

**MINUTES OF A SPECIAL SESSION OF THE  
BOARD OF COMMISSIONERS HELD MAY 12, 2014**

Comes now the hour of 8:33 A.M. on the 12<sup>th</sup> day of May, 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:

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

**PAYROLL TO BE PAID 5/15/14 APPROVED**

After reviewing the payroll from 4/18/14 – 5/01/14 to be paid 5/15/14 Dave moved to approve it. Chad seconded the motion and it carried, 3-0.

**IDEM – PERMIT MODIFICATION FOR  
ESSEX GROUP INC. IN KENDALLVILLE**

The Commissioners received notice from IDEM that Essex Group Inc. in Kendallville had applied for a modification to their Part 70 Operating Permit, (H.I.).

**TOWN OF ALBION - INVOICE FOR  
LEACHATE DISPOSAL FROM LANDFILL**

The Commissioners received an invoice from the Town of Albion in the amount of \$390.00 for the disposal of 6,500 gallons of leachate from the landfill, (H.I.).

**ANTHONY LEY APPOINTED TO AVILLA  
COMMON WAGE HEARING**

The Commissioners received a letter from Bill Ley, Avilla Town Manager, asking that they appoint Anthony Ley to a Common Wage Hearing for the Town of Avilla to bid a water main project, (H.I.). Dave moved to appoint Anthony Ley as requested. Chad seconded the motion and it carried, 3-0.

**BURNWORTH ZOLLARS NEWSLETTER**

Jake Smith from Burnworth Zollars Autos sent a 2014 quarterly news letter, (H.I.).

**CERTIFICATE OF LIABILITY  
INSURANCE – SCHNEIDER CORP.**

The Commissioners received notice that Schneider Corp. has liability insurance, (H.I.).

**NOBLE REMC – VOTING AFFIDAVIT**

Noble REMC submitted a voting affidavit so the Commissioners could designate a voting representative for the Noble REMC annual election of consumer-directors. Chad moved to appoint Gary. Dave seconded the motion and it carried, 3-0.

**WEED CONTROL QUOTES**

The Commissioners reviewed the quotes for weed control from Turf One, LLC - \$240.00 for the Jail and \$120.00 for the South Complex; and J & J Landscaping LLC -\$290.00 at the Sheriff's Department and \$270.00 at the South Complex, (H.I.). Dave moved to approve Turf One for the prices listed. Dave seconded the motion and it carried, 3-0.

**NEW BENCHES**

Chad said he talked to Kelly Kammerer last week and he has an email for a quote for new benches. He said the benches would be identical to the ones that are around the town and they would be \$675.00 a piece. Dave asked how many we would need. Chad said we would need seven. He said it would be his recommendation that we facilitate through the Courthouse Preservation Group to seek donation from people to purchase the benches if we are ok with accepting that bench as the bench we go with. Chad said they are metal powder coated green to match what the town has. He said they would have a plaque on the back to show who paid for the bench. Dave asked if any of the sidewalk reconstruction we have planned would come into play with that. Chad said if we could get them ordered within the next two weeks they would be done when the sidewalks are done.

Dave moved to proceed with the purchase of the benches through Kammerer and to go through the Courthouse Preservation Society to solicit for people that might be interested in purchasing them in honor of someone. Chad seconded the motion and it carried, 3-0.

**RECESSED AND RECONVENED**

The Commissioners recessed their meeting at approximately 8:53 A.M. and reconvened at approximately 9:06 A.M.

**HIGHWAY BUSINESS – ZACK SMITH & MARK GOODRICH  
UTILITY PERMITS**

Mark presented permit #UP-012-14 from Frontier Communications for work on E CR 415 N E between N CR 300 E and N CR 350 E at the Rodney & Catherine Schoon residence and #UP-013-14 from Noble REMC for work on CR 300 S between CR 900 E and Old State Road 3 in Swan Township at Lutter Farms, (H.I.).

**COMPOST SITE**

Mark said there had been questions on the compost site on 100 N between 125 and 150 E for years. Mark said they got a call Friday and someone had put their yard waste in bags and dumped it there, and apparently the company that purchases the grindings won't take it any more if there is plastic in it. He said he could send a camp crew out there and spend half a day and get the plastic cleaned up. Mark said there is a lot more garbage being dumped out there and there is

no way to monitor it or control it. He asked if we are responsible for taking care of it because it is county property. Mark said we used to send a loader out there one Saturday morning a month to load the grindings for people and the Solid Waste Management District took care of the wages for that, but they don't do that anymore. Mark asked if the Highway Department should be responsible for keeping that cleaned up and pushed up. Dave asked if they make money off of this. Gary said anyone that lives in Noble County can go out there and help themselves to the compost. Mark said at the end of the year there is a company that comes in and takes all of the grindings that are left, and he doesn't know if they make money off of that or not. Dave asked if we have any kind of signage out there. Mark said there is a sign but he doesn't know what it says, but there is no control out there. Gary asked how often Solid Waste does the grinding. Mark said they do it two or three times a year. He said he could take a camp crew out there to empty the bags and clean up the refuse but if it is not their responsibility then we need to put that on someone else. There was further discussion about reimbursement from Solid Waste for the Highway Department. Dave said he remembers getting reimbursement from them. Chad said the only way to prevent the dumping of old things would be to put a fence up and close it. Mark said he talked to Kevin with the Town of Albion. He said they take a lot of stuff out there, and in the past they had always ripped the bags and dumped the refuse out, but his guys said they didn't do that this spring. Mark said Kevin said he would talk to the guys about that and that they would be happy to send a guy out to work with us in cleaning that up. He said he thought most of it comes from outside sources. Dave asked if the Commissioners did an ordinance if that would help. Chad said the only way to stop it is to close it and man it. Mark said Zack mentioned the idea of putting up surveillance cameras, and the Town of Albion has some old light posts they said they would donate to use for that. Gary said he really doesn't want to close the site. He said if we fence it in and have to have someone to unlock it and watch it that would cost more than us cleaning it occasionally. Jackie reported that she went back to 2007 and she only found one payment of \$439.06 since then. Gary said he would talk to Pam or Steve (from Solid Waste). Mark said he would get it cleaned up this week.

#### **VAC TRAILER**

Mark said he and Zack decided this is not a good year to purchase the VAC trailer they talked about a few weeks ago, because of the amount of money that had already been spent in different areas. He said they would like to put it in their budget to purchase next year.

#### **CALLS RE: BAD ROADS**

Mark said they had received calls about the condition of CR 200 E, which is a bad road. He said it is a low volume road. Mark said they went out and fixed the real bad area but the whole road is falling apart and the Commissioners would probably be getting calls. Mark said it is not on our list for repairs this year. Zack said it is in similar condition as Kammerer Road, but it doesn't get the traffic volume and other things, and that is why it got pushed off.

#### **BASELINE ROAD TO BE CLOSED**

Mark said Baseline Road will be closed a day or two this week. He said they would like to close it Wednesday and have it back open Wednesday if everything goes well.

#### **BUTLER, FAIRMAN & SEUFERT – CONSTRUCTION**

#### **INSPECTION CONTRACT FOR BRIDGE #70**

Zack presented the above referenced contract in an amount not to exceed \$53,000.00 for the Commissioners approval. He said the Commissioners and Dennis had looked at it last week.

Chad moved to approve the contract. Dave seconded the motion and it carried, 3-0.

Zack said he did get correspondence through the consultant for the railroad. He said there are a few minor issues on updates they want to see on the plans. Zack said they addressed those on the same day and sent it back. He said hopefully they will have a draft agreement by next week.

### **BRIDGE OVERLAYS**

Zack said we only have \$200,000.00 budgeted for bridge repairs this year. Zack said looking at bridge #69 he would like to do a little further investigation to make sure that replacing the beams will not be a waste of money, so he has pulled it from the contract for now and we'll probably look at it next year. He said now there will only be five structures. Zack said additionally to save money, there is some rip rap replacement that we are looking at doing in house. He said that should bring the total well below the \$200,000.00 threshold.

### **BRIDGE #44**

Zack said they got a call last week on some fluoride damage on the outside beam where part of the rebar was hanging off. He said he went out and inspected it and sent the consultant some pictures and then called them. Zack said the consultant will be here on Thursday for a pre-contract meeting and they will go do a full inspection then. He said it is nothing major and can remain open at the current load rating, but it is something we will need to continue monitoring. Zack said it is a similar structure as Bridge #69 with the box beams, and his thoughts are that after they do the inspections that maybe it could be wrapped into a contract for next year because the two would have similar replacement and we might get better prices. He said it is something they are monitoring.

### **BRIDGE INSPECTION PROPOSALS**

Zack said the pre-contract meeting is this Thursday and hopefully we will enter negotiations once it is scoped out.

### **SME – FDR CORE TESTING**

Zack said SME is doing the final core testing on their samples. He said they went ahead and did all of the soil samples and now they are taking the proposed fix, whatever it is, and then they will build the cores out there and give them 7 - 10 days to cure and then they will break them to make sure their design is accurate. Dave asked if it is for the stretch on 300 and Zack said it was.

### **LPA APPLICATIONS - BRIDGES**

Zack said the LPA applications are due today. He gave the ranking of the bridges that he would like to have but if the Commissioners feel differently it could be changed. Zack said he put Bridge #147 as our top priority; Bridge #136 second; Baseline Road third; Zack said he is going to continue to put CR 150 E in; and Bridge #82 and #24 we could possibly do in house. He said he will submit all six of the projects today. Chad asked Zack if he thought it would be good for the county to start purchasing right-of-way ahead of time so we have it before we submit a project. Zack said he thought that would be helpful, especially on the ones where we only need two or three parcels.

### **HIGHWAY STANDARDS**

Zack said we have one more week for the standards to be on the county website. He said he hadn't received any comments and everyone had a fair chance to look at them.

### **ROAD IMPROVEMENT PLAN FUND REQUEST**

Zack said they went to the Council last week and asked for funds for road improvement, and they approved \$350,000.00 with \$250,000.00 coming from the Council and they would request to get the additional \$100,000.00 from the Commissioners from the CREDIT Fund. He

said that is the request he has now. Dave asked if we have the funds in CEDIT. Jackie said we are bringing in \$92,000.00 plus a month. She said she thought we have \$1.6 million in there now. Chad said we purchase a lot of highway equipment out of CEDIT and if we can't keep our roads up it is not going to be attractive for people to come here.

Dave moved that the Commissioners contribute \$100,000.00 from the CEDIT Fund to fund the Highway request for a total of \$350,000.00, with the Council's approval. Chad seconded the motion and it carried, 3-0. Jackie said she would do an amendment to the CEDIT Plan and advertise for additional and that will go to the Council.

#### **1000 E/LISBON ROAD – FOUR WAY STOP TO TWO WAY STOP**

Zack said the signs have been put up to warn people of the upcoming removal of stop signs making the above referenced intersection a two way stop instead of a four way stop.

#### **HEAVY EQUIPMENT OF PRIVATE CONTRACTORS DAMAGING ROADS**

Zack said recently we had some issues where contractors are unloading heavy equipment in the roadway, causing damage to the roadway. He asked if there is anything we can do to prevent that. Zack showed the Commissioners pictures where an excavator had done road damage. He said the road was chip and sealed four or five years ago and it is really holding up, but as soon as you have something like this, that area is pretty much gone until you go out and repair it. Dave asked if they shouldn't be held responsible and if we could find out who it was. Mark said he knows who it is and he called and talked to him and he wasn't good to work with. He said the man said he was told the wheel taxes are used to repair roads and he paid his taxes so that should repair the roads. Chad asked if we have the ability to seek retribution. Dennis said it is just general law. He said they damaged county property. Mark gave Dennis the information on the contractor.

#### **POND ORDINANCE VARIANCE**

Zack said they got a call for a Pond Ordinance variance. He said they reviewed it. Zack said it is on Baseline Road between 1100 E and 1200 E and they don't see any issues with it. Chad asked if they are coming in for that request or if Zack is making the request. Zack said it was Pat Ley and he thought he had called in.

#### **INTRODUCTION OF NEW HEALTH DEPARTMENT EMPLOYEES**

Cheryl Munson, Health Department Nurse came before the Commissioners to introduce the new Health Department employees. They are: Tiffany Marsh, Administrative Assistant; Cindy Leatherman, Part Time Immunization Nurse; and Bill Forbes, the new Septic Sanitarian. There was discussion about how things are going now that they are back to a full staff.

#### **HEALTH DEPARTMENT DRIVE THROUGH POD**

Cheryl told the Commissioners that there would be a Drive-Through Pod exercise on Saturday at the East Noble High School from 8:00 A.M. - 12:00 noon.

**UNSAFE BUILDING @ BIG LAKE -  
JOHN M. & LAURIE A. GRIES**

Dick Adair, Building Inspector talked to the Commissioners about a house at Big Lake that is in bad shape and he hasn't gotten any response from the landowner lately. He said the electrical box was torn off the house back in mid 2012, and he came and pulled a permit to put it back on but he hasn't done anything. Dick said the neighbors are beginning to question what we are going to do about it. He said he sent him a letter about submitting a list of the repairs he is planning on doing and he has not responded. Dick said his next letter would be to set a hearing for him to propose plans to demo it out or showing us that his intent is to get it in order and keep the property cleaned up. He showed the Commissioners some pictures and said there is a pontoon that has been parked there long enough for the trees to grow up through it. Dick said it took him about a year and a half to repair the roof that had a leak in it. He said he didn't think he had stayed in it more than once or twice in the last three or four years. Dick said the landowner had always responded until the last letter he sent him, but he did sign for the letter. When asked, Dick said they sent him a letter on February 6<sup>th</sup> about restoration or demolition. He said he gave him until April 14<sup>th</sup> of this year to complete the restoration, and he got no response. Dennis and the Commissioners agreed it was time to schedule a hearing, and it was scheduled for July 14, 2014 at 10:00 A.M.

**UPDATE RE: JACK WONDERLY UNSAFE  
BUILDING AT SILVER LAKE**

Dick gave the Commissioners an update on the removal of the trailer from the Jack Wonderly property. Chad said he had a phone call from someone last week wanting to buy it. Dick said there are still two decks there and he didn't know if they were supposed to demo them or not. He said they hauled some of the salvageable scrap metal and we recovered about \$440.00 for it. Dick said there are still three old storage buildings and a lot of clutter around them that are Mr. Wonderly's stuff. There was further discussion about someone wanting to purchase the property.

**SHERIFF - APPROVAL OF EXPENSE OVER  
\$500.00 - AMOUNT CHANGED TO \$5,000.00**

Sheriff Doug Harp came before the Commissioners to discuss the policy for getting approval for expenses over \$500.00. He also reported that their compressor went out over the weekend and it would probably be around \$3,000.00. Dave said he doesn't have a problem with increasing the limit but he would still like to be informed of them. Chad said an email or something would let them know and it would eliminate the Commissioners having to ask questions. There was discussion about whether it should be just for the Sheriff's Department or the whole county. Dave asked Doug if he thought \$1,000.00 would cover most of his claims. Doug said he thought with \$1,000.00 he would still have the same thing. He said he would say \$2,500.00 or even a little bit more. Gary said he thought the policy was instated a few years ago when the budget was very tight and they had to make cuts, and he also thought there was an issue with a trailer. He said when he was Sheriff just about everything he did cost over \$500.00. Doug said a lot of times he buys ammo in bulk and it could easily be over \$5,000.00.

Dave moved to change the limit to \$2,500.00. Doug said if he purchased one camera or one radio it would be more than that. Chad told Doug he doesn't have a problem going to \$3,000.00, and he understands that cameras would be up there, but they only do that once a year

and it isn't a huge inconvenience for a purchase once a year. Doug asked if it is necessary for him to come up and ask approval for something that had already been approved for him to spend. Chad said in general, the claims that he sees don't seem to exceed the \$3,000.00 amount. Doug asked what the point is of him having to ask approval for anything. He said they have never been over their budget. Chad told Doug if we just let him purchase anything he wants to then everyone else would be up here asking for the same thing. There was discussion about the Commissioners liking to have a "heads up" on large expenses and about whether anyone should have to get approval to spend money that is in their approved budgets. Dave talked about Doug's suggestion a while back about putting a logo in some floor tiling that would cost a lot of additional money. He asked if they did something like that if he would run that past the Commissioners. Doug said he would because that was \$13,000.00 and the quote he got for painting was \$13,000.00 too. Dave said the Commissioners are supposed to be stewards of the taxpayers money and if they don't know what they are approving how can they be good stewards. After more discussion Dave withdrew his motion and following further discussion Chad moved to allow expenditures of up to \$5,000.00 without pre-approval. Dave seconded the motion. Jackie asked if this is just for the Sheriff's Department. Chad said it is. The motion carried, 3-0.

#### **COMPRESSOR AT SHERIFF'S DEPT.**

Doug asked if the compressor (for the walk-in freezer) is something that should be paid for by the Commissioners. Gary said it is.

#### **SHERIFF'S DEPARTMENT OVERTIME**

Dave told Doug he would like to talk about payroll and overtime. He asked if there is any way to shift personnel around to avoid some of the overtime. Doug talked about how they have been doing some shifting of personnel. He said they are going to have an issue all summer because the new guy will go to the Academy in July and he will be gone until November, and they have testing on Saturday, and they are a person down right now and none of the applicants are academy certified, so that person will have to go to the academy. Doug said they will have a lot of people that will be taking vacation time and they have some training coming up. He said he thought it would be a struggle for the rest of this year trying to get coverage. There was discussion about having part time employees to reduce the overtime, and the fact that they wouldn't be paid as much because they wouldn't be paid at time and a half. Chad said he thought we should look at paying out holidays. When asked, Chad said if they don't work a holiday it is an additional comp day (because of 4-2 schedule), so it is an additional day that would need covered. Dave asked if we would pay that at straight time. Chad said we would.

#### **RECESSED AND RECONVENED**

The Commissioners recessed their meeting at approximately 10:47 A.M. while waiting on a phone call about a tax sale property (which they never got) and reconvened at approximately 12:46 P.M. after lunch.

#### **DRUG COURT & PROBATION GRANTS**

Stacey Beam, Chief Probation Officer and Danyel Wagner with Drug Court came before the Commissioners to ask permission to submit grant applications, (H.I.). Danyel said the Judges had asked that they write two additional grants. She said one is to the Indiana Supreme Court

and it is basically for funding for Drug Court to help with treatment payments and incentives. Danyel said the federal grant is ending and this will be a way to bring in at least a portion of that money. She said it lasts for a year and they do it every year for the problem solving courts. Stacey said there will not be any new personnel. She said it is a \$10,000.00 grant. There was discussion that the federal grant has been reapplied for but they don't know if they will get it yet. Danyel said the other grant is through the Indiana Judicial Center and it is a one year grant for up to \$300,000.00 with no match requirement. She said they had applied for a federal grant for changing how we do the risk assessment on the offenders and to hire a teacher and an additional Probation Officer to do certain things for the department. Danyel said the chances of us getting that federal grant are very slim because there are seven of them for the whole country. Chad asked if they would be hiring more than one person if they got the additional grant. Danyel said they wouldn't be. Gary asked, with losing the federal grant for Drug Court if there were any people tied to that. Stacey said once they brought in Community Corrections and they realigned where people were being paid, they didn't have anyone being paid out of federal grants any more. She said Drug Court is now under Community Corrections. Stacey said this would potentially bring back someone under a grant which is something that they have tried not to do because it is really stressful to hire someone knowing that they might only be here for a year. She said they are assuming that the grants from the Judicial Center will keep coming to help with the possible workload increases that they are going to have.

Chad moved to approve the filing of both grants. Dave seconded the motion and it carried, 3-0.

#### **R & L INDUSTRIES 2013 TAX SALE CERTIFICATE PROPERTY SIGNED OVER TO GARRETT LLC**

Chad moved to sign over the Commissioners 2013 Tax Sale Certificate #15 for R & L Industries to Garrett LLC. He said Mike Heitz is the owner. Dave asked if he is the one that is going to do the clean up and if there is an agreement in writing to give it to the city (Kendallville). Chad said he wasn't sure if this property was going to go back to the city or not. He said he thought Suzanne (Mayor of Kendallville) would be happy for this to be cleaned up because it would bring in more tax revenue by being developed. Dave seconded the motion and it carried, 3-0.

#### **MINUTES APPROVED**

After reviewing the minutes of the *May 5, 2014* minutes, Chad moved to approve them. Dave seconded the motion and it carried, 3-0.

#### **2015 COURTHOUSE CALENDAR/HOLIDAY SCHEDULE**

Chad said he had received an email with the corrections made on the holiday schedule and he moved to approve it. Dave seconded the motion and it carried, 3-0.

#### **ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 1:00 P.M. recessed from day to day until the 19<sup>th</sup> day of May, 2014.

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Gary D. Leatherman, President

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David J. Dolezal, Vice President

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Chad Kline, Member

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