

**MINUTES OF A SPECIAL SESSION OF THE  
BOARD OF COMMISSIONERS HELD JULY 21, 2014**

Comes now the hour of 8:35 A.M. on the 21<sup>st</sup> day of July, 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:

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

Also present were:

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

Absent was:

Gary Leatherman, President

**PAYROLL APPROVED**

After reviewing the payroll from 6/27/14 – 7/10/14 to be paid 7/24/14 Chad moved to approve it. Dave seconded the motion and it carried, 2-0.

**PROGRESSIVE PALOVEREDE INS. CO. –  
PAYMENT RE: CIERRA FULTZ TORT CLAIM**

The Commissioners received a copy of a subrogation rights notice from Progressive Insurance that was sent to Blackburn & Green & EMC regarding \$5,000.00 in medical payments they had made for Cierra Fultz who was injured in an accident with a highway truck on February 17, 2014, and a tort claim was filed, (H.I.). EMC will be responding to this notice.

**CLERK'S REPORT – MAY 2014**

The Commissioners received the Clerk's report for May, 2014, (H.I.). Cathy Hartman, Deputy Clerk was present to answer some questions about the report.

**CONFLICT OF INTEREST DISCLOSURE –  
PAT VOORS, NOBLE CO. LIBRARY BOARD**

An annual Uniform Conflict of Interest Disclosure Statement was submitted for the Commissioners approval concerning Pat Voors, (H.I.). Pat is a member of the Noble County Public Library Board of Trustees and is co-owner of Voors Appliance, Heating & Cooling, Inc. and due to the close proximity of the business to the West branch library in Cromwell they are considering doing business with them. Chad moved to approve the disclosure. Dave seconded the motion and it carried, 2-0.

**BEAR, HIGH, WOLF LAKE SEWER DISTRICT –  
RESIGNATION OF BOARD MEMBERS**

The Commissioners received notice that Tim Tomcik and Mark Goodrich, members of the Board of Trustees of the Bear, High, Wolf Lake Regional Sewer District have resigned effective August 1, 2014, (H.I.). There was a request for replacements by September 1, 2014 with no recommendations at this time. Chad said this could be done next week.

**KNAPP LAKE AREA CONSERVANCY DISTRICT –  
KRISTINA KREISCHER APPOINTED TO BOARD**

Notice was received that John Clugston had resigned as a member of the board for the Knapp Lake Area Conservancy District, and that Kristina Kreischer has agreed to serve as a member, (H.I.). Chad moved to appoint Kristina. Dave seconded the motion and it carried, 2-0.

**TREASURER’S REPORT – JUNE 2014**

The Treasurer’s report for June 2014 was received, (H.I.).

**IDEM – VIOLATIONS RE: LANDFILL**

The Commissioners received notice from IDEM that a complaint had been filed and that they had conducted an inspection of the landfill on June 11, 2014, (H.I.). A summary of the inspection was provided and a follow-up inspection will be conducted.

**RECESSED AND RECONVENED**

The Commissioners recessed their meeting at approximately 8:50 A.M. and reconvened at approximately 8:58 A.M.

**MINUTES APPROVED**

After reviewing the minutes from the *June 23, 2013* meeting Chad moved to approve them. Dave seconded the motion and it carried, 2-0.

**HIGHWAY BUSINESS – ZACK SMITH  
BRIDGE #70**

Zack reported that he is scheduling a pre-construction meeting and that everything seems to be falling into place. He said he is still waiting to get approval from the railroad.

**BRIDGE OVERLAY**

Zack said they will be holding a pre-construction meeting in the next week or two regarding the bridge overlay project, (H.I.).

**BRIDGE #147**

Zack said the RFP was posted last week for Bridge #147 with a response date of August 15<sup>th</sup>. He said the estimated construction cost is 1.4 million dollars.

**BRIDGE INSPECTION CONTRACT**

Zack reported that the bridge inspection contract is still under INDOT’s review. He said it normally takes them three or four weeks to process the contracts.

**ROAD PROGRAM**

Zack said they are preparing to chip and seal starting Wednesday. He said they are having the company we bought the new distributor from come up and give a full walk-through

that day. Zack said overall we are a little behind on our ditching, and they didn't get as much crack sealing and patching done as they would have liked to. He said that ties in with them asking for another operator for next year, which they put in the budget. Zack said all of the re-constructed roads are done. He said they will be chip sealing all of them that they had proposed, with the re-constructed roads being last. Zack said he has been monitoring their progress and 300 has some soft spots in the shoulders that they will take care of, but the rest have set up very well. Zack said for the money we put into the roads he thought we got a good return on our investment.

#### **LPA CALL FOR PROJECTS**

Zack said he got the results for the chloride testing for Bridge #44 and #69. He said it would be good justification for replacement of the structures when we put in the request.

#### **MOWING**

Dave asked how we are doing with part time mowing/mowers. Zack said there have been a couple of break-downs that have set us back a little bit, but we are on a part-time schedule. He said they have had a lot of compliments on the work they are doing. Chad said he had not seen the roadsides that short all of the time. Zack said 2 of the 3 mowers worked at the Highway Department and understand the process and they are on it all day. He said they run fuel to them when needed so there is no downtime.

#### **UNDERGROUND STORAGE TANK**

Zack said they looked through all of the options for the underground storage tank. He said the most cost effective option looks like it would be under Local Options, where we just set aside a fund that has \$30,000.00 in it in case anything happens. Zack said then we won't have to pay an annual fee. Chad asked where the \$30,000.00 comes from. Zack said there is a certain tax that we pay in case of disasters like that. He said it is not realistic for everyone to have special insurance on the tanks. Zack said he thought a certain amount of money is paid to the special fund any time someone purchases gas. He said they are going to work with Jackie to see what we have to do.

#### **TITLE VI ADA COMPLIANCE**

Zack said he is going to try to get the committee moving that had been set up for this to make sure we stay compliant. He said he had registered for all of the training to meet all of the requirements for the year. Zack said the committee is going to meet on Thursday to get the annual business taken care of.

#### **FEDERAL GRANTS**

Zack said our ADA application is complete and hopefully it goes through. He said there are two grants per state and no one has applied in Indiana.

#### **CR 1000 E TRAFFIC STUDY RE: SPEED LIMIT**

Zack said he has looked into what needs to be done to get the speed limit updated. He said LTAP will be out and they will take speed counts and he will put together an engineering speed study and then we will put an ordinance in place. Chad said that is correcting where it is 35 MPH on one side of the bridge and 45 MPH on the other side. Zack asked if we could amend the one ordinance that is already 45 MPH south of there and expand its limits to the Kendallville City limits so we don't have multiple ordinances on the same stretch of road. Dennis said it could be amended.

## **OBSTRUCTION IN ROADWAY – 400 S BETWEEN 600 & 700**

Zack said there was an obstruction in the roadway on 400 S between 600 & 700. He said there was no permit on file, no call, and no signage. He said that was last Thursday evening and it was all knocked down by the next morning. Chad asked what it was. Zack said it was dirt. He said it looked like someone had a single axle and dumped about 10 loads in the middle of the roadway. He said he stayed there and called in and got some signage out there, and then the next day it was knocked down. Zack said he is not sure what kind of recourse we have for issues like that. He said they are doing work in our right-of way without a permit, and on top of that there is a liability and safety issue when you are closing down a lane of roadway without any signage at all. Dennis said since it was gone the next day we need to find out who did it and send them a letter. Chad said there is an IC code that pertains to roadway obstructions. Dave asked if they filled our ditch. Zack said they completely filled it in. Dave said we are going to have to send them a letter and say we want our ditch restored. Zack said he took several pictures and video so it is well documented. He said he will talk to Mark to see if they can find out who the culprit is.

Dave asked about people that build a wooden structure and put it in our ditch and put their trash can in it and leave it. Zack said technically they can't have anything in our right-of-way that is unpermitted. He said there are several places where they have them. Dave asked if we have a letter we can send them asking them to remove it before we do. Dennis said if we want to do that we can, or we could wait until there is a problem to address it. Chad said if we are going to ditch it we could let them know ahead of time to remove it or we will. Zack said most of the time they are put where there is not an issue. He said they get a lot of calls on side ditches. Zack said the roadway side ditch is for the roadway, and over time a lot of them have been dug super deep and a lot of different things are tied into them. He said they are not made to drain someone's field or land owners property.

## **WATER PROBLEM ON 200 S – HAROLD SHOPPEL**

Dave asked Zack if he talked to Harold Shoppel. Zack said he did and he let him know his options. He said he told him we were going to ditch it one last time, because the majority of it is silt from his field.

## **SALT BID**

Zack said they got the salt bids and salt has gone up \$30.00 a ton. He said we put in for 2000 tons on our bid at the price that we had projected from last year. Zack said for the same 2000 ton money that they had set aside, they will only be able to purchase 1200 ton. He said through our minimum bid we have to purchase at least 1600 ton. Zack said traditionally we have a large stockpile and last year that was completely obliterated.

## **HIGHWAY CONSTRUCTION STANDARDS & FEE SCHEDULE ORDINANCES**

Zack presented the above referenced proposed ordinances, (H.I.). He said it would basically issue the standards and make them enforceable and would be referenced in the UDO changes. Chad moved to approve the ordinances. Dave seconded the motion and it carried, 2-0.

## **RECESSED AND RECONVENED**

The Commissioners recessed their meeting at approximately 9:35 A.M. and reconvened at approximately 10:08 A.M.

## **PUBLIC HEARING RE: UDO CHANGES**

Nathan Miller, Plan Commission Director came before the Commissioners to discuss the UDO changes. He said there are a number of amendments, and a lot of it is dealing with the omissions having to do with the Highway Standards. Nathan said now that the Highway Standards have been put into place this should harmonize with the requirements of the Highway Department Construction Standards. Chad said there are several changes having to do with the subdivision of lands where they removed the word "lot" and changed it to "parcel". Nathan said there were a few small corrections made, for example "a Simple Subdivision is a subdivision type". He said when you pick a subdivision you have to pick a process, and they didn't harmonize. Nathan said it also makes an amendment that allows for any tract of ground that is 20 acres or more to be considered a parent parcel. Chad said you can split it three times so you can have three new tracts and the remainder of the old tract. Nathan said there were six members in attendance at the last Plan Commission meeting and they voted unanimously to recommend the amendments. Chad moved to approve the amendments to the UDO. Dave seconded the motion and it carried, 2-0.

## **RECESSED AND RECONVENED**

The Commissioners recessed their meeting at approximately 10:17 A.M. and reconvened at approximately 10:48 A.M.

## **LANDFILL DISCUSSION – BILL ETZLER, ENGINEERING RESOURCES**

Bill said he thought the existing agreement with the Town of Albion for Leachate Disposal works well for what the county has been doing. He said he thought the only thing we need to do is to look at the volume, and then they want test results. Chad said we will have results hopefully soon. Bill asked if the county issued a purchase order for the tank. Chad said the Commissioners approved it. Dave said he thought we were waiting for the plans to be approved. Bill said it is a two-step process. He said they need a purchase order from the county to initiate doing the plans. Bill said he would follow up with them (tank company) today to see what they need.

Bill said he talked to Cindy Jones from IDEM regarding methane. He said what we need to do is to coordinate with Weaver Boos to make sure they are doing what IDEM expects them to do as far as the methane testing goes. Chad said they will be on site this week. He said Jodie will be here on Wednesday July 23<sup>rd</sup> and she will get the keys from the Auditor's Office. Chad said Mike Maxwell is the one that is coordinating this. He said he will check and see exactly what they need.

Bill said in summarizing the discussion he had with Cindy, they don't want the county to submit a plan to them that says this is what we plan to do and have the State approve it. He said they want the county to submit information to them saying this is what we are doing to get a better understanding of what is happening with methane and migration off site. Bill said he would say they need a site map that says we are testing at these locations on-site and these locations off-site. He said at this point they want to keep it pretty simple. Bill said he explained to Cindy that he still thinks methane and leachate are directly correlated to one another. He said we just need to make sure Weaver Boos gets something into IDEM that says how we are doing the testing. Dave asked how we pick the off-site areas to monitor. Bill said what they want you

to do is go wherever the monitoring location is on site that is showing exceedance, they want you to go off-site in the vicinity of their on-site monitoring to see what is happening. Chad said it says she is going to obtain from GP 01, 02, and 21, and also measure the methane and water level at the gas vents GV 01, GV 02, and GV 03 (from Chad's email). Dave asked if that is considered the off-site. Chad said no. Bill said it would be across the road outside the boundary of the landfill. Chad said he would call Mike today. Bill said we are still waiting on leachate characterization. Bill said he drafted the letter, but pending further information he didn't think we would need to send it to IDEM yet, (H.I.). Bill said some time in the next couple of days he would come up and see Phil to find out if there are any files at the annex. He also said he is going to get a separate lock and interlock the two locks at the landfill so if he needs to get in or they need someone to get into the facility he doesn't have to run up here to get the key. Bill said it is typically something that they do. He said he would let Mike know. He said he would follow up with Assmann about the tank and they will put together all of the information. He said right now it looks like depending on who does the site prep we are probably looking at an additional \$2500.00 to get the tank set for stone, a power supply to the tank and other things.

**ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 11:05 A.M. recessed from day to day until the 28<sup>th</sup> day of July, 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