

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD SEPTEMBER 10, 2012**

Comes now the hour of 8:41 A.M. on the 10th day of September, 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 Scott Perry, News Media

**CLAIMS OTHER THAN NORMAL
CLAIMS APPROVED**

After reviewing the claims for utilities, postage and other things that need paid in a timely manner Dave moved to approve them. Jack seconded the motion and it carried, 3-0.

**TOWN OF ALBION – INVOICE RE:
LEACHATE DISPOSAL**

The Commissioners received an invoice from the Town of Albion in the amount of \$420.00 for the disposal of 7,000 gallons of leachate from the landfill, (H.I.).

**NOTICE OF FINDINGS & ORDER FOR MICHAEL
& DONNA MIDDLETON AT WALDRON LAKE**

Joy said Dennis had prepared the above referenced notice regarding an unsafe building at Waldron Lake, (H.I.). Dave moved to approve it. Jack seconded the motion and it carried, 3-0.

MINUTES APPROVED

After reviewing the minutes the following actions were taken: *September 4, 2012* - Dave moved to approve them as presented. *February 27, 2006 and March 6, 2006* - Jack said he had read the minutes and they were correct to the best of his ability. Dave moved to approve them. Joy seconded the motion and it carried, 3-0.

**NORFOLK & SOUTHERN RAILROAD – CLAIM
FOR MARCH 27, 2012 TRAIN DERAILMENT**

Mick Newton, EMA Director came before the Commissioners to see if he could turn our claim against Norfolk & Southern Railroad over to Dennis. He said the bill totaled approximately \$50,700.00 and they called and said they would write us a check for \$45,000.00. Mick said this is in regards to the March 27th derailment. He said the claim was compiled using FEMA rates for all of the departments that were involved for almost three days. Mick said the comment from Mr. McHugh was "How can you put a price on volunteers". Mick said he asked Mr. McHugh if there was any problem with our documentation, and he said we were well documented and that they were just trying to save some money. Mick said he polled the chiefs and agency heads of everyone that submitted costs, and the majority did not want to settle and wanted to pursue it to get the full bill paid. Mick said on Friday he told them that his bill that he had submitted for EMA was about \$1500.00, and he would pull that out and that would save them some money and he asked that they take care of the firemen and the others involved. Mick said they told him they wanted \$5,000.00 off or nothing. He said they told him there was nothing wrong with the documentation. Mick said they brought in a man from the state to help them put the charges together for the claim, and he said based on what we had put on the claim he thought it was very reasonable.

Dave said if we send them a letter they won't respond. Dennis said there has to be some sort of enforcement by FEMA if they don't comply. He said otherwise it has no teeth and why should the railroads or anyone that has anything like this ever pay anything.

Mick said he talked to Roger Powers from DeKalb who had some kind of claim against the railroad and it took their county attorney to - Dennis said he didn't see how that would have any affect. Dave said their first line of response is no response. He said they don't even respond to INDOT. Joy said we could in the future let them take care of their own mess and fine them. Mick said if we have another derailment tomorrow we will be right there.

There was discussion as to whether the railroad had paid their taxes or if they would be on the tax sale because they had been delinquent. Joy said the last she knew they owed \$22,000.00.

Dave asked if DeKalb County was successful in recovering their claim after their attorney contacted them. Mick said that is how it was told to him.

Jackie Knafel, Auditor said there are taxes overdue on Pennsylvania Lines Railroad % Norfolk Southern. Joy said the amount due is \$33,117.90.

Dave asked if there is anything we can do to get them to react. Dennis said we could get a judgment against them that would go against any property they own.

Mick said during the derailment he worked with Fred Blades with the Federal Railway Administration and he thought he would write to him and let him know what our situation is. Joy said maybe Mick should at least copy him on his correspondence.

Joy asked what the name of the person that Mick is dealing with is. Mick said it is John McHugh. Dave said he wouldn't pull the \$1500.00 from the claim.

Mick gave Dennis the information he had, including e-mail correspondence.

DISCUSSION RE: GRANTS

Dave asked Mick how he is doing with his Homeland Security Grant. Mick said he earned \$4,000.00 extra, and he was working with the Sheriff and they want to re-do the mobile command center. He said he was told he couldn't do that and he could only buy computers. Mick said he told them to look at the grant guidance which said "construction and renovation for the purposes of promoting emergency management". He said the project manager for the state

approved it, but now the grant people said they would have to ask FEMA. Mick said he is still waiting on approval. He said we don't need more computers.

PURCHASING AGENT ORDINANCE

Joy said some time back the Commissioners had talked about a Purchasing Agent ordinance and Dennis has a new ordinance prepared, (H.I.). She said we need to indicate that this ordinance supersedes or revises the old ordinance. This ordinance makes it possible for the Commissioners to purchase things up to \$25,000.00. Joy said the only difference she sees is that the Commissioners can engage someone to make repairs at one of our buildings or something like that without searching out three or four people to give us a quote.

Jack moved to approve the ordinance once it has something added to show that it replaces ordinance #1998-13. Dave seconded the motion. Joy said this would be effective today. The motion then carried, 3-0.

NEWELL INDUSTRIAL, LLC – QUOTE FOR WINDOWS AT SOUTH COMPLEX

The Commissioners received the above referenced quote for 42 windows in the amount of \$12,810.00 which includes new white insulated windows and storm windows and the installation of all of them, (H.I.). There is an option of \$300.00 to haul away the old windows. Joy said she thought the Commissioners should take the option so they don't have to worry about hauling away the windows. She said the total would be \$13,110.00.

Jack moved to approve the quote. Dave seconded the motion and it carried, 3-0.

HIGHWAY BUSINESS – MARK GOODRICH & MIKE FITCH TRUCK UPDATE

Mark said that truck #2 is back on the road, and he explained all that had been done to get it back on the road. Dave asked if Kyle (Highway Department employee) had been able to do all of the work. Mark said he had been.

Mark said truck #14 is down at Crosspoint Cummins. He said they should be in the process of putting it back together.

Mark said while cleaning truck #16 an oil leak was found, and it would cost \$1625.00 to replace the oil pan. He said now when they replace them they are spraying the oil pans with undercoating to try to make them last longer.

RAILROAD CROSSINGS

Jack told Mark to continue on with painting the railroad crossings. He said the weeds at the landfill will wait.

CHAIN O'LAKES WORK CREW

Joy asked if the work crew had been showing up regularly. Mark said this summer has not been good. He said we have a new guard now and hopefully it will be better. Mark said he had talked to one of the guards on the Surveyor's crew, because there might be two or three days that they don't show up because they are short handed at the camp. He said we don't pay for those days that they don't work, but if they are working with someone else and we don't know, we have a guy there on the lot that has everything around and he sits there for an hour or two waiting before they finally let us know what is going on. Mark said what the other guard told

him was that the individual that was taking care of them (Highway Dept. Work Crew) had a lot of other things he was doing at the camp so he was gone quite a bit. He said they lost the crew a lot this summer and he was getting pretty aggravated. Mark said the new guard is doing real well with the crew and things are getting better. Jack asked what time the crew shows up. Mark said it is generally between 8:30 and 8:45. Joy asked how late they work. Mark said it is usually until around 2:00.

SLAG

Joy asked if we had hauled any slag yet. Mark said they have. He said whenever he has extra trucks he has them hauling.

ANGLING ROAD

Jack asked Mark to bring the Commissioners up to date on the Angling road. Mark said Northport to 800 N was a federal project a couple of years ago. He said they relined it. Mark said south of 800 to the Kendallville City limits on the Angling Road was not relined. He said the line is not bright, but it is still visible. Joy asked if that is on our fall list of roads to do. Mike said it isn't. He said it is really in pretty good shape but it just isn't quite as bright.

SOUTH COMPLEX PARKING LOT

There was discussion about the need for some berm work to be done at the South Complex since the parking lot has been paved. The Commissioners pointed out a couple of areas that needed attention and asked that Mark check it out to see what needs to be done.

WATER PROBLEM AT LAOTTO

Mark gave an update on the LaOtto drainage project they are working on. He said Eric Bonar is going to do the work for us, and he and John Strange are down there looking at it today. Mark said they had cut the asphalt to connect a couple of the catch basins that are off to the side from Miller Street to the catch basin to the north side of the post office. He said we can dig that out and replace the pipe at any time. Mark said Eric is looking at everything that he is going to need to do the bore under Old SR 3. He said it would probably be next week before he is ready to do it. Mark said he had talked to Scott Zeigler, Noble County Surveyor, and he didn't see any problems with going that way.

EXPENSES OVER \$500.00

Mark said he needed permission to purchase the oil pan if necessary and they need another radiator that will cost \$960.00. Jack moved to approve the purchases if needed. Dave seconded the motion and it carried, 3-0.

RADIATOR REPLACEMENTS

Jack asked how many radiators have been put in the Internationals. Mark said two of the tandems have had 20 radiators each. Jack said it is ridiculous to build a truck like that with \$1,000.00 a crack on the radiators.

HIGH POINT DRIVE AT BIG LAKE

Dave said he went down and looked at High Point Drive and it looks pretty good.

PRE-CONSTRUCTION MEETING RE: CR 75 S

Mike said there is a pre-construction meeting on the CR 75-S (Chain O'Lakes entrance) project.

GRANT AGREEMENT RE: PAVEMENT MARKINGS AT RAILROAD CROSSINGS

Mike said he has a grant agreement for the pavement markings at railroad crossings that needs to be signed, (H.I.). He said the grant is in the amount of \$4,178.30 and is between the Indiana Department of Transportation and Noble County.

Jack moved to approve the agreement. Dave seconded the motion and it carried, 3-0.

SPEED LIMIT ORDINANCE – CR 1100 E (LEMPER ROAD)

Mike said he had received a request to extend a 30 MPH speed limit on CR 1100 E (Lemper Road) between Baseline Road and SR 8, (H.I.). Joy asked if that is at Oak Farm School. Mike said it is. He said this ordinance replaces the existing ordinance #2001-09 dated 10/15/2001. Mike said from the railroad tracks he extended the 30 MPH speed limit all of the way up to SR 8.

There was a brief discussion about blinking lights that warn of a lower speed limit during school arrivals and dismissals, and who is responsible for putting them up and paying for them.

Jack moved to approve the ordinance. Joy said since it has a violation (with a penalty) it will have to be published. Dave seconded the motion and it carried, 3-0. Joy said the ordinance would be in affect after it is published, passed by the Commissioners and with the erection of the proper signs.

SIGN & CULVERT ASSET MANAGEMENT

Mike said they had been trying to get their sign and culvert management packages implemented for the asset management at the Highway Department. He said with the new sign project complete he felt like we should take that information in GIS. Mike said the original inventory is in GIS, but we need to update the information and keep it current. He said in order to do that we need the sign management system that works with our GIS. Mike said we are currently using Softworks software for our asset management, but it doesn't have this module for our signs. He said in talking with Marc Fisher (Highway Dept. Bookkeeper) he also found out that in 2008 or 2009 there were a couple of townships that we did a culvert inventory in. Mike said the data went into GIS but we don't have the module to manage the information. He said the information is in there, but it is not easy to get access to it. Mike said he talked to Steve Hook, GIS Director and he has a data collector that we could use to go out and pick up the culverts so we could get them in our data base and get the condition of the pipes put in so we can kind of forecast what pipes will need to be replaced.

Joy asked Mike where he would find the \$6,000.00 needed, (H.I.). Mike said Marc (bookkeeper at Highway Department) said he could transfer money for the sign portion and that he has plenty of money in the culvert fund.

Mike said the module for the sign management is \$3,371.25 and the culvert/bridge management system is \$2,621.25. Mike said the modules do not increase our annual maintenance fee.

Dave moved to approve the software management system for signs and the culvert/bridge system for GIS. Jack seconded the motion and it carried, 3-0.

BRIDGE #12 REPLACEMENT – LETTERS OF INTEREST

Mike said he sent out requests for proposals to four firms and he got responses from three. Joy asked Mike if he had reviewed them. Mike said he had. Joy asked if they were all responsive. Mike said they were. Joy asked who responded. Mike said it was Engineering Resources, Inc., DLZ and Lawson Fisher Associates P.C. Joy asked Mike if he had a recommendation at this point. Mike said he didn't. He said he thought the Commissioners should have some time to review them.

Joy asked Dennis if the Commissioners could continue today's meeting until after the executive session on Wednesday. Dennis said they could.

In order to give the Commissioners time to review the letters of interest, Jack moved to continue today's meeting until immediately after their executive session on Wednesday September 12, 2012. Dave seconded the motion and it carried, 3-0.

LINE STRIPING

Mike said he had talked to Three Rivers about the striping and they are going to start doing it sometime this week. He said he will get the second phase ready for quotes.

Joy said she would like to clarify what the second phase of the line striping will be. Mike said it will cover all of the chip & seal project routes and some additional routes depending on funding. He said they will be spending about \$30,000.00 in phase 2 to try to get caught up.

SOUTH COMPLEX LIGHTING

There was discussion about the need to change the angle on the lighting to illuminate the parking lot and the doors to the building. Dave said he had talked to Dave Rider from Rider Electric in Columbia City, who was recommended by Ron from REMC, and he will be there Tuesday or Wednesday to look things over so he can give us an estimate.

AIC – GROUP HEALTH INSURANCE

The Commissioners received information from AIC that they would be seeking bids for a large group health insurance plan. Several counties have expressed interest including Noble, however at this point no commitment to participate has been made by Noble County or any other of the interested parties. Quotes are anticipated later this month.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:34 A.M. and reconvened at approximately 11:09 A.M.

LETTER TO PEOPLE INVITED TO MEETING AT NOBLE COUNTY ANNEX RE: SPACE ISSUES

Joy read a note she had written to be sent to those that will be invited to attend a meeting on September 17, 2012 at the Weber Road Annex to discuss space needs and how those needs could best be addressed.

The Commissioners reviewed a map/layout of the Annex and discussed what use each room had at the present time, which rooms were unoccupied, and possibilities for additional uses of the space.

RECESSED AND RECONVENED

The Commissioner recessed their meeting at approximately 11:33 A.M. and reconvened at approximately 10:41 A.M. on Wednesday September 12, 2012.

BRIDGE #12 REPLACEMENT – LETTERS OF INTEREST

Mike Fitch, Highway Engineer met with the Commissioners to go over the Letters of Interest for engineering services for the Bridge #12 replacement project that was continued from the meeting on September 10, 2012 to give the Commissioners time to review them. He said he thought the construction costs would be around half a million dollars. Mike told the Commissioners how he had rated each company in different areas. He said he used INDOT's guide to rate the companies. Mike said when he added up all of the points, Engineering Resources came in first.

Joy asked if Engineering Resources gave a proposed schedule. Mike said he knew he talked to all three of them and told them that the earliest we would be looking at would be spring. He said they did mention that they had ample staff to immediately work on the project and can easily meet the schedule outlined in the RFP.

Mike said in the next RFP's he will put something in them to have the companies list their overhead rate and a schedule of their hourly rates.

Dave asked how we know how much the companies charge. Mike said typically when we get into the scope of the work and putting estimates together on the construction costs we will require them to submit a draft agreement with hourly rates and estimates.

After further discussion Joy said Mike had presented his evaluation of the three RFP's and the next step would be to negotiate a cost. Jack moved to give Mike authority to continue discussions with Engineering Resources, Inc. regarding costs for engineering services on Bridge #12. Dave seconded the motion and it carried, 3-0.

PURCHASING AGENT ORDINANCE

Joy said Dennis had presented a revised ordinance for a purchasing agent, (H.I.).

LINE STRIPING

Mike said he a call from Three Rivers Barricade and they are going to start their striping today. He said it should only take them a few days. Mike said by the end of the week he will have phase 2 of the striping done and he will get quotes on that.

BRIDGE DISCUSSIONS

Mike said he met with Butler, Fairman & Seufert a couple of times in the last couple of weeks regarding Bridge #70. He said he was trying to sort out what is the best direction to take on that project. Mike said he wasn't here when some of the initial discussion of the design and the ultimate goal was. He said he was pretty confident that the direction they are going with the design is the right direction. Mike said he asked them yesterday to submit a new agreement to finish the design on the project, based on the work that they had completed, and the plans being

about 30% done. He talked a little about what they are planning on doing. Mike said he thought we should go with where we are now and finish the project.

Mike said he considers Bridge #12 and Bridge #70 as having about the same priority. He said based on funding, they would get the plans done and then decide if we can fund Bridge #12 next year or if we will have to fund it the next year. Mike said we are waiting to get some answers on Bridge #34 from the railroad, which hopefully we would get soon.

Mike said if we do Bridge #70 with federal funds it would be about a million dollars and if we do it with local funds we could do it for about six hundred thousand, and he is trying to cut that figure some. Mike said the state doesn't even know how the funding for projects will be yet.

SPEED LIMITS

There was a brief discussion about some areas of the county that Mike is working on speed limit changes for.

LETTER OF TERMINATION OF CONTRACT WITH NEXUS RE: REASSESSMENT

Dave moved to approve signing a letter to NEXUS terminating a contract with them for reassessment for the Assessor's Office, (H.I.). Jack seconded the motion and it carried, 3-0.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 11:09 A.M. recessed from day to day until the 12th day of September 2012.

Joy Y. LeCount, President

David J. Dolezal, Vice President

Jack W. Herendeen, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor