

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD DECEMBER 2, 2013**

Comes now the hour of 8:39 A.M. on the 2nd day of December, 2013, in the Commissioners Court in the Noble County Courthouse, Albion, Indiana, being the time, date and place set for a regular session of the Board of Commissioners of Noble County, Indiana.

Present were:

Gary Leatherman, President
David J. (Dave) Dolezal, Vice President
Chad Kline, Member

Also present were:

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

CLAIMS APPROVED

After reviewing the claims to be paid today's date Chad moved to approve them with the exception of claim #015443 to Kansas State Bank for \$4,765.87, (H.I.). Dave seconded the motion and it carried, 3-0. Dave moved to approve the supplemental claims after they were reviewed. Chad seconded the motion and it carried, 3-0.

**COURTHOUSE SECURITY
REPORT FOR NOVEMBER 2013**

The Commissioners received the above referenced report showing that 5935 people went through security and 9 people were incarcerated, (H.I.).

**MARSH USA INC. CERTIFICATE OF LIABILITY
INSURANCE – COMCAST CABLEVISION OF FORT WAYNE, LP**

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

**COMMUNITY DEVELOPMENT BLOCK
GRANT #CF-01-225 CLOSED**

The Commissioners received notice from the Indiana Office of Community & Rural Affairs indicating that all Community Development Block Grants issued through their office that used funds from funding years 1998-2003 are now officially closed with HUD, (H.I.). The letter said that all records pertaining to Grant #CF-01-225 may be destroyed after December 31, 2013.

**PUBLIC OFFICIALS BONDS – JACKIE KNAFEL,
AUDITOR & KIM MILLER, ASSESSOR**

The Commissioners received the above referenced bonds for their approval, (H.I.). Chad moved to approve the bonds for both Jackie and Kim. Dave seconded the motion and it carried 3-0.

MINUTES APPROVED

After reviewing the minutes of the *November 20, 2013 executive session* Dave moved to approve them. Chad seconded the motion and it carried, 3-0.

DONATION OF SICK TIME TO TRAVIS CRUPE IN IT DENIED

Chad said the Commissioners need to address the email from Dave Baum, IT requesting permission for himself and David Janssen to donate a total of 5 sick days to Travis Crupe, his new employee whose wife just gave birth to twins. It was noted that Travis' situation is different than the new employee in Probation who had just received donated sick days, in that Travis knew when he took the job that his wife would be giving birth soon and the person in Probation had to have emergency surgery. Dennis said the Commissioners need to set up some criteria. After some discussion Chad moved to deny the request. Dave seconded the motion and it carried, 3-0.

SWAN COVE PLAT

Sheri Millspaugh, who was representing Jack Orr, came before the Commissioners to get approval of the right-of-way dedication for Swan Cove Plat, (H.I.). Chad said the Plan Commission approved a subdivision of 3.623 acres from an original larger plat of land. He said the UDO refers to the Comprehensive Plan regarding right-of-way dedication. Chad said it is going to a 30' right-of-way. After reviewing the plat Dave moved to approve the road dedication for Swan Cove. Chad seconded the motion and it carried, 3-0.

HIGHWAY BUSINESS – MIKE FITCH, ENGINEER, MARK GOODRICH, SUPERINTENDANT & ZACHARY MILLER, PART-TIME ENGINEER **LPA CLAIM VOUCHER – BRIDGE #134**

Mike said we received a final invoice a couple of months ago that had been issued in error. He said INDOT just finished an audit on Beam, Longest & Neff and found out their audit rate was higher than it was last year, so they are going back to when the charges were made and applying the new overhead rate to those hours, and it amounts to \$332.00. Mike said this is the final payment and we have the money in the account to pay it. Chad moved to approve payment of the claim. Dave seconded the motion and it carried, 3-0.

TREES AT LAKESHORE ADD. TO BIG LAKE REMOVED

Mark reported that the Straub Tree Service took the three cottonwood trees down at Lakeshore Addition, Big Lake. He said it is a good thing they were taken care of because one of the trees was hallow all of the way down. Mark said he went out and checked it out, and they did a really good job and cleaned it up very well.

DRAINAGE ISSUES ON 300 S

Mark said Dave had mentioned some drainage issues on 300 S last week. He said two of them have a county tile running through them. He said he talked to Randy (Surveyor) and he said he would look at them to see if they can come up with a plan to get them fixed before we

start any kind of road construction there. Dave asked if the one further down by the pond had been fixed. Mark said they did some work and improved that, but what they ran into was some driveway pipes that were just sitting on the ground because they didn't clean the ditch out. He said when they do the reconstruction on that they will cut the pipes out and clean the ditch and put the pipes where they should be and that should take care of it. Chad said it looks like most of next year we will be looking at getting all of the drainage taken care of on that road and then in '15 they will looking at doing the road. Mark said he is hoping to do 2 miles in '14. He said he had talked about this with Zach and he likes the deep base reclamation, so once he gets established they will sit down and try to draw a plan for that. Mark said he thought with the deep base reclamation they should be able to grind and chip seal it the same year so we don't have to leave it sit as gravel for a year. Dave asked what deep base reclamation is. Zach said they would dig down into the sub base and grind it and inject asphalt or concrete for a fairly decent foundation. He said then they would overlay it with a double chip and seal coat or an inch and a half of asphalt. Chad said they can bring in chunks of concrete and grind them up within the road to add more to the base. There was further discussion about drainage there.

DRAIN LINE IN LaOTTO

Mark said he has an inspector in LaOtto where they are putting in a storage shed. He said they ran a 12" drain line across the county road, and it turned into quite a project. Mark said they have it to where at this point it is reasonable, but they had to keep an inspector down there 100% of the time they worked on it. He said the first day they worked they did a good job at asking what we wanted and doing what we told them. Mark said he told the inspector that he could leave at 3:30 and he called the next morning and they had come back through and dumped a bunch of frozen chunks and the old dirt back in the trench. He said he made them take it back out. Mark said he relieved Andy at about 4:30 Wednesday night and worked until a little after dark trying to get the road opened. Mark said they hadn't worked with that contractor before.

STOP SIGN REMOVAL ORDINANCE – CR 525 W & 150 S

Mike presented a proposed "Stop Sign Removal Ordinance" that is the result of a resident asking Chad about the stop sign. He said on CR 525 W and 150 S there is an existing stop sign. Mike said CR 150 S extended to the west at one time and 525 was a T-intersection with 150. He said he wasn't sure how long ago, but the western portion of CR 150 was vacated and is now private, with the owner having put a gate across the entrance. Mike said technically 525 and 150 & 500 are all one road now, and the north/south stop sign is no longer needed. He said this ordinance removes that stop sign. Mike recommended that we put in "curve" chevron signs which don't require an ordinance, to make sure people understand there are curves. Mike said he talked to Wayne (Sign Foreman) a couple of years ago about being consistent throughout the county and having them on every curve. He said about 40% of our curves have no advanced curve signs or recommended speed limits. Mike said that is something Zach can work on. He said they tried to look up the original ordinance that placed the stop sign there, but they couldn't find anything in the records. Mike said it could be that the road has changed names. He said this is all one road and technically it should have all one name. He said it should be either 525 or 550 and there shouldn't be a 150 S. Jackie said the Commissioners could approve the ordinance prior to it being advertised since there are no fines involved. Chad moved to approve the ordinance removing the stop sign at CR 525 West and CR 150 South or 500 W depending on what map you look at, with the addition of wording rescinding any and all previous ordinances, and also removing "after publication". Dave seconded the motion and it carried, 3-0.

CONSTRUCTION STANDARDS

Mike said he went through the construction standards and put on some final touches. He said there are probably some things that still need to be adjusted. Mike said there are some drawings that he is going to send to Engineering Resources to update the drawings and drawing numbers. He said he sent an electronic copy to Zach and he is reviewing it. Mike said he copied it one-sided so the Commissioners could go through it and edit it (none for file). He said hopefully we are 99% complete and he would appreciate the final review so we could get it completed. Chad asked Zach since we are looking in doing some FDR projects on the roads if there should be a standard for that. Zach said he would look into that. He said sometimes they just defer to what the higher standards are, and they are above and beyond what we would need. Mike said the standards address primarily new construction and some reconstruction. He said it doesn't cover maintenance type of work because that varies so much and keeps advancing year after year. Dave said he thought it would be educational for Mike and Zach to sit down with the Commissioners and go through this at another time. Mike said he could summarize it and get what he thinks are the key points and legal issues that the Commissioners should be aware of. Chad asked if it would be beneficial to have the Building Department, the Plan Commission and the Surveyor's Office represented when we go over this. Mike said that would be great. Chad said we should check with those individuals. Mark said it might be good to have Marc Fisher and Charisse set in on that since they answer the phone and have to answer questions.

DRIVEWAY PERMITS

Mike said in the past the Building Department has sent us applicants for new building construction or if they think a facility would necessitate a new driveway or something. He said they found there were a couple of cases where new buildings were going up and additions were going in, and we weren't getting any notice for a driveway permit. Mike said they drive by and they see large structures going up and driveways that they feel are inadequate or it is a field entrance that is then turned into a main entrance. Dave asked if that is because of an additional building being put there. Mike said it is. He said they talked to the Building Department and they are going to start sending the Highway Department notice when they get requests for these kinds of additions and things, and it would be their decision whether to go out and inspect or require a drive permit. Mike said recently an individual was adding a lean to on his garage to store fire wood. He said Mark went out and looked at the driveway and it was fine. Mike said the property owner was a little upset because he had to pay \$35.00 for a driveway permit and he didn't have to do anything. He said it was his intent to have the ability of knowing when these things come about, and then go out and look at them to see if they need a new driveway permit. Mike said he is not sure as far as the UDO of what existing powers the Highway Department has as far as existing driveways. Dave said he would think that anything that crosses the Highway Departments right-of-way they would have jurisdiction over. Mike said the issue is that if there is an existing driveway and they are making improvements to the property and the existing driveway doesn't meet our existing driveway standards. He asked if that would precipitate them going out and requiring that they change their driveway. Chad said he thought it makes sense to go out and inspect driveways when additions are being made. He said he didn't think they need to pay until a determination is made that they need to change their driveway. Mark said the purpose of the permit fee is to pay for the Highway Department's time and equipment for going out there to make the checks. He said they are running into that now with the UDO too. Mark said they are getting properties set up as subdivisions and the realtors

call and want them to tell if they can have a driveway, so we have to drive out and check that just like it is a driveway permit. He said for quite a few years there was no site distance issue. Mark asked if they go out and there is an existing drive where do you draw the line there. Dennis said if they are building an additional structure that isn't affecting anything he would think there wouldn't be anything as far as the driveway changing, and therefore there shouldn't be a charge for a driveway permit. He said if they find it requires additional work then he thought they would have to do a permit and bring the driveway into compliance. Chad asked if most of them are actually doing work to the drive itself. Mark said not always. Mike talked about an instance when someone asked for a driveway permit 5 years ago and now they are going to add another building and have asked for another permit. He said the original driveway that the permit was requested for was never built and they used the neighbor's driveway, so technically they don't have a driveway. Mike questioned how they got an occupancy permit 5 years ago without a driveway being built. He said there is something in our system that we are not catching that. There was discussion that the Building Department is now sending the Highway Department final inspections with the driveway permit numbers to let them know that they are done with the house. Dave said as long as they spur off an existing driveway a permit is not necessary but if they build an additional one that crosses our right-of-way that is when the Highway Department gets notified. Mike said the whole reason this came up is because probably 50% of the driveways in Noble County were constructed without any permit process. He said there are a lot of driveways out there that over the years have changed. Mike said they got one last year where they were putting in a new building and the existing driveway was probably 300 feet wide and it was just one big access. He asked how we correct the situations or should the Highway Department even be involved. Chad asked at what time do we say a driveway is grandfathered because it was existing. There was discussion that if there was no driveway permit at the time the driveway was put in, there isn't much for us to do. Dennis said if there is a safety issue it could be different. Gary said there are so many variables. He asked when a new building is going up if the Highway Department could drive to the site and determine if a driveway permit is needed, and then at that time the \$35.00 is enacted if a permit is needed. Mike asked for a new property owner who buys a house, how are they protected if they have a hidden driveway which they might not even think about when they are purchasing their property. He said we try to get realtors to let them know that is something they should check. Mike said they will do the inspection first. Chad said the other issue is if it is necessary to hold up the building permit. He asked if people could receive the building permit and have the Highway Department notified to go and inspect the driveway. Mark said the thing about requiring the driveway permit to be approved before a building permit is issued is that gives them an incentive to repair what is not correct. Chad said he thought that there should be no fee until a determination is made that improvements or changes need to be made to a driveway. Mike said he thought there should be some guidelines on how many driveways you can have. He said we should try to minimize the number of access points. There was discussion about farm field entrances that are being changed into residential driveways which would require checking with the Surveyor's Office about drainage, and it could require a driveway permit.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:13 A.M. and reconvened at approximately 10:26 A.M.

**SHERIFF – I-RECORD DIGITAL VIDEO/AUDIO
RECORDING SYSTEM FOR INTERVIEWS**

Sheriff Doug Harp came before the Commissioners to discuss the purchase of the above referenced equipment, (H.I.). Dennis asked what the warranty covers. Doug said it basically covers the equipment, service agreement - Dennis said that is what they told him but does he have it in writing. Doug said just via email. Dennis said he would want them to sign what the agreement is, and attach whatever is to be provided as far as the training and the warranty so there is no question about it. Doug said when he gets back to the office he will email them and have them send something. Chad said the Commissioners didn't approve the claim because they didn't approve this last week, and the amounts that are listed on the paperwork didn't match the claim amount. Doug said he had gone back and forth with them on all kinds of different options, and at one point they talked about doing a non-expandable option. Doug said they talked about three year and five year lease options so it has gotten kind of confusing. He said basically when he talked to her the last time what he wanted was to go ahead and get the expandable unit which they could upgrade and expand. He said right now they have a second office so if they want to interview more than one person at a time they could. Doug said he sent out a Sheriff's broadcast on interview rooms and everyone that had this said it is the way to go if we can afford it. Dave asked if it is a five year lease. Doug said that is what they are looking at. He said he wanted to take one year of that out of Forfeiture money and the following year take it out of Commissary so that won't hit them so bad in Commissary. Chad said it would almost make more sense to do an outright purchase if we are going to finance it, and to finance it through a local bank if we can get a better rate. Chad said we wouldn't be leasing it if we are going to pay Kansas State Bank for it. He said Albion and Kendallville banks are doing 2 year loans on police cars and it is only 1 – 1 ½ %. Chad said that would be his recommendation rather than paying Kansas State Bank 7%. Doug asked if he can get it at 2% or 3% or something like that if he can go ahead and move forward with it and then bring in whatever paperwork he needs to get signed. He said he is kind of in a hurry to get the thing up and running. Gary told Doug he could leave here and stop at Campbell & Fetter and Community State and the Commissioners would still be here for a while. Chad moved to approve the purchase of the I-Record equipment with seeking interest rates from local banks for an outright purchase. Dave seconded the motion and it carried, 3-0.

**NOBLE COUNTY COUNCIL ON AGING –
5311 TRANSIT GRANT FUNDS & 5310 GRANT**

Gregg Parker, Director of the Noble County Council on Aging came before the Commissioners to get their approval and signature for 5311 Transit Grant funds, (H.I.). He reported that in their daily fleet of vehicles none of them are over 5 years old. Gregg said they have a couple of vans for back up that are older than that and have over 300,000 miles on them, but they run good. When asked by Chad, Gregg said they had received their new car. He said it is a 2014 Ford Fusion and has been to Indy twice and it gets 35 miles per gallon. Dave moved to approve the 2014 Section 5311 and PMTF Operating Assistance Grant. Chad seconded the motion and it carried, 3-0.

Gregg said they had been approved for a 5310 Grant for two more vehicles next year. He said it is a 2013 grant. Gregg said normally he has to pay a 20% match on the grants. He said INDOTs 5311 is going to pay the 20% match. Gregg said normally the 5310 vans would just run straight through the Council on Aging, but since the 5311 money is involved now the Commissioners have to sign off on it. He said it is for a small transit vehicle and a minivan that

they will get next year. Dave asked if they will be replacing anything. Gregg said he is going to get rid of the two vans will over 300,000 miles on them.

Dave moved to approve the INDOT 5311 Match Tier IV Grant in the amount of \$77,050.00, (H.I.). Chad seconded the motion and it carried, 3-0. Chad asked what they do with the old vehicles. Gregg said he sells them. He said he has to let INDOT know that he is going to sell them and then any other transit company in Indiana has 30 days to buy them, and after that he can get rid of them. Chad told Greg how successful the county has been with selling vehicles on Craig's List through bids.

RANDY GUNDER - METH LAWS

Randy said is he is co-owner of Cozy Valley, Orchard Ridge and Sunset Valley Mobile Home Parks. He said he just wants to enlighten the Commissioners on what they are seeing going on with mobile homes. He said he thought some laws need to be changed on a state level because of Meth issues. Randy said there was a mobile home in another park that was busted for Meth and the owner wanted him to buy it. He said luckily he had seen in the paper what had happened. Randy said he told her the only way he would be interested in buying it would be if she would go through the Health Department and get it all cleared from the Meth. He said he directed her to the Health Department and they had condemned it after the arrest and you have to get a lab to come in and test it and so on. Randy said she tried to go around that and sell it on the market and sell it without it being cleaned, so he called the Health Department and asked what they are doing to the innocent people. Dave said he thought they had already condemned it. Randy said they had, but there are no teeth in it. He said as long as the taxes are paid he could go get a moving permit and take it to his park and everything would be swept under the rug. Randy said there are some mobile home parks in the county that are moving the condemned homes to another lot and moving people in, with no cleaning being done. He said he is here to protect the innocent people. Randy said he could go to Rome City for instance and buy a mobile home and not know it had Meth made in it. He said then if he rented it to someone and they got sick he could be sued and have to demolish the mobile home on top of being sued, and he would be out a lot of money. Randy said when the mobile homes are condemned the title should be tied up with wherever you get the moving permit. Jackie said whoever is living in the mobile home on January 1st is who gets assessed for taxes and not the title owner. She said she has argued for a long time that they need to be assessed to the title owner. Randy said they make them (mobile home park owners) make a list of who owns the mobile homes and who lives there. He said there are holes and cracks in it. Chad asked if there is an ordinance we could do. Gary asked if the Board of Health condemns a mobile home if there is some way they could flag it. Kim Miller, Assessor was present at this time and Chad told her that the issue is a trailer that has a lab, the Health Department condemns it, and there needs to be something to stop them from selling it or moving it to another mobile home park. He asked how we do that if the people that occupy it are not the same as the title holder. Randy said on the older mobile homes there are no VIN numbers. Kim confirmed that a lot of the mobile homes are assessed to the person living there and not the title holder. Randy said they make the mobile home owners file a third party form when they rent out a mobile home, but there is still no protection for someone buying a meth lab (mobile home), or someone moving the mobile home to another lot and moving someone else in. He said he wouldn't want his granddaughter in it. Randy said he has a mobile home right now that they are stuck with. He said a man on Social Security cooked Meth in it and abandoned the home. Randy said he sued him for back rent and got \$1500.00. He said the home

is still there and other park owners are asking him why he doesn't move it to another lot and set it up. Randy said they are going to bite the bullet and smash it and it will be \$3,000.00 out of their pocket. He said there is nothing to protect the people that rent a home that has been moved from one trailer park to another one that has had Meth in it. Randy said it is causing the innocent people money. Dennis asked Randy if he had been to the Health Board with this issue and how they want to make sure the order (condemnation) is followed to make sure this doesn't happen. Randy said he took the paperwork to the Health Department on one they wanted him to buy that has been cleaned, and they said they had to call the lab to see if it has been cleared, and it had been. He said he asked them if there is anything that needs to be signed off of, and they said, "no". Chad said it sounds like their procedures need to be changed, but the Commissioners have zero control over it. Randy said the Health Department told him to come to talk to the Commissioners. Dennis told Randy he needs to get on the agenda for the Health Board. Chad said he thought Randy was here with two totally different things. He said there is the issue of the trailers being moved if they are not being cleaned and so on, and the Commissioners might have some control in an ordinance fashion to do that. Chad said the process and procedures of the cleaning is for the Health Board, and the Commissioners have no control over them. Dennis said they should make sure they monitor this. There was further discussion about how a permit to sell a mobile home comes about. Gary asked Kim if in her system she wouldn't have an address or VIN number as well as a name. Kim said the state just came through and said they are going to put everything in VIN numbers. She said they are still trying to decide how to get VIN numbers on the old homes. There was discussion about copies of the condemnation papers being passed on to the Assessor's Office and the Treasurer's Office. Chad suggested that Randy get on the Health Board agenda and talk to them about getting an ordinance for this. Dennis said they should implement a procedure to make sure the orders go to the Assessor's Office and the Treasurer's Office. Randy said he would like to see some kind of procedure to keep the permits from being issued without some kind of clearance. He said there are a lot of houses out there that have been cooked in that have never been cleaned. Jackie said what the Treasurer is signing off on is a state form that only says the taxes have been paid. Randy said if a Mobile Home Park owner owns the home and just relocates it within the mobile home park they don't need a moving permit. Dennis said we need to get Dr. Gaff (Noble County Health Officer) on the Commissioners agenda to make sure they address the concerns through the Health Department. Randy said he talked to Representative Ober and has not heard back from him. He said he had been told that we need to do something at the local level before they will do something at the state level. There was discussion about how we could collect from the owners if a mobile home is abandoned if the county would have to dispose of it. Jackie said if you go to the Clerk's Office you will see books of judgments against mobile home owners for not paying their taxes. She said if they aren't going to pay their taxes they aren't going to pay any judgments, and they have probably moved on. Randy said he lives six blocks away from the mobile home park he co-owns, and things change hourly. After further discussion Gary thanked Randy for bringing the issue to the Commissioners attention so they can try to do something. Chad said the Commissioners would talk to Dr. Gaff who is on the Health Board.

VOTE CENTERS

Dave asked if the electronic poll things they are going to have would have a way keeping track of how far a person traveled to vote, so if we need to make improvements in locations we could. Chad said they would have to ask Shelley (Clerk) about that. Dave

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 11:28 A.M. recessed from day to day until the 9th day of December, 2013 on a motion made by Dave and seconded by Chad which carried, 3-0.

Gary Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor