

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD APRIL 28, 2014**

Comes now the hour of 8:37 A.M. on the 28th day of April, 2014, 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:

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

Also present were:

Jacqueline L. Knafel, Auditor
Marion S. Cavanaugh, Deputy Auditor
Dennis Graft, County Attorney
and Bob Braley & Scott Perry, News Media

GIS DEPT. EXPENSE OVER \$500.00 FOR GPS UNIT

Steve Hook, GIS Coordinator told the Commissioners that with the new GPS unit that they approved previously, he would need an additional seat of Arc Pad to be placed on the GPS unit. He said it will cost \$630.00. After some additional discussion and making sure Steve had the money to pay for it, Dave moved to approve the expense. Chad seconded the motion and it carried, 3-0. The GPS unit will be a benefit to the Surveyor, Health Department, Plan Commission, and EMA too. There was discussion as to where the GPS unit would be kept. It was recommended that Steve keep it when it is not in use and that he prepare a sign out sheet for when it is being used. Steve said it has a camera on it which will make it nice.

2014 AERIAL FLIGHT

Steve reported that they (Pictometry) have done the 2014 imagery (2014 aerial flight). He said there is a 30 - 60 day time frame for them to process it. Steve said he has been in contact with the lady that will be working on our Change Finder contract that is associated with this contract as well. He said that is where they will be updating the building outlines, comparing the 2012 imagery to the 2014 imagery, to see where buildings have been torn down or added.

PAYROLL TO BE PAID 5/01/14 APPROVED

After reviewing and discussing the payroll from 4/04/14 – 4/17/14 to be paid 5/01/14 Dave moved to approve it. Chad seconded the motion and it carried, 3-0.

IDEM – NWP LIGONIER LLC PERMIT APPLICATION

IDEM notified the Commissioners that they had received a permit application from NWP Ligonier LLC, (H.I.).

AUDITOR/TREASURER MARCH 2014 BALANCE SHEET

The Commissioners received the above referenced balance sheet showing that the Auditor and the Treasurer's books balanced at the end of March, (H.I.). Chad moved to approve it. Dave seconded the motion and it carried, 3-0.

MINUTES APPROVED

After reviewing the minutes of the *April 21, 2014* meeting Chad moved to approve them. Dave seconded the motion and it carried, 3-0.

LANDFILL DISCUSSION

There was a brief discussion about the landfill and how all of the snow and rain we have had has affected the amount of leachate being pumped out currently. There was also discussion about the pump that is being used, the pumping process, and whether the process should be changed or not.

CHAIN O'LAKES WORK CREW

Dave said at the Meet the Candidate Night, there was a gentleman that wanted to have the East Industrial Park cleaned in Kendallville. Chad said Roger Schermerhorn called him and asked about getting Canal Road cleaned. He said he thought that is something that we should talk to Probation about to see if people on Community Service could do it. Dave said he told the gentleman that talked to him that if they use the Department of Corrections (Chain O'Lakes) crew there is a charge for it. Gary said Jerry Steinbarger contacted him, and they apparently cleaned a fence row right alongside Industrial Park and dropped some trees, and he wanted to know about the possibility of using the work crew to cut up the wood and pile it up or whatever. There was discussion that cleaning the roadside could possibly be done by people doing Community Service but they shouldn't cut trees. There was also discussion that now is not a good time for the Surveyor or the Highway Department to be giving up their work crews to do it.

The Commissioners agreed that if they can hold off on the trees until it would be more convenient, they could use one of the work crews and they would have to pay the guard's fees while using the crew.

MULTI/HAZARD MITIGATION PLAN

Dave reported that he, Randy, Rodney and Mick Newton are going to go tomorrow to talk to someone about the Multi/Hazard Mitigation Plan and making sure it is in compliance.

HIGHWAY BUSINESS – ZACK SMITH & MARK GOODRICH **HEALTH DEPARTMENT TRAILER**

Dave said he was asked if there would be room in the back lot at the Highway Department to store the Health Department trailer. Mark said they could make room for it.

FRONTIER COMMUNICATIONS INVOICE

Mark said he got another bill from Frontier Communications. He said they dealt with this late last or early fall, and he sent them a letter explaining that as long as their pedestals are improperly placed and not maintained we are not going to accept responsibility. Mark said they

called and talked to Fisher and said they couldn't accept that. He said he didn't know if he should have Dennis write them a letter or what. Mark said this is the one that we talked about last year and they haven't let it drop. Chad said he didn't think the issue is so much that they are in our right-of-way but they are not maintaining them or marking them so we can see them. Mark said their philosophy was that if they would get us some markers we could go out and mark them, or if we tell them what ones are bad they would go out and mark them. He said he didn't think that should be the Highway Department's responsibility. There was discussion about the utilities that aren't marked well and those that are put in too close to the road. Mark gave Dennis the information he would need to write Frontier a letter and said we'll see where it goes from there.

SEWER JET/VACTOR TRAILER

Mark said he hadn't gotten information yet on the sewer jet/vactor trailer. He said he was in Fort Wayne last week and was going to look at one but they had apparently moved the rental place where he was going to look. Mark said he would be in Fort Wayne again this week and he will get on the internet to get information before he goes. Dave asked if that would be something they would need a separate trailer for. Mark said the system would be mounted right on the trailer, and that would be the most effective and efficient for us.

CULVERT ON 200 S

Mark said he had information on the culvert on 200 S, west of Old State Road 3. He said Zack did some research into what size of pipe would be needed to drain the water adequately. Mark it would take an 18 inch drain and the water would be going on the property owner directly adjacent to it on the south. He said he talked to the person that owns the property and the person that is renting the farm and farming it. He said they are both strongly opposed to putting a pipe in there. Mark said what we are looking at is passing the problem down the road. Mark said the property owner on the north side of the road should be controlling the water that is coming off of their field. Zack said an 18 inch pipe would be more than doubling the flow rate. Dave said his field is being washed out west of there just from the water going over the road. He said he is losing all kind of soil all along that field. Zack said if we had a large enough ditch and infrastructure downstream it would make sense to put in an 18 inch tile, but we don't have that. Mark said he didn't know if the Soil & Water Conservation could possibly work with him. Zack said we don't want to overstep our bounds because it is drainage issue.

BRIDGE #70

Zack said the advertisement for bidding will be published in the local papers. He said he is still working on a railroad agreement. Zack said we originally budgeted \$595,000.00 for the whole scope of work on the Construction Inspection contract. He said the detailed cost estimate that he has now that the plans are nearly finalized if \$453,400.00. Zack said the right-of-way is \$1,500.00 instead of \$20,000.00. Zack said a full time inspection would be roughly \$56,600.00, but that would still put us at \$85,000.00 under budget. He said he thought it would be worth the money and we could write it up as a supplemental and go ahead and use BFS, who has already done the design, or we could bid it out, but we would need to get the specifications out quickly. He said there are benefits both ways. Zack asked what the Commissioners thoughts were. Gary said we could go with the same engineer. He said they aren't going to sign off on something that is bad. Zack said he will work with BFS then and they will probably be here with a supplemental agreement. He said the project should be on schedule.

BRIDGE OVERLAYS

Zack said he is going to use the standard right-of-way agreement we used on Bridge #12, (H.I.). He said other than Bridge #69 he didn't see a whole lot of need for right-of-way.

BRIDGE #70

Dave asked if we are going to have to close 600 W when they do the bridge. Zack said it would be closed for probably 8 -12 weeks. There was discussion about the detour route.

CSX RAILROAD BRIDGES – LETTER OF SUPPORT

Zack said he had received a letter from CSX, (H.I.). He said they basically gave their support for the replacement of Bridge #136 for LPA funding. Zack said it talks about the two and three track option. He said they did say they would commit to making a financial contribution to the project but they didn't give an amount at this time. Zack said in their letter they said they look forward to working with us on Bridges #134 and #135 in the future.

BRIDGE INSPECTION PROPOSAL

Zack reported that the paperwork he had submitted to INDOT had been approved and we can move forward as far as negotiations with a consultant. He said based on our grading we had selected United Consulting. Zack said they should be putting something together for Monday. He said he thought it would be pretty standard. Zack said he will send a letter to the companies that were not selected.

LPA CALL FOR PROJECTS

Zack said he is the majority of the way through the first application. He said he has five more to do, and that will be the bulk of his work this week now that most of the road plan is finished. Zack said he is hopeful we will get two or more projects. He said if we would get the CSX bridge we would be getting over \$2.4 million in federal funds.

2014 ROAD IMPROVEMENT PLAN

Zack told the Commissioners how he came up with the road plan for 2014, working with Mark, (H.I.). He said they used the GIS for engineering data as far as historical road ratings and they used Mark's hands-on experience on specifically what had blown up from the winter. He talked about the different criteria that were used when prioritizing which roads would be improved and when, and they were: preparation work; transportation plan; traffic count; and repair time line. Zack then went over the Road Improvement Report and told how the roads were prioritized by the rating. Zack said when taking everything into account he thought we would be about \$350,000.00 short of what we would like for this year. Dave said he thought Zack and Mark did a great job in putting together the report and he thought it would be a good tool. There was discussion about the condition of the roads in some of the subdivisions. Zack said our subdivisions in general are an issue, and we want to try to get to one a year. Mark said Greenwood, Bear Lake, Kimmell and Cree Lake are all in very similar shape and we know they are bad, but if we can patch those roads we would have more money to work on other roads. Zack said any money that we can use smarter, and any funds we can get will help tip the scales in the right direction. He said they are planning on doing as much work as they can in house for a cost savings.

Zack said he has two scenarios for the Council for the Rainy Day Fund request. He said the original scenario would be to request \$267,000.00 for where we are behind on the budget because of the winter storm. He said the secondary request would be to increase that amount to \$350,000.00 to allow us to do additional paving work. Dave asked if the second request would be to try to recover everything from the Arctic blast or just the above normal expenses. Mark and Zack said it would be just the above normal expenses. Mark said they originally had \$50,000.00 for drivers and \$10,000 for the shop budgeted for overtime. He said currently they have spent \$18,786.00 for the garage and \$82,229.00 for overtime for the drivers. Dave said given the fact that infrastructure is so important, we have to have it. Mark said we are still

drastically underfunded as far as being able to catch up on these roads. He said with the chip sealing program if we had every road up to a fair condition or better where we could go in there and keep that chip sealed on a regular basis, the money we have right now would fund maintaining the roads. He said our general cost is figured at \$80,000 a mile to grind a road up and put it back to gravel for a year and then triple chip seal it. Mark said they have looked at some different scenarios and we could probably build the same quality of road by doing it ourselves and save \$30,000.00 a mile. Zack said he thought we would have even better roads. He said they are looking at different materials, having a fog seal coat afterwards, and taking care of ditches. He said he thought we are going to be building a far superior road with significantly less money. When Zack was talking about how much money to ask the Council for, Chad said if we just do enough, we will never get ahead. He said we would have to start pulling a little more money from somewhere to start getting ahead. Zack talked about the cost savings for doing the work in house. He said ideally if they could get more staff, maybe one guy this year and one next year, he thought we could do all of the work ourselves and it would be high quality work. Mark said in the past when they have done a lot more miles of roads, what happens is that they usually don't get ditched and bermed, and if you don't have the drainage you are really limiting how long the road will last. He said when they have a big project they shut everything down and with another person or two they could keep some of the other things done.

Chad asked Mark if he allows people to take off more than two weeks at a time. Mark said he does because they don't have any guidelines right now. When asked, Mark said he has three people that usually take three weeks at a time because they have 25 vacation days and comp time, and it doesn't cause too much trouble unless they all take it at the same time. There was discussion about fair week and how several employees want off that week. Chad said they might want to look at a scheduling process. There was also discussion that there might be some employees that only need two or three days off for the fair and they could give up a couple of days to someone who would appreciate it. The Commissioners gave their support for Zack to take his request for money to the Council.

AIR MARKING - LINE STRIPING OF ROADS

Zack said Air Marking would be working on our road striping next week. He said this is the fall contract from last year that didn't get done because of the weather.

1000 E & LISBON ROAD STOP SIGN REMOVAL

Zack said we should probably put together something as far as a release for the stop sign removal. He said he thought we needed to have 30 days notice. Chad asked if we could set a date for June 1st. Zack said he would put something together and have Dennis review it before he sends it for a press release.

LPA FUNDS - ADA PLAN

Zack said as part of the LPA program, in order to be applicable for federal funds you have to have an ADA program, which we have. He said we set aside \$5,000.00 each year and he didn't really think that is enough to do anything, but we should be looking at a sidewalk project in one of the unincorporated towns or something in the near future. He said he just wanted to bring it to the Commissioners attention for when that comes up, because it is a federal requirement that we set the money aside and start scoping something. Zack said he didn't think we have enough money for this year, and we might have to encumber money and then do something next year.

PHEASANT COVE/CR 350 W – BOAT LAUNCH

Mark said there is apparently a deeded right-of-way that goes down to the lake at Pheasant Cove. He said they wanted us to repair that last year. Mark said they got in contact with the DNR and they don't own it. He said it is not ours and we have never maintained it. Mark said he was down there a few days ago and he noticed they had some grindings hauled in and had it upgraded. Zack said a portion of the boat launch is on a property owners land and he is charging everyone admittance and exit fees, even people that put together the money to build the launch, and that is the issue. Dave asked if you can put a boat in without getting on their property. Zack said he thought the back right tire falls onto his land. Dave asked if people are paying it. Zack said they are, but some of them are upset because 29 people put in money to have that upgraded or maintained, and now they are being charged. Mark said it seems to him that there is enough right-of-way there that they could move that off to the side a little bit. Zack said he wondered too if they could move it over a little bit to avoid this.

LAWN MOWING QUOTES & WEED CONTROL QUOTES

Jackie presented three quotes for lawn care. They were:

Paul Zecca of Garrett, mowing and mulching - \$9,000.00;

Stump's Lawn Care of Columbia City – Sheriff's Department 5,475.00 with mulch - \$5,400.00 without mulch and for the South Complex \$5,520.00 with mulch and \$5,020.00 without mulch;

J & J Landscaping of Avilla \$140.00 per mowing at Sheriff's Department including edging, shrub trimming \$70.00, mulch \$65.00, and Weed Control for spraying the entire property one time in May is \$290.00; At South Complex \$115.00 per mowing, shrub trimming \$160.00, Mulch \$465.00 and mowing wooded area, \$225.00 per mowing, and weed control \$270.00.

Turf One LLC for spraying only: \$256.80 for the jail and \$128.40 for the South Complex.

The quotes were taken under advisement so the Commissioners could compare them and get a clarification on one of them.

KEVIN BLAINE - VACATION OF PUBLIC WAY

Kevin Blaine came before the Commissioners to talk to them about a problem he has been having with a guy that is staying with his neighbor, Jamie Kimmell. He said he was coming into his property on his horse arena, and he concreted a fence in and then he came down the alley and cut out probably 10 trees. Kevin said he had been there 8 years and as far as he is concerned that is his side yard. He said the guy caught the trees on fire and the Sheriff's Department came out and made him put it out. Kevin said the Sheriff's Department said he would have to talk to the Plan Commission and the Highway Department. Kevin said he (the guy) found a pin in his horse arena and he claimed that it was Jamie Kimmel's property line, so now he owns it. He said he told the guy he thought he was mistaking and he should stay over at Jamie's house until it is straightened out, but that hasn't happened. Kevin said after talking to the Highway Department and the Plan Commission they found it was Lincoln Street that had never been developed, and they had no jurisdiction over it. He said he is asking for an automatic vacate. Chad said the Commissioners can't do that. He said we can't just vacate a street without notice just because it has never been developed. Kevin said he understood there should be notice. He said he was told to have the Highway Department come take pictures of the damage and inform them that they are not coming to their property line, because their pin drops about five feet out their back door and they are crossing clear over the supposed street. After

reviewing the maps, Chad said the best thing to do would be to vacate it and give half to each property owner. Blaine said he had been there for 8 years and never had an issue with anyone until someone that had nowhere to live moved in and stays in one of the bedrooms.

Dennis said if he wants to vacate that, it has to be heard by the Commissioners within 30 days from the date he files the petition. Chad suggested to Kevin that he talk to a surveyor and an attorney before he files the petition to vacate that area. Kevin asked if there is another option. He said he thought he was going to be spending a lot of money and the county won't do anything with it. Dennis said it is going to take some time to do this and if the problem with the neighbor continues he might have to get an attorney and file a civil suit against him.

Nathan said it is an undeveloped platted right-of-way and he asked what the rules are of what you can and can't do there and what action would be taken if there is a violation. Gary said he was thinking the same way Nathan was about a "Cease and Desist".

Dave asked what the Sheriff said. Kevin said he just threw his hands up in the air and told him to put the fire out and gave him a trespass warning until it is settled. Kevin said he left the fire burning and he started a fire again this weekend and was over there with a machete hacking away at more of the trees. Chad said the trees that he is taking down are not his because they are in a public way. Dennis said the county doesn't technically maintain it, but they have the authority over it. Dave asked if there is action the Commissioners could take. Dennis said if someone is in a public right-of-way the Commissioners could proceed to have that ceased. He said we could post it and we would probably have to get Randy (County Surveyor) to go out and survey it so we know where the lines are. Gary asked if a letter could be drafted and sent to the property owners. Dennis said it could, once we know exactly where the right-of-way is.

Chad told Kevin that he could ask to vacate just so many feet or half of the right-of-way, and then he wouldn't have to deal with the other people. He said the only involvement with the neighbors would be that they would receive notice of his request. When asked, Dennis said the only way we could send it to the Plan Commission to get it started is to do an Ordinance. He said until then, we have to hear the request within 30 days after the petition is filed.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:51 A.M. and reconvened at approximately 11:12 A.M.

LAWN MOWING QUOTES CONTINUED

Chad reported that he had checked on what the Commissioners had questions about, and after comparing prices for the overall bids, Chad moved to approve J & J Landscape LLC for 2014 for mowing, shrub trimming, and mulch. Dave seconded the motion and it carried, 3-0. No decision made on weed control.

SRI - TAX SALE SUPPORT SERVICES ADDENDUM & SRI SERVICES MASTER AGREEMENT

- Jackie said she called SRI and set October 9, 2014 for the tax sale date. She said SRI sent a Master Agreement for the tax sale, and a Tax Sale Support Services Addendum, (H.I.). Jackie said Dennis had reviewed the documents. Chad moved to approve both documents. Dave seconded the motion and it carried, 3-0.

JOB CLASSIFICATIONS

Jackie said the Job Classifications came in this morning from Waggoner, Irwin & Scheele and she was instructed to give them to each department for each employee to go over and sign off as presented, or to make corrections and then sign them.

SPACE STUDY

Jackie gave the Commissioners an update on the space study. She said hopefully we will have a draft by June.

SCHEDULING FOR SHERIFF'S DEPARTMENT

There was discussion about talking to the Sheriff's Department about their scheduling, to help cut down on overtime.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 11:22 A.M. recessed from day to day until the 5th day of May, 2014 on a motion by Chad which was seconded by Dave and carried, 3-0.

Gary D. Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor