

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD OCTOBER 1, 2012**

Comes now the hour of 9:21 A.M. on the 1st day of October, 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 Scott Perry, News Media

HIGHWAY BUSINESS – MIKE FITCH & MARC FISHER

SPEED LIMIT AMENDMENTS

Mike reported that he would have speed limit amendments coming up for Steinbarger Lake and for CR 15 W. Dave said he went out and checked on them, and he drove them like he was being cautious. He said 20 MPH is kind of low for at Steinbarger Lake. Mike said part of it has to do with the width of the roads. He said the cottages are close to the road at Steinbarger Lake and people park right at the road. Joy said the doors of some of the cottages basically open right out onto the road. Jack moved to advertise both of them. Dave seconded the motion and it carried, 3-0.

BROOKSIDE ESTATES

Mike reported that he got an e-mail from Garcia Construction on Brookside Estates concrete pavement. He said he needed to have someone go out and measure the patching that was complete, and he would do that after today's meeting. Mike said when he gets that information he would get it to them and they would submit their final invoice. He said they did a great job and it really looks nice. Mark Goodrich, Highway Department Superintendant is on vacation and had said in a note to the Commissioners that the deep holes have been patched and the broken up areas will be repaired in the spring or summer when it is warmer so the adhesion between the concrete and asphalt will be better, (H.I.). Mike said Garcia mentioned that they have some new concrete patch material that might be better than the asphalt patches. He said there are about a dozen joints that are pretty wide and if we can get a concrete patch it would be more consistent. Mike said he would get the information from Garcia, and if it is a bag type of cement they should still be able to do it this year.

BRIDGE #70 - BUTLER, FAIRMAN & SEUFERT

Mike said he had a meeting with Butler, Fairman & Seufert a couple of weeks ago to talk about Bridge #70. He said their previous contract for that project is four or five years old, so he told them to prepare a new agreement based on taking the existing plans and progressing them to the final plans. Mike said they prepared a new engineering agreement last week to finish the design of Bridge #70, but he hadn't completely reviewed it yet. He said their proposal is \$47,300.00. Mike said he would review the agreement and send copies to the Commissioners.

BRIDGE #12

Mike said he met with Kurt Heidenreich from Engineering Resources on Bridge #12. He said they discussed the scope of the project and Kurt will be preparing an engineering agreement for design purposes.

POND ORDINANCE COMPLAINT

Mike said Dave had called him about the pond ordinance complaint (regarding Weathered Oaks LLC property and a pond built on Ron Wallen's property). He said there are some issues with drainage along the west side of the pond. Mike said it appears to him that the water is leaching underneath the embankment and coming up to the surface and going across the driveway. Mike said it looks like all of the land from Northport Road drains to the south and Barr Lake drains into Sylvan Lake. He said all of the water eventually has to cross the driveway or percolate into the ground. Mike said he walked the driveway all of the way down into the yard. He said he couldn't find any culvert pipes, but it looks like the water comes down and crosses the driveway and goes out to the lake. He said if there is a large rain, the water has to come down and go across the driveway somehow. Mike said there are two overflow pipes on the south side of the drive now, and if we ever get enough rain to where the pond fills up and overflows, he thought the water would still flow down and across their driveway. Mike said one solution would be to cut a shallow ditch and let the water run south, but eventually the water is still going to get across the drive. Mike said he thought the dam or the dike needs to be reconstructed so the water doesn't leak underneath there.

Joy told Mike that Mr. Wallen never intended to have a pond there. Dave said he was looking for some fill dirt for a foundation of a building he was building when he hit the artesian well.

Jack said as you walk down the driveway to where it curves towards the house, you could see the indent where with the natural flow of the water used to go to the wetland.

Jack asked Mike if this is our problem. Joy said the issue for the Commissioners to determine is if there is a violation of the pond ordinance. She said the only issue she sees is if there is more water being discharged now than before the pond was built, and the Commissioners don't have a way to make that determination because they don't know what it was before. Joy said it could be that there is no difference in volume, but it might be going somewhere different. Mike said from all of the signs it looks like the water is coming from under the ground and is not overflow. There was discussion that it should be up to the property owners to come up with a solution.

Jack said if the county made a recommendation and it didn't work, then they would be back in here again. After further discussion Mike said he will review the copy of the Pond Ordinance that he received today.

UTILITY PERMITS

Marc Fisher, Highway Department Bookkeeper presented a complete package regarding utility permits for Dennis to review. He said Mark had talked to three other counties to see if they charge for their permits. Marc said Allen County and Kosciusko County both charge, but Whitley County does not. He said they had not been able to get a hold of Allen County to see what they charge, but Kosciusko County only charges \$40.00. Marc said they all do random inspections just like we do right now.

SLAG MATERIAL

Marc said the slag material is all hauled. He said he figured the fuel they had involved. Marc said we got the slag for \$2.00 instead of \$2.50 so we have about \$3.35 per ton in the slag compared to \$8.00 - \$10.00 in gravel that we would have used. There was discussion that the road they tried the slag on looks real good.

ADA DISCUSSION

Mark said he had a template of a resolution that needs to be signed, which he had changed as needed. He said he would leave it for Dennis to review. There was discussion as to whether it should be a joint Commissioner/Council resolution. Dave said it is a transition plan, and then we have to inventory the buildings. (Roads and buildings are included in inventory).

Marc also left copies of a non discrimination notice and a grievance procedure for Dennis to review. Marc said he was told that the Commissioners need to set aside and advertise 5 minutes for ADA discussion once a month or once in each meeting or something. Dave said he was going to check with Dennis on that. Marc also left a copy of Noble County's transition plan which tells how much money the county will set aside for ADA. He said it didn't address buildings.

There was discussion about the need for an ADA inventory. Marc said DLZ has a template on the internet that you can print out and go through a check list and check things, and then make a plan as to how things that need fixed will be fixed. He said it is the same thing with curbs and sidewalks. Dave said he thought this was something that is doable.

Marc said a lot of this stuff that is required just has to be in a place. He said it doesn't all necessarily have to be on our web-site, but when INDOT comes in and asks what we are doing we have to be able to produce the folder with the information they need. Mark said if a handicapped person has to go to the South Complex or the Highway Department we either have to make an area handicapped accessible, or we can make one place on the first floor of the courthouse handicapped accessible where a person can go there and contact any person that they want, and we could come to them. He said you have to be able to accommodate any handicapped situation at that one location including hearing, blindness etc. or have someone to assist them in that location. Marc said that might be the least expensive way to handle the situation. There was discussion about the need for hand rails on both sides of a stair way. Dave said little things like that we are used to and we don't even see it, and that is why we need to get the forms from DLZ because they make you look at everything.

WASTE OIL FURNACE

Marc talked about a waste oil furnace and getting a comparison between what we get from our waste oil that we sell and how much it would cost us to supplement the heating at the Highway Department with that oil. Jack asked Marc to get more information on it.

SKINNER LAKE ROAD & 100 N/300 E & BAKER TOWN ROAD

Jack said on the Skinner Lake Road & 100 N, when you pull up there off the Baker Town Road you can't see to the north. He said if they have a brush cutter on one of the tractors he would like to have someone go out and clean that intersection up.

SCHNEIDER CORP. – SIGN INVENTORY

There was discussion about the original data that was gathered before the sign project, which was supposed to include pictures of all of the signs. Someone had reported that the Schneider Corp. is saying that is their data. Mike is going to check with Steve Hook, GIS Coordinator, because he thought we had that information.

ROAD STRIPING

Jack asked where we stand on the striping. Marc said the last time he was down 300 S it hadn't been done yet and he didn't know if the rain had delayed them. Mike said he thought they would be done by now. Marc will call and check on it.

SLAG MATERIAL

Jack asked what the possibility of bidding the slag material with delivery to the Highway Department would be. Marc said he thought it was going to be on the bid list.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:20 A.M. and reconvened at approximately 10:32 A.M.

10/04/12 PAYROLL APPROVED

After reviewing the payroll from 9/07/12 to 9/20/12 to be paid 10/04/12 Jack moved to approve it. Dave seconded the motion and it carried, 3-0.

CLAIMS TO BE PAID 10/01/12 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.

CLAIRE HUNTER - RECORDS REQUEST

The Commissioners received a request from Claire Hunter for information relating to road construction projects and contract plan sheets, engineering designs, or right-of-way maps showing the planned routes and/or right-of-way to be acquired for the projects described. Auditor Jackie Knafel said she gave a copy of the letter to Marc Fisher at the Highway Dept. She said her response is usually just to give them the courthouse hours and tell them they can come in and look for the information. Dennis said Marc could give them the same response.

WE CARE CLINIC – SAVINGS TO COUNTY

Joy said the Commissioners received an accounting of what the County had saved by using the WeCare Clinic for the last three years, (H.I.). Jackie said she thought the county's savings was well over half a million dollars.

**VOTING AT NEW LIFE TABERNACLE
CHURCH IN KENDALLVILLE**

The Commissioners received a letter from Cathy Hartman, Deputy Clerk/Handicap Accessibility Coordinator asking if the Highway Department would be willing to put up signs and if Sheriff's Reserves could take turns being in the area with lights flashing warning drivers of the congested area, (H.I.). Sheriff Doug Harp was present, and he said it isn't really practical, and there is no berm or anywhere for vehicles to sit. He said the best thing would be to find a new voting place where it would be easier to get in and out of.

Dave asked what else would slow people down. Doug said he thought one of those flashing lights that has the speed indicator would help. He said if you see a flashing sign that shows you are speeding it usually slows people down. Joy asked about signs like the auctions use that says congested area ahead. Doug said he thought some kind of sign would be more practical. He said he didn't know if the State Highway Department would frown on signs being placed there or not. (The Indiana State Highway Department had received the same request).

Joy said she would ask the Kendallville Mayor to see if they have one of the signs.

Later in the meeting, Joy read a memo to Cathy that she had prepared regarding her request for signs and Sheriff's vehicles on Election Day, (H.I.). Jack and Dave approved the memo.

**IDEM - CREATIVE WOOD DESIGNS, INC. &
TOWER STRUCTURAL LAMINATING -
AMENDMENTS TO OPERATING PERMITS**

The Commissioners received notice from IDEM that they had approved the above referenced amendments, (H.I.).

MINUTES APPROVED

Dave moved to approve the minutes of *April 24, 2006* which Jack said he had read and they were correct to the best of his recollection. Joy seconded the motion and it carried, 3-0. Dave moved to approve the minutes of *September 24, 2012* as corrected. Jack seconded the motion and it carried, 3-0.

LOGJAM REMOVAL DISCUSSION

Joy said she had a discussion with Rod Edgel regarding how the payment for logjam removal was going to be handled. He said that when we receive an invoice we should scan it and send it to him. Joy said Rod said told her he needs an invoice from the Commissioners for 80% of the invoice that they receive. She said then Rod will send it in and it will take approximately 30 days from the time he receives the invoice until we receive reimbursement. She said we would pay it up front and then when we receive reimbursement it would go back into the fund that we paid it from.

Jack asked how many additional logjams there were. Joy said she knew there were a few.

NEPOTISM POLICY SIGNATURES

Auditor Jackie Knafel said at the AIC (Association of Indiana Counties) they talked about the nepotism policy. She said Tammy White from the State Board of Accounts said we would have to have every employee sign off on the nepotism policy. Jackie said she didn't know if we should have them sign off as an amendment to our handbook or just send out something for them to sign. Dennis said it should be part of our handbook. Jackie said we would need to make an amendment to the handbook then. She asked if she could send one paper to each office and have all of the employees sign it or if she would have to send each employee sign a single sheet. Dennis told Jackie that as long as everyone signs it didn't matter how she did it.

NACO MEMBERSHIP DUES

Jackie asked for permission to pay the NACO membership dues. She said they are \$899.00 and she was planning on taking \$200.00 from the Council and \$699.00 from the Commissioners dues and subscriptions account. Jackie said for every NACO prescription card that is used we get \$1.00 back and so far we have received \$589.00 back and it is kind of paying for itself. Jack moved to approve for Jackie to pay the dues. Dave seconded the motion and it carried, 3-0.

PUBLIC HEARING RE: SPEED LIMIT ORDINANCE FOR CR 1100 E (LEMPER ROAD) IN ALLEN TWP.

No publisher claims have been received to prove that the public hearing for the above proposed speed limit which was to have been held today was published. Dave moved to table the hearing until we have the proper proof that the hearing was publicized.

MOVING OF DEPARTMENTS TO WEBER ROAD ANNEX

There was a brief discussion about some concerns that had been expressed by employees of the Health Department regarding their move from the South Complex to the Annex.

Joy said we will need to get a plumber out to the Weber Road Annex to see about getting water ran to where it needs to be. Jack said we also need to see about getting it so the water will be taken away too.

Dave said he thought maybe we should keep Drug Free at the annex and put them in rooms 17 & 18.

There was discussion about the need to make the annex handicapped accessible to get into the building, and that maybe they will only need to install an automatic door opener

CURB CUTS - ADA COMPLIANCE

There was a brief discussion about curb cuts needing to be ADA compliant.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 12:01 P.M. recessed from day to day until the 8th day of October 2012.

Joy Y. LeCount, President

David J. Dolezal, Vice President

Jack W. Herendeen, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor