

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD MAY 5, 2014**

Comes now the hour of 8:38 A.M. on the 5th day of May, 2014, 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
Chad Kline, Member

Also present were:

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

Absent was: David J. (Dave) Dolezal, Vice President

CLAIMS APPROVED

After reviewing the regular claims to be paid today's date and the supplemental claims, Chad moved to approve them. Gary seconded the motion and it carried, 2-0.

COURTHOUSE SECURITY APRIL 2014 REPORT

The April 2014 Courthouse Security Report was submitted, showing that 5,794 people had gone through security and 16 people were taken into custody, (H.I.).

2015 HOLIDAY SCHEDULE & OFFICE HOURS

The Commissioners received a copy of a proposed holiday schedule for 2015, which they reviewed and corrected. The approval was tabled until the corrections are made, (H.I.).

MINUTES APPROVED

After reviewing the minutes of the *April 15, 2014* meeting Chad moved to approve them. Gary seconded the motion and it carried, 2-0. The Commissioners then reviewed the minutes of the *April 28, 2014* meeting. Chad moved to approve them. Gary seconded the motion and it carried, 2-0.

SHERIFF – PURCHASES OVER \$500.00

Sheriff Doug Harp came before the Commissioners to see if he could get the \$500.00 purchase limit without permission raised. He said many of the things that are done at the Sheriff's Department are over \$500.00 and he wouldn't have to write so many letters or emails if the amount could be raised. Chad and Gary both said they are not against it, but they would like for Dave to be present for the discussion, so it will be discussed further next week.

HIGHWAY BUSINESS – ZACK SMITH & MARK GOODRICH

UNDERBODY BLADES

Mark asked permission to spend \$15,855.00 for 6 sets of underbody blades plus 1 4' blade. He said they are one blade short of having 1 set right now. Mark said he would have to move some money around to get the money in the right account. Chad asked Mark if he is going to have to ask the Council for an additional in the budget. Mark said that would be part of what they are going to the Council for this afternoon. He said they had submitted a request for an additional of \$100,000.00 which would cover the overtime and the contractors. Mark talked about the amount of money that will be needed to fix some of their equipment. Chad moved to approve the request for blades. Gary seconded the motion and it carried, 2-0.

GRAVEL ROAD CALCIUM APPLICATION

Mark said they have started spraying calcium on the gravel roads.

PART TIME MOWING PEOPLE

Mark said the part time mowing people were eliminated a few years ago when things got tight, and they are going to go to the Council this afternoon to see about getting them back, and he asked for the Commissioners approval. He said he will have on the average of a little over two people off every week because of vacation and personal time. Zack said we have a fairly extensive amount of work to cover this year. Chad and Gary agreed we will need the mowers. There was discussion about who would do the mowing if the Council approves it.

BRIDGE #70 PROJECT

Zack presented a Supplemental Draft for Construction Inspection for the Commissioners to review. He said Toby (from Beam Longest & Neff) will be here next week if there are any questions. Zack said he thought we would be about \$85,000.00 under budget on the project.

Zack said he had some contact with the railroad and they are working on putting together a draft agreement, but they didn't give him any time lines.

BRIDGE OVERLAY PROJECTS

Zack said when they investigated Bridge #69 more, they found out that we need to replace the beams, which wasn't budgeted, so when looking at the budget it looks like it would be about \$150,000.00 over the original budget. Zack said if we were to overlay that and not take care of the beams it is just kind of throwing money away. He said we would probably have to replace the entire bridge within the next five years. Zack said there would be some cost saving on Bridge #70 that we could shift around and there would be other areas where we would need to shift money. He said we would probably get 20 more years out of the structure if we did that, and he thinks that is the way to go. Zack said if we aren't going to replace the beams, he didn't think we should do the overlay.

CSX RAILROAD COORDINATION

Zack said there is no update from CSX since the letter last week. He said they are still working on scoping the projects out.

BRIDGE INSPECTION

Zack said he talked with United Consulting and they are setting up a pre-contract meeting to meet with him with the head of their bridge department. He said once they settle on the scope of the work they will put a contract together and set a meeting up with the Commissioners.

LPA CALL FOR PROJECTS

Zack said one of the additional things they did was to pull new traffic counts for the Baseline Road and CR 150 E project to bolster the application. He said the average speed on Baseline was 63 MPH and it has a 45 MPH speed limit. Zack said based on that and some of the

site distance pictures they took, and that fact he is working with the Sheriff's Department to get some accident data, he thought we should have a pretty good case as far as the LPA Application. He said the site distance is terrible and many people speed on that road. Zack said he did some right-of-way estimates for both projects.

HIGHWAY STANDARDS

Zack said we have two more weeks before we can pull the Highway Standards down (off the internet) and have them for the Commissioners approval.

ROAD IMPROVEMENT PLAN & RAINY DAY FUND REQUEST

Zack said he would be presenting the Road Improvement Plan and the Rainy Day Fund Request to the Council today.

1000 E/LISBON ROAD - STOP SIGN REMOVAL

Zack said he did a press release about the removal of the stop sign at 1000 E and Lisbon Road and he showed it to the Commissioners. He said June 4th is the day he is planning on making that a two-way stop instead of a four-way stop. Zack said there would be temporary signage and he has Wayne working to make sure we have all of the signs. Chad said if we have the date set he thought we should get the signs up as soon as possible.

HIGHWAY EMPLOYEE SAFETY COMMITTEE

Zack said the Highway Department has formed their own safety committee, and he will also be meeting on Wednesday for the overall forming of a county-wide safety committee.

DEER LAKE ESTATES PLAT - R-O-W ACCEPTANCE

Chad said on April 16th the Plan Commission approved a plat request for Deer Lake Estates. He said there are no zoning changes and the only thing the Commissioners have to do is to accept the additional right-of-way. Chad moved to accept the additional right-of-way on CR 100 N. Gary seconded the motion and it carried, 2-0.

500 E AT CORNER OF 200 S – WETLANDS

Mark said on 500 E at the corner of 200 S a man is putting a wetlands in. Zack said it is for an NRCS (National Resources Conservation Service) project. Mark said according to the pond ordinance the water can't be closer than 85' from the center of the road and it is around 70'. Mark said according to Russell Baker from the NRCS, he didn't consider this to be a pond and he didn't feel the ordinance should apply in this situation. He said there are about 2' of water in it, but it is a permanent water structure. Zack said they call it a Shallow Water Structure. Dennis asked if anyone had talked to Randy (Noble County Surveyor). Zack said they met out there on Friday afternoon. Mark said Randy considers it to be a pond. He said the way Randy explained the Pond Ordinance is that there are several areas where ponds are right up to the road and they are creating issues with the roads causing them to be unstable and crumble. Mark said this isn't a situation where it appears that will happen. He asked if this is something that they can approach the Commissioners on to try to get a variance rather than having to restructure everything. Dennis said they could ask for a variance, otherwise they would have to follow the Pond Ordinance. Zack said the main thing is that they already put it in and we never saw any plans or anything ahead of time. Dennis said they need to follow the ordinance or we need to do away with the ordinance. Zack said they will follow up with them.

LANDFILL DISCUSSION

Bill Etzler from Engineering Resources came before the Commissioners to talk to them about the landfill. Bill said Chad sent him an email with a drawing regarding the landfill. He said he didn't get to look at it in depth, but a couple of things that he discovered from a quick look at the situation regarding the depth of the well VS the depth of the bottom of the fill along the west property line. Bill said from a quick look at the drawings he had available, if they built the landfill according to the plan, this well should be below the bottom of the fill. He said the original construction drawings show that the plan was to stop the fill 80' from the property line. Bill said the area that this well is in, shows that they were in what they call the "area method" of constructing a landfill. He said basically what they did was use the existing ground surface as the bottom of the fill area and then brought in refuse and compacted it and built the area up. Bill said if you look at the topography of how the landfill was originally laid out, he thought the well was below the deepest point of fill. He said that doesn't mean that when they built it, that they didn't do something different.

Chad asked if the leachate that is leaking out could potentially be a problem because the well isn't deep enough to collect it. Bill said it could be. He said they did some good soil borings at the site on what existed, prior to them starting the landfill. Bill said they could look at the cross sections and look at the various layers to see if there is a possibility there is sand seem there. Chad asked if this is something that should be discussed with Weaver Boos, the consultant that oversees the landfill. Bill said that is something the Commissioners would have to decide. He said Weaver Boos has a long history with the landfill, and that helps. Bill said he also has personal knowledge of the landfill that he could convey to them. He said Engineering Resources could submit a proposal to do this phase of the work if the Commissioners are interested in that. Gary said the Commissioners need to find some kind of solution to the problem we are having right now, and they can't make a decision unless they know what the options are to fix it. Bill said when he was operating the landfill for the county, that area was a big oozing mess. He said they put a lot of effort into capping it and trying to control it. Bill said there were a lot of paints and solvents that probably shouldn't have been dumped in there but they were. He said another thing is that PCS did a lot of the initial soils for the wells and there is a lot of information in their reports, and there might be something in there that would help. He said he didn't know if Weaver Boos had that paperwork to look at. Chad said it quickly went from very little leachate to having to pump almost daily. Bill asked if anyone had looked at the correlation between rainfalls, stream levels and things of that nature. He said there are a number of things that could be looked at. Bill said it almost sounds like there is a groundwater issue. Gary asked Bill if he would be interested in putting together some kind of proposal to figure out the best option to take action. Bill said this sounds like some kind of sand lens or something that is letting the water get into the landfill subsurface. Chad said it is going to be a problem forever until they can find the leak. Bill said they would put a proposal together.

Bill said he thought IDEM had given up on finding a letter they were looking for. He said they will put the map together and get the recording done on the restrictions on the landfill (deed).

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 9:53 A.M. recessed from day to day until the 12th day of May, 2014.

Gary D. Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor