

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD MAY 13, 2013**

Comes now the hour of 8:33 A.M. on the 13th day of May, 2013, 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 Scott Perry & Bob Braley, News Media

PAYROLL TO BE PAID 5/16/13 APPROVED

After reviewing the payroll from 4/19/13 – 5/02/13 to be paid 5/16/13 Dave moved to approve it. Chad seconded the motion and it carried, 3-0.

TREASURER'S REPORT – APRIL 2013

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

CLERK'S REPORT – APRIL 2013

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

MINUTES APPROVED

Dave moved to approve the minutes of the *April 29, 2013* meeting as corrected (by e-mail). Chad seconded the motion and it carried, 3-0.

**HIGHWAY BUSINESS – MIKE FITCH & MARK GOODRICH
UTILITY PERMIT**

Mark presented permit #UP-011-13 from Frontier Communications for work on S CR 500 E between E CR 300 S and E CR 400 S for work at the Michael Norden residence, (H.I.).

MECHANIC

Mark reported that one of the mechanics gave his two week notice last Monday. He said he will be e-mailing the Council to let them know that he will need to replace him.

TRUCK LIFTS

Mark reported that the installation of the truck lifts is supposed to begin today.

TRUCK #8

Mark said they are in the process of replacing a radiator and a cooler in truck #8. He said it will cost \$1,000.00 for the radiator and \$600.00 for the cooler.

BALLENSHIRE LANE - COBBLESTONE SEC. III

Mark said there was an application for a driveway permit for Cobblestone. He asked if we are going to hold off on any driveway permits unless they meet with us. Chad said he thought the Commissioners were going to meet with them first. He said we are going to open it up to let them build, but they are going to have to make sure that they are letting the people know that are building, that the road isn't going to be accepted and they are going to have to maintain it until it is.

Mike said he thought there was some confusion because the letter says Noble County will allow building permits. (letter from county attorney to ?) He said Kendallville issues the building permits for that project, but they won't issue a building permit until the county issues a driveway permit. Chad said Noble County will allow them to build, but they are going to have to let the buyers know that the road is not in our system and will not be until someone gets it up to our standards that are required to be in our system. Dennis asked if we would issue the driveway permits. Chad said we have to in order for them to build. Mark asked if we would be issuing a driveway permit or a waiver since we aren't maintaining the road.

Mark said Granite Ridge is the one purchasing the driveway permits and not the people purchasing the lots. There was discussion as to how the county could make sure the people purchasing the lots are aware that the road will not be accepted by the county until it is brought up to specs, and that it would not be county maintained until that time. Dennis said we could put something in the permit that says if they are signing on behalf of someone as the builder it is their responsibility to notify the buyer that Noble County is not going to accept the road. Mike asked if we could ask for additional money from Granite Ridge to cover the cost of the road frontage of the lot to the middle of the road, and then put the money in escrow for the road. Dennis said he could try it and see if they would sign it. It was decided that Dennis would contact the attorney he sent the letter to and that no driveway permits would be issued yet.

SPEED LIMIT ORDINANCE – WASHINGTON TOWNSHIP

Mike said he revised the speed limit posting for the Smalley Lake area as the Commissioners had requested, to include all of the streets to be a 25 MPH speed limit. He said most of them are gravel roads.

After further discussion about the roads, Chad moved to approve to move forward with advertising the speed limit ordinance. Dave seconded the motion and it carried, 3-0.

CR 1000 E & LISBON ROAD INTERSECTION (CR 415 N)

Mark said he received an e-mail about the CR 1000 E & Lisbon Road or CR 415 N intersection. He said this intersection was a 4-way stop prior to 1000 E being improved, and after it was improved it was retained as a 4-way stop. Mike said in 2008 Keith Lytton (former Highway Engineer) did a traffic study on the CR 1000 E and CR 415 intersection and at that time his recommendation was that it could be converted to a 2-way stop by adding signs to notify people that cross traffic does not stop. He said the Commissioners at that time felt like it would be better to leave it a 4-way stop. Mike said when Dave first came on the board (2011) there was discussion about this intersection. He said he called Scott Derby, the engineer for Kendallville, and asked him what his opinion was about changing it. Mike said Scott basically said they would recommend leaving it as is, because it is kind of a speed control. Mike said technically you are not supposed to use stop signs as a speed control. He said the intersection meets most of the criteria for a 2-way stop. Gary asked if there is adequate site distance as you are eastbound on Lisbon. Mark said there should be enough right-of-way there that we could clear some of the

brush. He said we don't have any accident history there. Mike said the only issue that came up is that there is no "stop ahead" sign for the eastbound going westbound approach where there is a hill, so we did add that sign. Mike said he hadn't talked to the Sheriff or the Kendallville Police Department to see if this would cause a speed problem. He said he would check with them before we make a decision.

BRIDGE #134

Mike said the environmental draft on the Bridge #134 project has been submitted to INDOT. He said there would be no additional cost to what we originally anticipated. There was discussion about the railroad and the fact that nothing had been heard from them.

ADDITIONAL HIGHWAY MONEY & 5-YEAR ROAD PROGRAM

There was discussion about the additional money the Highway Department should get because of the Major Moves legislation. Dave asked Mike with his 5-year road plan that he put together, if he would still want to stay towards maintenance rather than reconstruction. Mike said part of the problem with the chip & seal program now is that we only have so many warm days, and so many men to get it done. He said right now, with the funds we have we are just about maxed out. Mike asked if we should contract work out, or hire more people and purchase more equipment. He said we are only guaranteed the money for two years so it is tough to know what to do. Chad asked if they could take 300 S down to gravel, which could be done early before chip & seal. Mike said with the additional money we could probably look at some of the roads that are in poor shape and do some recycling more than we normally would do. Mark said with more money, he could tie longer sections of road together. He said if we could do that, if he could increase the overtime a little bit with the people he has, they could cover a lot more ground. Chad asked Mark if it would be good to look at changing their hours for the chip and seal season. He said DeKalb County just went to four 10-hour days and maybe we could try that. Mark said the biggest issue they would run into with that is with our week breaking on Thursday night, because typically you would have Friday or Monday off to make it a three day weekend. Chad said it is something Mark could discuss with the guys.

MICK NEWTON – EMA GRANT APPROVAL

Mick said he would like permission to apply for a FEMA grant through the Homeland Security grant program to purchase ten more UHF 4 watt radios. He said it is used for back up communication. Mick said he has nine radios now that they can use for emergency communication. He said in the grant request he would also be asking for spare batteries for all of the radios, and in-car chargers. Mick said the amount of the grant would be just under \$15,000.00. He said he would also apply for another repeater. Mick said they would be back up radios in case the 800 would go down. Chad said if we ever had a tornado come through or something it would be good to have a cache of radios to deploy. He said you could get them from the federal government but you would be looking at 3 - 5 days to get them flown in.

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

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 9:49 A.M. and reconvened at approximately 10:01 A.M.

BRIDGE #12 REPLACEMENT - BID OPENING

The Commissioners opened bids for replacement of Bridge #12 on 400 S over the Bilger Ditch. Bids were received from:

Pioneer Associates, Inc. - 258,462.20

R.L. McCoy, Inc. - \$256,236.74

Primco Inc. - \$231,340.93

JCI Bridge Group - \$267,258.95

Chad asked Mike if the bids came in at what he estimated they would. Mike said the engineer's estimate was around \$315,000.00. Chad moved to take the bids under advisement until 10:00 A.M. on May 20, 2013 to give Mike time to review the bids to make sure they meet all of the requirements.

HELD CLAIM FOR WATCHGUARD VIDEO

Chad Willet from the Sheriff's Department and Dave Baum, IT came before the Commissioners to discuss the claim for Watchguard Video for cameras that was held last week.

Chad Willett said he understands the basis of the ordinance as far as it being for mobile data communication wireless transfer. He said the more and more technology goes on, the more the in-car computers and video cameras are merging together and it is all one system because it is one hard drive. Chad said at some point in time they will have an in-car system that has a camera and communication all in one. He said the sheriff had made a deal with Dave Baum previously as far as an exchange for him purchasing a recording system out of Commissary Funds for the new phone system, and in turn the IT Dept. was going to take care of the purchase of the program through Mobile Vision for he thought \$4,000.00 for the purchase of software.

Gary said he is the one that questioned the claim, because when they crafted the ordinance it was specific to support MDT's (mobile data terminals). He said he has a huge problem buying cameras out of that fund.

Dave Baum said they always try to put things where they make the most sense. He said his budget is flexible enough to do it however the Commissioners want them to do it.

Gary asked if all four cameras that they replaced went down at the same time. Chad Willett said they didn't all go down at the same time. He said the program we previously had has tried selling their company and they tried filing bankruptcy. Chad said the problem we have is that we have someone to service them, but the parts are not available. Gary said his concern is when he (when Sheriff) created a non-reverting fund specifically for software. Dave Baum talked about the technology issue where they can't replace the equipment they have and are looking at putting new equipment in. Chad Kline said he is a little concerned that the purchase of cameras doesn't fit what the ordinance was written for. He asked about the cost to access the BMV information. Chad Willett and Dave Baum answered the question. There was discussion about what expenses should come out of what fund, and if the money from the Sheriff's sales should be put into the County General Fund. Gary said right now the Sheriff's Department spends approximately 50% of their share of fund that was established.

Gary asked what happens down the road if the number of Sheriff's sales decreases because of the economy getting better. He said then we would have to get money from the General Fund. Chad Willett said he doesn't foresee it going below 100 sales per year because even in the best of times in 2000/2001 we were never below 100 per year. He said currently we will probably be at 270 - 300. Dave Dolezal asked if that level would be enough to maintain the monthly recurring costs. Chad Willett said he thought it would be. Dave Baum talked about

different scenarios that could be possible with the MDT, cameras, etc. He said in the future we will have to start looking at how to fund things so he knows how to do his budget. Chad Kline said he thought it would be more of an IT expense rather than an expense out of what the ordinance says it would fall under.

Gary said he agrees that the cameras are great tools if litigation should come about, but they don't need them to make the car operate and for the officer to do the job. Gary asked if the Commissioners need to go back and amend the ordinance so we know exactly what the fund is going to pay for so there aren't any claims that don't fall within the ordinance. Dave Baum said everyone needs to be on the same page when it comes to who is paying for what.

Chad Willett said he wanted to purchase the same units as before but he couldn't and the units went up about \$1,000.00 a piece. Gary told Chad that technically any expense over \$500.00 is supposed to be pre-approved and if that happens then the Commissioners don't get surprised by claims. After further discussion Chad Kline moved to approve the purchase of two of the four cameras out of the fund they were submitted for. Dave seconded the motion and it carried, 3-0.

PROSECUTOR'S OFFICE COPIES

Dave Baum said he has two quotes for the purchase of two copiers for the Prosecutor's Office. He said he has one from RICOH in the amount of \$6,700.00 (\$3,572.00 & \$3,123.00) and one from Advance Imaging in the amount of \$7,565.00 (\$3,259.62 & \$4,302.82), (H.I.).

After further discussion Dave Dolezal moved to approve the quotes from RICOH. Chad seconded the motion and it carried, 3-0.

BID OPENING – DEMOLITION OF UNSAFE BUILDING AT HIGH LAKE – GEORGE BEALL PROPERTY

Dick Adair, Building Inspector was present for this portion of the meeting. He said there is nothing to save in the cottage. Dick said George had gutted it out. Chad asked if that is the one that has a mortgage on it. Dick said it is. Chad asked if the bank is willing to pay for any of the expenses. Dick said they hadn't said anything to him. Dennis asked Dick if he sent the bank notice of the bids being taken. Dick said he did. He said the bank has received everything that George has received, and he had kept George's brother in the loop. Dick said George's brother said whatever has to happen, has to happen. Dick said there are only three ceiling joists holding the whole thing together. He said George has called him a couple of times to tell him he doesn't have the money to demo it out. There was discussion that the cost of demolition of the building would probably have to be paid by the county and then the amount of the cost would become a lien against the property.

There was only one bid submitted and that was from Caskey Trucking & Excavating in the amount of \$6,800.00 to "Remove House structure Level lot". Chad said it is higher than the last quote and he asked if the house is much bigger than the last one. Dick said the last one was a one room structure and this one is quite a bit larger.

Gary asked Dennis if since the mortgage company holds this if that would cause a problem if we go ahead and demo the structure. Dennis said it wouldn't because they have been given notice of it. Dick asked if we could send them a bill. Dennis said they wouldn't pay on it because they are probably going to have to foreclose on it.

Dennis said we should make sure that he is aware that he has to take out the concrete. Dick called to make sure that Caskey Trucking was clear that they should be taking all of the

cement out and he asked if they would seed the property. Dick said they knew they had to take the cement out but the seeding wasn't specified in the quote, but they will do that. Dave asked if that was included in the cost. Dick said it was.

Dave moved to approve the quote from Caskey to remove the structure at High Lake at 2540 S Stone Street. Chad seconded the motion and it carried, 3-0.

WINDOWS AT SOUTH COMPLEX GARAGE

Dick reported that two windows need to be replaced in the garage at the south complex. He said currently there is plywood screwed over them. Chad asked about getting some wire mesh type material to put over the new windows. Dick said maybe someone makes a grill or something that could be put over them. He said he would check on it.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 11:13 A.M. recessed from day to day until the 20th day of May, 2013 by a motion made by Chad and seconded by Dave which carried, 3-0.

Gary Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor