

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD MAY 14, 2012**

Comes now the hour of 10:14 A.M. on the 14th day of May, 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:

Jacqueline L. Knafel, Auditor
Dennis Graft, County Attorney
and Marc Fisher, Noble County Highway
Mike Fitch, Noble County Highway Superintendent
Dan Belschner, Noble County resident
Bob Braley, KPC
Scott Perry, Albion New Era
Doug Harp, Noble County Sheriff
Mick Newton, Noble County EMA

Meeting brought to order at approximately 10:14 AM

**HIGHWAY BUSINESS - MIKE FITCH & MARC FISHER
UTILITY PERMITS**

Marc presented the following utility permits from United Telephone (CenturyLink): Permit #UP-027-12 for work on Northport Road between Baseline Road and Oak Knoll Drive in Swan Township at the Will Huggins residence; and #UP-028-12 for work on CR 650 E between Hopewell Road and the Dead End in Swan Township at the Merkling residence, (H.I.).

BALLENSHIRE LANE IN COBBLESTONE ADD. PHASE 3

Mike Fitch and Marc Fisher were present to discuss the issue of Ballenshire Lane in Cobblestone Addition, Phase 3 in Noble County. Mike told the commissioners that Cobblestone Phase 3 was not accepted as there was no surety bond in the file regarding construction of the roads. Mike said he had talked to Cynthia Wilkins (Project Manager for Sturges Development Group who developed Cobblestone Addition) this morning and she told him that she couldn't find any records of a bond being prepared. He said she also told him that there was an auction in December and various lots in Cobblestone had been auctioned off to various developers, and that Cobblestone LLC that developed Cobblestone Phases 1, 2, and 3 no longer exists. Dan Belschner said he was at the auction and was aware that it took place.

Mike said the legal entity that developed the streets no longer exists. He said Keith Lytton (former Highway Engineer) made an effort in September of 2005 when he encouraged the issuance of a bond, but it never happened. Joy asked Mike if he thought all that is there at this

time is the base coat on the road. Mike said he went and looked at the street. He said according to what he has read from the file, there was some concern about some soft spots and some issues with the base and binder. Mike said when he was driving it recently, he found that the streets as far as base and binder are in good shape. He said he didn't see any evidence of deteriorating, raveling or pot holes.

Dan said that Ballenshire Lane has 60% population of homes, or greater, which means there had to be an awful lot of heavy trucks moving up and down there to build houses, and it is still in good shape. Mike said in reading some of the reports in the file, there was some soft, sub-grade before they put the pavement down.

Joy asked if the base course and the binder are both in place, but there is no surface. Mike said that was right. Jack said someone from the Highway Department would have had to be there to take samples and check the core. Mike said he didn't see anything in the file to indicate there were any core samples taken but he knew there was some work done. He said in his evaluation he thought the street was in good condition. Mike said the issue is how to pay for the surface since there is no entity (Cobblestone LLC) to pay for it. He said he asked Cynthia if the LLC didn't still have some liability and she said she couldn't respond to that. Mike said he thought that is something an attorney is going to have to look into.

Dan said as a developer, Sturges Trent still exists, but the LLC may not. Jackie said whoever owned the original ground would be the owner of the roads. Dennis said they would be unless they were deeded to the development company.

Joy asked about the length of the street we are talking about. Dan said he would say it is less than 1/4 of a mile. It was determined that there would be approximately 26 lots that would be affected by the road. Joy asked what it would cost to put the surface on. Mike estimated the cost would be in excess of \$20,000.00.

There was discussion that occupancy permits are usually not issued until the roads have been accepted, and that it would be in Kendallville's jurisdiction when it comes to occupancy permits. Joy said the issue here is that the road needs to have a surface course, and who is going to pay for that.

Dan Belschner said he is President of the Cobblestone Association and he has been paying to have snow removed every year. He said he had talked to Sturges Trent and Cynthia about a year ago, before the auction, and he asked them when they were going to put on their agenda or in their budget, the money to finish the road. Dan said they told him they were going to try to get to it that year. Dan said all he is trying to do is to get the people the maintenance to the road that they deserve.

Joy said the County doesn't have \$20,000.00 - \$25,000.00 or whatever it would take to bring the roads up to spec, when we have people around the lakes and elsewhere that are driving on potholes. Dan said he thought there should be some litigation against the original developer to finish his program before he marches off to the never lands. Dennis said that is where all of the landowners need to be looking. He said they could have more in litigation fees though, than it would cost to finish the road.

Dave asked if Granite Ridge Builders, who had bought several of the lots at the auction would have a valid interest in getting the road up to specs.

There was discussion that once the roads are up to the county specifications then a request can be made to the county to accept the road into the county data base. Mike said the Highway Department would like to get this resolved.

SUMMER HOURS

Marc reported the summer hours would be 6:00 AM – 2:30 AM after the Memorial Day Holiday and will probably last until Labor Day.

SIGN PROJECT - LPA CLAIM VOUCHER - 1000 E BRIDGE PROJECT PHASE II - REFUND

Marc presented an LPA Claim Voucher for preliminary engineering for the sign project in the amount of \$10,198.06, (H.I.).

Marc also presented a Refund Voucher for Phase II of the 1000 E Bridge Project, (H.I.). He said in the audit it was discovered that Noble County over paid our 20% by \$1340.68.

Dave moved to approve the two vouchers. Motion carried, 3-0. (See 6/11/12 minutes for Nunc Pro Tunc entry to include a second to the motion.)

BRIDGE #134 PROJECT

Mike said he had successfully completed applications for the supplemental for Bridge #134.

RAILROAD PAVEMENT MARKINGS

Mike said he had submitted an application for railroad pavement markings in the amount of \$5,500.00. He said the applications went in to INDOT on Friday and have been accepted.

CR 75 S - ENTRANCE TO CHAIN O'LAKES

Mike reported that he received the initial draft of project documents for CR 75 S which is the entrance into Chain O'Lakes. He said INDOT is preparing final plans for the project. Mike said the estimated cost is \$280,000.00, and is 100% INDOT funded. He said they are asking for input on this. Mike said the only thing he got from Mark was that there were some culverts that need to be replaced and he would send that information to INDOT to make sure they replace them. Joy asked if INDOT would do the signage. Mike said he thought all of the signs out there would be replaced as part of the county's sign project. Mike said the project goes from SR 9 all of the way to the guard house.

There was discussion about who would plow the snow. Jack said that Sam said they would continue to plow the snow out to SR 9, if they get there first, which they usually do. He said the only problem is that they don't have salt and sand, so we are supposed to apply that.

USE OF SLAG ON ROADS

Dave asked Mike if he had heard anything from the question he submitted to LTAP about using slag on the roads. Mike said the two counties he heard from said they have had good success with slag. He said he was going to get the specifications for it, because it does require a little more asphalt and getting the formula right. He said LaGrange County didn't like it because it is hard on the horse's hooves.

Joy asked if there are different sizes of slag. Mike said typically it is what they call an "11" which would be similar to our pea gravel. He said it would just be used for chip and seal.

STAIR LIFTS AT PROSECUTOR'S OFFICE

Phil Jacob, Head of Maintenance reported to the Commissioners concerning the stair lifts at the Prosecutors office. He furnished them copies of the quotes from Home Health Depot for two 300 pound capacity stair lifts in the amount of \$5,760.00 and for two 400 pound capacity stair lifts in the amount of \$8,188.20. The prices quoted are for removal of the old stair lifts, and for materials and installation of the new stair lifts, (H.I.). Phil said the 400 pound capacity lift requires a commercial package that they have to have in order to meet the code.

Joy asked what the capacity is for the ones we have now. Phil said it is 350 pounds. He said they are obsolete and they can't get parts for them. Dave asked if there is an ADA requirement. Dennis said he didn't know.

Jack asked how often they are used. Phil said they are very rarely used and the Prosecutor said when the ones that are there were operational people refused to use them.

The Commissioners tabled the purchase of stair lifts to allow them time to get more information.

EXPENSE OVER \$500.00 - LAWN MOWER REPAIR

Phil also requested an expense of \$2000.00 for the lawn mower. He presented a quote from Truelove Brothers Inc. with two options, (H.I.). Phil said he didn't think he needed a new one, which was option #2 in the amount of \$4,299.00 with a trade-in of the one we have now. He said with the one we have now they could replace just the block for \$1,100.00 but it would only have a 90 day warranty. For option #1 they would remove the old engine and install a new engine, which includes the block, for \$2,000.00 with a 2 year warranty.

After further discussion Jack made a motion to go with option #1 to put in a new engine. Dave Dolezal seconded the motion and it carried 3-0.

HOMELAND SECURITY DISTRICT 3 GRANT RE: COMPREHENSIVE PLAN UPDATE

Mick Newton, EMA Director said through a grant made by the Homeland Security District 3, they hired a company to come in and review our county Comprehensive Plan and make some updates to it, which he approved. Mick said they had put a page in where what they call their new plan would be promulgated, but really it isn't a new plan. He said it is just an update of the plan we promulgated in 2010. Mick said the biggest change was on the part of the emergency support functions. Mick said they changed the mission areas that they are supposed to develop their plans in, from four to five. He said this plan will be taken to all the counties where they will be asked to sign a letter agreeing to support the plan. Mick said he would call this a 2012 Comprehensive Emergency Management Plan Update. Dennis will take the plan and review it and a decision will be made next week.

PAYROLL TO BE PAID 5/17/12 APPROVED

Sheriff Doug Harp stopped in to see if the Commissioners have any questions concerning overtime for this pay period. He explained some of the overtime issues. Doug said sometimes they have reserves come in and work which saves on overtime.

After further review of the payroll from 4/20/12 - 5/03/12 to be paid 5/17/12, Dave moved to approve it. Jack seconded the motion and it carried, 3-0.

MINUTES APPROVED - APRIL 30, 2012

After reviewing the Minutes of the April 30, 2012 meeting and making a correction, Dave moved to approve them. Jack seconded the motion and it carried, 3-0.

NOBLE COUNTY SOIL & WATER CONSERVATION DISTRICT - SEMI-ANNUAL INSPECTION OF LANDFILL

Joy said she had composed a letter to the Noble County Soil & Water Conservation District regarding the semi-annual inspection of the Noble County Landfill that they are supposed to do with regard to erosion control. She read the letter aloud, (H.I.).

DRAFT "G" OF PROPOSED UNIFIED DEVELOPMENT ORDINANCE (UDO)

Joy said she had also composed a letter to Steve Kirkpatrick, Noble County Plan Commission Director regarding the UDO and meetings that had been held to review it and take public comments. The letter also indicated that there will be a public hearing on May 29th.

ELKHART RIVER LOG JAM REMOVAL PROJECT

Joy said a representative from the Department of Natural Resources and someone from the Surveyors Office floated the south and north branches of the Elkhart River and they identified the log jams by number, by description, by GPS locations and by photos of most of them. She said that will all become part of the specifications that the Department of Natural Resources will be writing.

CLAIMS FOR CREDIT CARDS, UTILITIES, VEHICLES, ETC. APPROVED

After reviewing the claims sheet for credit cards, utilities, unemployment, vehicles, etc. that are not paid through regular claims Dave moved to approve them. Jack seconded the motion and it carried, 3-0.

After reviewing the second claims sheet for meals, airline tickets, conference fees, etc. Jack moved to approve them. Dave seconded the motion and it carried, 3-0.

IDEM - KENDALLVILLE IRON AND METAL INC. - ADDITIONAL INFORMATION NEEDED FOR PERMIT RENEWAL

The Commissioner received a copy of a letter from IDEM to Kendallville Iron and Metal, Inc., indicating that IDEM needs additional information in order to renew their permit, (H.I.).

GEOTECH, INC. - SERVICES AVAILABLE

The Commissioners received a letter from Geotech, Inc. indicating that they have been providing engineering services to municipal and communication clients for over 40 years, (H.I.). There was a list of services they could provide.

NOBLE REMC - VOTING AFFIDAVIT

The Commissioners received an affidavit from Noble REMC for designating a voting representative for the Noble REMC annual election of consumer-directors, (H.I.). Auditor Jackie Knafel said she would be there anyhow and she would do it if the Commissioners wanted her to. Dave moved to designate Jackie. Jack seconded the motion and it carried, 3-0.

CLERK'S REPORT - APRIL 2012

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

**KENDALLVILLE PUBLIC LIBRARY BOARD
APPOINTMENTS - DON RAMSEY AND JO DRUDGE**

The Commissioners received notice from the Kendallville Public Library that they need to have two appointments to their board, (H.I.). After some discussion Dave moved to approve Jo Drudge and Don Ramsey to the board. Jack seconded the motion and it carried, 3-0.

**KARR TUCKPOINTING CONTRACT RE:
COURTHOUSE EXTERIOR UPKEEP**

There was a brief discussion about the above referenced contract. It will be signed next week after it is reviewed.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 12:05 PM recessed from day to day until the 21st day of May 2012.

Joy Y. LeCount, President

David J. Dolezal, Vice President

Jack W. Herendeen, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor