

**MINUTES OF A REGULAR SESSION OF THE  
BOARD OF COMMISSIONERS HELD MARCH 3, 2014**

Comes now the hour of 8:32 A.M. on the 3<sup>rd</sup> day of March, 2014, 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:

Gary Leatherman, President  
David J. (Dave) Dolezal, Vice President  
Chad Kline, Member

Also present were:

Jacqueline L. Knafel, Auditor  
Marion S. Cavanaugh, Deputy Auditor  
Dennis Graft, County Attorney  
and Bob Braley & Scott Perry, 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.

**PAYROLL TO BE PAID 3/06/14 APPROVED**

After reviewing the payroll from 2/07/14 - 2/20/14 to be paid 3/06/14 Chad moved to approve it. Dave seconded the motion and it carried, 3-0.

**IDEM – TOWN OF AVILLA PUMP STATION**

IDEM notified the Commissioners that they have issued the Town of Avilla a permit to construct a sanitary sewer system to be located at 4<sup>th</sup> Street in Avilla, (H.I.).

**2013 YEAR END REPORTS – WORK  
RELEASE, SHERIFF & JAIL**

The Commissioners received the above referenced 2013 year end reports, (H.I.).

**TRANSPORT OFFICERS**

There was a brief discussion about an e-mail Dave had received from the Sheriff's Department regarding the need for more help with transporting inmates.

**SUPPLEMENTAL CLAIMS APPROVED**

The Commissioners reviewed the supplemental claims, (H.I.). Dave moved to approve them. Chad seconded the motion and it carried, 3-0.

## **NOBLE COUNTY COURT SECURITY MONTHLY REPORT FOR FEBRUARY 2014**

The courthouse security report for February 2014 was received, (H.I.).

### **2014 VOTE CENTER LOCATIONS**

The Commissioners received a copy of the 2014 Vote Center locations for satellite voting and Election Day voting, (H.I.). There was also a letter from the Indiana Secretary of State talking about the different vendors that had been approved, (H.I.).

### **NORTHEAST INDIANA SOLID WASTE MANAGEMENT DISTRICT – SINGLE STREAM RECYCLING**

The Commissioners received a news letter from the NEISWMD regarding recycling, (H.I.).

### **COMMON CONSTRUCTION WAGE COMMITTEE - KENDALLVILLE PUBLIC LIBRARY DISTRICT (TOM LEEDY) & KENDALLVILLE CITY (APRIL WATERS)**

The Commissioners received notice from Attorney Mike Yoder indicating that Tom Leedy had agreed to be on the Common Construction Wage Committee for the Kendallville Public Library District, (H.I.). Dave moved to approve Tom Leedy as the representative for the Kendallville Public Library wage committee. Chad seconded the motion and it carried, 3-0.

Chad moved to approve the appointment of April Waters to the Kendallville City Common Construction Wage Committee. Dave seconded the motion and it carried, 3-0.

### **MINUTES APPROVED**

After reviewing the minutes of the February 24, 2014 meeting Dave moved to approve them as presented. Chad seconded the motion and it carried, 3-0.

### **DLZ - PROGRAMMING AND SPACE PLAN ASSESSMENT APPROVED**

Chad moved to approve the Programming and Space Plan Assessment in the amount of \$32,000.00 contingent on the Council's approval of the additional in CEDIT, (H.I.). Dave seconded the motion and it carried, 3-0.

### **HIGHWAY BUSINESS UNDERBODY BLADES**

Mark said he would like permission to purchase five sets of underbody blades at a cost of \$12,457.50. He said this is just about going to deplete his blade funds, so hopefully winter is about over. Chad moved to approve the purchase. Dave seconded the motion and it carried, 3-0.

### **BRIDGE #70 PROJECT**

Zack said he is working with Randy to get his review of the legal descriptions for the property we need to purchase for rights-of-way. He said we ran into some problems with the Official Detour Route due to the heavy traffic of the trailer factories. Zack said he would be going with CR 450 and communicating with the different manufacturers to make sure it goes smoothly. Mark said they will take 900 N to the east to 450 W and then drop down to US

6. Chad asked what the duration of the project would be. Zack said they are going to push for six to eight weeks.

**REQUEST TO PURCHASE TRUCKS, PLOW  
& DISTRIBUTOR FROM CEDIT FUNDS -  
SALE OF TRUCKS TO BE REPLACED**

Zack presented a list of the prices for the trucks, plow and distributor that they are hoping to purchase through CEDIT Funds, (H.I.). He said he talked to the dealerships and we are looking at late May or early June for the new trucks. Zack said he had talked to Mark, and he thinks based on the work load if we could hold on to the truck that we are using through March that we should be good. He said he is going to accept bids on the trucks/equipment to be sold until March 28<sup>th</sup>. Chad asked Zack if he would post the items for sale now or if he would wait. Zack said he was thinking he would post it for two weeks prior to March 28<sup>th</sup>.

Chad moved that to approve the purchase of the three trucks from Burnworth Zollars in the amount of \$95,927.00, contingent on the Council's approval of the amendment to the CEDIT Plan. Dave seconded the motion and it carried, 3-0.

**BRIDGE DECK REPLACEMENTS**

Zack said they are going to go for full closures on all of the bridge structures where the decks are going to be replaced. There was discussion about whether they would all be done at once or at different times. Chad said it would be best to only have one closure in the same area at one time. Zack said since they are being let as one packet, he would assume that one contractor would come in and do them in succession and not all at one time. He said he could spec it out so they wouldn't all be closed at the same time.

**NOBLE COUNTY HIGHWAY STANDARDS**

Zack said he is nearing completion on the Highway Standards and he will be presenting it at the March 17<sup>th</sup> UDO meeting (with the Plan Commission). Chad said he thought the major change is removing the parts from the UDO that will be in the Highway Standards so they don't contradict each other or cause people to have to go more than one place.

**HIGHWAY POLICY RE: ACCIDENTS**

Zack said they are looking at setting some Highway Policies. He said the main one they are looking at now is for accidents. Zack said they contacted IPEP and LTAP and they should have some drafts and specifications to write our own, as well as some safety training options for accident prevention and as a resolution to any incidents.

**CR 300 S PROJECT - DRAINAGE**

Zack said he met with the Surveyor's Office last week about the CR 300 S project. He said they will be working with the Surveyor's Office to take care of drainage and the Highway Department will cover the cost of the culverts underneath the roadway, and they will look to check out their FDR (full depth reclamation) project in that area, at least for one mile. Zack said he got in touch with SME Testing and Engineering and he will meet with them at Road School to try to get a better idea of how we can really define the scope to get competitive bids. He said he is also meeting with BASE which is one of the premier FDR contractors to get more information on the construction and the construction inspection site.

**ROAD WORK**

Zack said this winter has been so bad that he knows we will have road issues. He said they are looking at cost effective solutions for when the ground thaws. Zack said they are looking at renting a mill machine and milling some slag in and maybe doing some calcium treatment, to get some of the base revived instead of just chip and sealing. He said they are also going to do as much as they can drainage wise. Zack said he didn't think the original plan on the

road pavement would hold up as had been predicted after the winter we have had, so he is working with Mark to get as much done as they can in-house to take care of it.

Mark said Whitley County had rented a grinder for a month a couple of times, and they estimated with the fuel costs and replacement of the teeth, that they could grind a road for \$1500.00 a mile. Mark said when we were contracting a grinder to come in we were paying \$4500.00 a month. Zack said we would be able to mix in some slag too, which would be the key to getting some long term benefit. Gary asked if it would be a one pass process as far as grinding and putting slag in. Mark said it would be. He said it would probably be an 8' grinder so they would probably have to make 3 passes. Mark said it would be one time over the area and it would be pulverized and ready to compact.

Dave asked if the distributor we had rented for a month would be needed for the FDR process. Zack said that would be for the chip & seal surface on it. He said the main benefit is that we will be able to fog seal with it, which will hold a lot of the additional material in. Mark said it would be to our advantage to have it if we are going to go over the FDR with chip and seal. Chad asked what the delivery time and set up time would be. Mark said it would be 90 to 100 days. Zack said if they get the purchase approved today they should hopefully have it in time. There was discussion that if the Commissioners wait until next week to see if the Council approves the CEDIT amendment today, there should still be time to have it when it is needed.

#### **ROAD FUNDING & GRANTS**

Zack said he has been looking for a lot of funding sources. He said they will have the LPA call for projects in April. Zack said he will be meeting with the Office of County and Rural Affairs (OCRA) because he thinks there might be some planning type of grants that we might be eligible for. He said he is meeting with someone from DLZ this week to get a crash course in grant writing, and to see what grants we are eligible for.

#### **CSX RAILROAD BRIDGES**

Zack said he got a hold of CSX last week. He said he will have a conference call with a local guy later today. Zack said he seems much more willing to work with us. He said if we could get a resolution before the next LPA funding request and have a letter in hand with their support, he thought we might be able to get the funding back on the Bridge #134 project. He said without the railroad being on board he didn't think they would look at it.

#### **KENDALLVILLE POLICE DEPARTMENT - AGREEMENT FOR USE OF THE FIRING RANGE AND FOR TRAINING IN 2014 FOR THE PROBATION DEPARTMENT**

Stacey Beam, Chief Probation Officer came before the Commissioners with the above referenced agreement which had the corrected effective date of January 1 - December 31, 2014, (H.I.). Chad moved to approve the agreement. Dave seconded the motion and it carried, 3-0.

#### **RECESSED AND RECONVENED**

The Commissioners recessed their meeting at approximately 9:38 A.M. and reconvened at approximately 9:54 A.M.

#### **BLACK & RAMER INS. – INSURANCE RENEWAL & SAFETY COMMITTEE**

Jarrod Ramer was present to go over the insurance renewal with the Commissioners, (H.I.). He said there is about a 6% increase on the premium breakdown and the majority of that was in property. Jarrod said the linebacker coverage that would take care of the public officials did increase a little bit percentage wise as well. He said the breakdown from '04-'05 to present

shows that we are still well under the '04-'05 rate, (H.I.). Jarrod said the coverage's stayed the same. Jarrod said he had sent the numbers for a newer coverage, the data compromise/data breach coverage. He said Target did a lot to bring that to the forefront when they got hit. Jarrod said the coverage would include the cost of notifying taxpayers if there was a data breach. He said it would also pick up some of the legal defense in case the county is sued by someone who has had some kind of loss. Chad said he thought the only type of data loss we would have would be if someone physically carries the information out of here. He said he didn't know of anything that we would have financially. Jarrod said the main thing is that financial information is not being put into the main frame where people would have access to it.

Dave Baum, IT Director was present, and Jarrod asked how venerable the county would be with personal information for clients. Dave said Probation, the Courts and the Jail might have some confidential information, but most of our information is public information. He said we don't have that much exposure to the outside. Dave said our web site is not exposed to our internal system and is hosted elsewhere. He said we don't keep bank account information or anything like that.

Jarrod said that Zack (Highway Engineer) had mentioned that he had been talking to IPEP to get some things in place safety wise. He said IPEP could give some guidelines on how to set up a safety committee if the county doesn't have one. Jarrod said this wouldn't just be for the Highway Department. He said they would take a look at Comp. claims. Dave said the Commissioners never find out about the Worker's Comp. claims until after the fact, or maybe not at all. Dave asked what our frequency for Worker's Comp. is compared to industries. Jarrod said the county's experience is .87 which is good. He said you won't see much lower than that. Jarrod said their recommendation would be to implement a safety committee. He said IPEP and Downy are very willing to help with questions. Jarrod is going to check on getting some information on snow plow safety training.

There was discussion about whether to have Downy come in and do another building assessment/appraisal of values of the county owned buildings. The Commissioners asked Jarrod to have Downy come and do it. No action taken on the insurance renewal.

## **TAX SALE CERTIFICATES**

Sheri Auld, Deputy Auditor in charge of the tax sale came before the Commissioners to continue the discussion on tax sale certificates. Sheri reported that there are people interested in some of the properties, and two of them would require surveys, (H.I.).

There was discussion about what properties might be buildable and would therefore possibly have enough value to them to sell. There was also discussion about the tax sale certificates, and the different ways they can be dealt with. There was also discussion about the possibility of taxes being removed or reduced from a property that is acquired by a tax sale certificate and is then assigned from the Commissioners to someone else.

Sheri asked what the Commissioners want her to do with the properties that adjacent owners have shown an interest in. Chad said on the ones that have had no response, he thought it would be worth the Commissioners going out to talk to the surrounding owners to see if they are aware of what it is that is being offered. He suggested taking a couple of weeks for the Commissioners to accomplish that. Chad told Sheri he would like a copy of the letter that she sends out and all of the information she gives out about what the time line and the process is, so he could give the same information to the people he talks to.

Dennis asked the time line for filing petitions. Sheri said it is 9 months from the date of the tax sale, which was October 03, 2013. She said the process has to be completed within that

time frame. Sheri said she still needs surveys from last year's properties that were split because the property is still in the county's name.

### **ABANDONED METH MOBILE HOMES**

Kim Miller, Assessor came before the Commissioners to talk to them about abandoned meth mobile homes and she passed out some information, (H.I.). She said she had been approached about it, and she knew that Mr. Gunder had been here previously to talk about the same thing. Kim said she didn't know if the Commissioners had thought any more about it, but she would like to see some kind of policy. Chad said he thought this should be coming from the Health Department. Dennis said he thought it should come from the Health Department. He said the State Health Board has to set the standards and then the local Health Board would enforce it. Kim said she had the IC codes that would address some of it. She said she would like to get a policy in place where if the Health Department condemns one, that they let the owner, the park owner and the Assessor's Office know about it. Kim asked if the owner has a time frame in which to have it cleaned up. Chad asked Dennis if he was aware of the current legislation that is currently going through on that. Dennis said he wasn't. Chad said it would require a State Police to have a log of all homes involved, and it would actually be on a real estate disclosure. Dennis said the order that Dr. Gaff (Noble County Health Officer) signs condemning a property gets recorded now, and that will stay of record until someone cleans it up, and then they will release it. Chad said the State Police will now have to monitor that and keep the records of it if that law goes through. He said he assumed it would affect mobile homes as well. Dennis said it would. Chad asked if we need to do anything further. Kim said their question was about the assessed value. She said it would be nice if the Health Department would let the Assessor's Office know when they condemn a mobile home, and if the Sheriff's Department or whoever issued a letter saying there was meth in it could give her a copy of the letter, then she wouldn't have a problem dropping the value. Kim said she also thought the doors and windows should be boarded up so no one can go in and live there, and kids could not get into it. There was discussion about what happens when they can't find the owner of the mobile home. Gary said until there is a policy, if someone goes out and boards the house up, if that would drop the assessed value to zero. Kim said if the Commissioners are ok with it, if she would get the letter showing there was meth in it and if it was boarded up, she would say we have a policy in the works, and she wouldn't have a problem with it. When asked by Dennis, Kim said she hadn't talked to anyone at the Health Department. Dennis said she should, because it would be easy for them to send her a copy of the order. Kim said she would get in touch with them.

### **NORTHEAST CENTER**

Mark Pankop, Noble County Councilman said the Council wanted him to come in and report on the Northeast Center. He asked if all of the Commissioners would be at the Council meeting, and when they said they would be he said the majority of what they will hear will be heard at the Council Meeting. Mark said he has attended all of their board meetings since he had been appointed to attend them. He said he wasn't welcomed very well at the first meeting, and when he introduced himself they said he would be a candidate to be a board member, which he has since been officially made a board member. Mark said being on the board is challenging and interesting. He said he is on the Financial Committee. When asked, Mark said there are four meetings a year unless there is a need for an executive session. He said their budget for the last ten years has fluctuated between ten and fifteen million dollars. Mark said they have facilities in all four counties. He talked about some of the facilities in Noble County. Mark said he thought

the club house in Kendallville is one of the things the county gets the most benefit from. Mark said they have a commissary, a library, a banking facility, etc. that is programmed to whatever level that it should be for the individual. Dave asked if it is a private residence. Chad said it is a place they can go to during the day where they are taught how to adapt to real life. He said while they are there they have to pay for their meals, they are expected to work, etc. Mark said they might transition out of that environment and work at sweeping and taking out trash at McDonalds or something like that, and some of them are even transitioned into a regular job. There was discussion about some of the other buildings the center has, where they are located, and what they are used for. Chad asked if our contribution is fairly close to what the other three county's pay. Mark said it is fairly close and it is based on population. Chad said he thought part of the issue with Northeastern Center and their patients is the fact that Parkview likes to send everyone to the Parkview Behavioral Center in Fort Wayne if they are not already a current patient of the Northeastern Center, and if they have insurance. Dave asked if all four counties have people on the board. Mark said they do. Dave asked if there are club houses or similar set ups in each of the other counties. Chad said there is only one in Kendallville, and the other counties bus people in. There was further discussion about the club house and the fact that they welcome people to take tours.

### **ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 11:09 A.M. recessed from day to day until the 10<sup>th</sup> day of March, 2014 on a motion made by Dave and seconded by Chad, which 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