

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD AUGUST 27, 2012**

Comes now the hour of 9:32 A.M. on the 27th 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

HIGHWAY BUSINESS – MARK GOODRICH & MIKE FITCH
UTILITY PERMITS

Mark presented a utility permit from Verizon for fiber optic lines for the Commissioners review, (H.I.). This is Permit #UP-043-12 and is for work on County Line Road, between CR 1100 W and CR 1100 N, (H.I.). Mike explained a little about the permit. Mark also presented Permit #UP-044-12 from TurnKey Network Solutions for work on CR N 100 W between CR W 800 N and US 6, which is also for fiber optic, (H.I.).

CROSSPOINT CUMMINS – TRUCK #14

Mark said he felt the Crosspoint Cummins quote would be the best deal (for repairing the motor on truck #14). He said there would be a one-year warranty. Jack moved to approve to take the truck to Crosspoint Cummins for the repairs in the amount of \$11,286.50. Dave seconded the motion and it carried, 3-0.

LAOTTO WATER PROBLEM – DR. LEER

Mark presented a diagram of what he would like to do to alleviate the water problem in LaOtto. Mark said what he would like to do is to replace a line going from Miller Street and run it into the manhole that is north of the post office and go out of that and run it across 3. He said he thought we would be in good shape then. Mark said the private tile that goes to the west would drain part of that. He said Dr. Leer was concerned that it may not handle enough water if we run it all down into that one catch basin, but he thought with two outlets it should be ok. Mark showed what Dr. Leer would like to have done, (H.I.). Jack said he thought Mark should fix it like he thinks it should be with the one bore (under the road) and if Dr. Leer has any questions let him repair his own private tile to take care of the water. Mark said Dr. Leer had been told a couple of years ago that this is a problem with a private tile and it was his responsibility to get it taken care of. After further discussion about what will be done, Dave moved to have Mark go ahead with his plan. Jack seconded the motion and it carried, 3-0.

WINTER HOURS

Mark said on September 4th the Highway Department will go back to their winter hours of 7:00 A.M. - 3:30 P.M.

CHIP SEALING – SLAG MATERIAL

Mark reported that he has a chance to pick up some stone that is similar to the slag they had tried at a pretty good savings at \$2.60 a ton. He said he would like to get some of it and go a little farther with it next year. Mark said he would look at it to see what it looks like before we purchase any. Dave asked Mark how much of it he would like to buy. Mark said he would like to get at least 500 tons. Dave asked what we are paying for what we are using that would compare to this. Mark said what we are chip sealing with now is primarily pea stone and it averages right around \$7.00 a ton and it is a less consistent size and is round. There was discussion about where they had used the slag material to try it on 300 S and 1000. Mike said he looked at both projects. He said 300 looks real nice, but the one on 1000 E the material is a pretty uniform size so the application of the liquid becomes very critical. Mike said where the pavement is dry it may flake off. He said there is no way to adjust the distributor bar so you can put less oil in the wheel path so it is bleeding pretty bad. Mike said he thought the material itself is superior to the pea stone.

Dave asked Mark if they could use 1000 tons. Mark said they could. Dave said he thought we should get some at that price. There was discussion as to whether the Highway Department should haul the material or if we should pay to have it hauled. After doing some figuring Joy said it would be slightly cheaper to have it hauled at \$5.50 a ton. Jack asked Mark to check with Eshelman's and see what they would charge since they had the low bid. Dave moved to purchase 1000 tons at \$2.50 a ton if we can get it hauled for \$5.50 a ton. Jack seconded the motion and it carried, 3-0.

SIGN PROJECT – FINALIZED INSPECTION

Mark presented the finalized inspection report for the Sign Project, (H.I.). Mike said they had their final inspection meeting two weeks ago and there weren't any significant issues. Jack moved to sign the report. Dave seconded the motion and it carried, 3-0. Mike said the report would go back to the Indiana Department of Transportation and would be signed by the district construction engineer and would be put in the final records.

PAVING AT SOUTH COMPLEX

Jack told Mark that they would be starting on the parking lot at the South Complex on Wednesday. He said he would be out there and he told Mark & Mike if they would want to check in on it they could too.

BROOKSIDE ESTATES ROADS

Mike said the Brookside Estate roads are 50% complete. He said they have one half of it done and they will probably let that cure for 10 to 14 days and then they would open traffic up on it and do the other side. Mike said it looks real nice and they are doing an excellent job.

LINE STRIPING

Jack asked when they would be doing our line striping. Mike said he would check on that because he was told they would be here in the middle of August.

SPEED STUDIES

Mike said he is working on three speed studies. He said he sent the one on 600 W around Loon Lake to Whitley County because they have to work on that with us. He said Mike Barton, their Highway Superintendent said he would take a look at it.

Dave asked what speed they are requesting. Mike said currently our section is posted at 40 MPH and they would like to have it reduced to 30 MPH. He said the north part of it goes from Noble County maintenance to Whitley County maintenance, and it is about a quarter of a mile. Mike said that is 55 MPH because it is not posted at all. He said then it goes west into Whitley County and he can't see where that is posted either, and that is where they would walk around the lake. Mike said if we change ours to 30 then Whitley County would have to change theirs to 30. He said he thought we could make it 40 MPH and put an advisory sign of 30 MPH when pedestrians are present.

Mike said he is also working on a speed study at Waldron Lake and one on CR 1100 out by Oak Farms School.

BRIDGE #70

Mike said he met with Toby Steffen from Butler, Fairman & Seufert last week about bridge #70. He said he asked him to give him some costs for the project based on locally funded projects. Mike said he didn't see federal funds being readily available in the near future. He said if we designed the bridge ourselves we could have it under construction next year, where if you go with federal funds we would probably be talking about 4 years at the earliest. Mike said if we do it with local funds we would eliminate all of the environmental costs and there would be no right-of-way needed. He said he thought the estimate for a federal project was almost \$800,000.00, and Toby gave him some rough numbers and probably for around \$500,000.00 we could do it with local funds. Mike said Toby is going to have his staff put together a formal estimate.

INDOT HIGHWAY FUNDS

Mike said he also stopped at INDOT and talked about the new highway funds and what we might expect, and they didn't know what funds would be available and in what form they would come to us. Mike said he understood the delivery method would be changed.

BRIDGE #12

Mike said the requests for proposals from the consultants are due September 5th. He said once we get them in we can select a consultant and get started on the bridge.

BRIDGE #134

Mike said he talked to INDOT about Bridge #134. He said Gregg Rider who has been working with us from INDOT's railroad section is going to be leaving INDOT in the next month or so and Charles Carson would be taking his place. Mike said Charles has been there a number of years. Mike said he told them before Gregg leaves he would like to have him make a big push to get something from the railroad. He said Gregg told him he did get some paperwork last week from the PR person at the railroad and they said they didn't see how they could put any additional funding in the project other than the cost of removing the existing structure. Mike said he told them he wanted something in writing from a higher official than the railroad's PR person. He said he told them he was frustrated, and we may have to get our local representatives involved to get the answers that we need to make a decision.

Joy said she is about ready to tell the railroad to keep their three bridges and maintain them and when they fall down they fall down. Jack said we are three years into this project right now, and all of a sudden they wanted additional right-of-way after everything was all in place.

WOOD-LAND-LAKES – STATUS UPDATE

Present for this portion of the meeting were: Leslie Raymer and Cindy Moore from Wood-Land-Lakes.

Leslie said Wood-Land-Lakes is funded by USDA funds and RC&D funds that about 15 years ago was withdrawn. She said they are moving forward as a non-profit organization, continuing the work of land conservation. Leslie thanked the Commissioners for the support that they give each year through their budget. Joy asked if they have become a 501C3. Leslie said they are an independent 501C3. She said historically among the functions they served was to act as a big brother/big sister to other emerging non-profits. Leslie said their focus at this point is on land conservation efforts. Cindy said they also try to save timber land as much as possible. Leslie said during the last decade farm ground has decreased by about 10% in Indiana. She said their work is really to maintain family farms through the coming generations. Leslie said their work allows the land to stay on the tax rolls, because there is no tax exemption for land that is put into conservation through them.

Cindy said her husband's family are farmers and have been in the timber industry. She said they see the land as a very important resource for both feeding people and for timber resource needs such as for housing. Cindy said as a family they want to see it preserved, because they want their children to be able to continue in the field if they choose. She said they don't want to lose their rights and see it all gone. Leslie said a difficult year like this in the farming industry reminds us of the need to have the farmland preserved.

Joy said she knew they had taken on the responsibility of land that is outside of their jurisdiction. She asked if there is a lot of that or just the one instance. Leslie said she thought it was just a large parcel. She said there is a large parcel in White County. Leslie said their focus is on their six county area (Noble, DeKalb, LaGrange, Elkhart, Steuben and Whitley). She said the parcel in White County is sort of a unique situation.

Leslie said her job is to try to help find some resources to build an operating budget for the coming year.

FINAL ORDER – GLENN WOODCOCK UNSAFE BUILDING AT KNAPP LAKE

Joy read the above referenced final order, (H.I.). Dave moved to change the date (to demolish and remove the structure and foundation) to October 17th (instead of the 19th). Joy said the tax sale is on the 19th. Jack seconded the motion and it carried, 3-0.

After the date on the order was corrected to the 17th Dave moved to approve it. Jack seconded the motion and it carried, 3-0.

MINUTES APPROVED

After having reviewed the minutes of the *February 13, 2006* minutes Jack moved to approve them to the best of his recollection. Dave seconded the motion and it carried, 3-0.

After reviewing the minutes of the *August 20, 2012* minutes and making a correction Jack moved to approve them as corrected. Dave seconded the motion and it carried, 3-0.

MEMO RE: PAVING AT SOUTH COMPLEX

Joy read a memo which she had drafted to the employees at the South Complex regarding the paving of the parking lot that will begin there on Wednesday. Jack moved to approve it. Dave seconded the motion and it carried, 3-0.

STATE OF INDIANA DEPARTMENT OF CORRECTION - COUNTY MISDEMEANANT FUND

The Commissioners received notice from the Indiana Department of Correction that the county would receive \$28,546.66 for the Misdemeanant Fund for FY 2012 and the funds would be direct deposited, (H.I.). The letter also indicates that a person convicted of a misdemeanor may not be committed to the Department of Correction except as provided for in subsection (b) of the Indiana Code.

WEIGHTS & MEASURES REPORT – 7/15/12 – 8/15/12

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

LANDFILL INSPECTION

Joy said she sent the report on the inspection of the landfill to the Department of Environmental Management, along with some pictures she had taken. She said they indicated that in the future they would like to have 2 hard copies as well as a third copy PDF on a CD.

GROUND RULES – FINALIZATION OF UDO (UNIFIED DEVELOPMENT ORDINANCE)

Joy reported that through a series of correspondences with Brad Johnson (Ground Rules) she thought we were pretty close to having things finished with the UDO.

NOBLE COUNTY VISITOR'S BUREAU - TRACEY DUNCAN FOX APPOINTMENT

Joy said based on what she had been seeing she was convinced that the Commissioners should go ahead and sign the document for Tracey Duncan Fox as one of their representatives on the County Visitor's Bureau Board (held from August 9th meeting). She said we had appointed her back in April but had never signed the appointment document. Jack moved to approve for the Commissioners to sign the document. Dave seconded the motion and it carried, 3-0.

CHAIN O'LAKES WORK CREW – CHARGES FOR USE BY OUTSIDE ENTITIES

Marion reported that the Surveyor's Office had questions about billing the Apple Festival for the use of the work crew to clean up the 4-H grounds, and they had brought up a claim to charge them \$200.00. She said the Commissioners had set it at \$160.00 with a minimum of half a day at \$20.00 an hour. Dave said he thought the Commissioners had changed it to \$250.00 a day just recently.

Joy called the Highway Department to see how much it costs per day for the work crew. She reported that Marc Fisher, Bookkeeper said we pay \$179.28 per day for the crew.

After some discussion Jack moved to charge \$200.00 a day with a minimum of \$100.00 for anything under half a day. Dave seconded the motion and it carried, 3-0.

**ROMARY & ASSOCIATES - MOISTURE PROBLEM
AT HIGHWAY DEPARTMENT IN CEILING**

Jack asked if we had heard anything about the vent at the Highway Department. Joy said she had talked to Ed Romary from Romary & Associates, and he is convinced that the problem is condensation, because we have it in the winter and not in the summer. She said he doesn't think that it is any different than it was before when we had water in the back west room. Joy said she wondered if we need a de-humidifier up there. Jack said he didn't know if we need a humidifier or some vents that open up with a fan on them to exhaust the moisture out. The Commissioners had been at the Highway Department individually at different times and found no evidence of leaking lately, even when it was raining. Joy said Ed Romary said they would be happy to meet with the Commissioners to discuss this and she will try to get a meeting set up with him.

WINDOWS & CARPETING AT SOUTH COMPLEX

The Commissioners briefly talked about the fact that the windows and carpeting at the South Complex still need to be replaced. Joy said we have the money encumbered to do it. There was discussion about setting up a special meeting to address the windows and carpeting, and also space issues.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 11:06 A.M. recessed from day to day until the 4th day of September 2012.

Joy Y. LeCount, President

David J. Dolezal, Vice President

Jack W. Herendeen, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor