

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD AUGUST 8, 2012**

Comes now the hour of 9:35 A.M. on the 8th day of August, 2012, in the 2nd floor conference room at the Noble County Office Complex South, Albion, Indiana, being the time, date and place set for a special 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
John Wechter, John's Excavating
Matt Gilbert
Jeff Gilbert
Randy Sexton, Surveyor
Allen Freels
Rod Edgell, DNR
Scott Zeigler, County Surveyor
Aaron Damrill, US Corps of Army Engineers
and Bob Braley, News Media

LOGJAM REMOVAL PROJECT DISCUSSION

The purpose of the meeting was to discuss what the contractors can and cannot do when removing the logjams from the north and south branches of the Elkhart River.

Allen said the bid papers said that only a barge or other boats should be used, and at the last meeting it was said that they could use other machinery.

Matt said what was said was that if permission was obtained from the landowner they could go on their land but they couldn't go in the waterway.

Allen said if he had known he could use a skid loader or a mini excavator he would have bid differently.

John Wechter said the equipment could not be used in the flood plain.

Allen was concerned about how the contractors are supposed to know where wetlands begin and end, and he asked if IDEM would walk the waterway to let them know.

Rod said IDEM would not walk the complete waterway. Allen asked how they would know if they have the logs out far enough. Rod said they would need to be out past the high water mark.

Scott asked Aaron what actual work could be typically done within the wetlands without a permit. Aaron said they would only need a permit to build a road through the wetland. He said if you work from mats, permits are not typically required.

Scott asked if they are close to the line, what is acceptable and what is not acceptable. Aaron said if there is ever a question he would be happy to come say if something is ok or not.

Rod said the DNR does not want them to traverse the wetland with heavy equipment. He asked when the upland starts turning into wetland. Aaron said there is no clear answer for that.

There was a question if the logs could be put in the wetlands. Aaron said they could be as long as they are not piled. Scott said they would be secured so they don't float back into the river.

Allen said if they pull a log through a wetland there would be a trench where the log came through. He asked if that would be a problem. Aaron said that wouldn't be putting fill in the wetland. He said he didn't think the trench from the log would be a problem, but he would ask someone higher up than he is.

Allen asked how far out of the floodplain and wetlands they have to take the logs. Aaron said as long as it is outside the wetlands they are safe. He said there are no set backs from the wetland. Rod said the logs can be in the wetlands as long as they are secured. Jack asked Aaron if he agreed with that. Aaron said securing the logs was not their call.

Allen asked if two trees have fallen into the river since the trees have been marked for removal, and they can't get to the logjams without removing them, if they would get paid for removing the two trees if they weren't part of the project. Scott said that is something that would be negotiable with the Commissioners. He told Allen if there is an instance like that he should contact them.

Scott said he thought if the contractors would notify him a couple of days ahead of time, he could be available for the first one or two logjam removals, and most questions could be answered at that time. Rod and Aaron said they could probably be there too.

There was discussion about how to identify the high water marks. Scott said it is generally where there is no vegetation growing. He said he thought if they were showed where the high water marks are on the first couple of logjams they would probably get the general idea.

Allen asked if they would just cut the logs and let the tree stumps fall back in the hole and remove the tree and tree tops. Rod said he would think they would remove everything but they would know that before the contractors go out there.

There was discussion about trees that had been cut already to allow people to get down the river.

Scott said they have pictures of the trees that are supposed to be cut and any additional trees that need to be cut should be discussed with the Commissioners.

Matt asked when the contracts would be awarded. Dave said they would be awarded on Monday (August 13th).

Matt asked if they could start working any time after Monday. Dennis said we want the signatures from landowners before anything is started. Scott said they already have some signatures because they were given a 5-year easement by some landowners on previous work that was done. He said they would get the process started of notifying landowners and getting signatures. There was discussion about the possibility of the contractors taking the paperwork to the landowners.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 10:20 A.M. recessed from day to day until the 13th day of August 2012.

Joy Y. LeCount, President

David J. Dolezal, Vice President

Jack W. Herendeen, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor