

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD JULY 9, 2012**

Comes now the hour of 8:31 A.M. on the 9th day of July, 2012, 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:

Joy Y. LeCount, President
David J. (Dave) Dolezal, Vice President
Jack W. Herendeen, Member

Also present were:

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

EXECUTIVE SESSION ANNOUNCEMENT

Joy announced that the executive session was concluded and that no decisions were made.

HIGHWAY BUSINESS - MARK GOODRICH

**NEW TRUCK DRIVERS - MIKE
MARKS & ANTHONY GEARY**

Joy asked Mark if he had any recommendations for a truck driver. Mark said he would recommend Mike Marks and Anthony Geary. He said he had contacted the employers that would allow it and had checked their references. Mark said he attempted to talk to others that might know them.

Dave said he would like to see police checks done. Mark said he would contact them and tell them their employment is subject to a police check and a drug test.

Jack said with Mark's recommendation he would move to approve hiring the two new employees at the Highway Department as soon as possible. Dave seconded the motion and it carried, 3-0.

TIPPMANN PROPANE HAMMER (POST DRIVER)

Mark presented a quote for a Tippmann Propane Hammer in the amount of \$1,995.00 and an additional \$100.00 for an adapter, which he and the Commissioners discussed. Dave said it has a 700 pound driving force. Joy read from the internet that you could drive up to 200 T-Posts with one 14 ounce propane tank. Jack asked what kind of guarantee it has. Mark said he didn't know and that he would get more information. Dave said it is supposed to drive posts into hard,

dry, frozen and rocky ground. Jack asked Mark to call them and see if they would bring one up and give a demonstration.

BUCKLED ROADS - EAST UNION STREET IN LIGONIER & ALBION ROAD

Mark presented pictures of East Union Street that had buckled, (H.I.). Jack asked how they corrected the problem. Mark said it was buckled enough that they took the grade-all and pushed the stuff out of the road. He said the base was perfectly level. Mark said they put gravel in it. He said he checked on it Saturday afternoon to make sure the gravel was sitting real well. Mark said they would probably leave it gravel until they get chip sealing done, and they would probably deep patch it with hot mix.

Dave said he was surprised that there aren't more roads like that. Mark said there is another one on the Albion Road but it isn't as bad. He said they were going to try to cut it and see if they can push the hump down if it is just the asphalt, and then crack seal it.

TRUCK #9

Mark said truck #9 is back from Vomac and running.

MOWING REPORT

Mark said they are all done with the mowing with the exception of part of Elkhart Township. He said they won't mow again until they are done with chip sealing which will be about three weeks.

STORM DAMAGE & SAFETY ISSUES

Mark reported that most of the storm damage is off the road. He said they still have some work to do and some of it is in LaOtto. Mark said the work crew will be back Tuesday and they will start again.

Joy asked if the work crew knows about the safety issues when they are using the chipper. Mark said they are trained. He said when they get new people on the crew they have them watch a video on the chipper that explains the hazards of it. Mark said 90% of the time the guard is behind the operation so he is right there where he can watch them.

HIXSON SAND & GRAVEL CLOSING

Mark said that Hixson Sand and Gravel is having an auction and selling their Kimmel plant at the end of this month. He said we might have to work something else out for our pug material and salt & sand mix. Mark said we had three guys hauling out of there all of the time for the winter material because it worked well. There was discussion about how the sale might affect the Highway Department.

SPEED LIMIT SIGN NORTH OF LAOTTO

Dave asked Mark about the speed limit sign on old SR 3 that needs replaced. Mark said he told Wayne this morning that it had to be done, and Wayne was on his way out to mark it for locates. He said Wayne's excuse was that the pounder had been down and he hadn't been able to drive posts. Mark said he was going to get with the shop and have them make a manual one.

CR 150 E: SR 8 TO US 6 FEDERAL

AID PROJECT DENIED BY INDOT

Joy told Mark the Commissioners received notice that the above referenced project was not selected by INDOT this year for federal funding, and that the project could be submitted for federal funding again next year, (H.I.).

CR 225 E, Bridge #134 OVER CSX RR APPROVED BY INDOT FOR FEDERAL AID

Joy told Mark the Commissioners received notice from INDOT that the above referenced project has been approved for federal funding in the amount of \$428,800.00, (H.I.). The letter outlined the steps that need to be followed.

CHIP & SEAL

Jack asked Mark where they are going to start chipping today. Mark said they will start on CR 150 E at CR 125 N. He said they would do a double on the first half of a mile and then they will move up to SR 8 and head north.

MAUMEE RIVER BASIN COMMISSION & NOBLE COUNTY VISITORS CENTER BUDGETS

Auditor Jackie Knafel said the Commissioners had originally put \$6,500.00 in their budget for the Maumee River Basin Commission. She said she got a request from them and they requested \$6,121.00. Jackie said she got a request from the Ligonier Visitor's Center and they asked for \$400.00 and we only put in \$300.00 for them. She said she switched them around and we are still ahead. Jackie asked if that was okay and the Board agreed it was.

MICK NEWTON, EMA DIRECTOR – BURN BAN

Mick and Terresa Griffiths, Deputy EMA Director came before the Commissioners to discuss the status of the burn ban. Mick presented some burn ban assessment information which is a map that showed that Noble County is in a state of drought that is expected to persist or intensify, (H.I.).

Mick said there had been 17 grass fires in the last week. He said he talked to four fire chiefs, and their recommendation is to let the burn ban stand. Mick said four counties had lifted their burn ban in the northwestern part of the county. His recommendation was to leave the burn ban on. The ban was not lifted.

There was discussion as to whether there is a fine associated with failure to abide by the burn ban. It was determined that there is not, but the fire departments can charge extra for going on fire calls.

Sheriff Doug Harp was present. Joy asked him how many calls they had received about people burning. Doug said they have had some, but not a whole lot. He said they refer them to the fire department. Doug said they have people calling and asking what the consequences are and they tell them there really aren't any.

PAYROLL TO BE PAID 7/12/12 APPROVED

After reviewing the payroll from 6/15/12 - 6/28/12 to be paid 7/12/12 Dave moved to approve it. Jack seconded the motion and it carried, 3-0. The Commissioners complimented the Sheriff on keeping his overtime down.

TOWN OF ALBION - INVOICE FOR LEACHATE DISPOSAL FROM LANDFILL

The Commissioners received an invoice from the Town of Albion in the amount of \$390.00 for the disposal of 6500 gallons of leachate from the landfill, (H.I.).

SHEREE FRITZ - REQUEST TO USE 5 DAYS VACATION EARNED IN 2011

Joy said the Commissioners received the above referenced request, and that apparently there is some confusion as to when the employees are eligible for their third week of vacation. Dave asked if that is shown on our paychecks. Jackie said it is not. She said she thought the computer system has the capability to do that, and she thought Mary (Deputy Auditor in charge of payroll) had tried it at one time. Jackie said typically we don't have to remind anybody how many vacation days they have. Dave asked if Mary has to track all of that manually. Jackie said the employees put it on their time cards and Mary verifies it. Dave said it is a nice feature to have to be able to go in and see that. Dennis said that is something you could have on your program.

Dave moved to verify the eligibility and if Sheree is due a week of vacation from last year that it should be allowed to be used during the remainder of this year. Jack seconded the motion and it carried, 3-0.

Jackie said she would check with Low about the program. Dave said he thought once they got used to it, it would be a lot easier. Jackie agreed.

DISCUSSION RE: NEW PHONES

Joy asked Jackie about the new phone system. She said she had received an e-mail from a department head that wanted to know if there would be training. Jackie said she usually grabs her old phone and uses it. She said there is something on our computers that is like a "tutoring" but she didn't know what the person in charge's intention is on training. When Joy asked, Jackie said she doesn't have trouble using the basics.

DAVE BAUM, IT – PHONES

Dave said he thought they had phones on every desk now. He said they are trying to do transitions, but Frontier is taking about a month to switch over.

Dave said the wiring at the South Complex is about done.

Joy asked once the phones are all operable if they are going to have some kind of training for the employees. Dave said when the phones are switched over in each department they are giving those employees training at that time.

IDEM - CONFINED FEEDING OPERATION PERMIT

APPROVED FOR DEVON G. & LOU ANN TROYER

The Commissioners received a copy of a letter from IDEM to the Troyer's informing them that their permit application had been approved, (H.I.). They also received a copy of a letter from IDEM to Jim and Roxanne Annis answering questions and concerns they had about the permit application, (H.I.).

ASSOCIATION OF INDIANA COUNTIES, INC. (AIC) - COUNTY HEALTH INSURANCE TRUST

The Commissioners received a letter from the AIC informing them that there is an increased interest in a county health insurance trust, and they are gathering data to determine interest, coverage and premiums for a county health insurance trust, (H.I.).

Joy said she didn't know if this is a state-wide thing or not. She said they are asking for a lot of information, and they want it on or before July 12, 2012 and we didn't receive the letter until July 5th. Jackie said she would see what she could do about getting the information for them. She said she thought this had been looked into once before without success.

After further discussion Dave moved to approve the authorization letter for AIC to get the information they need. Jack seconded the motion and it carried, 3-0. Jackie prepared the letter for Joy's signature, (H.I.).

HIGHWAY BUSINESS CONTINUED – MIKE FITCH

QUOTES FOR BROOKSIDE ESTATES CONCRETE REPAIR

Mike said he sent out quotes for Brookside Estates concrete repair. He said he only sent out for quotes on the concrete removal and replacement portion because the Highway Department can do the crack sealing and some of the other minor repairs.

QUOTES FOR STRIPING CONTRACT

Mike said he sent out quotes for striping for sixty some miles of road. He said it is for Phase 1. Mike said when they get the chip and seal projects done they will do Phase 2.

BRIDGE #134 PROJECT & CR 150 E PROJECT

Mike said he hadn't received anything regarding the funding on bridge #134. Joy said the Commissioners received a letter. She said they approved the amount we had requested. Joy said they also sent us a letter that they denied our request for CR 150 E. She said she would make Mike copies of both letters.

CHANGES IN INDOT EMPLOYEES

Joy told Mike about a letter she had received telling about changes in employees at the INDOT districts. She said she would give Mike a copy.

BRIDGE #70

Mike said he had talked to Toby (Toby Steffen from Beam, Longest & Neff) a little bit about bridge #70. He said he knew that it passed the federal highway funds, but he didn't know how soon INDOT would open up for new projects for bridges. Mike said he thought maybe we should revisit doing it with local funds. Joy said she thought it would cost us less money in the long run.

Dave asked if the fact that we received additional funds for bridge #134 affect the future. Mike said the problem he has with the proposal is that the piling is the problem because it is deteriorating. He said the recommendation to fix the piling is to remove the bridge deck to replace the piling. Mike said the bridge deck is in fairly good condition and he has a problem with tearing up a fairly good bridge deck that could probably go another 20 years to fix the problem. He said he told Toby he wanted them to come back with something where we can fix the piling and not have to tear up the bridge deck. Mike said Toby said he would have to get in touch with the engineers. Mike said he wanted them to convince him that there is just one solution. Mike said it is an access issue. He said they have to get under the bridge to fix them without tearing the bridge up. Mike said his thought was to put steel casing bands around the piling. He said Toby's engineers hadn't gotten back with him yet. There was discussion about using helical piles. Mike said he told Toby he thought we could do this with local funds if we could find a cheaper way. He said he is not opposed to doing it with federal funds and doing it correctly and fixing the bump at the railroad, but the project started out at three hundred and some thousand and went up to almost \$800 thousand.

Joy said the county is at a point where we have to decide if we are willing to make the impact that it is going to make, or if we are going to continue to let the railroad own them (bridges). Dave asked if the additional money included acquiring right-of-way. Mike said it did. Joy asked if there was enough for a buy-out. Mike said he specifically asked them and they said there was sufficient money for a buy-out. He said he pressed them hard about that. Joy read from the letter that there would be no additional funds for this in the future.

Dave asked how long CSX could hold up the process by never responding. Mike said it is to their advantage to keep this moving.

COBBLESTONE PHASE III ROAD ACCEPTANCE

Mike asked Dennis if he had heard anything about the roads in Cobblestone Phase III. Dennis said he had all of the Commissioners minutes regarding Cobblestone, and there was nothing in them to indicate they were approved. Dennis read from a copy of a letter he had from the City of Kendallville which said that they had issued building permits based on the fact that the Highway Department had issued driveway permits.

Mike said he thought there was some misunderstanding about issuing driveway permits for Phase III. He said Charisse (Highway Department Secretary) was never told not to issue permits for Phase III. Mike said he thought there were some loopholes in the planning agreement that need to be tightened up. Joy said the contractor had not met their requirements.

ROAD PLANS

Joy asked Mike if the Commissioners took the three-year road plan that he and Mark Goodrich had been working on, how much it would cost to implement it over a two year period if we had the money. Mike said he thought it would take about \$3 million per year for 3 years to catch up. He said after that it would take about \$1.5 million to retain them. Joy said if we had all of the repairs made, if we would then be taking in enough money each year to keep them

repaired. Mike said he thought we would be about half a million dollars short per year to maintain a level of fair or better roads.

Mike said once they get the reconstruction done, which is the most expensive part, then the cost will come down per year. He said the problem is that there hasn't been money to keep the reconstruction done and the roads keep getting worse and worse. Joy asked Mike to make a list of the roads he would work on if we had the money. Mike said we might have to turn some of the roads back into gravel.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:07 A.M. and reconvened at approximately 10:24 A.M.

CEDIT FUND DISCUSSION **PARKING LOT, WINDOWS, CARPETING** **AND RECONSTRUCTION AT SOUTH COMPLEX**

Joy asked when the quotes would be in for paving the parking lot at the South Complex. Jack said they are to be in by Friday afternoon and they will be opened on Monday.

There was discussion about replacing windows and carpeting at the South Complex, the reconstruction that will be done, and how much money would be needed from CEDIT for the parking lot paving and the updates to the interior.

LOG JAM ON ELKHART RIVER

Jack asked if there is anything that can be done to whoever cut the centers out of some of the logs on the Elkhart River and let them float down the river. He asked if they shouldn't have to get permission to do that. Joy told Dave that someone had cut the centers out of the trees assumeably so they could get their canoes down the river. Joy and Jack talked about the fact that when they go to remove the logs they will have to deal with pieces of trees now instead of just pulling out the whole tree. They don't know how many trees were cut. Dennis asked if they knew who cut the trees and when they were cut. Joy said she had an idea of who might have done it. She said they had been cut pretty recently.

ACTION TO BE TAKEN ON UDO

Joy asked Jack and Dave when they want to take action on the UDO (Unified Development Ordinance).

Dennis said the Commissioners have two options. He said they could not do anything and plan G would be approved, or the Commissioners can adopt it with their amendments.

Joy said if the Commissioners adopt the amendments, there is a whole list of requirements that have to take place once that happens, and she asked what they were. Dennis said he would look them up. Joy said there are some advertising requirements. Jack asked if the Commissioners approve their amendments if it goes back to the Plan Commission. Dennis said

it doesn't. Joy said there would be some work that Brad would have to do and she said she didn't know if that was going to cost us extra money. Dennis had correspondence from Brad Johnson from Ground Rules that indicated there would be no additional money requested above what was discussed last week (\$5,840.00).

The Commissioners will take action on the UDO on July 23, 2012 at 10:30 A.M. There was further discussion about what would need to be done after adoption of the UDO.

Joy asked Dennis to let Brad Johnson know that the Commissioners approve of the amendment to the Ground Rules contract with the County that he had sent to Dennis. Dennis called Brad and asked him to send us an original of the amendment that he has signed.

LANDFILL DISCUSSION

Joy said the Commissioners need to make the semi-annual inspection of the landfill. Dave asked if Alan had been doing them in the past. Joy said he hadn't been. Jack said Alan called him Thursday and said he had all of the dirt leveled out on the north end and it is all ready to seed. The Commissioners will inspect the landfill on July 30, 2012 at 1:30 P.M.

MINUTES APPROVED

Jack said he had read the minutes of the *November 28, 2005* meeting and they are correct to the best of his recollection. Dave moved to approve them. Jack seconded the motion and it carried, 3-0. After reviewing the minutes of the *June 25, 2012* meeting Dave moved to approve them. Jack seconded the motion and it carried, 3-0. The Commissioners made corrections to the *July 2, 2012* minutes. Jack moved to approve them as corrected. Dave seconded the motion and it carried, 3-0.

DIVIDEND CHECK DRAWN ON BANK OF NEW YORK

The Commissioners asked Auditor Jackie Knafel if she had found anything out about the check the county received that was a dividend check in the amount of \$1300.00 drawn on the State of New York Bank for Ideal Mutual Insurance. (See June 25, 2012 minutes). Jackie said she still has the check and she called and talked to a lady and the lady e-mailed her on June 27th and said they had requested the liquidation file so they could find out what the check is for. She said she hadn't heard from them again so we still have a hold on it.

ASSESSOR – NEXUS CONTRACT FOR REASSESSMENT

Kim Gephart, Assessor said she agreed that we should send Nexus something to get them up here. There was discussion about a claim that is being held for them and the fact that Nexus will have a fine to pay because of not being done when they were supposed to. Kim said the ratio study is late and they haven't brought all of the property cards back yet. She said the commercial and industrial cards are not back yet. Kim said when they brought four boxes of cards in they had three or four townships in one folder and not in any order. She said they have stopped working and her goal is to proceed and get done with Noble, as she would think they would want to.

Kim said she didn't know if Dennis would want to e-mail them and ask them if we send them some money if they would get back on it and make it a priority.

Joy said we owe them \$261,000.00 and they say they are 89% complete. There was discussion about violations of the contract.

Dave asked if the DLGF (Department of Local Government Finance) can tell us we have to pay. Dennis said they could say they don't see any problems or whatever. He said if they do that then there is a resolution procedure. Joy said the contract says we pay after Kim says to. Kim said she agreed the last time that they were about 86% complete, but we are not satisfied. Dennis said it is part of the contract that it should be done appropriately too. Joy said she didn't know how many people they had working on our job. Kim said they had three according to the e-mail she got the other day. She said she is not going to send them back out to do anything because it will never come back. Kim said they (Assessor's Office) are going to do their own site visits at this point. She said it is just what they have now to bring in. Kim said there are many that we have sent out for verification and Nexus never answered their questions.

After further discussion it was determined that the Commissioners would not pay any more money until after the hearing. Dennis asked Kim to put together an outline for when they go to the hearing so she can go right through it at the hearing.

Joy asked Kim how much she thought the reduction in assessed valuation would be. Kim said the AV's have gone down a lot. She said because of reassessment the commercial and industrials have gone down about 30%. Kim said the residential values have gone up and farm land went up.

Jackie was told to continue to hold the check for NEXUS.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 11:35 A.M. recessed from day to day until the 16th day of July 2012.

Joy Y. LeCount, President

David J. Dolezal, Vice President

Jack W. Herendeen, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor