

**MINUTES OF A SPECIAL SESSION OF THE  
BOARD OF COMMISSIONERS HELD MARCH 17, 2014**

Comes now the hour of 8:32 A.M. on the 17<sup>th</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 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:

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

**DONATION OF SICK DAY TO NIKKI GEMMILL**

Steve Clouse, Prosecutor along with Nichelle Pulver and Nikki Gemmill came before the Commissioners to ask permission for Nichelle to donate a sick day to Nikki. Steve explained that Nikki's dad had fallen and hit his head on New Year's Eve and had been in the hospital and passed away a couple of weeks ago. He said Nikki is one day short of a full check after using bereavement time and her own time, and her anniversary date is in November. Steve said he would like for Nikki to have a full paycheck. He said she was a day short on her last check, and when asked if Steve was wanting that made up, he said that he was asking for the next pay period in which the time sheets will be turned in Thursday. Dave asked what had been done in the past. Chad said they had been approved basically for emergencies. Steve said he didn't know why that was changed, and he likes that they have a cooperative office with co-workers that want to get along and help each other out in these situations. He said it has to pass his scrutiny first, and there have been times that it didn't and it never even got to this point. Gary told Nikki he was sorry for her loss. He said the sick time policy is one that the Commissioners have to clarify. Dennis said the Commissioners haven't made a formal policy and they have just been taking them case by case for now. Gary said there have been issues in the past where it has been abused. There was further discussion about why the policy change had taken place.

Chad moved to approve the request for the donated sick day. Dave seconded the motion and it carried, 3-0. Steve said he would like for the Commissioners to consider letting the Department Heads approve the sick day donations. He said he is in a position to analyze the situation and judge whether it is appropriate or not. Steve said it was hard for Nikki to come over for this today, and they have a busy child support morning and they have people lined up at the window. He said he would rather have Nichelle and Nikki working instead of being over here. Chad said the plan is to put together a policy, so in the future before they even ask they would understand what the policy is going to be for what will be allowed or not allowed. He

said the Commissioners don't think someone should be donating sick days just to supplement someone's income who abuses days. Steve said he is aware of those things in his office.

### **PAYROLL TO BE PAID 3/20/14 APPROVED**

After reviewing the payroll from 2/21/14 - 3/06/14 to be paid 3/20/14 Dave moved to approve it. Chad seconded the motion and it carried, 3-0.

### **CLAIMS APPROVED**

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

### **TREASURER'S REPORT - FEBRUARY 2014**

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

### **KNOW.iNK - SOFTWARE LICENSE AND SERVICE AGREEMENT - POLL BOOKS FOR VOTING**

The Commissioners received a copy of the KNOW.iNK agreement in the amount of \$17,500.00 for their review and approval, (H.I.). Dave said the only thing he would question would be paying \$350.00 for each printing unit (used for people to sign in when they go to vote). Shelley Mawhorter, Clerk came before the Commissioners to answer their questions. She explained how the system would work. Shelley said the Central Command option for \$5,000.00 is very important. She said if someone comes in and has had an address change, they can change their address on the pad and accept it, and that will download into Central Command which will then download into Voter Registration at the state. Chad asked if the I-Pads could be used for pre-registration of voters. Shelley said it couldn't. She said it could only be used for what is certified by the State of Indiana. Dave asked if we are buying the I-Pads and if we could use them for other things. Shelley said we are buying them and they won't be used for anything else. She said there will be lockdowns on the I-Pads so people couldn't get on them and use them for playing games, etc. There was further discussion about what would be needed, including discussion with Dave Baum, IT Coordinator. Shelley said what she did not take into consideration for this whole process is the postage she is using. She talked about post cards that had been sent out already and post cards that she will be sending again before the election, to tell people where to vote. She said she would be sending cards out before the next election too. Shelley said she has a full election budget and she was going to try to move some of that money into Professional Services so Jackie doesn't have to ask for an additional for postage. There was discussion that the cards need to be sent first class so if someone has moved or is deceased, Shelley will get the cards back and she can remove the deceased ones from the voter registration. Jackie said they had checked and there is no break for pre-sorting post cards. Chad said it needs to get out to the public that if they get a card and it isn't theirs that they should send the cards back. When asked, Shelley said it cost \$10,200.00 for the first mailing of the cards.

Dave moved to approve the contract with KNOW.iNK in the amount of \$17,500.00 with the option for Shelley to purchase the Central Command. Chad 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 9:46 A.M.

## **HIGHWAY BUSINESS – MARK GOODRICH & ZACK SMITH** **UTILITY PERMITS**

Mark presented permit #UP-001-14 from CenturyLink for work on CR N 600 W between CR W 1100 N and CR W 1200 N in Elkhart Township at the Amos Bontrager residence; #UP-002-14 from CenturyLink for work on W Albion Street/CR E 100 N between Main St. and CR N 900 E to place fiber to improve service for Avilla; #UP-003-14 from Northern Indiana Public Service Company for work on CR 1200 E or County Line Road between CR 22 (DeKalb County) and US 6 for work in Wayne Township; and #UP-004-14 from Noble REMC for work on CR 350 S between CR 600 W and 650 W in Washington Township for the Steven Shively residence, (H.I.). Mark pointed out that permit #UP-002-14 is fiber optic and he and the Commissioners reviewed it and discussed it.

## **NEW TANDEM AXLE TRUCK READY**

Mark reported that the new Western Star tandem axle dump truck is built and will be picked up today if it passes the final inspection.

## **MAILBOX POLICY**

Mark presented a policy dated December 23, 1996 regarding damage to mailboxes while plowing snow. He said he did not recall what brought about the change in the policy. Mark said the first 2 years he was here they went out and replaced and repaired all mail boxes that were damaged, and then they came up with this policy. He said with the policy it is considered a convenience for the property owners to put their mailboxes on county right-of-way and we don't take responsibility. Mark said if there is evidence or if a driver says they got too far into the mailbox we will replace them. He said this has been a bad year for mailboxes, not only for Noble County but for all other entities. Gary said the policy needs to be tweaked a little bit. Chad said the complaint he got was from a State employee who said every time he damages anything he is required to provide a form for a tort claim, and he wondered why if we take down his mailbox he didn't have an avenue to replace it. Mark said he would have had to have a part-time employee just to deal with mailboxes this year. He said it isn't our goal to go out and destroy mailboxes, but with the heavy volume of snow we have dealt with and the blowing and drifting, there were mail boxes this year that were hidden in snow drifts and couldn't be seen at all. Mark said after a while he told his guys to stay out away from mailboxes, which changes the edge line and that is an issue too. He said there isn't an easy answer for this. Dave said if you want the snow removed you have to deal with the consequences. He said we can't control an act of God or nature, and our job is to clear the roadway to make it safe. Dave said people could go out and move their mailboxes every time it snows to keep them from getting hit. Gary said when that heavy wet snow hits the mailboxes there is nothing that can be done about it. He said you can't creep down the road or you would never get your route done. Mark said he has asked people how long they want to wait to get their roads cleaned. He said he tells them if we have to slow down for every mail box it would double the time it takes to clear the roads. Gary said when the state started giving out forms to file tort claims, he didn't know of anyone that was actually filed.

## **DISTRIBUTOR BODY**

Mark said the distributor body has been ordered. He said it should be here in June in plenty of time for them to do their chip seal.

## **BRIDGE #70**

Zack said on Bridge #70 he is still waiting on the description review and hopefully the Surveyor's Office would have something this week so he can get out and approach the property owners (about right-of-ways).

## **CREDIT FUNDS FOR EQUIPMENT**

Zack said with the trucks and the distributor they are at \$187,003.00 out of the \$195,000.00. He said the plows will push that over so they will use in-house funds for them.

## **SURPLUS EQUIPMENT**

Zack said the Notice to Bidders was posted on Friday for the equipment we have in-house, and they have until next Friday to post sealed bids.

## **CSX RAILROAD COORDINATION**

Zack said he will be meeting with INDOT Wednesday to talk to their in-house staff to see what we need commitment wise from the CSX Railroad for them to be comfortable enough to re-open either Bridge #134 or start Bridge #136 on the next cycle. He said he is also working with the railroad and United Consulting to get the railroad the information they need to make a commitment.

## **HIGHWAY CONSTRUCTION STANDARDS**

Zack said the highway standards are pretty much finished. He said he has one last review today and he will be presenting them on Wednesday night at the UDO committee meeting.

## **HIGHWAY EMPLOYEE SAFETY POLICY**

Zack reported that there will be a safety committee meeting on April 9th to work on getting a draft ready and then it will be presented to the Commissioners.

## **BRIDGE INSPECTION PROPOSALS**

Zack said the Bridge Inspection Proposals should be here in three weeks. There was discussion about having a special meeting or continuing the meeting on the third Monday afternoon in April to go through the proposals and rate each of them.

## **CR 300 S PROJECT**

Zack said he emailed SME (an engineering company) on Friday to get a proposal for the first mile of 300 S from 500 to 600 which will include engineering, testing, and the specifications. He said the biggest benefit will be the benefits for when we bid things out in the future. Zack said we will understand the process, we will have our own specs, and we can start doing a lot in-house for all future FDR (Full Depth Reclamation) projects in the future. He said he had met with the Surveyor last week and they are moving ahead with the drainage on the project.

## **CR 150 E**

Zack reported that he thought it would be beneficial if we had a refined scope for the CR 150 E project to put in for federal funds. He said if we are doing it with the FDR approach we could do the full 4 miles and get it done. Zack asked the Commissioners for their thoughts. Chad said he thought we should do the project whether we get federal funds or not, and that federal funds would probably increase the scope of the project. Zack said if we could scope it with FDR that would be a game changer, because then we wouldn't have the right-of-way issues, the utility issues, and a lot of the engineering issues.

## **LPA CALL FOR PROJECTS**

Zack said we have several projects that he could see a value for submitting, but if we were awarded multiple ones he was not sure with the Cum Cap budget balance that we would be able to float that. He said he would move forward with submitting multiple projects and if we do get awarded multiple projects we can deal with it at that time. Zack said the Council had mentioned the possibility of sponsoring a project. He said the projects would be for 2018 which would give us time to plan ahead for that.

## **EQUIPMENT MANAGEMENT & PURCHASING PLAN**

Zack said there was discussion at Road School about putting together an Equipment, Management & Purchasing Plan. He said it would be taking inventory of everything we have with the condition, the mileage, and the cost estimate of replacing it, and then putting together a long term purchasing plan so we could plan ahead for purchases.

## **ROAD STRIPING**

Dave said he had been asked about striping on Baseline and 100 N. Mark said that was scheduled for last fall but because of the weather change it wasn't done and it will be on this summer's schedule. Chad said he thought we would have double the striping this spring because it didn't get done last fall because it go so cold so fast.

## **SAFETY COMMITTEE**

Jackie said a representative from our insurance company will be here on April 9<sup>th</sup> for a safety committee meeting. There was discussion about who should be present for this meeting.

## **TAX SALE CERTIFICATE UPDATE**

Sheri Auld, Deputy Auditor in charge of the tax sales told the Commissioners she had gotten 14 responses of individuals that are interested in the properties. She said she had drafted a letter to be sent to the individuals that have responded, letting them know what their responsibilities would be and that the property would be "as is". Sheri said she is also sending a letter for them to send back by April 10<sup>th</sup> that basically says that they understand what the process is going to be. There was discussion about how to split some of the properties. There was also much discussion about the pros and cons of the Commissioners taking title to some of the properties that are buildable properties and then putting them up for public bid, and then if they don't sell they could go through the process of giving them to the adjoining owners that had expressed an interest in them. Jackie suggested doing title searches before we take title to the properties to make sure there are no liens on them that we are unaware of.

Dennis told the Commissioners he needs to know which properties the Commissioners want him to petition the courts for. After reviewing the list, Chad moved for Dennis to petition for #'s 1, 2, 3, 4, 5, 13, 14, 29, and 31. Dave seconded the motion and it carried, 3-0. The Commissioners and Dennis told Sheri that the property owners who have been notified about the possibility of acquiring adjoining properties should be notified of the possible changes.

## **CELL PHONES**

Jackie said she has had a question about a cell phone. She said a Department Head wants his employee to have their cell phone with the same company as his, and the employee doesn't want to carry two cell phones and they wanted to know if she could use a county phone for personal uses too. Gary said he didn't want to get into that because it would open a Pandora's Box. Jackie said the Guardian Ad Litem has that, and she turns in her phone bill with all of the business related phone calls highlighted and we pay that. Dave said that would be an

administrative nightmare. Gary asked if the tax and everything was divided too. No official action taken.

**CHAIN O'LAKES FESTIVAL - REQUEST TO USE COURTHOUSE LAWN & RESTROOMS**

Jackie said Sharon Leitch was in and asked on behalf of the Chain O'Lakes Festival for permission to the courthouse lawn and restrooms during the festival from June 4 - June 7, 2014, (H.I.). She said Sharon was concerned if the sidewalks would be torn up. Gary said he had asked Scott to get on it as soon as the weather stabilizes, and they should be done. Dave moved to approve the request. Chad seconded the motion and it carried, 3-0.

**MINUTES APPROVED**

After reviewing the minutes of the *March 10, 2014* meeting and making a correction, Dave moved to approve them as corrected. Chad seconded the motion and it carried, 3-0.

**CERTIFICATE OF APPOINTMENT TO ALCOHOLIC BEVERAGE BOARD - HERTHA MEYER**

The Commissioners received the above referenced certificate, (H.I.). Dave moved to approve the appointment. Chad seconded the motion and it carried, 3-0.

**PROCLAMATIONS DECLARING AND CANCELING SNOW EMERGENCY**

Gary signed the proclamations declaring the "Advisory" snow emergency (Local Disaster Emergency) on March 12, 2014 and canceling it on March 13, 2014, (H.I.). The proclamations had been approved by the Commissioners verbally.

**COUNTY PROMOTIONAL VIDEOS**

Chad reported that the videos promoting Noble County are on our county website now and people can view them.

**ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 11:25 A.M. recessed from day to day until the 24<sup>th</sup> day of March, 2014.

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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