

**MINUTES OF A REGULAR SESSION OF THE  
BOARD OF COMMISSIONERS HELD AUGUST 6, 2012**

Comes now the hour of 9:15 A.M. on the 6<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 regular session of the Board of Commissioners of Noble County, Indiana.

Present were:

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

Absent was:

Joy Y. LeCount, President

Also present were:

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

**CLAIMS APPROVAL**

While reviewing the claims to be paid today's date Auditor Jackie Knafel said that Phil Jacob, Head of Maintenance told her that the claim for Michiana Lift Equipment should be reduced because DePew's was here because of an issue with the wiring they did. She said DePew's said it was wired wrong. Jackie said she had a bill from DePew to wire it correctly in the amount of \$138.00. She said she didn't want to deduct that amount from Michiana's claim without the Commissioners instructions to do so. Dave asked if we had contacted Michiana to let them know that. Jackie said she thought Phil did. Jack moved to deduct \$138.00 from Michiana Lift Equipment's claim. Dave seconded the motion and it carried, 2-0. After finishing the claims review, Jack moved to approve them. Dave seconded the motion and it carried, 2-0.

**CONTRACT WITH FRONTIER NORTH  
INC. FOR NEW E-911 SYSTEM**

Dave signed the above referenced contract in the amount of \$124,087.66 which was approved last week, (H.I.).

**HIGHWAY BUSINESS - MARK  
GOODRICH & MIKE FITCH**

**UTILITY PERMIT**

Mark presented permit #UP-037-12 from Noble REMC for work on CR 350 W and 270 N between CR 400 W and CR 330 N in York Township, (H.I.).

### **WATER PROBLEM AT SYLVAN LAKE**

Mark reported that the culvert run-off issue at Sylvan Lake has been settled. He said he talked to the landowner and told him that it is city property and he went to Rome City and talked to them and they agreed to take care of the issue. Mark said Rome City apparently wanted to do it before but the previous landowner wouldn't allow it.

### **NEW POST DRIVER**

Mark said the new post driver that he and the Commissioners had talked about previously is going back. He said he took it out and tried it and it was terrible. Mark said they used a full tank of gas to drive three posts in, and he didn't even get the third post driven in as far as it should have been. Mark said he contacted the company and they were real good about it. He said they will take it back this week.

Dave asked what they will do for a post driver. Mark said a carburetor should be in for the old one this week and they will get that running.

### **SIGN REPLACEMENT PROJECT**

Mark said he got a letter last week that the sign replacement project is done. He said they requested that we purchase \$9100.00 worth of signs and posts. Mike said he asked Mike Delp from Michiana Contracting to send him some information, and he did, (H.I.). Mike said the good news is that the total cost for Noble County would be \$5,040.12. Dave asked if they are leftover materials. Mike said the original sign inventory was done in 2010, and between then and when the project was bid, Noble County went out and replaced some of the signs. He said Jill Palmer (Schneider Corp.) said they didn't have to replace the signs. Mike said Jill advised us that we would have to purchase the extra material but he thought it would still be purchased at 90% federally funded. He said in the last couple of years the federal highway has changed the rules, and they are saying anything that is not actually placed on the project is not eligible for federal funding. Mike said the cost is for materials only which the contractor had purchased. Mike said if we had known this before hand, we would have gone ahead and replaced all of the signs and then put the ones that were removed back in our inventory so we could get the 90% funding. He said we were trying to be efficient, but that is the way the system works.

Mike said in the sign contract the original contract amount for inspection was approximately \$77,000.00 and right now we have only spent roughly \$40,000.00, so there is money left over from that. He said we have been reimbursed over \$50,000.00 so far from the federal portion of this, so we have money to pay for it out of the project budget. Jack moved to approve the purchase of the signs. Dave seconded the motion and it carried, 2-0.

Mike said the final inspection meeting for the project will be Friday afternoon at the Highway Department, and if there are any issues that will be the time to bring them up. There was further discussion about signs. Dave asked Mike if overall he was pleased with what Schneider did. Mike said he was. He said he wasn't sure why they put new signs on old posts. Mark said he thought Michiana did a real good job, but he wasn't sure why the design was the way it was. He said Michiana did what the contract says.

Mike said the sign inventory is in our GIS. He said now we have to go back and make sure what is there now matches the inventory. Mike said we will have to do an ordinance for some of the signs that were placed. He said he is going to work with Steve Hook, GIS Coordinator and Schneider Corporation on the inventory. There was discussion about intersections and what might need to be done to make some of them safer.

Dave asked if the High Water warning signs are supposed to fold. Mike said the standard now is to put the signs up and leave them up.

### **BROOKSIDE ESTATES ROADS**

Mike said he and Mark met with a contractor on Thursday and marked off the locations. He said they are going to start on August 20<sup>th</sup>, and they said it would probably take a couple of weeks to do the work. Mike said we need to contact the people in the addition to let them know what is going on.

### **STRIPING CONTRACT**

Mike said he hadn't heard anything from Three Rivers about the striping contract. He said they had told him it would be the first or second week of August when they start the striping.

### **STANDARD CONTRACT FOR MAJOR PROJECTS**

Mike said he sent out to several counties in Indiana and he got various contracts, and he presented a draft copy. Mike said it is a little more cumbersome than what he wanted, but it is all tied together. He said it makes it easier for him. Mike said it is just for major projects. He asked for the Commissioners to review it. Dennis said he had reviewed it, and as far as the form everything looked fine. Mike said for each project there would be certain parts that would have to be modified.

Dave asked if there is a certain dollar amount that this would kick in. Mike said he would say if it got up to \$100,000.00 and we should use it.

### **BRIDGE #134 & BRIDGE #70 STATUS**

Mike said he called INDOT and asked about the status on Bridge #134 and he called Toby Steffen about Bridge #70 and he hadn't heard back from either of them yet.

### **ROAD CONDITIONS**

There was a brief discussion about road conditions and how the weather and drought have affected them.

### **REPORT ON TRUCKS**

Mark said the transmission is out of Truck #2 and it is in the shop being repaired now. He said hopefully it will be back up and running pretty soon. Mark said Doug is working with all kinds of different ideas trying to find something reasonable to repair the motor in Truck #14 and he is willing to fix it in-house. Mark said another injector in Truck #49 has gone bad and it was only in for about six months. He said it is replaced and it is running and it was covered under warranty so we only had to pay for the analysis. Mark said he doesn't know what

is going on with the injectors that they aren't lasting, because they put the more expensive ones in. He said he asked Doug to check and see if there is a wiring problem or something that is causing the injectors to go bad. He said he thought Truck #14 could be fixed in-house. Mark said they have to replace the transmission in Truck #16, but that would be fairly quick.

### **CR 75 SOUTH - ROAD TO CHAIN O-LAKES**

Mark said he met with Sam Boggs (Park Manager at Chain O'Lakes) last week and they are going to put a culvert in on 75 S tomorrow. He said John Strange, our Drainage Foreman will go out and work with them on that. Mark said they will pave it after Labor Day. He said we will end up with it so they are trying to fix a water problem that has existed there for years. Mark said they will provide the pipe and the material and we will take the packer out and John will be there. He said later this week or next week he will send our tree guy out with a crew, and Sam said he would send a crew out with another chipper, and they are going to try to get the brush cleaned up before they pave the road. Mark said it will be better for the road and the ditch.

### **STATE OF INDIANA - PIPELINE SAFETY CASE RE: DAMAGE TO UNDERGROUND FACILITIES**

Mark presented a copy of a letter from the Indiana Utility Regulatory Commission, Director of the Pipeline Safety Division informing us that they consider the pipeline safety case (#1142) matter closed, unless and until such time that there is an allegation of recklessness, physical injury, property damage over \$10,000.00 or a miscarriage of justice, (H.I.). Mark said it is for the incident on CR 600 S where a gas line was busted several years ago.

### **CHIP SEALING**

Jack asked if they are done with chip sealing. Mark said they finished it up Friday. He said they are going to concentrate on leveling the roads now, because there are places where they have 6 inch drops in the pavement from settling, and they will start on the wedging projects.

### **HOME DETENTION CONTRACT**

Present for this portion of the meeting were: Stacey Beam, Chief Probation Officer; Danielle Wagner, Court Services; Rob Haywood, Probation; and Judge Michael Kramer.

Judge Kramer said when he first became judge 22 years ago he didn't think there had been anyone on home detention in the county before that, and he helped establish what they are doing in probation so people could keep their jobs and be very closely monitored on home detention. He said we decided to buy equipment and charge a person a fee to set it up and a daily fee that pays us back for the purchase of the equipment and for the Home Detention Officer, and there is excess in the account now. Judge Kramer said the technology has advanced to the point that our equipment is really out of date. He said Stacey and Rob and Danielle have done a lot in checking into what is available and coming up with what they think is the best equipment. Judge Kramer said they are asking to buy it and it would be paid out of home detention.

Stacey said we actually are not buying it. She said it will be leased. Stacey said we have two different home detention vendors right now. Stacey said we have the GPS which is typically for violent and sex offenders and that contract is through 3M. She said the other contract for the

normal home detention is through DPC. Stacey said they want to go with 3M for all of their monitoring systems now. She said they would just add the day to day monitoring. Stacey said they feel that 3M has the best program for them. She said they still charge the offender. Stacey said it would give them the ability to have more machines available if they need them. She said they have another company that they use for alcohol monitoring, but 3M has the capabilities of having the alcohol component, so we can go from three companies that we deal with to one. Stacey said we signed the contract with 3M back in 2006 and they did a three page addendum to the contract. Dave asked if the cost was comparable. Rob said it is about 20 cents more for the new equipment but some of the supply costs will be reduced because 3M will supply all of the ankle straps, connectors and all of the stuff that we would need supply wise at no cost to us.

Judge Kramer said he is really impressed with the home detention program and how closely Rob keeps track of people. Stacey said Ryan also does a really good job. She said he does part-time home detention and he has done a lot to help Rob figure out what program is the best.

Dennis asked how many units they thought they would need because there is no specific number of units on the addendum. Rob said he thought they wanted us to have a minimum of five people on at a time, but we always exceed that. Stacey said they average 20-25. She said judges put people on for drug court, for sanctions, and short term, which is nice because the people can keep their jobs. Dennis asked if there is anyone on the SCRAM unit now. Danielle said she thought there were two of them. The SCRAM unit is used to tell from the sweat on the body of a person if they have been drinking.

Jack moved to approve the addendum. Dave seconded the motion and it carried, 2-0.

### **NUNC PRO TUNC ENTRY RE: UDO EFFECTIVE DATE**

Because an effective date wasn't established when the UDO was approved on July 23, 2012, Dave moved for the UDO to become effective Nunc Pro Tunc on January 01, 2013. Jack seconded the motion and it carried, 2-0.

### **PAYROLL TO BE PAID 8/09/12**

After reviewing the payroll from 7/13/12 - 7/26/12 to be paid 8/09/12 Jack moved to approve it. Dave seconded the motion and it carried, 2-0.

### **IDEM - GUARDIAN AUTOMOTIVE IN LIGONIER - MINOR PERMIT REVISION**

The Commissioners received notice that IDEM had approved a minor permit revision for Guardian Automotive in Ligonier, (H.I.).

### **WOOD-LAND-LAKES RC&D - CONSERVATION EASEMENTS**

The Commissioners received a letter from the Wood-Land-Lakes RC&D (Resource Conservation and Development) stating that there is no effect on property taxes because of a conservation easement, (H.I.).

### **SUPPLEMENTAL CLAIMS APPROVAL**

After reviewing the supplemental claims that are for utilities, credit cards, etc. that need to be paid timely Jack moved to approve them. Dave seconded the motion and it carried, 2-0.

### **EROSION INSPECTION OF LANDFILL**

Dave reported that last Monday (July 30<sup>th</sup>) after lunch the Commissioners met at the landfill with Allen Freels to do an erosion inspection. He said they found two areas that required a little attention and Allen said he would put some geo matting on it and put some top soil on top of that. Dave said there are no areas of major concern and that overall it looked pretty good. He said Joy was going to write a letter to that affect. Dave said they aren't going to have it mowed right now because everything is so dead.

### **MINUTES APPROVED**

After reviewing the minutes of the *July 30, 2012* meeting Jack moved to approve them. Dave seconded the motion and it carried, 2-0.

### **COUNCIL ON AGING – RESOLUTION AND TRANSIT GRANT PAPERS**

Gregg Parker, Executive Director from the Noble County Council on Aging came before the Commissioners to get a resolution passed and to get signatures on the Transit Grant paperwork. Gregg presented a copy of the Council's budget which he reviewed with them (none for file).

When asked, Gregg said they have 20 part-time drivers, 16 vehicles (14 handicapped accessible), and 5 full-time office employees.

Dave asked if the senior citizens just give a donation for rides through the Council on Aging. Gregg said for seniors, any trip within the county for medical or pharmaceutical purposes is just a donation. He said seniors are charged a fare for non-medical or non-pharmaceutical trips like the grocery store, post office, etc. Dave asked what age is considered senior. Gregg said it is 60.

Dave read aloud a proposed resolution (#2012-04) authorizing Gregg to act on behalf of the Commissioners to make the necessary assurances and certifications and to enter into an agreement with INDOT for the provision of rural public transportation services, (H.I.). Jack moved to approve the resolution. Dave seconded the motion and it carried, 2-0. Motions on other paperwork needed for the transit grant were as follows:

Jack moved to approve the compliances. Dave seconded the motion and it carried, 2-0.

Jack moved to approve the assurances. Dave seconded the motion and it carried, 2-0.

Jack moved to approve the 5333 warranty. Dave seconded the motion and it carried, 2-0.

Jack moved to approve the certification of use of project equipment, facilities and property. Dave seconded the motion and it carried, 2-0.

Jack moved to approve the pass-through agreement. Dave seconded the motion and it carried, 2-0.

Gregg said when he comes back in October with the voucher he will bring the entire grant agreement.

### **MINUTES APPROVED**

After reviewing the minutes of the *July 09, 2012* meeting Jack moved to approve them. Dave seconded the motion and it carried, 2-0.

### **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 8<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