

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD AUGUST 13, 2012**

Comes now the hour of 8:31 A.M. on the 13th day of August, 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

**GIS PROGRESS REPORT & JONATHAN
MITCHELL'S CONTRACT POSITION**

Steve Hook, GIS Director came before the Commissioners to give them a progress report on what the individuals in his department have been doing, which he reviewed with them, (H.I.). Steve reported that he has had very few complaints about the Beacon Website.

Steve told the Commissioners about the accomplishments of Jon Mitchell, his contract employee and how valuable his work has been. He told the Commissioners that Jonathon has accepted a new position in Washington D.C. and Friday was his last day. Steve said he is going to go to the Council to try to keep the position so he can find someone else to do the job.

Jack asked Steve if this is going to put him in a bind until he can get someone to replace Jon. Steve said the application he is mainly concerned about is the one that the Highway Department is using. He said he thought he was at a point where he could work on it a little bit, but he doesn't have all of the knowledge that Jonathan has gained. Steve said he thought he could catch up with it.

**DECLARATION OF COUNTY TAX RATES
FOR FISCAL YEAR 10/01/12 – 9/30/13**

The Commissioners received a copy of the above referenced declaration, (H.I.). Auditor Jackie Knafel said she got some good news. She said on the website it said our CAGIT and CEDIT figures are both up to the tune of \$200,000.00 - \$300,000.00, so we should be getting more money this year than we have been.

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

MICK NEWTON, EMA DIRECTOR -

ADVISORY COUNCIL REPRESENTATION

Joy read the letter aloud that was received from Mick regarding the need for a person to be appointed by the Commissioners as a representative to the County Emergency Management Advisory Council, (H.I.). Joy said the Commissioners representative is David Dolezal.

Jack moved to approve for Joy to draft a letter designating David as the Commissioners representative. Joy seconded the motion and it carried, 3-0.

PITNEY BOWES - TABLE FOR POSTAGE MACHINE

Auditor Jackie Knafel said she had met with Pitney Bowes, because the table that the postage machine sits on is from the old postage machine and it is not big enough. She said we never got a new table with the new postage machine. Jackie said part of the machine fell the other day. She said when Pitney Bowes came to service the machine, the service man reported back to the new people and they came Thursday and talked to her and Mary (Deputy Auditor) about it. Jackie said we really need a new table. She said Pitney Bowes assured her that any new postage machine would fit on the table they have proposed. Jackie said it is a piece of furniture and would be left with the county if Pitney Bowes leaves. She said to get it on a lease would cost about \$1254.00 and to buy it outright would be \$1171.00. Jackie said she would rather buy it outright and save the money.

Dave moved to approve the purchase. Jack seconded the motion and it carried, 3-0. Jackie said she would check with the Recorder to see if she could use the old table for the new scanner she just got.

Jackie said they also talked at length about postage. She said she is going to gather some information about bulk mailings that we do such as the Assessor's form 11's, the Extension Office at 4-H time, etc. Jackie said they thought we could potentially save some money on postage. She said we are also going to check into certified mail because we spend more on certified mail in a month's time than we do on regular postage by about \$3,000.00. Jackie said we should be able to get the certified mailings down by about a dollar per piece. She said it is \$5.75 a piece, and more if it is a bigger envelope.

USED VEHICLES AT SURVEYOR'S OFFICE

Joy said she received an e-mail from Nathan Miller from the Surveyor's Office with regard to the used vehicles that they have to get rid of. Jack said that was brought up last week and we had told them they could sell them on line. Dennis said they were told to go on Craig's List. Jackie said Nathan has his own account for Craig's List and she asked if that is how he was told to proceed, or to set up an account for us. Dennis said that wasn't discussed.

TOWN OF ALBION – INVOICE FOR DISPOSAL OF LEACHATE FROM LANDFILL

The Commissioners received an invoice from the Town of Albion in the amount of \$390.00 for the disposal of 6,500 gallons of leachate from the landfill, (H.I.).

CLERK'S REPORT – JULY 2012

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

IDEM – KENDALLVILLE IRON & METAL - PERMIT RENEWAL

The Commissioners received notice from IDEM that they had approved a permit renewal for Kendallville Iron & Metal for their processing facility in Kendallville, (H.I.). They also received notice that the permit renewal was advertised in the Kendallville News-Sun and that a copy will be on file at the Kendallville Public Library for the next 20 days because the permit can be appealed, (H.I.).

TREASURER'S REPORT – JULY 2012

The Commissioners received a copy of the Treasurer's Report for July 2012, (H.I.).

NOBLE COUNTY CONVENTION & VISITORS BUREAU – OFFICIAL APPOINTMENT FORM FOR TRACY DUNCAN FOX TO REPRESENT COMMISSIONERS

The Commissioners received a letter from Sara Hobson, on behalf of John Bry Executive Director of the Noble County Visitors Bureau, requesting that they complete and sign the appointment form for Tracy Duncan Fox (appointed April 23, 2012) to be their representative to the Bureau's Board. Joy said this should be held until next week.

MINUTES APPROVED

After reviewing the minutes of the following meetings and making corrections as needed the Commissioners took action as follows: *August 6, 2012 executive session* - Jack moved to approve them. Dave seconded the motion and it carried 3-0; *August 6, 2012 regular meeting* - Dave moved to approve them as corrected. Jack seconded the motion and it carried 3-0; *August 8, 2012* - Dave moved to approve them as corrected. Jack seconded the motion and it carried 3-0.

UDO DISCUSSION

Joy asked Jack and Dave if they had received the corrected UDO. They said they had received it on-line. Joy said she thought the Plan Commission would be discussing it on Wednesday night. She asked Jack and Dave to try to get through it before Wednesday night.

The Commissioners then reviewed and discussed part of the newest version of the UDO.

HIGHWAY BUSINESS – MARK GOODRICH & MIKE FITCH

UTILITY PERMITS

Mark presented the following utility permits: #UP-038-12 from Frontier Communications for work on E CR 900 N between CR N 50 E and Baseline Road at the Timothy Mobley residence; #UP-039-12 from Frontier Communications for work on E CR 200 S between N CR 500 E and N CR 400 E at the William Scheurich residence; #UP-040-12 from Frontier Communications for work on W CR 500 N between N CR 500 W and N CR 600 W at the David Jones residence; #UP-041-12 from Noble REMC for work on CR 675 W between CR 100 N and CR 50 N in Sparta Township at the Bradley Franklin residence; and #UP-042-12 from NIPSCO for work on N CR 1200 E between Strater Road and E Kammerer Road, (H.I.).

ROAD WORK & MOWING

Mark said they leveled the worst of the settled areas due to the extreme dry conditions experienced earlier this season. He said they finished the wedging on CR 450 N between CR 1025 W and CR 1200 W and they had started on the Cromwell Road. Joy asked if the wedging on Cromwell Road would pretty much use up the pug material they have stored over at Kimmell. Mark said he thought there would be a fair amount left, and they will bring it back to the lot. Joy asked if the sand and salt has been gotten all out of the Kimmell pit. Mark said it had.

Mark said he had Wayne go out and T-mark the roads that are going to be painted, and they are nearly done. He said the way Mike talked they might start painting this week or next week.

Mark reported that they have started mowing in Jefferson and Swan Townships, and they have the grade all out working on drainage issues.

SIGN PROJECT MEETING

Dave asked if they had the Sign Project meeting Friday afternoon. Mark said they did. Dave asked how it went. Mark said it went alright. He said he had three or four issues that had been brought to his attention. Mark said everything he asked about had been done according to what the contract called for.

TRUCK UPDATES

Mark said the transmission for truck #2 has been repaired and it is in the process of being installed now. He said they have an injector to replace in the motor and it is in, so the truck should be up and going again.

Mark said the injector that was bad in truck #49 has been replaced, and it seems to be running ok now.

Dave asked if there is any major equipment down now. Mark said truck #16 will go down when truck #2 is up and going again, because it has two gears out of the transmission. He said truck #14 is still down with motor problems. Jack asked what they are planning on doing with the engine. Mark said Doug is doing some further investigation on it. He said he had been told that one of the kits he had looked at could be sub-standard. Mark said Doug still feels pretty sure it can be done in-house and it would save \$3,000.00 - \$4,000.00. Jack said it has been sitting there for quite a while now and we are going to have to get something done with it. He said it has been sitting in there since February. Mark said they had run into multiple things on it. He said they get one thing fixed and then something else creeps up. Mark said they are concentrating a lot harder on the transmission on the next two trucks which will be the quickest fixes as far as getting them back on the road.

Mark said he and Doug started working on the specs for a new truck last week, and Brad was off last week. Jack asked if it would be better to spend the extra money and get a re-built engine and get it put in so we can get the truck back on the road. Mark said they were trying to save some money because the budget is tight. Jack said there would be a guarantee on the re-built engine. Joy asked Mark to have Doug get a price on a re-built engine.

NEW TRUCK DRIVERS

Joy asked how the new truck drivers are working out. Mark said they are working real well. Joy asked if the other employees are treating them well. Mark said they are. He said he has talked to each of them individually and they seem to be content and getting some understanding of their jobs.

REQUESTS FOR ACTION

Mike said he has been working with Charisse to update the requests for action to make sure we are getting back with people on some of their issues. He said sometimes the men take care of things but they forget to tell Charisse that they are done so she can check it off the list.

SPEED LIMIT REDUCTIONS

Mike said he has been getting a lot of requests for reductions of speed limits. Joy asked if they are legitimate requests. Mike said most of them are. He said they are around lakes and things like that.

Jack said there have been concerns about the speed on the River Road out to the subdivision that is there. Mark said the Town of Albion has been taking care of that portion of the road out to the addition. He said he thought that portion of the road is in Albion's jurisdiction. Mark said he would have to check on that.

Mike said they have been trying to find out about some of the roads as to whose jurisdiction they are in. He said there is an addition at Steinbarger Lake where sewers were put in and there are no signs on that road. Mike said there is an old ordinance for the speed limits there that is 15 MPH which really isn't legal as far as the current standards. He said he would have to re-look at the whole thing and come up with a proposal to sign that.

STRIPING UPDATE

Mike said Three Rivers said they would be ready to start striping the second week of August.

SIGN REPLACEMENT PROJECT

Mike said they had the final inspection meeting on the Sign Replacement Project last Friday. He said there weren't really too many things to do. Mike said they addressed most of the issues. He said there are a few minor things that we need to do to close out the project. Mike said the original project bid was around \$399,000.00 and the actual project is around \$370,000.00 so we are about \$30,000.00 under the original project amount. He said the cost of the excess signs was a little over \$5,000.00. Mike said the money that was left over would go toward the purchase of the signs.

BROOKSIDE ESTATES

Mike said Garcia Construction is going to start on the road(s) at Brookside Estates on or around August 20th. Mike said they are going to let the property owners know what will be going on. He said they are going to do one half at a time, and there are a few driveways that the people won't be able to park in. Jack asked if they completed the signing there. Mike said there are a couple of intersections that should be all-way stops and there are no signs there, so they will put up the signs.

PAVEMENT MANAGEMENT

Mike said he had been working with Charisse to try to make sure that what we say we own matches GIS. He said we submitted a request for additional road mileage December 30th of last year and he hadn't heard anything back from INDOT, so he sent them an e-mail to find out the status of the roads.

BRIDGE #134 DISCUSSION & SUPPLEMENTAL AGREEMENT

Mike said he called INDOT last week and Gregg Rider from the railroad section said he had contacted CSX's PR person and then he got an e-mail from the PR person and they said they would check with their management person. Mike said he has not heard anything. He said he called Gregg Smith this morning and told him we really need to get something going. Mike said Gregg said he would try to get a conference call set up. He said the railroad wants to work with INDOT on the railroad projects and not the counties, because there would be too many contact people. Mike said he is putting the pressure on INDOT because they keep telling us to move the projects but it is their inaction that is causing the delay in the projects.

Joy said we have the supplemental agreement for the project and she asked Mike if he had seen it (H.I.). Mike said he had seen it and it was ok to approve it. He said Beam, Longest & Neff is supposed to be putting together a supplement for their engineering contract based on the changes of the CSX.

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

BRIDGE #70 PROJECT UPDATE

Mike said he talked to Toby (Steffen, Beam Longest & Neff) and told him we really need to get moving on this project and Toby said he would talk to his engineering people.

BRIDGE #12 PROJECT

Mike said we need to make some decisions on how we are going to select a consultant to do the design on the bridge. He said he would prefer to work with someone local and he had sent Joy a list of four names.

Joy asked Mike to send to the four companies and ask for requests for information to see who is interested.

LETTING FOR ENTRANCE INTO CHAIN O'LAKES STATE PARK

Joy asked Mike if he got notice that there had been a letting for the entrance into Chain O'Lakes State Park. Mike said he did get it. He said the cross pipe is in and we are ready to go.

Joy asked if they are going to be trimming trees this week. Mark said he hoped so. Jack asked if they are just going to trim them or cut some out. Mark said Sam told him he is going to open it and clear it out some, so they will be cutting trees.

CULVERT PIPE REPLACEMENT

Mark said they have 1 seven foot and 2 eight foot culverts that are going to have to be replaced this year. He said we are looking at probably \$20,000 for each of them by the time we get the pipe and get a contractor in there to work with us.

Jack asked where they would be at. Mark said at CR 600 E north of US 6 there by the fertilizer plant and on Sawyer road, both in the same ditch. Mark said the 7' pipe is on CR 250 W north of CR 400 S.

Jack moved to approve for the three culvert pipes to be replaced. Dave seconded her motion and it carried, 3-0. Dave asked if there is a value to the old pipes. Mark said there is. He said they would be loaded on a low boy and taken in for scrap.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:21 A.M. and reconvened at approximately 10:30 A.M.

AWARD OF LOGJAM REMOVAL BIDS

Present for this portion of the meeting were: Allen Freels, bidder and Scott Zeigler, Noble County Surveyor.

Scott presented a copy of the Grant of Easements that they had from the last project, (H.I.). He said they tried to modify a standard notice that they send out on projects for this project, (H.I.). Scott presented a list of landowners that we still have an easement with on the north branch from the spring of 2010, (H.I.). Joy asked how long ago we got the easements. Scott said the thing with the easement agreements that we have from before is that they are for 25 feet from the top of the bank and there can be no motorized vehicles or heavy equipment on the property at all. He said the intent of those agreements was that we would be working from the water and then pulling the logs up on to the land as close as we could.

Joy said she thought that was what our specs said this time. Scott said there was some discussion that if they used equipment and were out of the wetlands there would have to be another agreement signed by the landowner. He said the contractor would have to secure those agreements.

Jack asked if there would have to be an easement for property owners where there is no logjam removal. Dennis said technically it would be trespassing if you got onto someone's property. Scott said according to Rod Clear (Conservation Officer) his presumption is that there is fee title underneath the river to some landowner. He said what Rod had said before is that if you drag bottom, touch bottom or step out, then you have committed a trespass.

Joy said she didn't want to get three weeks into this using grant money and then suddenly have the money pulled.

Allen had questions about the number of logjams and how they marked them. Dave told him if he was unclear, since he didn't ask at the meeting, he should contact them. Dave said Rod (Edgell, DNR) and Aaron (Damrill, US Corps of Army Engineers) said at the meeting that they would come out and answer questions.

Allen said Mast (one of the affected landowners) wants the logs turned long ways going down stream and put up against the river bank to prevent erosion. Scott said that would have to be approved through LARE because the project calls for removing the logs.

Joy asked Allen if his \$21,000.00 bid on the north branch included a reduction for the use of the work crew. Allen said it did not. Allen said he would probably discount the price with the crew on the south branch by \$6,000.00 or \$7,000.00, but he would probably want the crew for five or six weeks at \$1,000.00 a week. He said he was going to work strictly from the water on the north branch.

Scott said the way he understood the specs, each contractor would have to accept 10% less than their bid price for the use of the work crews. He said right now the crews are working four, 10-hour days. Scott said it would cost \$1,000.00 a week for the work crew.

Allen questioned the 10%. Joy read from the specs where it talked about the 10%. Allen said he didn't need the work crew for the north branch.

Jack moved to approve the low bid of Allen Freels (Freels Machine Works Inc.) for the north branch in the amount of \$21,000.00. Dave seconded the motion and it carried, 3-0.

Jack moved to accept the low bid of \$21,500.00 on the south branch which would be Matt Gilbert (Gilbert Drainage & Excavating LLC). Dave seconded the motion and it carried, 3-0.

Joy asked what would happen if for some reason a contract cannot be fulfilled. Scott said there is no bond required. He said the DNR did say they would allow "progress payment". He said he thought what we would have to be careful of is that if half of the logjams are out, we would have to decide if that is half of the project. Scott said his guess is if one of the contractors could not complete the work and it would cost us more money to complete it than they bid, we might not get the additional money from LARE. He said LARE did say if there were more logs that fell in and more work was requested, they would negotiate with us and there was some money available to take additional logjams out.

Jack said Gilberts wanted to get started as soon as possible, and Allen wants to wait until the fall. Allen said that was correct that he wanted to wait until the fall.

There was discussion about the easement agreement which the landowners would be asked to approve and sign. Scott told the Commissioners about the process by which they secure the easements from the landowners.

Dennis asked Allen since he did the work on the river the last time, if he got outside the 25' area. Allen said a lot of times he did, but the landowners knew where he was going and what he was doing. There was discussion about making the 25' on the easement a larger number.

Joy asked Scott if he thought he could get the easement agreements by Labor Day. Scott said it would depend on how quickly we could track down the landowners. He said the last time it took a month or more to track down all of the people on the north branch.

Dennis said they could add in where it says they would have 25' for the purpose of accessing logjams, an easement of 150' for the removal of the logjam, and then maybe people wouldn't be so upset by it. Scott said we would have the continuous 25' and then 150' at the site of an identified log jam. He said we could include a letter explaining it, and if they have an issue with going beyond the 25' we would just have to work around it. Joy said it might be good to send a copy of the specs too.

Scott asked if there needed to be clarification on whether they are going to insist that the contractor uses the work crew and deducts 10%. Dennis said the bid specs didn't say that. Joy said it just said the Commissioners were interested in that.

There was discussion about where the funds would come from for the county's 20% match on the project. Joy talked to Auditor Jackie Knafel, and she reported that she thought we could find the money from transferring from within the Commissioners budget.

UDO DISCUSSION CONTINUED

The Commissioners continued their review of the newest version of the UDO that they received, to see if the changes they had requested were made. Joy noted that there was a change made on page 230 which the Commissioners hadn't requested, or it is not what they intended. She said she would e-mail Brad Johnson from Ground Rules.

There was discussion that the wind portion of the UDO had some major changes, and the Commissioners weren't sure why. There was also discussion as to whether Draft "G" or Draft "E" had been updated by Ground Rules.

After further review, Joy said she would go through the rest of the document by Wednesday and she asked Dave to go through it too.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 12:05 P.M. recessed from day to day until the 20th day of August 2012.

Joy Y. LeCount, President

David J. Dolezal, Vice President

Jack W. Herendeen, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor