

**MINUTES OF A REGULAR SESSION OF THE  
BOARD OF COMMISSIONERS HELD SEPTEMBER 4, 2012**

Comes now the hour of 9:10 A.M. on the 4<sup>th</sup> day of September, 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:

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

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

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

**PAYROLL TO BE PAID 9/06/12 APPROVED**

After reviewing the payroll from 8/10/12 – 8/23/12 to be paid 9/06/12 Dave moved to approve it. Jack seconded the motion and it carried, 3-0.

**MINUTES APPROVED**

After reviewing the following minutes and making corrections as needed the following actions were taken: *August 27, 2012 executive session* - Jack moved to approve them. Dave seconded the motion and it carried, 3-0; *August 27, 2012 regular meeting* - Dave moved to approve them as corrected. Jack seconded the motion and it carried, 3-0.

**APEX COUNTY INSURANCE PROGRAM**

Auditor Jackie Knafel said she had received an e-mail about the APEX County Insurance Program and she asked if the Commissioners were interested in taking quotes this year for property and casualty coverage. Joy said she thought she had responded to them indicating that we prefer doing business locally.

**ELKHART RIVER LOGJAM REMOVAL PROJECT**

Jackie said that Nathan from the Surveyor's Office had just called and told her there is a landowner that wants to see the signed contract before he signs an easement (agreement). Dennis said there was a bid. Joy called Nathan and told him that we have a bid.

**PLAQUE RE: ROBERT WILSON'S DONATION  
OF A NICHOLS RELIEF MODEL OF THE U.S.**

Joy said that the Commissioners need to do some kind of plaque since the map that Robert Wilson donated has been erected in the hallway. Joy read what she had written. Jack moved to approve for Joy to have the plaque made. Dave seconded the motion and it carried, 3-0.

**U.S. ARMY CORPS OF ENGINEERS -  
DRAINAGE BOARD VIOLATIONS**

Joy reported that Dennis had written a letter to the Army Corps of Engineers asking for information on each of the violations that was referred to in an article in the Kendallville News Sun, (H.I.). The letter specifically asked for the date; location; violation; and ramifications or penalty of each of the twenty violations that were reported to have happened.

## **HIGHWAY BUSINESS – MARK GOODRICH**

### **UTILITY PERMIT**

Mark presented permit #UP-045-12 from Noble REMC for work on CR 200 S between Hopewell Road and CR 825 E in Swan Township at the Russell James Jr. residence, (H.I.).

### **HAULING OF SLAG**

Mark reported that Eshelman's could not meet their last price for hauling slag for us, and the closest he could get would be \$6.00 a ton. He said Marc Fisher said he thought it would cost about \$3.50 a ton in fuel if we haul it ourselves. Joy said we are to the point now where she thought it would be cheapest to haul it ourselves. Mark agreed. When asked, Mark said he could just work in the hauling whenever they have some time.

Dave asked about what it would cost for the county to haul the slag. Mark said he thought it would somewhere around \$5.00 a ton with labor, and for just fuel it would be about \$3.50 a ton. Jack asked if that included expenses on the truck. Mark said it wouldn't.

### **WEDGING**

Mark said they are finishing up wedging on **CR 200 S** and **Highpoint Drive** today. He said they put the fill on High Point to get them out of the water. Mark said that would leave about seven miles of road that need wedged yet. He said they have wedging to do on **1000 E, 900 N, 600 E, and 600 W**. Mark said on **CR 600 W** he is planning on grinding about a four foot path out in the wheel tracks. He said they would grind about one inch deep and he thought it should save \$6,000.00 - \$7,000.00. Mark said the rest of the road isn't that bad. Mark said they are running low on funds, and if he has to he will save **CR 100 N** to do later.

### **WAWAKA**

Joy asked Mark when he is up around the Wawaka area if he would look at the intersection at 300 on the north side at 6. She said there is always a big hole where the trucks turn and go north, and she asked if there is anything that could be done. Mark asked if it was right at 6. Joy said it was. Mark said it is the state's road. Joy said the state never does anything about it. She said whenever a truck tries to make that turn people have to back up so they can make it. Mark said he would get in touch with someone to see if they can get something done with that.

### **MOWING**

When asked by Jack, Mark said they are still mowing. He said they are in Orange, Elkhart and York Townships right now. Mark said there would be three townships left to do then.

### **SPECS FOR NEW TRUCK**

Joy asked Mark if he had been able to work on the specs for a new truck. Mark said he has a meeting at 11:00 today, and they have a rough draft that they will look at to see what they can fine tune.

### **TRUCK UPDATE**

Jack asked Mark if he had heard anything about the truck that's in Fort Wayne (#14). Mark said he hadn't. He said they were supposed to start on it the middle of last week, and Doug will call and check on it today. He said they are cleaning Truck #16 up now to get in and get the transmission out of it. Mark said hopefully that will be our last big project for a while.

### **RAILROAD CLOSURES**

Jack said they have the railroad closed on 500 E. Mark said they called one day last week to say they were closing that. He said they were supposed to have it opened up Saturday. Mark said they are supposed to close 100 N by 700 E and it will be closed until Friday.

### **DURAPATCHERS**

Jack asked Mark if he had the durapatchers running. Mark said he has one running when he has extra people. He said when they get the wedging done he will have two people patching.

### **DOORS**

There was a brief discussion about some doors that need to be replaced at the Highway Department. Mark said there are three of them that need to be replaced but he thought he would only have enough money to replace two of them and he would replace the worst ones.

**ROMARY & ASSOCIATES – MOISTURE PROBLEM AT HIGHWAY DEPARTMENT**

Joy said she had a visit from Ed Romary last week, and he doesn't think the moisture problem at the Highway Department is related to the work his company did. She said Ed thinks we will have the moisture problem again this winter once we start bringing the trucks in with all of the moisture that comes in. Joy said Ed is willing to sit down and talk to the Commissioners, but she didn't know that he feels they have any financial responsibility. She said she thought Kuzon could probably fix what we need if we need something. Joy said possibly they could put in some sort of vent system and put in a humistat that would cause it to open and close that would be triggered by the humidity. She said we should have the furnaces serviced on a regular basis.

After further discussion Joy said she would let Ed know that at this time the Commissioners are just going to wait and see what happens.

**SPACE ISSUES**

Joy asked if the Commissioners should hold a special meeting to discuss space issues and what will be done with the space at the South Complex and the Weber Road Annex. Jack said the Commissioners should have a special meeting. The meeting is set for 9/17/12 @ 2:00 P.M. There was a brief discussion as to who all should attend the meeting.

**PARKING LOT PAVED AT SOUTH COMPLEX**

Jack reported that the parking lot at the South Complex has been paved. He said while he was out there during the paving he noticed that with the parking lot being closed some of the elderly people had a hard time getting to the building (because of having to park in the grass).

**RATIO STUDIES**

Dave reported that 83 counties had submitted their ratio studies to the DLGF for department review as of today.

**SOUTH COMPLEX WIRING COMPLETED**

Dave Baum, IT stopped in and told the Commissioners that the wiring is completed at the South Complex.

**RECESSED**

The Commissioners recessed their meeting at approximately 10:17 A.M. and reconvened at approximately 10:33 A.M.

**UNSAFE BUILDING AT WALDRON LAKE – MICHAEL & DONNA MIDDLETON**

Richard Adair, Building Inspector was present for this portion of the meeting. He presented a list of actions that had been taken from June 21, 2011 to the current date, and copies of pictures he had taken this morning to show the current conditions, (H.I.). Richard gave the Commissioners an update on where this stands at this point. There was discussion regarding what Mr. Middleton had said he would do, such as putting some building materials inside of a shed. Richard said the materials are not inside of the shed yet. Richard said Mr. Middleton had been notified that he would be fined and he would have some fees to pay.

Dennis said he has had 45 days (to comply). Richard said he had heard Mr. and Mrs. Middleton both say that it wouldn't be a problem to get some family members to help them get things done. Joy asked Richard what his recommendation is. Richard said he thought we had already determined that he would be paying the fees. He said if the Commissioners want to assess a fine beyond that it would be up to them. Richard said we don't have an extreme amount of costs on him for tracking people down or anything. He said he thought we should just go ahead and send a notice that he owes the amount of fees that have already been levied on him. Richard said he thought Michael could just hook onto the trailer and have it gone, and he could probably put the two sheets of material on it and haul them away.

Jack moved to charge them the \$410.80 in fees that have been occurred to this point, (H.I.). Dave seconded the motion. Richard asked if the Commissioners want to give him an amount of

time in which to have the fees paid. Joy said we did that with the other one. She said she thought we gave them 15 days. The motion carried, 3-0.

Joy asked if there is a special fund for this money. Richard said he has an unsafe housing fund set up for next year. He said for now the money goes back into the general fund.

**GLEN WOODCOCK - UNSAFE BUILDING AT KNAPP LAKE**

Richard reported that Glen Woodcock who had agreed to tear his building down at Knapp Lake called him last week and told him he didn't think it was the right decision. Richard said he told him he should have spoken when he was at the meeting because the decision has been agreed on and voted on, and that he agreed in that conversation to have that building gone by a certain date. Richard said Glen told him he didn't think the building was in that bad of shape. He said he told Glen it didn't matter and that it would have to come down. Richard said Glen told him he was going to talk to the Commissioners, so they would probably hear from him.

**UNSAFE BUILDING IN WAWAKA**

Richard said he had one in Wawaka that was scheduled to start the process for Mary Malle and Charlie Tapp. He said they bought a single-wide trailer at the corner of Tibbot. Richard said Charlie called him and asked him to meet him up there because he thought he wanted to try to renovate it. He said he walked through it and he asked Charlie why he would want to put a nickel in the structure. Richard said they had ripped the wiring and plumbing out, the roof was leaking, and the floors were rotten. He said the building is gone now.

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

There was a brief discussion about the charges to be assessed to private entities (such as the Apple Festival) for the use of a Chain O'Lakes Work Crew. There was discussion that there was no determination on how much to charge if someone wanted them for more than half a day but less than a whole day. No decisions made.

**ASSESSOR - NEXUS CONTRACT RE: REASSESSMENT**

There was a brief discussion as to where we stand on reassessment. Joy said that Kim (Assessor) said the DLGF was coming tomorrow to pick up her files.

Dennis said he had talked to Kim about her position on that, and she never got back to him as far as the letter of understanding. He said he needs to get her input on it. There was further discussion as to what might happen.

**ISSUE WITH PAY AT SURVEYOR'S OFFICE**

Joy reported that Jackie (Auditor) was of the opinion that the issue at the Surveyor's Office in regards to pay level has not been discussed with the Council. Joy said Jackie wasn't certain that there had ever been a discussion with the Council to hire her. Dave said that needs to be resolved immediately.

**ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 11:10 A.M. recessed from day to day until the 10<sup>th</sup> day of September 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