

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD JUNE 16, 2014**

Comes now the hour of 8:34 A.M. on the 16th day of June, 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 Scott Perry & Matt Getts, News Media

CLAIMS TO BE PAID APPROVED

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

MINUTES APPROVED

Dave moved to approve the minutes of the *June 9, 2014* meeting after reviewing them and making a correction. Chad seconded the motion and it carried, 3-0.

**IDEM – ASHLEY INDUSTRIAL MOLDING,
INC. PERMIT APPROVAL**

The Commissioners received notice from IDEM that they had approved a Part 70 Operating Permit for Ashley Industrial Molding, Inc. in Kendallville, (H.I.).

**IDEM – TOWER STRUCTURAL LAMINATING –
NOTICE OF 30-DAY PUBLIC COMMENT PERIOD**

IDEM notified the Commissioners that Tower Structural Laminating in Noble County had applied for a permit modification, and there is a 30-day period for public comment, (H.I.).

TREASURER'S REPORT – MAY 2014

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

**WIRELESS CAPITAL PARTNERS, LLC (WCP) –
CELLULAR TOWER OR ROOFTOP LEASES**

The Commissioners received a letter from WCP indicating that they pay top dollar on equitable terms for quality cellular tower or rooftop leases, (H.I.).

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 8:57 A.M. and reconvened at approximately 9:06 A.M.

AUDITOR/TREASURER BALANCING FOR APRIL 2014

Gary presented the above referenced document which Jackie (Auditor) had given him, (H.I.). He said at the end of April there was a difference of \$40.00 and that is because someone had paid for WeCare after 3:00 P.M. April 30th and it was not deposited until May 1st.

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

HIGHWAY BUSINESS – ZACK SMITH & MARK GOODRICH DISTRIBUTOR & NEW TRUCKS

Mark reported that the distributor is in and has been checked out and they will pick it up this afternoon.

Mark said the two new pick-ups are at W.A. Jones getting bed liners and the lighting and other equipment put on them.

ROAD GRINDING

Mark said he has set June 30th for starting the road grinding. He said there is still some ditching and berming that needs completed and there are a few more culverts that need replaced before they start on the roads. Mark said part of the guys put in a couple of 9 hour days last week and probably will this week too trying to get this stuff caught up to where we are ready when the machine gets here. Mark said he and Zack both talked to the representative from Pierceton Trucking. He said they provide our asphalt and we talked about how late in the season we could do chip sealing. Mark said he is trying to get all of the chip sealing done by Labor Day weekend so we don't have to worry about having a problem with the roads.

NIPSCO – LINE DAMAGE ON 300 EAST

Mark said we received an invoice from NIPSCO in the amount of \$2,915.00 for damages to the line that we cut on 300 E. Mark said they had the bill broken down and itemized and it wasn't as much as he thought it would be. He said they discussed what happened and how to avoid it happening again. Mark said they had NIPSCO come in to give some extra training on safety so we can do all we can to avoid it happening in the future.

BUDGET

Zack said Mark Goodrich and Marc Fisher are going to take a good look at the budget we had this year as well as a five year plan to get everything realigned. He said we had some unforeseen items between the storm, the culverts and other things this year, as well as maybe some miscommunication on engineering projects in the past. Zack said getting the budget realigned kind of ties in with some of the other things he is going to talk about.

BRIDGE #70 RAILROAD AGREEMENT

Zack said he went through the railroad draft agreement for the Bridge #70 Project and redlined and made a bunch of comments and sent the agreement back to the railroad. He said it is a 43 page document. Zack said the big ticket items that he is fighting for that he thought we might get are the transfer of liability from the county to the county's contractor for construction liability, as well as insurance requirements. He said he thought he could get some cost reduction by putting some restrictions on some of the items they require such as flagging. Zack said he doubted they would accept everything he had to say. He said he would like to make bid selection on June 30th.

BRIDGE OVERLAYS

Zack said the overlays are due on June 30th and that would kind of tie into our overall budget. He said hopefully they will come in under costs. Zack said he had already had some questions on them.

FDR MIX DESIGN

Zack said he did quite a bit of research on this and talked to a couple of specialists about it. He said based on the traffic counts on 300 he thought he would opt out of doing an FDR project on it because he doesn't think it is cost effective based on less than 100 cars per day. Chad asked Zack if he thought part of the low traffic count was based on the fact that the road is so bad that nobody wants to drive on it. Zack said that could be part of it, but right now there are less than 100 vehicles per day and very little truck traffic. He said they like to see a traffic count of at least 1000 vehicles with at least 100 trucks per day. Chad asked if they will be grinding the road and Zack said they would be.

Mark said something else they are considering when looking at the roads is the culvert replacements we are going to have to do. He said that is why they are doing some readjustments.

LPA CALL FOR PROJECTS

Zack said we are supposed to get the results of the LPA call for projects today. He said he would send them when he gets them.

DRAFT ORDINANCE FOR ROAD STANDARDS & FEE ORDINANCE

Zack presented a draft ordinance for road standards for the Commissioners review and comments (none for file). There was discussion about fines that could be imposed for violations of the road standards and the fact that the Commissioners could adopt a fee ordinance that could be updated as needed, rather than updating the road standards ordinance after it is approved.

GUARDRAIL DAMAGE

Zack said he hadn't heard anything from Kendallville about the guardrail damage. He said he didn't know if their board had met yet or not.

SIGN REMOVAL STUDY

Zack said he has all of the field work done on the sign removal study and he just needs to get some time in the office to get a report put together and make some decisions from there.

FEDERAL GRANTS

Zack said he went through four of five different programs that they have for federal grants. He said the AID (Accelerated Innovation Deployment) grant is something we might be able to use. Zack said it has a limit of a million dollars for the project and he thought we had to stay with federal standards. He said he thought Bridge #82 might fall into that range. Zack said this is separate from the LPA program, so it is a different money source. He said there are only two awards per state per year and no one has been awarded in Indiana yet.

SAFETY POLICY

Zack said they had a safety meeting last week. He said Jarrod (Black & Ramer Ins.) sent quite a bit of information to them.

CSI COMPUTER SYSTEMS, INC. – PREMIUM SOFTWARE MANAGEMENT AGREEMENT

The Commissioners received the above referenced agreement for Probation, (H.I.). Danyel Wagner came to try to answer questions. Not knowing the answers, she called the company and they said it is for Community Corrections and they faxed her another one for the accounting system for Juvenile Probation. Chad asked if it is an update for an additional year of service or what. Danyel said she thought it was for maintenance. Chad asked if they paid that out of their fees and Danyel said they do pay for it out of the user's fees. Dennis said he thought there were some concerns as far as start dates and other things that should be addressed before the Commissioners sign the agreements. Danyel said she would have Stacey Beam, Chief Probation Officer come in next Monday to discuss the agreements.

EQUITABLE SHARING AGREEMENT AND CERTIFICATION RE: FORFEITURE ACCOUNT

Sheriff Doug Harp came before the Commissioners with the above referenced agreements for 2011, 2012, and 2013 for the Federal Forfeiture Account. Chad said they did one last year. Doug said they are saying they don't have them. Chad moved to sign the Equitable Sharing Agreement and Certification for all three years for the forfeiture money. Dave seconded the motion and it carried, 3-0.

LANDFILL DISCUSSION

Mike Haines who does work at the landfill was present for discussion about the landfill and a discussion Bill Etzler had with Beth Shellman, Albion Town Clerk about leachate disposal, (H.I.). Chad said we will need to update our agreement. He said Bill is looking at some pricing for a 1500 and a 2500 gallon tank. Chad said Bill will be here next Monday. Mike said he would like to know when Bill is going out there to look around so he could go out there too.

Gary asked how the caps are holding up. He asked if they are settling. Mike said he hadn't seen any settling. Gary asked Mike if he is still hauling 3 loads a week. Chad said Mike is hauling every day until it dries out. Mike said when he does the pumping it will pump something for a while and then it will go off and then it will pump some more. He said he has a timer set for about 12 hours. Mike asked who gets the sample of the water (when needed) and who tests it. Chad said it should be tied into our semi-annual testing. Chad asked Mike to let the Commissioners know when he does the mowing at the landfill so Stacey (Soil & Water) can go out and do a ground inspection.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 9:49 and reconvened at approximately 10:03 A.M.

REZONING – JOHN & LEONA TROYER IN PERRY TWP.

Present for this portion of the meeting were: Nathan Miller, Plan Commission Director and David Wolf from Sexton & Associates.

Nathan said the Plan Commission Board heard the rezoning request on March 21st to rezone a tract of land from A-1 to I-S. He said the intent was to construct an Amish School for the surrounding community. Nathan said the Plan Commission gave a positive recommendation for the rezoning. Chad said there were some contingencies placed on the subdivision. Nathan said they wanted to have a drive that is only 30' wide to go back to the school and the UDO requires 90'. He said they are on schedule for a special BZA meeting next Monday to ask for the

variance. Chad said the rezoning was contingent on the BZA as well because they didn't want to rezone it if they didn't get the variance for the drive. Dennis asked why this was taking so long. Chad said it is because of the BZA. Nathan said there was some paper mix-up between the surveyor and the landowners in trying to sort things out. He said it took them a while to get back with them about the variance. Nathan said the reason the Commissioners are hearing this is because of the 90 day ruling, and something will have to be decided today or it will automatically pass.

David Wolf from Sexton & Associates introduced himself and said he is the Engineer/Surveyor for the project. He said it is their client's intent to proceed to finish the project and this is one step of the project. He said he thought there would be two plats. Chad said he remembered from the meeting that the split was contingent upon the BZA providing the variance and they said they didn't want it zoned to institutional if they can't get the driveway variance. David said in the mean time they have come up with the 90 day provision. He said if the project should die, there is no reason that it can't be re-zoned back. David showed the Commissioner a map and explained the situation. He said under the UDO there is only one zoning district that the school can be in. Chad asked if there was any opposition to the school. Nathan said it had been very quiet. He said they had not had any complaints. David said one thing the client did mention was that the school would greatly reduce the travel distance and time of some of the students and some of the people involved. Chad said he thought by getting the school that far off the road it would increase the safety of the children.

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

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:25 A.M. and reconvened at approximately 10:31 A.M.

TAX SALE CERTIFICATE UPDATE

Sheri Auld, Deputy Auditor in charge of the tax sale came before the Commissioners to give them an update on the tax sale certificate sales. She presented an updated sheet showing what had been done with each property, (H.I.). Sheri said she thought we were waiting on petitioning the court for the Sinkovics property. Dennis said they filed an appearance and objection and he filed a response. Sheri said she had three deeds for the Commissioners to sign and she told them which ones they were. She said the ones we were waiting on surveys for from the previous tax sale are mostly done now. Sheri said there are two surveys that had typographical errors that Randy Sexton's Surveying Office is going to correct. She said that some of the issues on other properties such as the one that is actually a part of a county ditch have been resolved by working with the Assessor to get the assessed values removed.

Jackie asked if we could do a local ordinance to make sure taxes are paid before a property is transferred from one person to another. She said that would eliminate people from getting delinquent taxes when purchasing a property. Dennis said he would check into it.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 10:44 A.M. recessed from day to day until the 23rd day of June, 2014 on a motion by Dave which was seconded by Chad and carried, 3-0.

Gary D. Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED:

Jacqueline L. Knafel, Auditor