

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD APRIL 9, 2012**

Comes now the hour of 8:34 A.M. on the 9th day of April, 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
Chad Kline, Commissioner Candidate
and Bob Braley & Scott Perry, News Media

**INVOICE FROM TOWN OF ALBION
RE: LANDFILL LEACHATE DISPOSAL**

The Commissioners received a copy of the invoice from the Town of Albion in the amount of \$300.00 for disposal of 5000 gallons of leachate from the landfill, (H.I.).

**IDEM – BENNETT SANITATION
WASTEWATER MANAGEMENT PERMIT**

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

IDEM – DOW CORNING PERMIT REVISION

The Commissioners received notice from IDEM that they had approved a second revision regarding a stationary silicone rubber manufacturing facility in Kendallville, (H.I.).

**MINUTES OF APRIL 2, 2012 EXECUTIVE
SESSION APPROVED**

After reviewing the executive session minutes of April 2, 2012 Dave moved to approve them. Jack seconded the motion and it carried, 3-0.

**BUILDING PERMIT – GLADE & ELAINE ROGERS –
ELECTRICAL HOOKUP IN SPARTA TOWNSHIP**

The Commissioners received a copy of the above referenced permit which they asked for last week. This permit is for installing electrical service for an irrigation system. The Commissioners noted that the permit was issued in 2009 and that a new permit was not obtained before the installation of a pivot for the system, which is in the right-of-way and should not be.

LOCAL INCOME TAXES RE: CAGIT & CEDIT

Joy reported that the State had not issued enough money to the County for CAGIT and CEDIT, and that we will probably be receiving the money today or tomorrow. There was discussion about what the money could be used for, and the possibility that money could be moved around to help the Highway Department with road work.

**BUILDING PERMIT – GLADE & ELAINE ROGERS –
ELECTRICAL HOOKUP IN SPARTA TOWNSHIP CONT.**

Richard Adair Building Inspector was present at this point. The Commissioners discussed with him the new pivot on a cement foundation that was put in at the Glade Rogers residence which is in the road right-of-way. Richard said the 2009 permit was for the electrical hookup that was installed out in the field. He said he didn't even know the pivot was being installed. Joy asked if we require a permit for the pivots. Richard said he doesn't normally because they are usually installed in the middle of the field.

Richard said when the people come in to see about permits they start at the Plan Commission and they tell them about the set-back requirements. Joy said Steve (Plan Commission Director) said the set-back would be 85' and that is not reasonable for this type of situation. Richard said we are going to have to set up some rules for the irrigation systems because more and more people are putting them in. He said for years they didn't even look at the electrical, and then the power companies said they had people putting in 3-phase electrical that don't know what they are doing, and he should look at them. Richard said that is when they started issuing building permits for irrigation systems, and it was basically for the electric only.

Jack said when people get a permit to build a house the set back has to be 85'. Joy said 85' is not a reasonable amount for the irrigation systems.

Richard said the pivot has a foundation, and the foundation should at least be out of the right-of-way. He said he didn't think it was unreasonable to ask them to move it. Dennis asked how far the pivot is off the road. Joy said it is 17' from the center of the road. Dennis said when the county is plowing the road they could get over that far. Richard said when the irrigation system swings around the wheels will be really close to the road.

Dave said he thought we should ask them to move the foundation out of our right-of-way or we would be establishing a precedence. Richard said we need to have a set of rules if we are going to make people get a permit for the pedestals.

Dennis suggested that the Commissioners hold an executive session with Glade and Elaine Rogers and the Building Department, Plan Commission and Highway Department. Joy said the Commissioners would probably have to do an ordinance to address the problem.

Joy called Glade and talked to him about the executive session.

UNSAFE HOME AT BEAR LAKE

While Richard Adair was here, he and the Commissioners discussed the progress on the issue of the unsafe building at Bear Lake. Richard said the Sheriff's Department said the address he had (for Sherry Bates, co-owner of property with Randy Tucker) was a valid address and that is where she is living. He said hopefully they would be able to confirm that she had received the letters the Building Department had sent. Richard said Randy wants to take the building down and burn it.

2013 NOBLE COUNTY HOLIDAY SCHEDULE

The Commissioners reviewed the proposed 2013 holiday schedule. It was determined last week when they originally looked at the schedule that Christmas falls on Wednesday and not Thursday as is indicated on the schedule.

After some discussion Dave moved to approve the schedule with the exception of July 5th and December 26th for a total of 12 days. Jack seconded the motion and it carried, 3-0.

HIGHWAY BUSINESS – MIKE FITCH & MARK GOODRICH

UTILITY PERMIT

Mark presented utility permit #UP-018-12 from Noble REMC for work on CR 200 E between Baseline Road and CR 125 N at the Zachary Baker residence, (H.I.).

CHLORIDE APPLICATIONS

Jack asked when they are going to start putting chloride on the roads. Mark said he would get in touch with Matt and get it scheduled. He said he had been hoping we would get some rain so the roads could be graded.

OLD RADIOS

Mark said they have some old radios that J & K Communications say are worthless that he would like to get rid of. He said J & K suggested that they be crushed and thrown away. After a brief discussion Jack moved to allow the Highway Department to destroy the radios after talking to Mitch Fiandt E-911 Director, to see if he can use any of them. Dave seconded the motion and it carried 3-0.

BUILDING PERMIT – GLADE & ELAINE ROGERS – ELECTRICAL HOOKUP IN SPARTA TOWNSHIP CONT.

Gay Cunningham who is renting the land from Glade and Elaine Rogers called and told Joy if they need to move the pivot they would like to do it this week, because they want to get the electricity and the water hooked up. Joy said she told him he should put it a little more than 20' from the centerline of the road. Mark said he would go out and check the distance. Joy said maybe whoever looks at it could put a flag where it should be.

Gay called around 10:00 and said that they would be moving it 3' today. Mark said he would go out there when he leaves the meeting. Dave said maybe 3' wouldn't be far enough. Joy said that is why she wanted someone to be out there. She said they can't go much further.

DEBRIS MANAGEMENT TRAINING

Mark said John Strange and Andy Price went to Debris Management Training several weeks ago, and he had started going through some of the information they brought back. He said the biggest issue is being able to track everything needed for federal aid in the event of a tornado, flooding, etc. Mark said Mick (EMA Director) was real impressed with John and said he would do a good job of setting that up. He said they would need to purchase some cameras and keep track of how many trucks are on what section of road. Mark said FEMA is very particular with bookwork. Mark said it would be John's position to make sure everything on the highway right-of-way was reported and properly documented. Mark said Charisse (Highway Dept. Administrative Assistant) is very detailed on that kind of stuff. Joy said you have to have someone out in the field to make some decisions.

Dave asked what role Andy Price would play in this. Mark said he would be in charge of each crew that we would have out.

Dave moved to appoint John Strange to be the Debris Manager, and Andy Price would be the Site Supervisor as designated by John. Jack seconded the motion and it carried, 3-0.

UPDATE ON TRUCKS

Mark gave the Commissioners an update on the truck repairs that have been done and repairs that are still to be done. There was discussion about the use of rebuilt engines. Mark said he has not had real good luck with them. He said he would check on the cost of them.

Joy asked Mark if he had worked on any specifications for a new truck. Mark said he needs more information on how to do the specifications since he hasn't done it before. Jack said to check on the electronics when doing the specifications.

When asked, Mark said there is \$170,000.00 in the budget for a new truck. There was discussion about getting bids for a new truck, and how old the route trucks are.

ROADS CLOSED BY RAILROAD

Mark said 1100 W is still closed. He said he left some barricades at 1025 rather than have the traffic come all of the way down there and turn around.

Mark said the CSX closed 100 N, 700 E and 900 E, and Clark Street, 500 E and 600 E are opened back up. Joy said this is the 5th week for 700 E being closed.

INCOME COMPARISONS

Mark presented an income comparison sheet from 2000 through 2011, which the Commissioners had asked for, (H.I.). The Commissioners briefly reviewed the comparisons.

SIGN PROJECT

Jack asked how the sign project is coming. Mark said they found some signs that hadn't been replaced. There was discussion about new signs being put on old sign posts through the sign project. Joy said they told Mark that all of Elkhart Township is done, but on 300 W coming out of Wawaka where it says end 30 MPH the sign is not new. Mark said Wayne had checked some of them. Joy said the signs should be checked out, because something isn't right.

Mike said Schneider's project manager is supposed to be doing that. He said he would check into it and make sure it gets straightened out. Mike said he was told that all of the posts were going to be replaced, even if the plan didn't show it.

BRIDGE #134 PROJECT

Mike said he they are going to try to get the meeting with INDOT regarding Bridge #134 scheduled. He said he would like to know what CSX's plans are.

BROOKVIEW AVENUE IN KENDALLVILLE

Dave said he had an e-mail from Natalie Dilling regarding Brookview Avenue in Kendallville which is in Baby Mountain. He asked Mark and Mike if they would want to check the road out. There was discussion that it is a cement road, and Mark explained to Mike what is happening to the road.

Mike said we do have some concrete streets and the Highway Department isn't equipped to deal with them. He said that is something that is going to have to be addressed.

CRACK SEALING & DITCH AND BERMING

Jack asked if the dura patchers are out on the road. Mark said he has had two of them going, but today there is only one out. He said he has been a little short-handed because of vacations and sick leaves. He gave the Commissioners an update on crack sealing and berming.

OPEN DUMPING - CR 125 AT COMPOST SITE

Dave reported that there had been some open dumping on CR 125 at the compost site. Joy said she had talked to the Solid Waste District and they claim they don't have any authority over that. Joy said it is garbage that is being dumped. She said she asked Steve from the Solid Waste District whether we have any agreement with them as far as maintenance of the facility, and he said there is none. Joy said Alan Freels called her and told her about it. She said the only thing that is supposed to be put there is tree trimmings and grass.

Mark said he went out there a couple of weeks ago. He said there were about 50 bags of weeds and yard trash there and he busted the bags open and removed the bags.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:34 A.M. and reconvened at approximately 10:46 A.M.

TRANE - WORK AUTHORIZATION

The Commissioners reviewed work authorizations for Trane to replace a faulty actuator at the courthouse and monitor it, and to install a new controller and set it up at the south complex, (H.I.). The quotes were received last week.

Dave moved to have Phil proceed with the work, but to check first to make sure the prices are still good. Jack seconded the motion and it carried, 3-0.

EMC INSURANCE COMPANY – INSURED NOBLE COUNTY BUILDINGS AND PERSONAL PROPERTY

The Commissioners reviewed the list of buildings and personal property they received from EMC Insurance last week, which shows what Noble County has insured, (H.I.). There were some questions, so Joy called Jarrod Ramer from Black & Ramer Insurance who is the agent, and he is to check on them and call back.

HEALTH DEPARTMENT – EXPENSE OVER \$500.00 – IMMUNIZATION PROGRAM

Cheryl Munson, Health Department Nurse said the Health Department had been afforded the opportunity to participate in an Immunization Awareness Program. She said the Indiana Immunization Coalition is bringing forth a gentleman by the name of Nate Springer, who had meningitis and has lost all four of his limbs as a result of it. Cheryl said he is now a public speaker, and the Coalition is paying for him to come to Westview High School to do a presentation about immunizations. Cheryl said the LaGrange County Health Department has asked us to partner with them in making this a significant event. She said Parkview is also partnering with them to provide money for some food and that kind of stuff. Cheryl said they are going to have a big barbeque outside and they want to have give aways for the kids and the families that come. Cheryl said the LaGrange County Health Department had put up \$3,000.00 for this event. She asked if she could use \$1,000.00 from her donation fund to purchase food, for publication costs, promotional items or whatever is needed. She said they are hoping to have two large give-aways. Cheryl said she has about \$5,000.00 in her donation fund. Joy asked how they acquire the money in the donation fund. Cheryl said they ask for donations when people come in for immunizations.

Jack moved to approve the use of up to \$1,000.00 for the event. Dave seconded the motion and it carried, 3-0.

IT BUSINESS & WIRING AT SOUTH COMPLEX

WEBER ROAD TOWER

Joy asked Dave Baum, IT Director what is on top of the post at the Weber Road. Dave said originally there was a wireless link for Weber Road when we didn't have fiber in place. He said now Mick has his emergency radio antenna up there.

PLACEMENT OF DATA PORTS AT SOUTH COMPLEX

Dave said he had the drawings for the placement of data ports at the South Complex.

Joy asked if we need a written document that would outline the specifications for getting quotes. Dave said he thought the drawings would be sufficient along with something specifying what type of wiring we want used.

Dave said he thought all of the work could be done through the ceiling to the upstairs. He said this gives them the ability to put Purdue and the Health Department on one line. Dennis said if the cost is \$25,000.00 they will need to get three quotes.

Dave said the reason IT can't do it is because of the time consumption. Joy asked Dave if he would have time to supervise the work. Dave said they would make sure it was supervised. He estimated it would probably take about 400 hours to get the work done. Dave said he thought the material would cost around \$5,000.00. There was discussion about trying to find a college student(s) or part-time person(s) that would be qualified to do the work. There was also discussion about paying about \$15.00 an hour for the work. Dave is going to check the budget to see where he can get the money.

Joy said she was going to check with the contractors that had been contacted about doing the other work that is needed at the South Complex.

WEED CONTROL AT SOUTH COMPLEX

The Commissioners briefly discussed whether or not there is a need to spray for weeds and dandelions at the South Complex.

TAX DEEDS

The Commissioners reviewed the tax deeds for properties they took title to.

SOIL & WATER CONSERVATION – INSPECTION OF LANDFILL

There was discussion about the fact that the Soil & Water Conservation Department is no longer inspecting the landfill. Dave found an article in his Farm Bureau book that says they are required to do it, and there is a State Statute (IC-14-32-5-5(C) that Dennis found that also says they are supposed to do it, (H.I.). Joy said she had received a letter from IDEM about the inspections and she is going to bring it next week. She said she never knew the inspections weren't being done until she received the letter. Joy said after she received the letter she found out there is a letter on file where Soil & Water said they were going to quit doing the inspections

around 1998. There was discussion as to why the Soil & Water decided to quit doing them. Dennis said we could send the Soil & Water a letter and a copy of the law. Joy said we are required to have it inspected every six months.

GENERAL PRESERVATION CORP. - QUOTE
FOR COURTHOUSE EXTERIOR WORK

The Commissioners received a quote from General Preservation Corporation for tuckpointing and other work on the courthouse exterior, (H.I.). This quote was higher than the ones previously received.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 12:09 P.M. recessed from day to day until the 16th day of April 2012.

Joy Y. LeCount, President

David J. Dolezal, Vice President

Jack W. Herendeen, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor