

**MINUTES OF A SPECIAL SESSION OF THE  
BOARD OF COMMISSIONERS HELD AUGUST 18, 2014**

Comes now the hour of 8:34 A.M. on the 18<sup>th</sup> day of August, 2014, in the Commissioners Court in the Noble County Courthouse, Albion, Indiana, being the time, date and place set for a special session of the Board of Commissioners of Noble County, Indiana.

Present were:

Gary Leatherman, President  
David J. (Dave) Dolezal, Vice President  
Chad Kline, Member

Also present were:

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

**SHERIFF'S VEHICLE TITLE**

Sheriff Doug Harp came before the Commissioners to get their signatures on a title for a 2009 Sheriff's vehicle that West Noble is purchasing for \$3,000.00. Chad moved to sign the title. Dave seconded the motion and it carried, 3-0.

**AGREEMENT FOR MEDICAL SERVICES AT  
JAIL – QUALITY CORRECTIONAL CARE, LLC**

Doug said at the budget hearings he asked the Council if he would have funds for the contracted position and they said he would. He presented the contract, and he reminded the Commissioners that Chantell (Jail Nurse) had submitted her resignation effective December 31<sup>st</sup>. Dave moved to approve the Noble County Inmate Healthcare Service Agreement, (H.I.). Chad seconded the motion. When asked, Dennis said to make it affective January 1<sup>st</sup>. Doug asked if Dr. Blusy would decide to leave prior to that if he would have to come back in and have the agreement amended. Dennis said we would probably do a new agreement. Motion carried 3-0.

**BILL ETZLER, ENGINEERING RESOURCES –  
LANDFILL DISCUSSION**

Bill said when we get the new tank we need to meter how much we are pumping out and we need to get more accurate data on what we are disposing of. He said the tank manufacturer has a tank level indicator that they can add to the tank for \$693.00 and some change. Bill said all Mike would have to do would be to take a beginning read and an ending read and he would know exactly how much he was transporting to the Wastewater Treatment Plant. Chad asked if that would be cheaper than putting a flow meter on. Bill said it would be less expensive. Dave moved to approve the addition of the device for monitoring on the tank not to exceed

\$694.00. Chad seconded the motion and it carried, 3-0, (H.I.). Bill said we are looking at the first week in September for delivery of the tank. He said they will get all of the installation drawings put together and get the information to IDEM for their review.

### **PAYROLL APPROVED**

After reviewing the payroll from 7/25/14 – 8/07/14 to be paid 8/21/14 Dave moved to approve it. Chad seconded the motion and it carried, 3-0.

### **TOWER AT SHERIFF'S DEPARTMENT**

Dave Baum, IT briefly discussed an email he had sent to the Commissioners as the result of a request from Pat McCauley, MapleNet Wireless Inc. to talk to him about the use of some tower space on the tower at the jail for a new project for the school system. Chad said Mitch should probably check with ERS to see if the tower can handle anything else. There was discussion as to whose tower it actually is, and that if someone put something on the tower, that there should be an agreement that if anything should happen to it such as a lightning strike, the county wouldn't be responsible.

### **CLAIMS APPROVED**

After the Commissioners reviewed the claims and had some questions answered, Chad moved to approve them. Dave seconded the motion and it carried, 3-0.

### **HIGHWAY BUSINESS – ZACK SMITH & MARK GOODRICH**

**UTILITY PERMITS** – Mark presented Permit #UP-023-14 from Frontier Communications for work on W CR 200 N between N CR 450 W and N CR 500 W for work at the Lee and Janice McGuire residence in York Township and #UP-024-14 from Northern Indiana Public Service Co. for work on 1000 W between SR 5/S Jefferson Street & 100 N for work at the Duck It Farms LLC in Sparta Township, (H.I.).

**FUEL** – Mark reported that they are running short on fuel and they had money allotted to purchase extra if we ran short. He said he contacted North Central Co-op and checked on prices. Mark said the current price is \$3.12 a gallon which is cheaper than the contract we are currently under. He said with prices fluctuating he told them to go ahead and order us four loads and put it on contract. Mark said he has until February 28<sup>th</sup> to get it used up. Dennis asked how many gallons that is. Mark said it is 30,000 gallons. Dave asked if it would be under contract at \$3.12. Mark said it would be. He said in order to lock it in at that price we have to do a contract. Dave asked if that is for diesel. Mark said it is. He said in studying the market, we might get to the point where we could do a six month contract. Mark said it seems like the end of June through mid-August the prices drop. Chad moved to approve the contract from September 1, 2014 – February 28, 2015 for premium diesel at \$3.12 per gallon for 30,000 gallons. Dave seconded the motion and it carried, 3-0, (H.I.).

**CONSTRUCTION** – Mark said they lost two days last week because of rain, and at this point we might run a day or two after his Labor Day deadline. He said for the first three days this week he will have a full crew. Mark said it has been a long time since he has had a full crew. He said he will be able to get a couple of guys out patching, which is very much needed.

**DISTRIBUTOR** – Dave asked how the computer is working on the Distributor. Mark said they haven't had any trouble with it the last few days. He said they got in contact with the company and everyone is working with us and it is working pretty well right now. Mark said he would like to know for sure what was causing it.

**CONTRACTS RE: LARGE CULVERT PLACEMENT** – Mark said he is still considering trying to contract out the placement of some large culverts this fall. Dave asked how many would need to be contracted. Mark said possibly there would be three of them.

**BRIDGE #70** – Zack said construction on Bridge #70 will start today. He said he is still waiting on the railroad approval for work within their right-of-way but we did give the contractor permission to move on-site within the other portion of the project just to stay on schedule.

**Bridge #147** – Zack said he received 8 RFP's for the Bridge #147 Design. He said there will be a special session tomorrow to review them. Zack said he went through them this weekend and they are pretty good proposals.

**BRIDGE INSPECTION PROPOSALS** – Zack said we are still waiting on one item from the state on that.

**LPA CALL FOR PROJECTS** – Zack said a couple of months from now before the update he will probably make a special visit to the Fort Wayne District to talk about a couple of things, specifically on the Baseline Road and Railroad Bridges.

**AID SUBMISSION** – Zack said he hadn't heard anything on the AID submission.

**CR 1000 E** – Zack said he hadn't had a chance to put a report together, but hopefully we will have the traffic study and an ordinance in a week or two.

**OBSTRUCTION IN ROADWAY** – Zack said as soon as the people got the letter about the obstruction in the roadway they came in the office. He said they were in Florida and their neighbor called them and asked them if they wanted a little bit of dirt. Zack said they have issued them a permit and they are going to get everything cleaned up and let their neighbor know that if they ever do any work that isn't permitted and it impedes traffic there will be some type of enforcement.

#### **CLERK'S REPORT – JULY 2014**

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

#### **TOWN OF ALBION – INVOICE FOR DISPOSAL OF LEACHATE FROM THE LANDFILL**

The Town of Albion submitted an invoice in the amount of \$390.00 for the disposal of 6,500 gallons of leachate from the landfill in June and one in the amount of \$810.00 for the disposal of 13,500 gallons in July, (H.I.).

#### **IDEM – GLENN HUNTER AND ASSOCIATES – AIR PERMIT APPLICATION**

IDEM notified the Commissioners that Glenn Hunter and Associates of 4220 E US 6 had applied for an Air Permit and that a copy of the application would be at the library, (H.I.).

#### **IDEM – KNAPP LAKE AREA CONSERVANCY DISTRICT – REVISION TO WASTEWATER COLLECTION SYSTEM PERMIT**

The Commissioners received notice from IDEM about the above referenced revision regarding construction of a redesigned sanitary sewer lift station and a redesigned sanitary sewer force main, (H.I.).

**BEAR, HIGH, WOLF LAKE SEWER BOARD APPOINTMENT**

Dave reported that Duane Crisp from the Bear, High, Wolf Lake Sewer District stopped in about the letter of interest from Mr. Nix about being on the Board for the sewer district. He said Duane asked for a little more time to see if there is any outside interest, and not to worry about the September 1<sup>st</sup> deadline.

**MINUTES APPROVED**

Dave moved to approve the minutes of the *August 11, 2014* meeting. Chad seconded the motion and it carried, 3-0.

**TITLE FOR 2000 FORD RANGER**

Gary signed the title for a 2000 Ford Ranger which had been used by the Surveyor's Office and later the Plan Commission Director, on a motion from Chad which was seconded by Dave and carried, 3-0, (H.I.). The Ranger was sold for \$2606.00.

**UMBAUGH & ASSOCIATES – FINANCIAL IMPACT ANALYSIS RE: POSSIBLE BUILDING PROJECT**

Jackie said she got an email with an engagement letter from Umbaugh & Associates, to gather information on the proposed scope of capital projects, analyze County resources and potential revenue streams of the County etc., in an amount not to exceed \$12,000.00, (H.I.). This was tabled so the Commissioners could discuss it with the Council.

**COUNCIL ON AGING – 5311 GRANT PROPOSAL FOR 2015**

Gregg Parker, Director of the Council on Aging presented the above referenced grant for the Commissioners review. He also brought an FTA Certifications and Assurances for Federal Fiscal Year 2014, (H.I.). Gregg said the Transit Service of INDOT does a great job of making sure they comply. Gregg said he has to submit some Title VI assurances that says that we are not discriminating against minorities. Gregg said Section 5333B warranty, which is about Labor Relations, has to be posted and they have to comply with it. Gregg said the proposed budget for next year is virtually identical to this year. Dennis said it is actually a little bit less.

Gary asked Gregg if he is rotating any of his fleet out. Gregg said he is. He said for the first time since he has been doing this he is applying for a capital for three vans through 5311. Gregg said there is also a capital portion of the project where he is asking for a mini-van replacement and two small transit vehicles, which are the bigger ones, for next year.

Gary said the Commissioners are looking for some used vehicles to use for the Department of Correction Work Crews. Gregg said he does have an '05 14 passenger non-wheel chair van that he will be replacing down the road with one of the vehicles he is applying for now. He said he has another one that they just use for backup and it is a 9 passenger with a wheel chair lift. Gary said he would get with Gregg to further discuss this.

Dave moved to approve the application for Rural and Small Urban Transit Assistance Federal Section 5311 Grant. Chad seconded the motion and it carried, 3-0.

Gregg asked if a resolution would have to be done authorizing him to file for a grant under Section 5311 of the Federal Transit Act. Dennis said the one that was done in August of 2013 does not have an expiration date so he should be ok, (H.I.).

**WAIVER OF 10% DEDUCTION IN PAY FOR  
NEW FULL-TIME EMPLOYEE – STACEY BONAR**

Chad Willett Chief Deputy Sheriff came before the Commissioners to ask that they wave the 10% deduction for six months for Stacey Bonar. He said she has been employed since May of 2013 and was just recently put on full time for case management. Chad said she is fully trained already. Chad Kline asked if she was able to walk right into case management and not have any training whatsoever. Chad Willett said she was cross-trained prior to the opening so we would have two people that could do that. After some figuring to assure Stacey had met the 180 day minimum for the 8 hour shifts and finding that she had, Dave moved to waive the 10% deduction for Stacey Bonar. Chad seconded the motion and it carried, 2-1 with Chad being opposed.

**RECESSED AND RECONVENED**

The Commissioners recessed their meeting at approximately 9:55 A.M. and reconvened at approximately 10:32 A.M.

**DALE WOODS – APPEAL OF DENIAL  
FROM SPARTA TOWNSHIP TRUSTEE**

Present for this portion of the meeting were: Dale Woods; Gary Lawrence, Sparta Twp. Trustee; and Armenda Lawrence, Sparta Twp. Clerk.

Dale said he had applied to Gary to see about getting some assistance. He said he is on a very limited income and that he gets \$258.83 a month from the VA. Dale said he has food stamps now. He said he has applied for disability and it is still pending. Dale said he has a few vehicles sitting around his property but they are not all his. He said he has his father's car there and a couple that he is trying to tinker with for somebody else, to make some money to help pay his bills. Dale said the trustee told him that he had a car port that he could tear down for scrap metal, and he could scrap a broken down vehicle for a few hundred dollars also. He said he would rather sell it than scrap it because it has a brand new motor and transmission in it. Dale said he did put it up for sale. Dale said he has an old car trailer that he bought in '97 and an old horse trailer that belongs to him and his father, who is in prison with another year and a half to go before he gets out. He said he has his car there too. Dale said he feels like he was turned down because it looks bad on him because of all of the stuff he has sitting there. He said since that happened he told his son and the other people he was going to do the work for that they need to get their stuff off of his property. Dale said since then one of the trailers has left and his son is coming over to get a trailer and his van off of his property. Dave asked Dale what specifically he was applying for. Dale said he was applying for help with his electric bill and a little more, because he is single and doesn't get much money. He said his mom and step-dad have a garden and they give him food from it. Dale said the food is not so much an issue as the electric bill is and basically that is what he is applying for. Dave asked if there is a specific amount. Dale said he owes \$204.39 and that he is a couple of months behind. Dave asked Dale why he thought he was denied. Dale said because he has too many assets, but all of the stuff that is sitting there is not his. He said Gary told him he only needed one vehicle verses the two vehicles that he

had. Dale said he put one of the vehicles up for sale. Gary asked how many total vehicles are sitting on his property. Dale said he has six. Gary asked how many are his. Dale said two of them are his and one of them is for sale. He said he is not going to do anything with his dad's trailer and car until after he gets out of jail. Dave asked if he is working on one car. Dale said he has two trucks sitting there that he is taking parts off of one to put on the other one. He said if that is going to make it a problem for him to make a little income, he will have them come get them off of his property too.

Gary Lawrence said most of what Dale said is true but there are some things missing. Gary said he did deny him. He showed the Commissioners photographs of all that is on Dale's property. Gary said Dale was denied because of excessive value in the multiple cars, trucks and mobile home and RV trailer that sit there. He said he is a single man with good resources. Gary said Dale mentioned the food, and he gets \$152.00, as well as the food from his mother. He said this is the third time that he has helped Dale. Gary said in January, when he helped him before, he told Dale that if he was going to get help again he was going to have to get rid of some of the things that are outside. He said when he asked again this time, nothing had been moved but the horse trailer. Gary said he got the letter about the meeting today on Friday and he immediately went out and took pictures. He said the one white car sitting there is not Dale's. Gary said a motorcycle that was there disappeared and came back again; there is a pickup truck he said he is working on; there is a mobile home there that Dale said he has things in; there is an RV there; there are two frames of buildings (portable carport buildings); and inside the good carport that he is using as a garage is his car and another car. He said Dale has a large home and a large piece of property. Gary said he told him that he felt he had food sources so there wasn't a point of him going hungry. He said according to the document that he signed, it states that he is only supposed to give food in the interim of when they apply for food stamps and when they get them. Gary said that is a state regulation. He said as far as his heating goes, it says he can only pay a current 30 day bill. Gary said he can't pay utilities that are behind. He said he understands Dale's situation but he feels he has to take full responsibility for the situation he is in, because he has not worked this whole time or got caught up on his utilities. Gary asked Dale if it was correct that he has applied for disability. Dale said he had applied and been turned down and he has filed the appeal process on that. Gary said with all of the evidence, the township feels that it is not their responsibility at this point. He said they have helped him twice before and in their opinion he has not done anything to help, because the stuff that is there was there in January. Chad asked Gary how much financial assistance he had given Dale and what it was for. Gary said the first time it was for utilities and the second time it was food. He said he was completely out and it was in the middle of the winter so he went out and bought 60 some dollars' worth of food. Dale said he brought him a trunk load of food. Gary said again that he can't pay utilities that have been shut off or bills that are over 30 days according to the law. Gary said he always underlines it and makes sure that everybody understands that they need to be looking for work, unless they have applied for SSI. He said Dale could do light work since he is working on cars and trucks. Gary said he keeps a list to show that there are jobs out there. Dave asked Dale if he had tried to contact any of the United Way Agencies or if he had called the 211 number for help. Dale said he didn't know anything about a 211 number. Gary said Dale can call 1-800-assurance and get a free phone. Dale said he had done that. Gary said it is almost like the Township is the one to be contacted first anymore and they are supposed to be the last one contacted.

Dale said of the trucks that Gary said have been there the last six months, two of them have just come in the last month. He said they are the two, one green one and one blue one, he has been working on.

Gary Leatherman asked about the car under the tarp. Dale said that is his dad's car, and it has been his project for a long time. He said his father has had it for 25 years. Dave asked Dale if he had talked to the electric company to see if they would work with him on his bill. Dale said he had contacted them and they are working with him. He said he contacted Common Grace and they had him contact a group out of Auburn called Quiet Night and they helped him with his homeowners insurance and Common Grace said they would help him with his back electric bills but they couldn't pay the current bill.

Gary Leatherman asked Dale if he owns his house. Dale said he and the bank own it. Dave asked Dale if he has had an opportunity to look at any of the light duty jobs that Mr. Lawrence has available.

Gary Lawrence said he has talked to Taco Bell and they desperately want people to work there. He said there is also Dairy Queen. Gary said he tells everyone to get a library card because they have the latest list of job openings. Dale said he had an interview with Parker Hannifin in Ligonier and one at Tower Structures. He said the biggest disadvantage he had is that he had to go through People Link, because that is who hires for them. Dale said he is a convicted felon and they discriminate against him. He said he had tried Taco Bell before and he didn't get anywhere. Gary Lawrence said he had told Dale to get rid of the trailer and sell it for scrap. He said Dale has ways of making money. Gary said if the Commissioners determine he should pay the current electric bill he would do that, but he wouldn't agree with it because Dale has assets, and that is what he stated in the denial.

Gary Leatherman said he is all for helping someone, but he needs to see positive steps with that person wanting to help themselves first. He said he sees things there that are Dales. Gary asked if there comes a point in time when he should downsize on his home. He said there is a mobile home there that could be scrapped. Dale said he is working on tearing the mobile home down. He said he started taking stuff out of it last week.

Dave asked Dale that given the fact that the electric company had said they are willing to work with him and it is not an emergency situation, if he could explore some of the things Gary Lawrence had suggested since he does have some assets. Dale said he could talk to them and see what he could do.

Gary Lawrence said once they help somebody they don't help them for another six months. He said he told Dale when he applied, that if he took his application back and he needed help in another month he could help him. Gary said he chose not to do that. Dale said he did not take it back because Gary said it would have been a waste of his time if he did. Gary said he tried to talk Dale out of turning in the application.

Dennis asked Mr. Lawrence if he had written standards that he goes by. Mr. Lawrence said he did have something that had been adopted a long time ago and had been passed on to him. He said he would get Dennis a copy.

Dave told Dale that he has had communication with the electric company and it didn't sound like they were going to turn his electricity off. He said the weather is such that he may have the opportunity to take advantage of some of the things he had talked about doing to help himself. Dale said he is trying to work on taking Gary's advice. Chad said it sounds like Dale had been in touch with Common Grace who put him in touch with some services that may be available as well, and with that he would move to back up the denial of the request. Dave

seconded the motion to uphold the denial and recommended to Dale that he try the 211 number to see what other services might be available to him. The motion carried, 3-0.

**“LETTER OF MAP REVISIONS” (LOMR) RE:**  
**FLOOD ELEVATIONS AT LOON LAKE**

Present for this portion of the meeting were: Dick Adair, Building Inspector; Mick Newton, EMA Director; and Randy Sexton, Noble County Surveyor.

Richard, Mick and Randy were present to discuss the problem Rodney Renkenberger from the Maumee River Basin Commission discovered with the Noble County portion of the Loon Lake area not being included in the recently updated Flood Insurance Rate Maps, (H.I.). Mick said Rodney sent him a whole list of problems this could cause which he had forwarded to the Commissioners. Dave asked what it is that we don't have. Dick said we don't have any flood elevations on our portion of Loon Lake. He said the original maps that were in place when he took over had nothing, so over the years when he had any questions he had to call the DNR Division of Water to find out what the elevation of the lake was. He said they always indicated that when they did new maps that would be included on the maps. Dick said when we had the open house we told them about that and they wrote down that it was something that needed to be done. He said the flood insurance people don't know how to set a rate on an area that is not identified. Dick said we need to get the Letter of Map Revisions submitted in order to get them to identify our portion of the lake on the flood maps. Randy said it becomes a real significant issue for financing, because when people go for mortgages in that area, they are not going to be caught for flood insurance. He said it becomes a real consequence later if the homes are flooded and there are damages. Randy told what FEMA does with flood hazard areas and the services they have available that are helpful.

After further discussion, Dave moved on behalf of the Noble County Commissioners to submit to the Indiana Department of Resources, Division of Water, to pursue the preparation of a letter of map revision of Loon Lake with the accompanying documents per the request. Chad seconded the motion and it carried, 3-0, (H.I.).

**LANDSCAPING PLANS –**

Justin Cain from Hulen's Landscaping came before the Commissioners to present a proposal for landscaping around the courthouse (none for file). Phil Jacob, Head of Maintenance and Gregg Bricker were also present. Justin said he had never done a presentation before. Chad asked Justin not to discuss prices. Justin presented a drawing and showed flowers and shrubs on his computer that he recommended planting, and where he would recommend that they be planted. He said a lot of what he is proposing would flower in the summer and again in the fall. Justin said all of the lava rock would come out and they would put in stone like is in other areas of the courthouse lawn. He said he would do some uniform trimming on some of the trees. Many of the things proposed by Justin would require low maintenance or no maintenance. Justin said they also trim landscaping in case Phil would need help with something.

Dave asked if there would be something that could be put around the hills to keep people from walking down them and would make them more inclined to use the sidewalks. Justin said they could put a bush with thorns on it there. Gregg talked about his concern with bushes around the entrance where people can hide or hide cell phones, etc. in.



Chad asked if they plan to do fall planting or spring planting. Justin said he is hoping to do it in the spring, because of the bad winter we had last year and because of the loss of some of their stock. He said he would have everything in the spring that he needs and then it could have the spring, summer and fall to root in and become established, and then if we do have another bad winter it will have a better chance.

**ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 12:02 A.M. recessed from day to day until the 19<sup>th</sup> day of August, 2014.

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Gary D. Leatherman, President

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David J. Dolezal, Vice President

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Chad Kline, Member

ATTESTED: \_\_\_\_\_  
Jacqueline L. Knafel, Auditor