

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD DECEMBER 19, 2011**

Comes now the hour of 8:33 A.M. on the 19th day of December, 2011, 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
Jack W. Herendeen, Vice President
David J. (Dave) Dolezal, Member

Also present were:

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

**LAKE AND RIVER ENHANCEMENT (LARE)
PROGRAM - LOG JAM OR SEDIMENT
REMOVAL PROJECTS**

Scott Zeigler, Noble County Surveyor was present for this portion of the meeting.

Joy said that she received a call from Stacy McGinnis from Soil & Water regarding the above referenced LARE program, (H.I.). Joy said Stacy was wondering if the County had any interest in log jam or sediment removal projects, so she called Scott.

Scott said it is a grant that would have to be applied for by the Commissioners or Drainage Board. He said since the Drainage Board isn't meeting anymore this year and the grant is due by the 15th of January, he didn't think he could wait until the first meeting in January to get permission from the Drainage Board to apply for the grant. Scott said Stacy said she would help write the grant, but they (Soil & Water) didn't want to be the grant sponsors since it involves drainage work.

Scott said there were three projects they had in mind. He said one would be log jams in general on the north branch (of the Elkhart River); log jam removal on the south branch where there are a number of logjams between the river and Long Lake Road downstream from the Thumma; and for sediment removal where the Thumma Ditch dumps into Muncie Lake. He said the plans are ready to go on the third project and they just need permits.

Joy asked if that would be one application or if it would be separate applications. Scott said he and Stacy are supposed to meet today to identify each of the projects, and his guess was that it would be three separate projects.

Dave asked Scott if he had a priority on how the projects would be done. Scott said they would have to re-float the north and the south branch to identify the actual log jams. He said he thought the south branch has jams causing more problems right now than the north branch does. Scott said they would probably do the north branch, the south branch and then the sediment.

Joy said in her discussion with Stacey she thought there would have to be a 20% match. She said part of that could be in-kind services, and she told Scott to keep track of the hours that they spend identifying problem areas. Scott said we would probably still have to come up with some cash.

After further discussion Jack moved to proceed with getting the paperwork ready to apply for the grant. Dave seconded the motion and it carried, 3-0.

CR 600 N, EAST OF SR 9

Joy asked Scott about an area on 600 N, east of SR 9 before you get to 150 E where the water ponds on the north side. She asked him if that is a malfunction of a ditch that is getting worse or what. Scott said there is a drain that comes across the Singery tile. He said they have replaced it all of the way up to and under SR 9. Scott said the plan was to replace it as we go. He said it is a \$200,000.00 plus project, and they had decided a few years back to do it in phases. Scott said once they get the one done up by Wawaka, they will go back to the Singery and work on it again. Scott said the tile is undersized. He said he and the Highway Department had checked on either side of the road a couple of times, and what is underneath the road is as good as it can get. Scott said they need to get a new tile in there, but they still have a mile to a mile and a half of tile to get there, so it is going to be expensive.

Joy asked if the land owners were complaining. Scott said they had been, but they pretty much understand the situation and that the Surveyor's Office is working their way up there. He said there had been some field drainage work done and some fence rows taken out and that seemed to make it worse.

ROBERT HAMILTON PROPERTY IN ORANGE TWP. ON TAX SALE

Scott said he had talked to the surveyors that had done surveys on both sides of the little strip of ground that is shown in Robert Hamilton's name on the tax records and has been on the tax sale. He said they don't think there is a gap there. Scott said he thinks it was just that a bearing was rotated in a description and it appears that there is a gap there. He said he wants to pull deeds and research it back. Scott said he would try to get it done by the end of the year.

TED RAUH - COMPLAINT RE: DE-BRUSHING ON CR 500 E

Joy said she received a call from Ted Rauh on CR 500 E and he was upset about the de-brushing that is going on. She asked if we notify people when we are going to do that. Scott said they did last spring. He said he didn't know if Ted got it and forgot about it or what.

Scott said he talked to Ted and he was upset that he didn't get notice. Scott said he apologized to him because he thought it was all sent out last spring. He said Ted was upset about the amount we were taking. Scott said we had told him 40 feet and the crew was crowding out to about 60 on some of it, but we were still within the right-of-way.

CHAD FLORA - CR 300 S - LEGAL DRAIN

Dave said he had a call from Chad Flora on CR 300 S, and he didn't know he was on a legal drain. Dave said he got in touch with Scott and Scott printed out the information, which he picked up and took to Chad's house. Dave said Scott is going to do more clearing there, and he

is going to talk to Chad, because Chad doesn't want to lose anymore walnut trees than he has to. Scott said he is going to try to get a camera out there. He said he is pretty sure the tile there is choked with wood.

LIST OF MINOR CONTRACTORS FOR DRAINAGE BOARD

Joy asked Scott if he had developed a new list of minor contractors for next year. Scott said typically at the end of December they just send out to the same ones they did last year. He said letters had been sent, so the first or second meeting of next year the contractors could be approved.

DE-BRUSHING EAST OF 500 E & SOUTH OF BASELINE

Jack asked Scott if they were de-brushing on the Owen's place south of Baseline and east of CR 500 E. Scott said they de-brushed a ditch that runs behind Dave Griffiths a couple of months ago. He said they went from Baseline all of the way down to the park.

CLAIMS APPROVED

The Commissioners asked Scott some questions about the Surveyor/Drainage Board Claims while he was present. After reviewing the rest of the claims Dave moved to approve them. Jack seconded the motion and it carried, 3-0.

REVISED CREDIT PLAN FOR JANUARY 2012 THROUGH DECEMBER 2013

Joy indicated that there had been a mistake in the CREDIT Plan that the Commissioners approved last week, and it has been corrected. Jack moved to approve the corrected version of the plan. Dave seconded the motion and it carried, 3-0.

VOTING PRECINCT CHANGES – WHOLE COUNTY IS NOW "HOUSE DISTRICT 82"

The Commissioners received a letter from Candy Myers, Clerk along with an "Order of the Noble County Commissioners regarding additional information or corrections to the precinct boundaries and submission of corrected IEC-8 forms".

Joy noted that the IEC-8 forms were attached. She then read the order aloud. Dave moved to approve the order. Jack seconded the motion and it carried, 3-0.

Candy was present to answer the Commissioners questions. She said the only change that was made is that the whole County is now "House District 82". A copy of the letter and the order are in the file, (H.I.).

HIGHWAY BUSINESS – MIKE FITCH, ENGINEER AND MARK GOODRICH, SUPERINTENDANT

UTILITY PERMITS

Mark presented the following utility permits from Frontier Communications: #UP-031-11 for work on E CR 600 S between S CR 500 E and S CR 400 E at the James Johnson residence; #UP-032-11 for work on S CR 100 E between CR 400 N and SR 8/CR 300 N at the James Johnson residence; and #UP-033-11 for work on S CR 50 W between W CR 400 S and CR 300 S at the Alvin Gaerte residence, (H.I.).

WATER ON ROADS

Joy asked how many places we have water over the roads. Mark said he didn't have a count. He said 800 N and 600 E both have water yet this morning. Mark said most of it has gone down. He said they put up signs Saturday on 600 N at the Elkhart River.

REPAIR EXPENSES ON TRUCK #9

Jack said the Commissioners had just reviewed a claim for the #9 truck for about \$5,000.00. Dave said it was \$5,700.00 but \$2,700.00 was for springs and something related to the springs. Mark explained all that had been done to the truck. Jack said it seems that lately Vomic has been raking us over the coals on the trucks. Mark said they do a really good job for us. He said they get the equipment in and get it taken care of in good time. Mark said if our mechanics can't find the problem, which is happening more and more, they have to take the trucks somewhere.

Jack asked Mark if they can analyze the trucks through Vomic by hooking them up to the computer. Mark said from what he understands there is a program that is available that we could run through a lap top computer, but they want \$1500.00 or \$2000.00 a year for the program. He said in the past the actual labor of working on it hadn't outweighed what it would cost to have the program. Dave expressed his concern on how high the diagnostic cost was. There was discussion about how old the trucks are. Mark said he thought they were 2000 or 2001's.

Mark said Vomic works with the department in different areas. He said several times Kyle has called down there when he needed some parts, and he works with them and they have dropped the cost on parts. Mark said if the mechanics can't figure it out, you might as well go to the dealership that deals with those particular engines, or you are going to have someone spending a lot more time trying to find the problem.

STEER TIRES – EXPENSE OVER \$500.00

Mark said they needed some steer tires and he didn't think about having to come to the Commissioners because the cost was over \$500.00, and he ordered eight of them at a cost of a little over \$4,000.00.

After further discussion Dave moved to approve the expense for the tires that had already been ordered, and for other tires that need to be ordered.

TRUCK #14

Mark said he had talked to a man at W.A. Jones about truck #14 and the amount of time they have had the truck to work on the electrical system. He said the man apologized for the delay and he said he is hoping to have it running this morning. Mark said they are going to try to

get a deal set up with the man that designed this system and bring him up this spring to go through the system with the mechanics and give them some training so they understand things a little better.

LEAK IN ROOF IN BREAK ROOM

Mark reported that there is a leak in the roof in the break room that he is going to check out today. The Commissioners said they thought there was a 15 year guarantee on that roof. Mark is going to check with Marc Fisher, Bookkeeper to see if they can find out when the roof was done and if it is still under warranty. Mark said if it is under warranty he won't do anything with it.

TRUCK HOIST LEAKING

Mark said the truck hoist is leaking again. He said they (Power Components) say we need to pull the rams and get them re-surfaced. Mark said they will do some calling this week and get estimates on a total re-build. He said they had been talking about looking at an above ground hoist. Mark said Marc Fisher told him we put \$8,000.00 in the hoist not too long ago. The Commissioners said we should probably start looking at getting a new hoist, because of safety issues and costs of repairs to the old one.

STATUS ON PATCHERS

Joy asked about the status of the patchers. Mark said one is down at the company where we got it and the other is at the Highway Department. He said they are going to send parts out today for the one up here so we can get it running, and they have sent the estimates to the insurance company for the other one.

SIGNS

Jack said as he travels through the county, he sees a lot of signs that the wind has gotten a hold of them or something, and they are about half laid down. He asked if we could get the men when they see those signs in their territory to make a note about them. Mark said some of the signs get bent over when they are plowing snow too. He said his only question was if we wanted to get too serious about that since they will be starting the sign project pretty soon. Jack asked when it was supposed to start. Mike said in February. He said they had ordered the material and they said they would get started around the first part of February, weather permitting. There was discussion that at this point, unless it is a stop sign or a sign critical to safety it shouldn't be replaced because of the sign project that is coming up.

ROAD EVALUATION

Mike said he completed the road evaluations, and he showed the Commissioners a large map he had prepared. Mike said he used the PASER Rating System (Pavement Surface Evaluation and Rating), (H.I.). He said it is a visual surface rating system and the roads are evaluated on a scale of 1 – 5. Mike said using those numbers he drove all of the main roads. He said the red roads on the map are failed; pink is poor; orange is fair; blue is good; and green is excellent. Mike said the excellent roads are the new roads. He said this is the start of putting

together a 5-year plan. Mike said he would work with the Commissioners, and he would leave a map with Mark, and they will try to have a plan done by March. Mike said basically he wants to take the funding we have and try to attack the roads in a systematic way to make sure we are putting the money we have in the right place. He showed another map which showed work that had been on roads within the last 10 years; a map showing the federal aid system routes; and a map showing the rating of the major roads. Mike explained each of the maps, and he talked about the priority roads, which are the ones that should be in the best condition.

Dave asked if the maps could be scanned into a layer on the GIS. Mike said he would talk to Steve (GIS Coordinator) about that.

Mike said he didn't drive all of the gravel roads and he didn't rate them. He said they won't be part of the five-year plan because they are usually worked on annually.

INDIANA DEPARTMENT OF NATURAL RESOURCES (DNR) – IMPROVEMENTS TO CR 75 S FROM STATE ROAD 9 TO CHAIN O'LAKES STATE PARK

The Commissioners received a copy of a letter from the DNR to Indiana Governor Mitchell E. Daniels, Jr. regarding a Cooperative Recreational Access Road Improvement Program for access road improvements to the state park as mentioned above, (H.I.). The letter was approved by the Governor.

Mike said INDOT had approved the acceptance of that road into our inventory.

RESOLUTION #2011-09 CAPITAL ASSET POLICY

Jackie Knafel, Auditor said Dennis had reviewed the paperwork and helped with it. Joy read the above referenced resolution aloud. Dave moved to adopt the resolution. Jack seconded the motion and it carried, 3-0.

GOVERNMENT FIXED ASSET SERVICES, INC. – PROPOSAL TO ASSIST WITH 2012 FIXED ASSET REPORTING

Jackie said she had received a letter from Michael Nielsen, Director of Government Fixed Asset Services, Inc., offering consulting services to update the information relating to capital assets including general infrastructure assets for financial reporting purposes for fiscal year end 12/31/12 at a cost of \$3,950.00 plus expenses, (H.I.). Jackie said she didn't know if the Commissioners wanted to do that or if they wanted her to take it over. She said she thought she could unless there were things changed with the GASB 34, which is what the Capital Asset Program all stemmed from. Jackie said the first year she would like to see how he does it, because he had not really gone over any of it with her. She said she thought it was kind of expensive. Jackie said it was a \$1700.00 - \$1800.00 project and she didn't want it to go by the wayside. She said she would like to see him for one year. Joy suggested having Dennis review the proposal.

Joy asked if he would come in the first of the year. Jackie said he would come in at the end of the year because there would be very little change in January.

2011 ENCUMBRANCES

Jackie went over the list of encumbrances for 2011 with the Commissioners, (H.I.). Jack moved to approve the encumbrances. Dave seconded the motion and it carried, 3-0.

**PUBLIC OFFICIAL BOND –
JACQUELINE KNAFEL, AUDITOR**

The Commissioners received the above referenced bond for their approval, (H.I.). Dave moved to approve it. Jack seconded the motion and it carried, 3-0.

BUILDING INSPECTOR – EXPENSE OVER \$500.00

Richard Adair, Building Inspector came before the Commissioners to get their approval on an expense over \$500.00. Richard said since they are switching to Narrow Band, his radio is not compatible. He said they can't switch it and change it. Richard said he got a quote from J & K Communications for a base unit for in the office and it would cost \$779.72.

Dave moved to approve an expense over \$500.00 for a base radio unit for the Building Inspector. Jack seconded the motion and it carried, 3-0.

SURPLUS TIRES

Richard said he has four tires on the rims that were for the Explorer, and since we don't have the Explorer any more he has them stored in the garage. He said he only used them one season and he was going to sell them at the garage sale, but we haven't had one. Richard said he has someone at the park that is interested in them, but he didn't know what kind of price to put on them. Jack asked if there would be another department that could use the tires. Richard said the Surveyor's Office can't use them and the Highway Department is not interested in them. After much discussion the Commissioners said Richard should ask \$100.00 for the four tires and rims.

TED RAUH – THOMAS DITCH

Ted Rauh was present for this portion of the meeting. Joy told him she had tried to call the Surveyor's Office Friday and couldn't get anyone. She asked Ted if Scott (Noble County Surveyor) had talked to him. Ted said he had. Joy asked Ted if he had received a letter from the Surveyor's Office earlier this year. Ted said he had not. Joy asked him how long he had lived there. Ted said he had been there for six years. Ted said Scott told him he had talked to the neighbor behind him, but he didn't stop and talk to him.

Joy said Ted's concern was what the Commissioners had talked about earlier this morning, that they just came out and started cutting trees and he didn't know what was going on.

Ted said it is not just that. He said on Friday he talked to Scott (Surveyor) and he found out it is going to cost the county over \$30,000.00 to drain the wetlands. He said he thought this should be looked at from a tax payer's point of view. Ted said it seems to him like it is wasting a lot of money.

Joy told Ted there would not be another Drainage Board meeting until January 3, 2012. She said she understands Ted's concern about the amount of money that is being spent.

Ted said it is also that there will be very little good come from it. Joy said it might be interesting for Ted to look at the map at the Surveyor's Office to see how widespread the entire drainage system is. Joy said they really hadn't discussed any kind of project there yet. Joy told Ted when the Drainage Board meets in case he wants to get on the agenda.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:57 A.M. and reconvened at approximately 11:08 A.M.

WEIGHTS & MEASURES REPORT – 11/16 – 12/15/2011

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

IDEM – CITY OF LIGONIER SANITARY SEWER PERMIT APPLICATION

The Commissioners received notice from IDEM that the City of Ligonier had applied for a sanitary sewer permit, (H.I.).

IDEM – VICTOR REINZ VALVE SEALS, LLC, IN AVILLA – PERMIT APPROVED

The Commissioners received notice from IDEM that they had approved a permit for Victor Reinz Valve Seals, LLC in Avilla, (H.I.).

BROOKS CONSTRUCTION – COMPANY – THANK YOU AND QUESTIONNAIRE

The Commissioners received a letter from Brooks Construction thanking them for the opportunity to do work at the Noble County Annex, (H.I.). Also included was a questionnaire which was filled out and sent to them (no copy for file).

SRI – MINIMUM BID FOR UPCOMING CERTIFICATE TAX SALE

The Commissioners were informed that they did not vote on a minimum bid for the Certificate Tax Sale that will be taking place around March, regarding properties that were on the 2011 tax sale and did not sell. Dave made a motion to set the minimum bid at 10% of what is owed or a \$25.00 minimum if the 10% doesn't amount to at least \$25.00. Jack seconded the motion and it carried, 3-0.

PAYROLL APPROVAL FOR NEXT WEEK

Since the Commissioners will not be meeting next week, Joy moved to approve for Dave to come in and review and approve the payroll. Jack seconded the motion and it carried, 3-0.

WIND ENERGY DISCUSSION – OVERLAY OF PROPOSED UNIFIED DEVELOPMENT ORDINANCE

The Commissioners and Dennis reviewed the proposed UDO; a “review” of a proposed Noble County Wind Ordinance they had previously received, (H.I.); and maps they had received previously showing various things that could help in determining what areas in the county would be possible locations for windmills used to provide energy. There was much discussion about the questions and concerns the Commissioners have with the proposed Wind Ordinance.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 12:13 P.M. and reconvened at approximately 1:44 P.M.

PAYROLL TO BE PAID 12/29/11 APPROVED

After reviewing the payroll from 12/02/11 – 12/15/11 to be paid 12/29/11 which the Commissioners just received, Jack moved to approve it. Dave seconded the motion and it carried, 3-0. This will make it unnecessary for Dave to come in to approve it.

WIND ENERGY DISCUSSION CONTINUED

The Commissioners continued their discussion on the proposed Wind Ordinance to see what they might want to recommend to the Plan Commission. They compared some portions of ordinances adopted by other counties to see how they compared to Noble County’s.

While discussing the wind energy issue, it was said that some people would say that it would hurt economic development, and that some would say that it would help it. Jack said that probably any wind turbines that would be put up would be done so by out of state contractors.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 2:29 P.M. recessed from day to day until the 3rd day of January 2012.

Joy Y. LeCount, President

Jack W. Herendeen, Vice President

David J. Dolezal, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor