

**MINUTES OF A SPECIAL SESSION OF THE  
BOARD OF COMMISSIONERS HELD AUGUST 20, 2012**

Comes now the hour of 8:33 A.M. on the 20<sup>th</sup> 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 and Scott Perry, News Media

**PAYROLL TO BE PAID 8/23/12 APPROVED**

After reviewing the payroll from 7/27/12 – 8/09/12 to be paid 8/23/12 Dave moved to approve it. Jack seconded the motion and it carried, 3-0.

**CLAIMS TO BE PAID TODAY'S DATE APPROVED**

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

**RICHARD ADAIR, BUILDING INSPECTOR –  
PUBLIC OFFICIAL BOND**

Jack moved to approve the Public Official Bond for Richard Adair, (H.I.). Dave seconded the motion and it carried, 3-0.

**MINUTES APPROVED**

After reviewing the minutes of the *August 13, 2012* meeting and making corrections, Dave moved to approve them. Jack seconded the motion and it carried, 3-0.

**PURCHASING POLICY**

Joy said the Commissioners had asked Dennis to provide them with some suggestions on a purchasing policy. She said he had provided her with a whole stack of things. Joy said in reviewing them, she thought maybe the one that Howard County has is probably the best. She

said the Commissioners need to determine an amount. Joy read aloud Howard County's purchasing plan. Dennis suggested that Jack and Dave get copies of the samples he had given Joy so they could review them for next week.

### **FINAL PHASE OF ALARM SYSTEM, DOOR LOCK SYSTEM AT PROSECUTOR'S OFFICE**

Rick Anderson came before the Commissioners with a request for an expense over \$500.00. He said it is for the final phase for the Prosecutor's Office for the alarm system and door lock on the north and south doors. Rick said this will make it like the courthouse so both buildings will be the same. He said right now anyone can hit the crash bars and get out so the building is not really secure. Rick said with what he is proposing, when the crash bars are hit no one would be able to get out without a key fob. He said there is a release button in case of a need to get out because of an emergency. The cost would be \$1,200.00.

There was discussion as to where the money came from the last time. Auditor Jackie Knafel said she thought it came out of the CCD Fund.

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

### **SHERIFF'S DEPARTMENT – REQUEST TO SPEND OVER \$500.00 FOR AMMUNITION**

Chad Willett from the Sheriff's Department came to request approval of an expense over \$500.00 for ammunition for next year, (H.I.). The amount of the purchase would be \$5,830.26.

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

### **EMC INSURANCE – EXCLUSION OF BUSINESS AUTO COVERAGE FOR SHERIFF'S DEPT. EMPLOYEE**

Auditor Jackie Knafel presented papers from EMC Insurance Company, (H.I.). Joy said it is an exclusion of an employee at the Sheriff's Department for auto coverage due to their driving record. Dave asked if they were going to include just the one employee and he asked Dennis about it. Dennis said the employee had an OWI conviction so he has to have high risk insurance. Dennis said he is a confinement officer and he doesn't drive a county vehicle.

Dave moved to approve for Joy to sign the letter. Jack seconded the motion and it carried, 3-0. Dave asked if there is ever an occasion where it is part of this person's job that he needs to drive a county vehicle. Chad said there is not. Dave said we wouldn't be making a special exception then. Chad said we would not.

### **TITLE FOR SHERIFF'S DEPARTMENT BOAT**

It was on the agenda that the Commissioners would be asked to sign a title for a boat for the Sheriff's Department. Jackie explained that since the agenda was done they found out that the boat was titled to the Sheriff's Department.

Chad said the boat is being returned to the person that gave it to them. He said it was for a dive team and the Sheriff had dissolved that. Chad said a large part of their dive operations

were done by reserves, and several of them have now left the reserves. He said the interest isn't there, so the Sheriff is speaking to fire agencies to join up with them for the service.

### **RECESSED AND RECONVENED**

The Commissioners recessed their meeting at approximately 9:33 A.M. and reconvened at approximately 9:40 A.M.

### **HIGHWAY BUSINESS – MARK GOODRICH** **SLAG APPLICATION**

There was a brief discussion about some roads that had slag applied to them and that it is sticking really well.

### **SIGN PROJECT – LPA CLAIM VOUCHER**

Mark presented an LPA claim voucher for the sign project, (H.I.). Dave moved to approve it. Jack seconded the motion and it carried, 3-0.

### **ESTIMATES FOR MOTOR** **REPAIRS FOR TRUCK #14**

Mark presented quotes for motor repairs from Crosspoint Cummins and Selking International from Fort Wayne and JX Peterbilt–Fort Wayne from New Haven, (H.I.). Mark and the Commissioners reviewed the quotes and discussed the different options and what they thought would be the best. When discussing about the possibility of going with an “In Frame” Mark said there was a one year warranty on Cummins and a four year warranty on Peterbilt. Joy asked about Selking International. Mark said they didn't quote on an In Frame.

Jack asked how many miles were on the truck. Mark said it is right around 129,000 miles. He said the truck has had 20 different radiators in it. Mark said they have had a lot of problems with the truck.

Jack said we need to have a time frame on how long it would take to get the engine rebuilt and to get it back. Mark will get more information and bring it back to the Commissioners next Monday.

### **NEW TRUCK SPECS**

There was discussion about the specs for a new truck. Mark said he was thinking about asking what a 5 year warranty would cost.

### **BURYING OF FOUNDATION AT BEAR LAKE –** **TUCKER PROPERTY THAT WAS CONDEMNED**

There was discussion about a request from Dick Adair, Building Inspector for the use of the backhoe to bury the foundation on the Tucker property at Bear Lake where the house had been deemed unsafe and had been demolished. It was discussed that if the foundation is buried it could cause a problem if someone bought the property and wanted to build there and put a basement in. There was then discussion about hauling away the concrete rather than burying it.

When talking about how to recoup the cost of the work, Dennis said that Mr. Tucker would have to be notified that there would be additional expenses before anything could be done.

### **RECYCLED ASPHALT (PEP)**

Marc said he is going to get 300 tons of PEP tomorrow and put it on 1000 N just out of Rome City and try it. He said they will go over it with pavers and smooth it. Mark said DeKalb County tried it earlier this year and they really like it. Jack asked what the price of it is. Mark said it is \$30.00 a ton. He said we are paying \$36.00 or \$37.00 a ton for pug. Mark said the only thing with PEP is that you have to use it the same day it is made.

### **300 W NORTH OF WAWAKA**

Joy said she had talked to Mark about an area on 300 W just north of Wawaka in the curve. She said it still drops off and she wondered if some pug or something could be used to fill that. Mark said he had that on his list of things to do, and he was leaning toward hot mix for that because there are areas where it is going to take 6 inches of material and he didn't think pug would stay.

### **BROOKSIDE ESTATES ROADS**

Mark reported that he went to Brookside Estates this morning and they hadn't done anything yet but they are moving equipment in.

### **HIGHPOINT DRIVE REPAIRS**

Mark said the fill has been put in on Highpoint Drive at Big Lake. He said they brought the road up with gravel and they are spraying prime oil on it this morning to keep the dust down. Mark said as soon as they get things caught up they will go in with the paver. He said when they get done paving it will be about 13 inches higher than before. He said it will still flood in that area but the residents will be able to get in and out.

### **BURYING OF FOUNDATION AT BEAR LAKE – TUCKER PROPERTY THAT WAS CONDEMNED CONT.**

Dick Adair, Building Inspector was present at this point, and there was further discussion regarding the foundation on the Tucker property. Dennis asked Dick if he thought it would be worth the cost to increase the value to the property. Dick said he didn't know. He said there is an old stone rubble foundation there and the people that live down there are picking up the stones, so he doesn't even know how much is there. Dick said there probably wouldn't be a lot there other than mortar. Dick said the lot needs to be leveled. He said there is a sewer line in there that would have to be protected.

Joy asked Dick to check out how much material is still there and report back to the Commissioners. Dick said he would do that.

Dick said Steve Kirkpatrick, Plan Commission Director had sent Mr. Tucker a letter about the junk that was still there. He said they weren't allowed to put the tires or the bed liner in the dumpster.

When asked, Dick said the Work Crew worked about four hours the first day and they were there about four hours the second day. He said they did a good job of loading the dumpsters and maintaining themselves so the people didn't fuss.

Joy asked Dick if he would notify Mr. Tucker of the additional expenses that would be incurred. Dick said he would. Dave asked Dick if Mr. Tucker had responded to the initial letter. Dick said he hadn't. He said he didn't even acknowledge receiving it.

## **UNSAFE BUILDING HEARING – GLENN WOODCOCK, KNAPP LAKE**

Dick gave an outline of the many phone calls that had been made and letters that had been sent to Tonya Garr who was purchasing the property on contract, and Glenn Woodcock who owns the property on Highland Drive at Knapp Lake.

Dennis asked what the problems are with the property. Dick said he had received complaints on it because people tend to break into it and harbor in there. He said the neighbors would like for it to be gone or at least cleaned up. Dennis asked if it could be lived in. Dick said it couldn't be. When asked, Dick said there is no plumbing or electricity. He said it has an out-house attached to the back of it. Mr. Woodcock said there is a hand pump inside the house for water.

Dennis had Dick show the Commissioners copies of the letters he had sent and pictures he had taken, (H.I.).

Joy asked if there had been a fire in the building. Glenn said his understanding is that they had a kerosene heater next to a chair and someone hung a coat on the chair and then left the building. He said that was after Tonya Garr had made a down payment to him but had made no more payments to him. Glenn said he tried to get her to register the contract, but after the fire she stopped communicating with him.

Dennis asked Glenn what his position was on this. Glenn said when he bought the property there was a lot of trash on it. He said after Tonya bought it she put more trash in the yard. Glenn said after they contacted him and said there had been a fire he hauled three or four truckloads of trash out of the yard. He said he cut the grass and cleaned up the house and put a padlock on it. Glenn said when he came back the padlock and the hasp were gone, so he put another lock on it which also got taken off. He said after Dick called him again he put 2X4's on the doors and nailed them shut, and the next time he went there the window was broken. Glenn said he isn't sure who is breaking into it, but he thought it might be Tonya Garr. He said he has cleaned it up and put a lot of work into it and he was giving up on it. Glenn said he was going to give it up and he hoped it sells at the tax sale.

Dennis asked Dick if he drafted a notice and order under Indiana Code. Dick said he did. Dennis asked if that was served on Mr. Woodcock to Glenn. Dick said it was. Glenn said he never agreed to any demolition. Joy asked why he wouldn't demolish it or repair it. Glenn said he attempted to repair it. He said he put plywood over the hole in the floor and sealed it up. Joy asked if he ever used the building. Glenn said he didn't. He said he had been trying to sell it and he had three different people that looked at it that were interested but never followed through.

Jack asked what the deal was on the electricity. Dick said he didn't know who did the service, but he couldn't approve it the way it was, and they never got power out there. He said there was an attempt to work with Ms. Garr on how she could get the house livable, but she had to show that she had a recorded contract with Mr. Woodcock and she never recorded the contract, so the issue was to deal with Mr. Woodcock because he is the owner.

Dennis asked Dick if he was asking the Board to affirm his order to have the building and the foundation removed. Dick said, "Yes". Joy said that would be at the property owner's expense and Dick said that was right. Dennis asked if he would let a contract to have the work

done or if he would be doing it in-house. Dick said if he let contracts he would have to wait until next year because there is no money to do it. He said he could try to get some money to do it in-house, but he didn't know how that would work. Joy asked Dick if he had an estimate on what it might cost. Dick said it would probably be close to \$3,000.00 because they have to get the foundation out of there.

There was discussion about where it would stand if the property was sold at tax sale. Dick said it would have to be sold with the lien attached to it.

Dave moved to affirm the order issued by Dick to proceed with the destruction of the building and the removal of it and the foundation. Jack seconded the motion and it carried, 3-0.

When asked, Dick said there had probably been around \$300.00 - \$400.00 in expenses incurred to this point. Glenn asked what if he went in and tore the building down. Dick said as long as it is completely gone and if the Commissioners give him extra time to get it done, they probably wouldn't levy a fine.

After further discussion Dave moved to establish a fine against Mr. Woodcock in the amount of \$3,000.00 that will be rescinded if the structure and debris, including the foundation are removed from the property within 60 days. Jack seconded the motion and it carried, 3-0. Jack said there would be no extensions on the 60 days. Dennis is going to prepare an order.

### **DLZ – ADA COMPLIANCE**

Mike Trevino and Jodi Coblenz from DLZ came before the Commissioners to inform them of the new laws with ADA Compliance. Mike introduced Jodi, whom he said used to work with INDOT and actually handled a lot of the funding. He talked about an eight hour seminar DLZ is going to have regarding the INDOT ADA compliance issue that will be held at Don Hall's Guesthouse in Fort Wayne on September 14th.

Jodi gave a brief explanation of what will be required of the county, cities and towns by the end of the year. She said INDOT and the federal government are going to require them to meet the ADA requirements from 1995, and if they don't they may not receive federal funds. Jodi said even if the county doesn't have any federal aid projects, they will still have to do bridge inspections and there are federal funds for that.

Mike said it is the Federal Government that is actually pressing the issues. He said the seminar is to help give an understanding of what is required.

### **HUMANE SOCIETY 2013 BUDGET REQUEST**

The Commissioners received a budget request from the Humane Society in the amount of \$45,562.00 for 2013, (H.I.). Joy said they are about two months too late. The amount has already been advertised at \$44,000.00 and can't be changed.

### **LANDFILL - LETTER & SEMI-ANNUAL POST-CLOSURE INSPECTION REPORT**

Joy said she had a cover letter written to send with the Semi-Annual Post-Closure Inspection Report, which she had also prepared after the Commissioners inspection of the

landfill, (H.I.). After reviewing the letter and report Dave moved to approve them. Jack seconded the motion and it carried, 3-0.

**DAVID BUTTON APPOINTED TO SERVE ON COMMON  
CONSTRUCTION WAGE HEARING RE: KENDALLVILLE  
REPAIRS AT WASTEWATER PLANT**

The Commissioners received an e-mail from Scott Derby of Kendallville, asking that the Commissioners make an appointment for a Common Construction Wage hearing regarding the rehabilitation of the primary clarifiers at Kendallville's wastewater plant.

After some discussion as to who would qualify, David Button was mentioned. Joy called David and he said he would do it. Dave Dolezal moved to appoint David Button to serve on the committee. Jack seconded the motion and it carried, 3-0.

**RECESSED AND RECONVENED**

The Commissioners recessed their meeting at approximately 11:48 A.M. and reconvened at approximately 1:44 P.M.

**UDO (UNIFIED DEVELOPMENT ORDINANCE) - DISCUSSION**

The Commissioners received some e-mail correspondence from Brad Johnson of Ground Rules who has been working on the UDO, (H.I.). They are in response to some questions and concerns the Commissioners had sent him regarding the most recent revision of a final draft. The Commissioners reviewed Brad's comments and discussed them. They found that Brad had listed some reasons not to make some of the corrections they had requested. The Commissioners and Dennis went through each item that a change had been requested for, and decided if they were going to still ask for the changes to be made or if they would just leave it as it is. When they were finished Joy said she would type something up for Brad regarding the decisions the Commissioners had made today.

**BUDGET DISCUSSION**

The Commissioners briefly discussed their budget, in preparation for budget hearings to be held this week by the Noble County Council.

**PHONE CALL FROM DR. LEER IN  
LAOTTO RE: DRAINAGE PROBLEM**

Joy took a phone call from Dr. Leer in LaOtto and she said he was very upset. She said Dr. Leer said the county had not done nearly enough to help with their water problem. After reviewing the minutes of the July 30, 2012 meeting and having some discussion, Joy called Mark Goodrich, Highway Superintendant and talked to him about it. She asked Mark to get a cost estimate for boring under the road and whatever else might be needed to help with the problem.

**ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 3:17 P.M. recessed from day to day until the 27<sup>th</sup> day of August 2012.

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Joy Y. LeCount, President

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David J. Dolezal, Vice President

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Jack W. Herendeen, Member

ATTESTED: \_\_\_\_\_  
Jacqueline L. Knafel, Auditor