

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD JULY 28, 2014**

Comes now the hour of 8:32 A.M. on the 28th 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 & Bob Braley, News Media

Absent was:

Gary Leatherman, President

LANDFILL DISCUSSION

Bill Etzler from Engineering Resources was present to discuss landfill issues. Bill asked the Commissioners to forward the leachate sampling results to him when they get them. He said he had talked to ASSMANN and they hadn't received anything on the tank. After some discussion Dave signed the quote from ASSMANN Corp. that was approved July 14th, showing that the Commissioners accept the quote in the amount of \$10,076.80 for a tank for at the landfill to pump leachate into. (The quote is dated July 27, 2014 because Bill reprinted it yesterday). Bill said he had a conversation with Cindy Jones from IDEM Friday morning. He said one side of the organization wanted drawings and details, and the other side said get it done. Bill said he has a meeting scheduled with IDEM officials on Wednesday. He said he is going to take the details to show them. Bill said Cindy said they want us to go ahead and get started on this. He said we got the results from Weaver Boos on the methane monitoring, which he and Cindy talked about and things are well within the guidelines. Bill said he thought the other side of the message that he got was that just because the levels have reduced doesn't mean we don't have to move forward and do something long term, because they are still concerned about migration. Chad said he thought Weaver Boos was thinking that because of how harsh the winter was, how frozen the ground was, and how much was on top of the ground, that it didn't allow anything to come out of the ground. Bill said he updated the response letter to IDEM of July 11th based on some information that we got this last week, so if the Commissioners feel pushed or pressured at some point to respond to them they can. (no copy for file) He said he added a request for 120 days for corrective action. Chad said they will wait until next Monday when Gary is here. Bill said when he talked to Cindy she said if he was looking for information,

she had a lot in her office that she would be more than happy to share with him. He said he will check with her when he is in Indianapolis next week.

MINUTES APPROVED

After reviewing the minutes of the *July 14, 2014 & July 21, 2014* meetings, Chad moved to approve them. Dave seconded the motion and it carried, 2-0.

CLAIMS APPROVED

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

HIGHWAY BUSINESS – ZACK SMITH & MARK GOODRICH **PETITION TO RESURFACE LEMPER ROAD**

Mark said they received a petition last week in the mail to resurface Lemper Road, which has already been started. Zack said it is a petition with over 100 signatures but there is no contact information. He said he took the first signature and called them this morning and let them know it had been in the process for the last three weeks and he let them know about our schedule for resurfacing. Mark said the petition said the holes are beyond repair and the edges of the road were so torn up that it is hard for two vehicles to get down the road at the same time and something needs to be done. He said they hadn't been down there since school was out and they didn't know it was being worked on.

CONSTRUCTION UPDATE

Mark said they got lifts on 600 S last Monday and hopefully that will help keep the road from sinking so bad and extend the life.

SALT BID

Mark said the salt bid came in last week and it was higher than he had anticipated. He said last year we paid \$62.00 a ton and it came in at \$99.00 a ton this year, so we will have to make some adjustments on our budget for next year. Mark said the salt problem last year wasn't the salt supply, it was the transportation. He said they just couldn't transport it fast enough.

NEAR ACCIDENT

Mark said Dave asked for some information on the near accident and the driver's record. He said during the winter he was on 150 E when he came through a white out and two trucks had hit head on and he did a remarkable job in keeping from creating major problems there. There was discussion that the driver has done a good job at avoiding major accidents. Mark said the recent accident could have been a major accident if he hadn't taken evasive action. He said the near accident happened last week when our driver was headed east on State Road 8 and a semi turned south in front of him. Chad said our driver was fully loaded and put the truck in the field. Mark said there was very little damage to the truck. Dave said near misses would be an excellent topic in their safety meetings.

TRASH CANS IN DITCHES

Dave asked what happens if someone hits one of the trash cans that people put in the ditches. Dennis said the landowner would be liable because it is in the right-of-way.

BRIDGE #70 – Zack reported that the preconstruction meeting will be held 7/30/14 at 1:00 P.M.

BRIDGE OVERLAYS – Zack said the pre-construction date is yet to be determined.

BRIDGE #147 - The RFP's are due August 15-August 19.

NEW DISTRIBUTOR – Zack said the new distributor seems to be working very well now that it is all tuned in. He said we have 12 or 15 miles of chip and seal underway.

LPA CALL FOR PROJECTS – Zack said he is still looking to this winter for LPA calls. He said he is re-evaluating all of our bridges and we should have a full program when that comes around.

UNDERGROUND STORAGE TANK – Zack said he talked to Jackie and it seems the easiest way to deal with this is to go local option and not create a new fund, but have an itemized line item in an account where it is for the underground storage tank. He said then it is the money that is part of the balance of money that gets rolled over every year and probably won't ever be touched. He said they turned in the paperwork and will have to figure out in the next month or two what funds they will use for it.

TITLE VI/ADA – Zack said last week they held the first annual Title VI and ADA committee meeting where they addressed all of the compliance issues to secure federal funding in the future.

AID SUBMISSION – Zack said he finally got the AID submission done this week. He said we hadn't submitted a federal grant since 2010 so we were in the inactive status. Zack said in order to get that updated he had to make himself the authorized representative and update our whole system for account management.

CR 1000 E SPEED LIMIT- Zack said when he leaves here he is going to go install the traffic and speed counters.

OBSTRUCTION IN ROADWAY (400 S) - Zack said they still can't find the person that did this (dumped dirt on road) so he will have to send the property owner a letter. He said they have stopped there several times and can't get ahold of anyone. Zack said it is well documented.

TRASH BEING DUMPED ON COUNTY ROADS – Zack said they are getting complaints about trash being dumped on county roads. He said there is nothing we can do unless we catch them in the act. Chad said we could see if there is anything with a name on it in the trash.

UPPER LONG LAKE COMPLAINT RE: ACCESS – Zack said they had a complaint on Upper Long Lake. He said there is an access site there that looks like it is currently county right-of-way even though it is not on our road maintenance program. Zack said the complaint was that there are people that don't belong to the association going out there at night time doing some shady things. He said they would like to know if they could install a gate close that down for people that aren't in the association. Dennis said maybe someone should ask to vacate it. Chad said he didn't know that he would want to block it off. Dennis said not as long as it is public. Zack said if they vacate it then it would no longer be public. Chad said they could create an easement.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 9:28 A.M. and reconvened at approximately 9:39 A.M.

ROAD RIGHT-OF-WAY DEDICATION

Nathan Miller, Plan Commission Director said there are two subdivisions that have been approved by the Noble County Plan Commission. He said they need to have acceptance from the Commissioners for the road right-of-way dedication.

EGOLF'S ESTATES – Ryan Weber, Surveyor for Egolf's Subdivision presented the plat and explained that there is an additional 10' of dedicated right-of-way. Chad moved to accept the additional road right-of-way for Egolf's Estates. Dave seconded the motion and it carried, 2-0.

BAILEY ESTATES – Nathan Miller, Plan Commission Director presented the plat for Bailey Estates which he said is granting the 30'. After some discussion Chad moved to accept the additional road right-of-way for Bailey Estates. Dave seconded the motion and it carried, 2-0.

CLERK'S REPORT – JUNE 2014

The Clerk's Report for June 2014 was submitted, (H.I.).

TOWN OF ALBION – LEACHATE DISPOSAL AGREEMENT

The Commissioners received an email from Beth Shellman, Albion Town Manager regarding revisions that need to be made to the current leachate disposal agreement, as well as a copy of a response to Beth from Chad, (H.I.).

TRANE – CONTRACT RENEWAL

The Commissioners reviewed the contract renewal which TRANE has submitted, (H.I.). After talking to Phil Jacob, Head of Maintenance Chad moved to approve the three year contract for TRANE for service to all of the Air Handlers for heating and cooling for \$14,769.00 a year. Dave seconded the motion and it carried, 2-0.

NOBLE COUNTY SOIL & WATER CONSERVATION DISTRICT (SWCD) - LANDFILL COVER INSPECTION

Stacey McGinnis, Manager of the Noble County SWCD submitted a letter indicating that she had completed an onsite review at the Noble County Landfill on July 17th and the overall cover at the landfill is in excellent condition, (H.I.).

IDEM – QUICK TANKS, INC. – PERMIT RENEWAL

The Commissioners received notice from IDEM that Quick Tanks had applied for a renewal of their Minor Source Operating Permit, (H.I.).

JUNE STRAYER – APPOINTED TO BEAR, HIGH, WOLF LAKE REGIONAL SEWER DISTRICT BOARD

June Strayer submitted a letter indicating she is interested in serving on the above referenced board, (H.I.). Chad moved to appoint June Strayer to the Bear, High, Wolf Lake Regional Sewer District effective August 1st. Dave seconded the motion and it carried, 2-0.

UNSAFE BUILDINGS

Dick Adair, Building Inspector was present for the Unsafe Building portion of the meeting. In each case, Chad and Dennis Graft explained to the property owners/representatives that when a property is condemned no one can live in the home until it is up to standards and that a time would be set for them to come back with a plan, or to show that progress has been made if they already have a plan.

DENNIS RINGLER, KNAPP LAKE – Dennis Ringler was present. Dick said Mr. Ringler has two parcels on Knapp Lake, one on April Drive and the other on May Drive. He said they have been in a state of disrepair for a number of years, even before he bought them. Dick said they have had complaints on them through the years. He said Mr. Ringler sold the property on

contract to another gentleman who failed to perform, so he has them back. Dick said his desire is to try to repair them. He said they have communicated with Mr. Ringler a number of times. Chad asked if there is a house on each property. Mr. Ringler said the house on April Drive he thought he could repair and it turned out to be more than he had expected. He said it has four add-ons and there is water damage. Mr. Ringler said the other house has at least 8' of the east end that would need to come off of it and possibly 16'. He said he pretty much wants to go back to the original building on both of them. Mr. Ringler said he has drawings of what he wants to tear off. He said the house on May Drive he wants to turn into an out building to store equipment in, and the one on April Drive he wants to tear half of it off and redo it. Mr. Ringler said he has drawings of what he wants to do which he is going to take to the Building Department to get permits for and he explained his drawings to Dick. When asked, Mr. Ringler said he could get the mess torn out within 60 days. Dennis said the Commissioners could set it for 60 days to see if he is in compliance with tearing down what needs to be torn down. Chad moved to condemn the property and have Mr. Ringler come back on September 29th to see if any progress has been made on the property on 0771 S May Drive and on 0770 S April Drive. Dave seconded the motion and it carried, 2-0.

REX & RENEE OTT, STATE ROAD 109 – Dick said this house was condemned about a year ago. He said he received a call from the Sheriff's Department that they did a drug bust at that house, and asked him to condemn the house because of the drug activity that was going on inside. Dick said he condemned it and they sealed it up, and at this time Mrs. Ott holds a mortgage on the property and her desire is to clean the house up and restore it. Rex and Renee were present at this time. When asked, Renee said they have a mortgage on the property through People's Federal. Dennis asked if they have talked to anyone about cleaning the house. Renee said she had talked to someone about having it tested. Dennis asked if they had any idea how long it would take them to start the process for what they are going to do. Rex asked what options they have. Dennis said there are several options. He said they could tear it down or refurbish it, and that is the first thing they need to decide. Chad said the plan could even be that they are planning on selling it with the intent that the buyer would do something. He said there needs to be some kind of plan and the Commissioners need to know in X amount of days what the plan is. Chad asked Rex and Renee if they thought they could have an idea of what they want to do in the next 90 days, and show some kind of progress of what that is going to be. Renee asked if they tear it down if it has to be hauled away or if they could burn it. Chad said they could burn anything that is a natural wood product. After further discussion Chad moved to fully condemn the property and to give Rex and Renee until September 8th to fully develop a plan. He said they could submit it to Dick sooner if they want to. Dave seconded the motion and it carried, 2-0.

PHILLIP COFFEY, HIGH LAKE – Phillip was not present. Dick said he has not had much response from him. He said the house flooded severely back in 2007, 2008 & 2009. Dick showed the Commissioners pictures that he had taken on Friday. He said it has been unattended and open and there has been no response about sealing it up. Dick said Mr. Coffey lives in Chicago and he must have received his letters because they hadn't come back. Dick said the neighbors have been mowing the yard periodically. Dave asked when he was first notified. Dick said in 2010. Dick said all of the property owners signed the complaint. When asked, Dick said he didn't have proof that the certified letter sent July 16th was received. Auditor Jackie Knafel found that the notice was received in the Chicago facility on July 18th at 8:21 A.M. and we don't have a delivery signature. Dennis said he thought this should be tabled until next week to see if

we have something more. Chad moved to table it until next Monday at 10:00. Dave seconded the motion and it carried, 2-0.

EDMUND JONES, BRIMFIELD – Edmund was present. Dick said this one sits on the corner of Railroad Street. He said you can't even see the house because trees are grown around it. Dick said he got in and took a couple of pictures Friday. He said he is pretty sure it is not repairable. Dave asked Edmund if he agreed with that. Edmund said it is not repairable, and he has been trying to raise the money to get it torn down for the last three years. Dennis asked Edmund if he had a plan to tear it down and if so if he had a time table. Chad asked Edmund if he thought he could make some progress within 60 days of removing the structure. Edmund said he could. He asked if he tore the building down if he could put another building on the property. There was discussion about requirements that would have to be met. Dave asked Edmund if he could show some progress in 60 days. Edmund said he would get started on it. After further discussion Chad moved to condemn 1238 E Railroad Street and allow 60 days for progress for the demolition and that he should be back here on September 29th at 10:15 A.M. Dave seconded the motion and it carried, 2-0.

PATSY PANYARD, HIGH LAKE- Dick said the address is 5605 W Walters Street, Albion Indiana. He said the son is purchasing this from his mother and he is trying to make repairs on it as we speak. He said he wants to try to save the cottage because it has been in the family for years. Dick said he thinks some of the neighbors have been kind of pesky because he gets about four or five broken windows every year and he has found bricks inside the house. He said it only gets mowed once or twice a year. Dick said his desire is to get it back into living condition. He said it doesn't have a functional bathroom and he is not sure the well works. Dick said he told him there are two wells on the property and the one does work and he is going to hook it all back into the house. He said he cautioned him about the increase in value greater than 50% because it is assessed at \$9,700.00. Dick said if he does enough work that he increases the value then he is in violation of the flood ordinance and he would have to elevate the house 2 feet above the base flood elevation. He said if he tears the house down he is not sure if he could even re-build there. Dustin Starr, Patsy's son was present at this time. Dick said he had updated the Commissioners on the cottage and they are aware of the problem with broken windows. Chad asked Dustin if he would agree that the home is in substandard condition. Dustin said they unhook the well in the winter and he is going to have that up and running. He said it needs some insulation on the inside and it would be suitable for living. Dennis asked Dick if Dustin had discussed with him what he wants to do. Dick said he wants to try to get it livable for approximately 2 years with a future plan of maybe removing it and trying to get a new one on site. Dennis asked Dustin what his time line would be as far as getting it livable. Dustin said he is guessing about 60 days. He said they replaced the windows last year and this year they have been shot out with a BB gun. Dustin said he put in brand new Pell windows. Dennis asked Dustin what he would do in 60 days. Dustin said he would repair or replace the broken windows. He said he has repaired the roof. Dustin said the old hand pump well that was exposed does have a cover on it now. He said he has mowed the yard. Dennis asked Dick if he had a list of things that he wants Dustin to do. Dick said he needs to get proper doors and windows so they secure the house; finish repairing the floor; get a proper kitchen sink with working area; hot and cold running water; functioning bathroom; floor in bathroom and in the kitchen need mopped and sanitized; doors on bedrooms. Dennis asked Dick to put a list together of what he wants Dustin to do and send it to Dustin and a copy to him. Chad told Dustin the Commissioners don't expect everything to be completely done in 60 days, they just need to see some substantial progress in making the home

livable. After further discussion Chad moved to condemn the property and have Dustin come back on September 29th to show that he has made progress. Dave seconded the motion and it carried, 2-0.

**AUDITOR - PURCHASE OVER \$500.00 –
DRAIN CALCULATION INTERFACE**

Auditor Jackie Knafel said she received an email from Low Associates who does her software for payroll and financial, (H.I.). She said they have come up with a DrainCalc Interface that would create a file and she could download it into her system, and then Sheri wouldn't have to go through them at tax time. Jackie said it is \$3,500.00 for the module they have to put in and it is \$720.00 a year for maintenance. Jackie said she had checked with Dave Baum and he is okay with it and has the money in his budget if we get it. She said Randy and Sheri are okay with it too. When asked, Jackie said it will create a file on Randy's side for the drains and he will send it to her and she will download it into her system and it will automatically make the changes in the Drainage System. Dave asked if the first year's maintenance would be included. Jackie said it would start with the first year of installation. Chad moved to approve the purchase from Low Associates. Dave seconded the motion and it carried, 2-0.

INNKEEPERS TAX FORM

Jackie said she had gone through the Innkeepers Tax thing and she didn't see anything wrong with it. She said we do need to come up with a form. Jackie said they had always sent them from the Visitor's Bureau. She said she checked with Tammy White from the state and we don't need any pre-approval for the form.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 11:11 A.M. recessed from day to day until the 4th day of August, 2014 on a motion made by Chad and seconded by Dave which carried, 2-0.

Gary D. Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor