

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD MARCH 19, 2012**

Comes now the hour of 9:20 A.M. on the 19th day of March, 2012, 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:

Joy Y. LeCount, President
David J. (Dave) Dolezal, Vice President
Jack W. Herendeen, Member

Also present were:

Marion S. Cavanaugh, Deputy Auditor
Dennis Graft, County Attorney
and Bob Braley, News Media

**WELLS FARGO INSURANCE – MEDWATCH,
LLC - CONTRACT RE: PRECERTIFICATION
& BUSINESS ASSOCIATE AGREEMENT**

Shelly Hanson from Wells Fargo Insurance came before the Commissioners to discuss health insurance. She said she had the contract for MedWatch because we moved our precertification company. Shelly said she also had MedWatch's Business Associate Agreement, just for HIPPA purposes, (H.I.). Joy gave the two agreements to Dennis to review.

Joy asked how our progress is so far this year. Shelly said we were starting out very well. She said then in February, we had nine people whose claims paid were in excess of \$5,000.00. Shelly said that three of them were in excess of \$10,000.00. She said there are seven people right now that are exceeding 40% of the specific. Joy asked if any of those are things that could eventually correct themselves. Shelly said they are. She said there is one that could be a concern. Shelly said she would be watching it carefully. She said over-all, we are still at 71.48%, so we are still good. Joy asked Shelly to provide the information sheet monthly so the Commissioners can keep track of what is going on.

Joy said it looks like the clinic participation is going up. Shelly said it is. She said she looked at the last three years and put something together, (H.I.).

After Dennis finished reviewing the documents, Jack moved to approve the Medical Review Service Agreement with MedWatch. Dave seconded the motion and it carried, 3-0. Dave then moved to approve the Business Associate Agreement with MedWatch. Jack seconded the motion and it carried, 3-0.

Dave asked Shelly why there was one employee that didn't show as being Active under the "Benefit Status" portion of the specific status report. Shelly said she wasn't sure but she would find out.

NOTE: Later in the meeting Shelly called and said the person that Dave had asked about on the report this morning that did not show as being active under the "Benefit Status" has been terminated. She also said that Pro-Claim ran the whole specific status report wrong and there is actually only one person that is at the 40% specific amount. Shelly said she would send a new report when she receives it.

NEXT GENERATION 911

Mitch Fiandt, E-911 Director said he has a pending grant that expires March 31st. He said if he could have the February 13th minutes amended to show that they discussed a pending matching grant from the state through the federal government to assist in the purchase of the Next Generation 911 equipment and software that is what he needs. Mitch said the amount of the grant was \$45,000.00. The Commissioners said that had been discussed February 13th and they will amend the minutes to include that discussion.

NUNC PRO TUNC ENTRY TO FEBRUARY 13, 2012 MINUTES

This entry is being made to amend the minutes of the February 13, 2012 meeting to include discussion with Mitch Fiandt regarding the 911 grant. Dave moved to make the amendment. Jack seconded the motion and it carried, 3-0.

911 Director Mitch Fiandt asked permission to use a grant his office received towards upgrading the county's 911 service to Next Generation 911. The 45,000.00 grant would be used in conjunction with the \$69,000.00 in the county's wireless fund to make the upgrade. The upgrade will be made in conjunction with a regional consortium of 911 systems. If the county did the same work themselves it would cost in excess of \$200,000.00.

HIGHWAY BUSINESS – MARK GOODRICH

UTILITY PERMITS

Mark presented permit #UP-010-05 from Noble REMC for work on Townline Road between Stoneshill Road and Burns Road and #UP-011-05 from Noble REMC for work on CR 350 E between SR 8 and CR 415 N, (H.I.).

TAR/OIL IN PATCHER TANK IN LIGONIER

Mark said there is tar in the tank in Ligonier. He said they won't have a truck on the road today, but there will be one on the road tomorrow. Mark said they are working on the second truck to have it ready to pull the patcher.

When asked, Mark said it is a 6,000 gallon tank and they put 5,200 gallons in it.

TRUCK PROBLEMS

Mark reported that truck #49, the bucket truck is down with a problem with the oil pressure system and truck #42, which is his truck, is down again with fuel problems. He said his pick-up truck might have to go to the dealership to be fixed. Mark said the power meter, the cruise and the engine brake are not working on truck #9. He said it will probably have to go to Vomac to be re-programmed. There was discussion about some break trouble on truck #11. Mark said they are going to change the brakes on it.

Joy asked if there is a list of the repairs and expenses on each of the trucks for last year. Mark said Charisse used to do that and she quit because she said Russ didn't want it any more.

PATCHER

Joy asked if we were close to getting the third patcher on the road. Mark said the new one would be on the road first. He said when they get the other one going, they will be using one for crack sealing and the other for behind the truck.

LIMA ROAD JUST SOUTH OF KENDALLVILLE BETWEEN CR 350 N AND CR 415 N

Mike said the Highway Department received a complaint from a citizen about excessive speeds. He said the gentleman said a lot of cats and dogs have been killed there over the years. Mike said the accident reports from 2009 to the present indicate there was one reported deer strike there. He said they did a speed study and collected data on the road. Mike said currently the road isn't posted at all, so the assumption is that it is 55 MPH. He said through their speed study it indicates that the 85 percentile speed is 46 MPH. Mike said based on that he would recommend putting a 45 MPH speed limit there. Joy said we would need an ordinance to do that. Mike said the gentleman said there was someone that would like to put up a sign indicating that there is a blind person in the area. Joy said normally the families purchase those signs. Mike said as a part of our sign replacement project a lot of those signs are going to be removed.

Dave questioned whether 45 MPH was too fast for that stretch of road that is only $\frac{3}{4}$ of a mile long. Mike said if it wasn't 45 MPH it would then go to 30 MPH.

Mike said per the Indiana manual 45 MPH is what he could recommend. He said the Commissioners could make it different if they want to. The Commissioners agreed to leave it at 45 MPH for Lima Road between 350 and 415 N and any other portions Mike feels is necessary.

Jack moved to proceed to change the speed limit to 45 MPH on Lima Road between CR 350 and CR 415 N and any other portions necessary, based on Mike's recommendation. Dave seconded the motion and it carried, 3-0.

SHERIFF DOUG HARP – PURCHASE OVER \$500.00 – GENERATOR FUEL

Doug said the generator at the jail is a 1200 gallon generator and they are down to about half. He said he thought the last time it was filled was in 2010. Doug said he had a quote from Brown & Sons and it was recommended that we use premium diesel fuel in the generator, because of the fact that it sits for a while between uses.

Dave moved to approve the purchase of 600 gallons of premium diesel fuel at the price that was quoted by Brown & Sons. Jack seconded the motion and it carried, 3-0.

The Commissioners asked Doug some questions about claims and payroll.

PAYROLL TO BE PAID 3/22/12 APPROVED

After reviewing the payroll from 2/24/12 - 3/08/12 to be paid 3/22/12 Jack moved to approve it. Dave seconded the motion and it carried, 3-0.

CLAIMS TO BE PAID 3/19/12 APPROVED

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

**PROFESSIONAL SERVICES CONTRACT WITH STATE DEPT.
OF HEALTH RE: HEALTH DEPARTMENT ACCREDITATION**

Cheryl Munson, Health Department nurse presented the above referenced contract from the Indiana State Department of Health.

Cheryl said last fall the federal government (CDC) said they wanted to see 80% of Health Departments in the country accredited by around 2018. She said there are none accredited at this time. Cheryl said this is a brand new thing, and someone at the state decided we should start this in Indiana, and have district 3 be the pilot study. She said there are eight counties in district 3 that have said they will do this. Cheryl said if we choose not to be accredited, the grant money can be severely impacted. She said Kristin at the state applied for and received a grant to help cover the costs that the local Health Departments are going to incur in the process of being accredited. Cheryl said all of the local Health Departments that are trying to get accreditation are contracted with her to receive money. She said it is not a reimbursable contract and she didn't have to turn in a budget. Cheryl said by turning in the contract she would get \$2,000.00 in her account. She said there are some costs involved with getting the accreditation, so she intends to keep the \$2,000.00 in the account to help pay with travel for meetings and that type of thing. Cheryl said she is anticipating it will take two years to get the accreditation. She said it is going to require a significant amount of time and effort, but she feels it is important to get it done so they can do it with a group of people. Cheryl said they can work with other Health Departments in district 3 instead of doing it by themselves. She said as projects get completed and things get done, more money will be disbursed to go into that account. Cheryl said it originally was an \$8,000.00 contract and since some counties dropped out it is now an \$11,000.00 contract.

Joy asked what the criteria is that they are going to require to be accredited. Cheryl said they haven't gotten that far yet. She said she knows there will be a district 3 project that will need to be completed. Cheryl said they have had three of six meetings where they get together as district 3 and come up with a strategic plan, a mission statement, etc. She said starting next month they will have another set of meetings where they will come up with their big project they are required to do. When Jack asked, Cheryl said all of the Health Department employees will be involved in the meetings at some time.

Joy said they will not be able to get the contract fulfilled on time because the contract goes through September 29, 2012. Cheryl said that would be amended. There was discussion about the need for a cover letter that would indicate that the county will expect an amendment regarding the amount of the contract too.

Jack asked why some of the counties opted out of the contract. Cheryl said they thought it was going to be too much work. She said some of the counties that have opted out have personnel that have been with the state long enough to know that the state changes their mind all of the time, so they are kind of living on the edge thinking that it won't become mandatory and they would be wasting their time.

Dave asked what the benefits will be for the counties that participate in the accreditation. Cheryl said one thing it will do is make it possible for them to qualify for federal grants. She said part of it is to come up with a standardized way of doing things in the Health Departments so they are all providing the ten essential things they are supposed to.

Dave moved for the Commissioners to lend their support for the Health Department Professional Services Contract EDS #A70-2-79679. Jack seconded the motion and it carried 3-0.

PRESERVATION OF COURTHOUSE EXTERIOR

Judge G. David Laur said he had talked to Phil about sealing the outside of the courthouse. He said one company had told Phil they should seal the brick and another company said you should never seal the brick. Judge Laur said he remembered that for the last two years at their Judge's seminar that people from the Indiana Historical Courthouse Preservation gave presentations, and they showed our courthouse as one that was suffering from water damage. He said he called Indianapolis and talked to David Duvall who was the contact person he had written down, and he asked if Noble County should seal or not seal the bricks. Judge Laur said Mr. Duvall told him he couldn't sit in Indianapolis and say what to do, but if we would write to them and ask for their opinion they would send two or three experts up at no charge to help make the decision on what kind of assistance is needed. Judge Laur left the brochure for the Commissioners to review, (H.I.).

IMPACT PRODUCTS, INC. NEW VEHICLE WARRANTY FOR SURVEYOR'S NEW TRUCK

Jack moved to approve the above referenced warranty for the undercoating, the paint sealant and other protection products, (H.I.). Dave seconded the motion and it carried, 3-0.

SOUTH COMPLEX DISCUSSION

Dave Baum, IT came before the Commissioners to briefly discuss where they will need phone jacks and other related things at the South Complex.

There was discussion about the possibility of the IT Department getting some of the space on the upstairs at the South Complex for offices and some space downstairs for computer work and storage, if the clinic is moved to the annex.

VISITOR'S BUREAU BOARD VACANCY

Joy said the Commissioners still have a vacancy on the Visitor's Bureau Board which they need to fill. She said she thought we should have someone from the southwest corner of the county, because we have no one to represent that area. Dave and Jack gave Joy permission to pursue discussion with a couple of people she has in mind from that area.

GIFT AGREEMENT FOR OLD MAP TO BE DONATED TO COUNTY BY ROBERT WILSON

Joy said that Dennis had finished the gift agreement for the gift of an old map that Bob Wilson had proposed giving to the county. Mr. Wilson will come in next week to sign it.

GROUND RULES – INVOICE RE: UDO

The Commissioners received a copy of an invoice from Ground Rules in the amount of \$1,168.00 which is for 100% completion of the UDO (Unified Development Ordinance). There was also a note from Plan Commission Director Steve Kirkpatrick that said any further improvement proposed for the UDO by Noble County will require contract negotiations between the Commissioners and Ground Rules Inc, (H.I.). There was a brief discussion about some things in the UDO that are still of concern.

**EMC INSURANCE CO. - LOSS
CONTROL INSIGHTS**

The Commissioners received the above referenced brochure which gives suggestions on how to protect commercial buildings from: wind-driven rain; Prevention through Design (PtD); what the new cell phone ban means for companies and their drivers; etc, (H.I.).

WEIGHTS & MEASURES REPORT - 2/16/12 - 3/15/12

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

**SHERRY LABORATORIES - INVOICE & ANALYSIS
OF GROUNDWATER SAMPLES COLLECTED 2/28/12
FROM RESIDENTIAL LAND AT OR NEAR THE LANDFILL**

The Commissioners received the above referenced invoice and analysis which they discussed, (H.I.). Joy will talk to Cindi Fuhrman from Sherry Labs to make sure she understands the analysis, and then she will see to it that the Town of Albion gets the section having to do with the pump out station.

**IDEM - TOWN OF AVILLA SANITARY
SEWER PERMIT APPLICATION**

The Commissioners received notice from IDEM that the Town of Avilla had applied for a sanitary sewer permit to make improvements to their wastewater treatment plant, (H.I.).

**IDEM - VICTOR REINZ VALVE SEALS, LLC
IN AVILLA - UPDATE OF REGISTRATION**

The Commissioners received notice from IDEM that they had done the above referenced update, (H.I.).

HUMANE SOCIETY REPORT - FEBRUARY 2012

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

**ROMARY & ASSOCIATES - DEHUMIDIFIER
AT HIGHWAY DEPARTMENT**

Joy said she had talked to Romary & Associates about installing the dehumidifier at the Highway Department to address the moisture problem. Jack asked if it will be installed at Romary's expense. Joy said that is the way she understands it.

**MINUTES APPROVED - 3/12/12 EXECUTIVE SESSION (2) –
3/12/12 REGULAR - 3/14/12 REGULAR - 10/24/05 REGULAR**

After reviewing the minutes and making corrections as needed, the following actions were taken: **3/12/12 executive** - Jack moved to approve both sets of executive session minutes as corrected. Dave seconded the motion and it carried, 3-0; **3/12/12 regular** - Dave moved to approve them as corrected. Jack seconded the motion and it carried, 3-0; **3/14/12**

regular - Dave moved to approve them as corrected. Jack seconded the motion and it carried, 3-0; **10/24/05 regular** - Jack moved to approve them to the best of his recollection. Dave seconded the motion and it carried, 3-0.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 11:48 A.M. and reconvened at approximately 1:33 P.M.

TUCKPOINTING QUOTES RE: COURTHOUSE EXTERIOR REPAIRS – KARR TUCKPOINTING & ATLAS BUILDING SERVICES, INC.

Phil Jacob, Head of Maintenance was present for this portion of the meeting.

Phil said he had two quotes for doing work on the exterior of the courthouse, (H.I.). He said one was from KARR Tuckpointing and the other was from ATLAS Building Services, Inc.

Phil said KARR's quote was for \$173,305.00. He said it is pretty much the same quote as with ATLAS, except that KARR said they are going to replace 220 brick and ATLAS said they would replace 585 bricks. Phil said the quote from ATLAS was \$251,200.00. Phil said he had the waterproofing quoted separate and the price KARR gave was \$23,224.00. He said the price from ATLAS for waterproofing was \$29,903.00.

Jack asked Phil if waterproofing holds the moisture in. Phil said KARR suggested not waterproofing, because of all of the moisture that comes up from the ground and gets in the brick. He said they said the sealant keeps the moisture from getting out on the outside so it comes inside. Phil said he didn't know if that was the reason we have problems with the paint peeling in the plaster or not. He said he couldn't say which way is the best way to do it.

Phil said if he subtracted right, the total difference between KARR and ATLAS was \$81,274.00. He said both pretty much quoted on the same amount of work.

Phil said he didn't have ATLAS quote it, but Karr's quote included putting a cover on the chimney to bird-proof it.

Phil said if the Commissioners are leaning towards Karr, he could have one of their representatives come in and talk to them.

There was discussion that American Heritage was also interested in quoting. Phil said a representative from there was supposed to have been here. Phil said the man said he would be here by 3:00 one day. Phil said the man from American Heritage called and said he was here, and he actually got here at 2:30. Phil said he told the man that he was here that day and he even walked all around the building to see if he could find him. He said the man said he took pictures, and he asked Phil to send him the information on what he wants him to quote on.

Joy said she thought it would be safe for the Commissioners to talk to the Council again, because the Commissioners now know they could get it done for less than \$250,000.00 and they won't need a common construction wage hearing.

Joy called David Duvall from Indiana's Historic Courthouses, whom Judge David Laur had told the Commissioners this morning would give them an idea of whether they should waterproof the outside of the courthouse or not. She reported that he said typically, the implication that you need waterproofing is a method for the company applying the waterproofing to make money. Joy said David said there are instances where waterproofing might be needed, and a reliable masonry repair company would be able to tell us where and where not to waterproof. She said David told her that the National Masonry Association does not recommend

it unless there are extenuating circumstances. Joy said David told her that matching the mortar is an art, and that the old mortar needs to be cleaned.

The Commissioners then agreed to ask for \$190,000.00 from the Council at their April 2nd meeting, which would cover work on an additional 2,000 bricks if needed.

Joy then called Karr to see when they would be able to do the work if the job is awarded to them, and about how long they think it would take to do it. She reported that regardless of when we award the job, it would be late fall of this year or early spring of 2013 before they could do it. Joy said he told her that they do a lot of school work, and they have to do that when school is not in session. Joy said David told her not to worry about the extra bricks because a lot of times there are 100 more and they just do them. She said when she asked about the cost that David told her once the Commissioners sign the contract, the cost is the cost.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 2:44 P.M. recessed from day to day until the 26th day of March 2012.

Joy Y. LeCount, President

David J. Dolezal, Vice President

Jack W. Herendeen, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor