said they put slag on the Cromwell Road for a second coat. He said a farmer called and said he got a brand new semi and went down the road and it put little dings in the fuel tank. Mark said they were a little heavy on the stone and they should have gotten a broom in there quicker than he did and got it swept back. Gary asked what determines where they use the slag. Mark said right now he is using the slag on the roads that tend to be slick.

#### **AMENDMENT TO HEALTH DEPT. FEE ORDINANCE**

Now being the time for the public hearing on the amendment to the Health Department Fee Ordinance, Gary explained what was being amended. With no one being present to oppose the amendment, Chad moved to approve the ordinance amending the fee schedule. Dave seconded the motion and it carried, 3-0.

#### **RECESSED AND RECONVENED**

The Commissioners recessed their meeting at approximately 9:36 A.M. and reconvened at approximately 9:45 A.M.

#### **ASSESSOR – REQUEST TO SPEND OVER \$500.00 TO HIRE A VENDOR TO SEND OUT FORM 11'S**

Kim Miller, Assessor came before the Commissioners to request an expenditure of over \$500.00 to hire a vendor to send out the form 11's. She said she worked all last week to get

quotes but she hadn't received the one back yet. Kim said last year it cost \$14,000.00. She said with the two companies she did get quotes from, based on what she had, it would be \$12,200.00 but that is not written in stone. Chad asked how many form 11's that amount would send. Kim said it would send 24,513. Kim said if we go with Fine Line, who did it last year, we have a \$500.00 credit with them.

Chad moved to approve for Kim to hire a vendor in an amount not to exceed \$14,000.00. He said if it exceeds that amount, she will need to come back to the Commissioners. Dave asked Kim if she expected it to be more like \$12,500.00. Kim said from what they both said it would be 12 something. Dave seconded the motion and it carried, 3-0.

### **RACCOON RIDGE/KEY LARGO REZONING IN LAOTTO WITHDRAWN**

Kurt Bachman, Attorney for the remonstrators for the above referenced rezoning was present at this time. The Commissioners told him the rezoning request had been withdrawn. See associated documents, (H.I.). There was also a letter from Brian and Lori McComb in support of Doug Jennings proposed Moose Lake business, which would have gone along with the rezoning, (H.I.).

### **RECESSED AND RECONVENED**

The Commissioners recessed their meeting at approximately 9:49 A.M. and reconvened at approximately 10:25 A.M.

### **COUNCIL ON AGING 5311 TRANSIT GRANT FOR 2014**

Greg Parker from the Noble County Council on Aging came before the Commissioners to talk to them about the 5311 Transit Grant for 2014. He presented some application information, which he reviewed with the Commissioners, (H.I.). Greg said it is based on ridership, other money he received, and the population of the county. There was discussion about the cost to ride on the transit vehicles, and what is donation based and what is fee based.

Dave asked about partnering with surrounding Council on Aging agencies when taking people to Indianapolis. Gregg said they had a meeting with all of the area agencies last month and that was discussed as to how they could coordinate that. He said one of the difficulties is that most all of those trips are Medicaid trips, and on those kind of long distance trips they have to get pre-authorization from Medicaid before you could even do the trip. He said they can't go until Medicaid says they can go, so we can't schedule them until Medicaid approves the trip. Gregg said it is up to the passenger to give them enough time to get a pre-authorization, otherwise they won't be able to do it. He said we really don't do that many kind of long distance trips. Gregg said Noble County only does about two a month.

Chad moved to approve and sign the 511 Transit Grant Application. He moved also to approve Resolution #2013-04 authorizing Greg to apply for the grant. Dave seconded both motions and they carried, 3-0.

### **HANNAH WALKER – TAX BILL QUESTIONS**

Hannah Walker from Big Lake came before the Commissioners to discuss some issues she has with the way her property is divided for taxation. Kim Miller, Assessor was present for this discussion.

Hannah asked about homestead properties that were divided and each was taxed. Kim said what she is talking about is that with reassessment the state statute allows the Assessors office to combine them, even without a request from the landowner. She said you are allowed up to one acre and a house and a garage, so it would be a benefit to combine smaller pieces for homestead purposes. Kim said also if the Assessor feels they should be consolidated, the Assessor's Office can go ahead and combine them together without the signature of someone. She said when she and Jackie (Auditor) started combining properties, Jackie said she would do it for homestead only. Kim said the statute said that the Assessor could do it, so with the reassessment they went around the lakes and any of them they felt should be combined they went ahead and combined. She said they also had those that had been combined that shouldn't have been combined such as where they were divided by a road, and in those cases they had to un-combine them. She said that was one of Hannah's that got un-combined. Hannah told how the property had been developed by her husband's family and 10' easements were given.

Hannah asked why if they are going to reassess her, and they are going to divide the parcels which it hasn't been that many years that the Assessor's Office said she had to put together, why was she never notified until she got a tax bill on May 15<sup>th</sup> that says they want another \$976.14 in November. Kim said they always send out form 11's and with that form 11 they have 45 days to appeal the notice. Hannah said she never got one on that property. Kim said she would have to check that out. She said the form 11 didn't come back. Kim talked about the number of properties at the lakes that had to be un-combined this year. Hannah asked Kim if she notified those people. Kim said she did with a form 11. Hannah again said she did not get a form 11 that said the properties would be un-combined. She said she did get some form 11's, but she didn't get anything on Out Lot #1.

Hannah asked how they come up with the value of the ground across the road. Kim said it is done through trending, and she explained how that works, Hannah said she could show tax papers where for years it was valued at \$1.50, \$15.00 and then \$25.00. Hannah asked if there is any other vacant ground on the lake that is available to be sold. Kim said she couldn't answer that without going down and looking. Hannah asked if anyone had ever come out to Big Lake and looked at the ground. Kim said the reassessment firm did. Kim said if there are no vacant sales, then there is an abstraction method that is used to come up with a land value. Hannah said she has seen houses sell for \$65,000.00 and when they re-billed it, it was \$550,000.00 to \$700,000.00.

Chad said this is out of the Commissioners hands and he asked Hannah what she wanted the Commissioners to do. Hannah said she wants to get some straight answers on why they keep screwing up the taxes. Chad said the Commissioners don't have any control over the taxes in the county. Hannah asked who bosses these people. Kim said the state has to approve everything she does. She explained to Hannah how the homestead is figured and what could be included.

Kim invited Hannah to go to the Assessor's Office with her so she could look up the information Hannah was wanting.

### **BLACK PINE ANIMAL SANCTUARY – W. PAUL WOLF FAMILY RESOURCE CENTER**

Lori Gagen from Black Pine Animal Sanctuary came before the Commissioners to tell them about an individual who has offered to donate the money to put up another building that would serve as a point of Visitor Entry at the front gate; it would serve to put all of their souvenir gift shop merchandise indoors, year around; it would provide a board and staff training meeting

room; some storage space for business archives; and would let them enhance their visitor services in the way of being able to put some counter top style things like a soda fountain, nacho's, pop corn, snow cones and things like that in. She said that would all be portable, movable stuff and they are not talking about building in a kitchen or anything like that. Lori said they might need to have a sink. She said it will be a seasonable building so they are talking about being able to turn on and off heat sources in the winter time, and just use it for the couple of winter events they have and the occasional board meeting they have.

Lori said what brought her to the Commissioners is the question of who needs to sign the application for state approval, as well as their lease requires the Commissioners approval before they put up a structure that is valued at more than \$50,000.00, which this would be. Lori gave the Commissioners an update on the things that have been going on at Black Pine such as receiving many new animals. She said their visitors are up 20% over last year. Lori said they have had 19 states and five countries represented with visitors to Black Pine this summer. She said they have had a little over 11,500 visitors so far this year. Lori also talked about some of the awards and commendations Black Pine has received, and the interns that help them out.

Gary asked where the proposed building would be placed. Lori said if you come up to the north end of the property where the visitor parking is, right now they have a chain link fence across there and an open gate, and it would sit right beside of that perimeter. When asked, Lori said it would be a one-story stick built building that resembles the other buildings at Black Pine.

Dennis reviewed the lease agreement between Noble County and Black Pine. He noted that the agreement had not been signed by a Black Pine authorized representative. Lori said she was the president when the lease was agreed upon and she could sign it. Dennis said Black Pine could be the ones to sign the application to the state for construction design release, as long as the Commissioners give written approval.

Dave asked if this was all going to be donated. Lori said it is a legacy gift. She said the W. Paul Wolf family had contributed to many things at Black Pine.

Chad moved to approve the building plan and the construction. Dave seconded the motion and it carried, 3-0. Chad asked if the minutes would be enough for the written approval. Dennis said it probably would be for now.

## **ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 11:20 A.M. recessed from day to day until the 3<sup>rd</sup> day of September, 2013 on a motion by Chad, which was seconded by Dave, and carried, 3-0.

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Gary Leatherman, President

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David J. Dolezal, Vice President

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Chad Kline, Member

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