

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD DECEMBER 5, 2011**

Comes now the hour of 9:30 A.M. on the 5th day of December, 2011, 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
Jack W. Herendeen, Vice President
David J. (Dave) Dolezal, Member

Also present were:

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

**HIGHWAY BUSINESS – MIKE FITCH, MARK
GOODRICH & CHARISSE WOLF**

MOUNTAIN LAKE ROAD

Joy reported to Mike that she had received a call about Mountain Lake Road at Pheasant Cove. She said apparently there is one sign that says 20 MPH and a property owner was wondering if they could have more than one sign. Joy said apparently nobody is driving that slow. She said she told the caller that we could probably put up a few more signs, but that wouldn't guarantee that they would drive that slow. Joy said she didn't know if the speed limit is officially 20 MPH there or not. She gave the information to Mike.

PARKING BUMPERS @ ANNEX ON WEBER ROAD

Jack asked Mark if he would have someone put the parking bumpers back where they belong, now that the parking lot at the Annex on Weber Road has been paved. Mark asked if the paving company left the barricades there. Jack said not that he was aware of. Mark said they borrowed five tri-pods from the Highway Department to barricade that. He said if they are gone he will call to see about getting them back.

PRIMARY ROUTE TRUCK DOWN

Mark reported that one of the primary route trucks (truck #14 - Green Township) was down because of problems with the electronics. He said it is down at W. A. Jones so they can try to find the problems with it.

Dave moved to approve an expense over \$500.00 to get the truck fixed.

MAIL BOXES AND VINYL FENCE DAMAGE

Mark reported that there were tons of complaints about mailboxes being knocked off/over and damaged. He said a lot of people said the truck drivers were going too fast. Mark said actually they probably weren't going fast enough. He said with the side plows you have to get enough speed to get that snow going up, and it was so heavy. Mark said he had complaints from all over the county and not about a particular driver. There was discussion that the damage is done from the snow and ice, and not from trucks hitting the mailboxes.

Mark said he had one complaint he wasn't sure about. He said there was a vinyl fence up by Ligonier that got broken by the heavy snow, and he asked if he should handle that the same as he does the mailboxes. Joy asked if it was in the right-of-way. Mark said it is fairly close. Jack said they put fences up, and the snow has to go someplace. Mark said the vinyl fence isn't designed to take being hit by heavy snow. He said if we start replacing mail boxes and fences it could be a never ending process.

Mark said some people had asked him what they could do to avoid having their mailboxes knocked over. He said he told them that most of the time the mailboxes that have the cement base just get knocked over and then they can just be set back up.

2012 FUEL BIDS

Mark said he had talked to Marc Fisher, Bookkeeper at the Highway Department about the fuel bids, and Marc said we have enough fuel to last for a while, and if the bids aren't compatible or what we like, we wouldn't necessarily have to set that right now. He said he knows one of the bidders would keep us updated on a daily basis if we are interested in holding off on making a decision on that bid to see if the prices go down. Mark said the price it is now compared to last year would be a struggle for the Highway Department and they would have to change their budget a little bit.

BRIDGE #134

Mike said he was going to check with the consultant on Bridge #134 this week to see where the railroad is, regarding the span question.

ROAD & BRIDGE PLANS TO BE SCANNED

Mike said he is putting together the road and bridge plans to be scanned. He said they (United Consulting) are picking them up Wednesday and they thought they could have the work done by the first of the year.

SIGN PROJECT DISCUSSION

Jack asked Mike if he had heard anything about the Sign Project. Mike said he was working with Wayne (the sign foreman) on that. He said Wayne had a few questions about the size of some of the signs, and he is going to get with Jill Palmer to try to work them out.

Joy presented a copy of the minutes of the November 17, 2011 meeting prepared by the Schneider Corporation, regarding the sign project, (H.I.).

ACCEPTANCE OF 2012 ANNUAL HIGHWAY BIDS

Present for this portion of the meeting was Dean DeVoe from North Central Co-Op.

Charisse passed out some information on the bids to the Commissioners re: last year's bids and this year's bids, (H.I.) Charisse said that she had gone over the bids and listed everything that was missing that had been required or asked for. There was discussion regarding the items that were listed.

Joy said we asked for an updated price for fuel, effective today. Charisse said on December 1st she faxed both companies asking them for the price by 8:15 this morning. She said by around 9:15 this morning when she came up here she had not received anything from Petroleum Traders. Charisse said she had the fax sheet to show that both faxes went through.

Jack said the diesel is roughly about 80 cents more per gallon this year.

There was discussion about the missing back page on some of the form 95's. Joy asked if they had never received it. Charisse said they all received an original form 95 when she sent the bid packets out. She said some of them only returned an 8 1/2 X 11 form and the ones they were sent were 8 1/2 X 14. (The back side of the form is for the Commissioners signatures).

Charisse said she also had copies of faxes that were sent to the fuel companies. Joy asked if we had a telephone number for Petroleum Traders. She said she wants to make sure they got our information. Joy called Petroleum Traders and the man she talked to said they got an e-mail this morning but never received the fax. Charisse said she sent them a fax on the 1st and one this morning at about 8:00. Joy asked Dennis where this puts us since he said he never received the fax. Dennis said that we should probably have a policy that after we send a fax we call and make sure it was received, because it is always the cop out that they didn't receive it.

Dean said that as a bidder, they all know what the procedures are. He said the bidders are responsible for making sure they know the deadlines. Joy said she believed they (Petroleum Traders) had a representative here last week when the bids were opened and discussed.

There was discussion about the items that were missing on bid forms. Joy said the Commissioners would need to make a decision on what needs to be provided.

Joy received a phone call back from Petroleum Traders, and the man she talked to said they had received the fax Charisse sent on December 1st. She said he told her that they got the fax, but it goes to a pool and then gets distributed, and he didn't get it until this morning.

Joy asked Dennis for his advice. Dennis said the man acknowledged that he received the fax and the specific request for today.

There was further discussion about the things that were missing on the bids.

Dean DeVoe said there are a lot of cities and counties that have the same discussion that the Commissioners are having. He said the problem is that if the specs are too general, then you would be subject to the whims of the provider. Dean said Noble County had done better than most of the counties in trying to get more specific information to try to have the quality their operations need.

After further discussion, bids were accepted as follows:

ITEM #12-01 – LEAD FREE GASOLINE &

ITEM #12-02 DIESEL FUEL

Jack moved to approve the North Central Co-op. contract price bid for both items. Dave seconded the motion and it carried, 3-0.

ITEM #12-03 – BITUMINOUS MIX

Dave moved to accept all bids. Jack seconded the motion and it carried, 3-0.

ITEM #12-04 – CALCIUM CHLORIDE

Dave moved to accept the only bid. Jack seconded the motion and it carried, 3-0.

ITEM #12-05 – LIQUID BITUMINOUS

Jack moved to accept all bids. Dave seconded the motion and it carried, 3-0.

ITEM #12-06-AGGREGATE GRAVEL

Dave moved to accept all bids. Jack seconded the motion and it carried, 3-0.

ITEM #12-07-AGGREGATE LIMESTONE

Jack moved to accept all bids. Dave seconded the motion and it carried, 3-0.

ITEM #12-08 – PUG MILL EQUIPMENT

Jack moved to accept both bids. Dave seconded the motion. There was discussion that the specs called for 60,000 gallons or more, and how they would split it up. Mike said the specs say “more or less” so we don’t promise them anything. After further discussion the motion carried, 3-0.

ITEM #12-09 EQUIPMENT RENTAL

Dave moved to accept all bids for equipment rental. Jack seconded the motion and it carried, 3-0.

Joy said around October of next year the Commissioners and Highway personnel should sit down and work on the specs.

Dave moved that all of the above referenced bids that were accepted would be accepted pending the completion of the bidders omissions. Jack seconded the motion and it carried, 3-0.

SALVADOR HUERETA - OAKWOOD LANE IN KAUFFMAN'S ADDITION

Salvador said there are 4 new houses on Oakwood Lane just outside of the city (Ligonier) limits. He said he had been to the City and to the Highway Department. He said the City can't do it because it is outside the city. Salvador said they are just asking for gravel. He said Oakwood Lane is only about 3 blocks long.

Jack told Salvador it is not a county road. Joy said it is a private road. She said what happened was that when the subdivision was brought to the Commissioners in 1972, it was brought for acceptance of the subdivision and the roads for the public to use, but the roads were not accepted by the county for maintenance.

Salvador said they pay plenty of gasoline tax. Joy said she knew that, but the county is not receiving any of that money back from the state for that particular road, and that is the problem. Joy said that as soon as Mr. Kauffman, the developer of the plat got his money, then he was gone, and that is who should have made arrangements for maintaining the roads. Salvador asked if Mr. Kauffman was dead. Joy said she thought he was.

Mark Goodrich said that in the addition that he lives in there is a deeded access that is not county right-of-way, and when it starts getting bad they get together as property owners and they all pitch in some money to have a contractor come in and spread some gravel and grade

it. Salvador said four of them pitched in and had some gravel put on the road, but it only lasted so long. Jack asked who plows the snow. Salvador said no one does.

Joy said our specifications would require it to be either chipped and sealed or brought up to our specifications before we would ever accept it. There was discussion that it is a dirt road and there is no base for the road, and no drainage in place.

2011 EMERGENCY MANAGEMENT PERFORMANCE GRANT-COMPETITIVE SUB-GRANT AGREEMENT

Mick said he received the above referenced grant. He said it is \$3600.00 (not to exceed \$3,623.18) that he earned extra by scoring high on an assessment. Mick said he put in for several computer items, but once they receive the money if he sees he needs some money somewhere else he can do a grant adjustment notice and make changes.

Jack moved to approve the grant. Dave seconded the motion and it carried 3-0, (H.I.).

NOBLE COUNTY COMPREHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP) - LETTER OF AGREEMENT

Mick said a month or so ago we were working on the Debris Management Plan and we looked at how it would be to make it a county-wide plan. He said he did some research and if this plan is an annex to our Comprehensive Emergency Management Plan, and if a chief elected official of a jurisdiction signs the letter of support, then all of the agencies wouldn't have to list their police and fire and stuff separately.

Mick said he didn't have anyone to list as a County Debris Manager. He said other counties select their Highway Engineer, but our Highway Engineer is only part-time. Mick said he didn't know who the Commissioners would want to select as the Debris Manager. Joy asked Mick to let the Commissioners think about that a little bit.

Dennis asked Mick if he had talked to any of the cities and towns. Joy said they had met with all of them in October.

Dennis said he didn't have a problem with doing it, but if we are going to do it as an annex he thought we should have the Letter of Agreement that states that it is included specifically. Mick said the Letter of Agreement is for the whole Comprehensive Plan which includes the basic plan, the emergency support functions and their annexes. Joy said Mick might list them as "including but not limited to". Dennis agreed. Mick said he would write up something to include all of the annexes.

IT DISCUSSION

JOHN MAYS 2012 IT CONTRACT

Dave Baum, IT (Information Technologist) came before the Commissioners with the above referenced contract, (H.I.). He said it is identical to the one from last year except that he

changed his hourly rate by 75 cents an hour to give him the same \$1,000.00 everyone else got. Jack asked Dave if the money is in place. Dave said it is in his budget.

Jack moved to approve the contract. Dave Dolezal seconded the motion and it carried, 3-0. Dave Baum said he is happy to be able to keep John around because of his abilities.

PHONE REPLACEMENT

Jack asked if the phones at the Highway Department had been installed. Dave Baum said the existing phones are still working as they were before. He said he bought 50 of the basic handsets and they are starting to set them up. Dave Baum said they want to start deploying them as soon as Frontier puts in our main trunk. He said the first thing he noticed about the basic handset is that they don't have the LCD display on them. Dave Baum said for everyone that has a workstation the caller ID pops up on a little window on the computer screen. He said he thought with the phones that are not where there is a dedicated work station, he would like to have 10 – 20 phones that do have the LCD display on them. Dave said they are a little more expensive. Joy suggested that Dave get what he can with this year's money.

COMPUTERS

Dave Baum said he will be at the Council meeting this afternoon to talk to them about whether they want lap tops in the room for their meetings, or what they want. He told the Commissioners if there are other things they want him to consider for their meetings to let him know. Joy said if they are going to put documents on their computers, they need to know where they are and how to find them. Dave Baum said he wants to make it so people have the information when they need it and not feel like they can't get it. He said if the Commissioners have any ideas to let him know.

TOWN OF ALBION - INVOICE FOR LEACHATE DISPOSAL

The Commissioners received the above referenced invoice in the amount of \$240.00 for the disposal of 4,000 gallons of leachate from the landfill, (H.I.).

COMCAST CABLEVISION - CERTIFICATE OF LIABILITY INSURANCE

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

NOBLE TOWNSHIP FIRE DEPARTMENT GRANT - SUBRECIPIENT MONITORING

The Commissioners received notice from the Indiana Office of Community & Rural Affairs that they had completed the subrecipient monitoring for the above referenced grant, and that there were no findings of program deficiency found, (H.I.).

**IDEM - PRICE MANUFACTURING
PERMIT REVOKED**

The Commissioners received notice that the Minor Source Operating Permit for Prince Manufacturing in Avilla had been revoked per Prince Manufacturing's request, because they have ceased operation, (H.I.).

**MINUTES APPROVED - NOVEMBER 28, 2011
EXECUTIVE - NOVEMBER 21, 2011 &
NOVEMBER 28, 2011 REGULAR MEETING**

After reviewing the minutes of the above referenced meetings the following actions were taken: **11/28/11 Executive Session** - Jack moved to approve as presented. Dave seconded the motion and it carried, 3-0; **11/21/11-** Dave moved to approve as corrected. Jack seconded the motion and it carried, 3-0; **11/28/11** - Jack moved to approve as corrected. Dave seconded the motion and it carried, 3-0.

CLAIMS TO BE PAID 12/5/11 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.

VISITOR'S BUREAU BOARD MEMBER

The Commissioners briefly discussed who they could appoint as a board member to the Noble County Visitor's Bureau.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 11:51 A.M. recessed from day to day until the 12th day of December 2011.

Joy Y. LeCount, President

Jack W. Herendeen, Vice President

David J. Dolezal, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor