

**MINUTES OF A REGULAR SESSION OF THE  
BOARD OF COMMISSIONERS HELD APRIL 1, 2013**

Comes now the hour of 9:00 A.M. on the 1<sup>st</sup> day of April, 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 & Scott Perry, News Media

**PAYROLL TO BE PAID 4/04/13 APPROVED**

After reviewing the payroll from 3/08/13 - 3/21/13 to be paid 4/04/13 Dave moved to approve it. Chad seconded the motion and it carried, 3-0.

**CLAIMS APPROVED**

After reviewing the claims to be paid today's date and getting questions answered, Chad moved to approve them. Dave seconded the motion and it carried, 3-0.

**TOWN OF ALBION - RANDY & DAWN GUNDER  
SPECIAL USE REQUEST TO ALLOW ONE  
APARTMENT IN CENTRAL BUSINESS ZONING**

The Commissioners received notice from the Town of Albion about a meeting to be held April 17<sup>th</sup> at 6:00 P.M. to consider the above referenced request for a special use, (H.I.).

**ORIZON REAL ESTATE - NEW LISTING THAT  
MIGHT BE OF INTEREST TO COUNTY**

The Commissioners received a letter from Josh Rosenogle, Orizon Real Estate Agent, regarding a new listing that he has acquired at 575 Weber Road that he thought might be of interest to the county, (H.I.).

**PITNEY BOWES - THANK YOU FOR LEASE  
OF CERTIFIED MAILER EQUIPMENT**

The Commissioners received the above referenced thank you letter, indicating that a copy of the fully executed lease could be requested, (H.I.).

### **MINUTES APPROVED**

After reviewing the minutes of the *March 25, 2013 executive session* meeting, Dave moved to approve them. Chad seconded the motion and it carried, 3-0. Dave then moved to approve the minutes of the *March 25, 2013 regular session* as presented. Chad seconded the motion and it carried, 3-0.

### **INDOT PUBLIC TRANSIT TRANSPORTATION**

Gary said the Commissioners received notice of a public meeting where INDOT Transit is inviting them to participate in the 2013 Coordinated Public Transit Human Services Transportation Plan update for DeKalb, Huntington, LaGrange, Noble, Steuben and Whitley Counties to develop a list of unmet transportation needs and gaps in services for each county and community. Dave suggested giving the notice to Mike Fitch, Highway Engineer to see if he wants to go.

### **ELECTRICAL SERVICE AT LANDFILL**

The Commissioners received pictures of electrical fixtures at the landfill taken by Dick Adair, Building Inspector, as well as a brief explanation for each picture, (H.I.).

### **INDIANA SEAPLANE PILOTS ASSOCIATION**

The Commissioners received information from the Indiana Seaplane Pilots Association regarding their quest to return the State of Indiana to a welcome State for Seaplanes as it once was, (H.I.).

### **CERTIFICATE OF LIABILITY INSURANCE – PRIMCO, INC.**

The Commissioners received the above referenced certificate of insurance.

### **HIGHWAY BUSINESS - MARK GOODRICH & MIKE FITCH BRIDGE #134 PROJECT**

John Leckie, P.E., Fort Wayne District Capital Program Management Director with INDOT was present for this portion of the meeting to talk about the Bridge #134 Project that was started, and then the railroad wanted to add an extra line. The Commissioners have decided that with the request of the railroad to add another line it would make the project cost prohibitive, and they want to withdraw from the federal aid project for that bridge. John said he talked to the Federal Highway Administration many times, and essentially they have come to a compromise. He said the county's environmental document is not complete yet, and that compromises this. John said if the Commissioners have looked at all of the other options from a cost benefit standpoint and the cost is prohibitively expensive to go with the original scope, the preferred ultimate is a no-build option. John said they would want the Commissioners to complete the environmental document, and at that point if the no-build option is selected they would let the county close the project and there would be no repayment of federal funds.

Dave asked what an estimated cost would be to complete the environmental survey. Mike said we were 90% complete and he estimated it would cost \$8,000.00 - \$10,000.00 to complete it. He said they were waiting on a response from SHIPO and there was a question about the historical significance that they might have to check out.

Chad asked if the county would foot the bill to complete that because we had sent a letter asking that the project be closed out for the federal portion. John said he would say that was the case right now, but he would check on it.

Dave asked if they were open to Mike's proposal to put the money towards Bridge #70. John said not at this point. He said his preferred ultimate was to get it so the county wouldn't have to pay reimbursement. John said the best option would probably be to go back and reapply for additional funds on a subsequent call (call for projects). He said there is a wealth of confusion in transferring funds and there is a limited amount of funds in 2014. John said they are trying to get their local program under control. He said in order to be competitive in a subsequent call the county would need to continue to show a state of progress with the projects in order to compete with other projects and not just wait for federal funds. John said they could have a competitor in another county that had moved ahead with their project, and they would more than likely give them favorable consideration.

John asked what kind of correspondence the Commissioners need to document this discussion to show that there will be no repayment of federal funds, if the preferred ultimate is the no-build option. After further discussion John asked if correspondence on INDOT letterhead would be sufficient. Dennis said it would be. He said we would want a letter from INDOT from someone that has the complete authority to do that.

Mike said he would contact our consultant and get more details on what needs to be done to complete the environmental study and get some time frames and costs.

Chad moved to continue with the environmental study on Bridge #134. Dave seconded the motion and it carried, 3-0.

John left a copy of his e-mail correspondence to help document the discussion from today, (H.I.). He said about a year ago the federal highway came up with a list of projects that they didn't have any record of being built that were 25 years old, and it took a lot of digging to find out if they had been built.

Dave asked if any of the other projects that have become no-builds had involved a railroad that caused the terms and conditions to be changed during the project, or are we unique in that. John said so far Noble County is unique in the railroad area. There was discussion about some cases where the railroads were being taken to court and the railroads are losing and having to replace bridges.

### **CUTTING EDGE**

Mark reported that the cutting edge claim that the Commissioners asked about two weeks ago was for the bucket on the grade-all.

### **TOWN OF CROMWELL – STATE ROAD 5 CLOSURE REQUEST FOR FESTIVALS**

Mark said he had a request from the Town of Cromwell to shut State Road 5 off on May 4<sup>th</sup> from 12 noon to 12 midnight for the Cromwell Grand Opening Festival, and July 19<sup>th</sup> and 20<sup>th</sup> from 12 noon to 12 midnight for the Cromwell Community Festival. Mark said they have done the Cromwell Community Festival for years, and they close state road 5 off and detour down 900 W to 200 N and back out to 5. He said Cromwell sets the detours up and we have never had any problems. Mark said they have a form for the Commissioners to sign if they approve. Dave moved to approve the request. Chad seconded the motion and it carried, 3-0. Gary asked who puts up the detour signs and everything. Mark said the Town of Cromwell does. Chad asked if they put the detour signs up on the state road too. Mark said they do, and they have to get permission from the state to do that.

Mike asked if we have a road closure or detour permit. Mark said they had the same forms they filled out last fall when they made the original request. Mike asked if we have an agreement that the county will be compensated for putting up the barricades. Mark said the Town of Cromwell will take care of doing that. Mark said he thought the stipulation could be put in the agreement that they would take care of the signs. Dennis reviewed the agreement that had been signed by the Commissioners, and he asked if there was anything that the town signed showing what they agreed to, (H.I.). Mark said he had a copy of the form from the state and they did sign that and we should probably have something for them to sign. Chad said it should be a form that the town fills out and signs showing what they are requesting and what they agree to do, and then the Commissioners could sign that.

#### **DETOUR RE: STATE ROAD 5 ROAD CLOSURE IN LIGONIER**

Mark said they got notice last week that as of today SR 5 will be closed in Ligonier at the underpass. He said the town came to the Commissioners last year and got the closure approved. Mark said they will use 900 N (Perry Road) as a detour across to Gerber Street and to Lincolnway. Chad asked if they are closing the road at the viaduct. Mark said they are. He said they are running sewer lines and it is an extended process to get the sewers run through that part.

#### **ROAD MARKER MATERIAL**

Mark said he had a sample of the road marker material that Wayne (Sign Foreman) would like to purchase because it has more visibility than what they currently use. He said the approximate added cost would be about \$1800.00 a year for the higher visibility paper.

Gary asked if they are replacing the signs as they are damaged or taken. Mark said they do that, but they also have to bring all of the signs up to a certain visibility and Wayne is doing that one township at a time. He said that is why they are going through so much material. Mark estimated that Wayne is replacing 300 - 400 signs a year to try to get them up to the federal requirements. Dave asked if this material would be within the requirements. Mike said it would be. Dave asked if they have to replace the posts too. Mark said they are putting the break-away posts up if they haven't already been in place.

Dave moved to approve the purchase of the government grade sign paper. Chad seconded the motion and it carried, 3-0.

#### **BLANKS FOR ROAD MARKERS**

Mark said he also had a request for aluminum blanks to put the new signs on in the amount of \$2,241.00. Mark said he only had one quote (Vulcan Aluminum) and Wayne said it was the lowest quote. Dave asked Mark if he had seen the other quotes. Mark said he hadn't. He said typically Wayne puts them all in his box but he didn't this time. Mark said they are able to re-use some of the blanks if they are not bent up too bad, but most of them are not the proper size now, so we have to get them up to the minimum requirement.

Dave moved to approve the purchase with the stipulation that Mark make sure it is the lowest bid. Chad seconded the motion and it carried, 3-0.

#### **CONCRETE DRIVEWAY - 600 S**

Mark said there is a concrete drive on 600 S that they put in last fall that is about an inch and a half higher than the road and they have it out to the edge of the road, which they aren't supposed to do. Mark said it is on the south side of the road in Allen County. He said he had been in contact with the man three times and he said he didn't need to get any permits because it is in Allen County. Mark said he told the man it is our road, so they need to follow our structure rules. He asked if we can cut the drive and make it the way it should be and bill them for it or if we need to push them harder to get them to do it. Dennis said he thought we should push him to

do it. Chad said maybe we could send a letter from Dennis. Dennis said if they don't do it then he will send them a letter instructing them to do it, and if they don't we will then do it and bill them accordingly. Mark will tell him he has two weeks to get this taken care of and then we would have Dennis send him a letter. Mike said if they would round the corners down so when the snow plow hits it the plow just rides up on top of the concrete, but they typically don't. He said the concrete sticks up and catches the blades. Dennis said it seemed like any contractor would know those sort of things. Mike said they didn't get a permit and that is why we didn't catch it. Mark said there was an existing driveway there and they just cemented it. He said they just need to grind it off to where the plow won't catch it.

Mike said he is going to work with Charisse to try to get drawings for driveway permits. He said last week was a bad week for driveways because it seemed like everyone wanted to do something unique that didn't meet our standards. Mike said it is going to be an ongoing problem because people have different ideas on what they want to do.

### **NOBLE COUNTY CONSTRUCTION STANDARDS FOR ROADS, SIDEWALKS, CURBS, DRAINAGE STRUCTURES AND OTHER MISCELLANEOUS ITEMS**

Mike presented a draft copy of the above referenced construction standards, (H.I.). He said he tried to reference the new UDO and he tried to stick to INDOT standard specifications. Mike explained where he got some of the information. Chad asked Mike if he is planning on adding the driveways to this. Mike said he wanted to get all of the permit applications in this. He talked about trying to condense some of the permit applications to where they could be used for multiple purposes. Mike also talked about the portion of the standards that talks about what is needed for getting streets accepted for county maintenance. He said he couldn't find anything in the records at the Highway Department about an ordinance or anything specific that they have been using in the past for street acceptance. Mike said in the standards it is more of what a developer needs to do to get their streets accepted. He said maybe we need to add something that addresses what would be needed to get existing streets upgraded. Mike said in the new UDO, all residential streets have to have curb and gutter sections. He said we have a lot of subdivisions that have shoulder sections or side ditch design that have a chip and seal surface that were never accepted. Mike said his question was if we would allow that type of streets to come into the system. He said we need to know that. Dave said there is a site distance of 200'. Mike said the 200' is the stopping distance for residential where the speed limit is posted 25 - 30 MPH. He said with other types of driveways out on the county roads it is based on the posted speed which could be 300 - 500'. Dave asked if currently we have a site distance. Mike said currently they are supposed to mark where they propose to put their driveway and we go out and check the location for site distance. He said if it doesn't meet the minimum stopping site distance then we recommend that they move it. Mike said the current ordinance does not require them to move it, we just strongly recommend it. He said from a legal standpoint, when we re-did the signs, we made the decision not to put up "blind driveway" signs, because they are not a standard sign and they actually add more liability. Mike said in most counties if the driveway doesn't meet the stopping distance, it doesn't go in. He said because of the hilliness of the roads in the county, this issue is probably more prevalent than in other counties.

Mark said the only thing we are allowed to do is to require them to put in a culvert so they aren't blocking a ditch. He said some of the drives only have 200' of site distance. There was discussion about the former driveway ordinance that was enacted and why it was done away

with. There was also much discussion about "hidden driveways", and how people don't think about site distance for the driveway when they purchase the land.

Dave said the National Highway Safety Council said that the least amount of signs present, the safer the road is. There was discussion about the process to adopt the construction standards, putting the permits in it, and getting a copy of the draft to the Plan Commission for them to review. Chad said the Plan Commission is not going to act on the driveway portion of the UDO until Mike is done with what he is doing. Mike said he was going to meet with the Plan Commission and the Surveyor because he had a couple of questions about street widths and things in the UDO.

### **RECESSED AND RECONVENED**

The Commissioners recessed their meeting at approximately 10:24 A.M. and reconvened at approximately 10:48 A.M.

### **LAWN MOWING QUOTE**

There was only one quote (contract) received for lawn mowing and that was from J & J Landscaping, LLC, in the amount of \$7,585.00 with 8 monthly payments of \$948.13 starting April 1, 2013, (H.I.). Chad said he wondered if the spray treatment requested this year held some of the people back from quoting. While reviewing the quote, it was noted that it did not include the spraying the Commissioners had requested, and it didn't acknowledge the fact that the Commissioners reserved the right to not have mowing done in case of a draught. Chad moved not to accept the quote from J & J lawn mowing because it didn't meet the specifications and to re-bid based upon J & J not meeting the specifications in the bid request. After some discussion, Dennis said the Commissioners have the right to ask if they were aware of the spraying and that they could be directed not to mow during periods of drought. Jackie said until last year, we were paying per mowing as it was done, and last year they were billing us monthly, and that is what they are indicating this year. Chad said based on the quote we are paying them \$900.00 a month regardless of whether or not they mow, and he wasn't sure we wanted that either. He said we want a per month charge based on services rendered. Chad said even if we tell them to stop mowing, the contract says we are paying them that amount of money per month. Chad said it looks like they submitted their quote based on last year's specs. Dennis said Jackie could contact them and have them re-submit based on the additional things discussed. Chad withdrew his previous motion and moved to table the decision pending verification of the contract. Dave seconded the motion and it carried, 3-0.

### **WECARE UPDATE & STAN JACOBS RE-APPOINTMENT TO BOARD**

Jackie said she and Chad were at the WeCare meeting last week, and Stan Jacobs had been appointed as the fifth member of the board, and it is time to re-appoint him. Jackie said he has been the mainstay of the whole program, and it is in the by-laws that he has to be re-appointed by both the Board of Commissioners and the School Board. She said Stan is a non-voting member of the board. Dave said based on Jackie's recommendation he would move to re-appoint Stan Jacobs to the WeCare Board. Chad seconded the motion and it carried, 3-0.

Jackie said the pricing, what is paid in rent for the building, etc. was kept the same. She said they did vote to give the personnel a 3% rate increase since that has not been done since the inception of WeCare. Jackie said there was some discussion about the possibility of extending

the hours because people are using the clinic more. She said she thought our insurance claims were down last year, partly because WeCare has been catching things earlier.

### **LAW BOOKS**

Jackie asked if we need to continue to get law books since they are on line. Dennis said as long as the public has access somehow we don't need them. He told Jackie to talk to the Judge's before a decision is made to stop getting them.

### **KEYS FOR LANDFILL**

Jackie said she has two keys left for the landfill and she asked if the Commissioners want her to give one to Weaver Boos. Dave said he would rather Weaver Boos not have a key. Chad said they could come here and sign the key in and out. Dave said the Commissioners want to know when they are coming, because sometimes they might want one of them to be there. He said they want specific points labeled and then the Surveyor is going to do a survey and they are going to put it in GIS, so if a particular well or gas monitor fails we will know where it is because they aren't labeled.

### **LANDFILL CARETAKER**

Chad moved to appoint Mike Haines to temporarily take over the responsibilities at the landfill until a contract is established. Dave seconded the motion and it carried, 3-0.

### **LIGONIER PLAN COMMISSION APPOINTMENTS**

There was a brief discussion about the request for two appointments to the Ligonier Plan Commission Board. Dennis said Everett Newman, Attorney for the Plan Commission is supposed to be submitting a request for those appointments.

### **COMMUNITY CORRECTIONS PROGRAM ORDINANCE**

Gary said he was not aware of any changes to the ordinance since the first reading. Chad moved to approve on the second reading, Ordinance #2013-01 for the establishment of the Noble County Community Corrections Program. Dave seconded the motion and it carried, 3-0.

### **INVOICES FOR COUNCIL ON AGING**

Dave reported that at the Council on Aging (COA) meeting he was told that due to the fact that the Commissioners are a pass-through agent for the 5311 grants, all invoices should come to them per the State Board of Accounts. He said he looked at one month and there were over 150 invoices, and they said we have to look at and approve each invoice. Dave said he asked Gregg (Parker, Director for COA) to check with the SBA about this, because Gregg said sometimes they have 300 invoices in a month. Chad said that would mean they would have to come to every meeting and we would question their invoices. Dave asked Dennis if that is in the Indiana code. He said we never did that before and he didn't see it happening now because the Commissioners don't have time to go through all of their invoices. Dennis asked if they don't have a board. Dave said they do, and that is how they had done it to date. Dennis said he would want something in writing from the State Board of Accounts giving the Commissioner the authority to do anything.

**ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 11:23 A.M. recessed from day to day until the 8<sup>th</sup> day of April 2013.

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Gary Leatherman, President

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David J. Dolezal, Vice President

\_\_\_\_\_  
Chad Kline, Member

ATTESTED: \_\_\_\_\_  
Jacqueline L. Knafel, Auditor