

**MINUTES OF A REGULAR SESSION OF THE  
BOARD OF COMMISSIONERS HELD SEPTEMBER 3, 2013**

Comes now the hour of 8:58 A.M. on the 3<sup>rd</sup> day of September, 2013, 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:

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

Also present were:

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

**SHERIFF'S DEPT. – EXPENSES OVER \$500.00**

Chad Willett, Chief Deputy came before the Commissioners to request to spend over \$500.00 for fingerprint kits that had already been purchased in the amount of \$640.78, and for a new walk through scanner for the courthouse security in the amount of \$3,926.00. Chad said if metal is detected, the scanner would show the zone on the body where it's at. Gary asked how much of this would be paid for out of the security budget. Chad Willett said they have \$3,100.00 in that budget and they will request the remainder from the Council this afternoon out of the CCD fund.

Chad Kline moved to approve the expenditure of \$640.78 for fingerprint kits and also pending Council's approval on the expenditure for the walk through scanner for security for \$3,926.00. Dave seconded the motion and it carried, 3-0.

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

The Commissioners reviewed the claims to be paid today's date. Dave then moved to approve them. Chad seconded the motion and it carried, 3-0.

**HIGHWAY BUSINESS  
UTILITY PERMITS**

Mark presented the following utility permits: #UP-043-13 from Northern Indiana Public Service Company for work on CR 400 N between CR 415 N & CR 400 N in Allen Township; #UP-044-13 from United Telephone d/b/a CenturyLink for work on 375 N between N 1025 W and SR 5; #UP-045-13 from CenturyLink for work on Northport Road between 325 E & 400 E in Orange Township; #UP-046-13 from Noble REMC for work on CR 900 N between CR 1000 E and 1100 E in Wayne Township at the Matthew Holbrook residence; #UP-047-13 from Noble REMC for work on CR 200 S between CR 50 W & 250 W in Noble Township at the Samantha

McGinnis residence; and #UP-048-13 from Noble REMC for work on CR 415 N between CR 300 E & 350 E in Jefferson Township at the Corey Schoon residence, (H.I.).

#### **HYDRAULIC PUMP FOR VOLVO**

Mark said he would like to get permission to spend \$3,500.00 for a hydraulic pump for one of the Volvo trucks. He said the cheapest one they could find is \$3,500.00. Mark said they are trying to find a place to rebuild it. He said the truck will be out of service until the pump is replaced. Dave moved to approve the purchase of the pump in the amount of \$3,500.00 if they can't get a reconditioned one. Chad seconded the motion and it carried, 3-0.

#### **MOWERS**

Mark said they continue to have mower problems. Mark said he thought the shop has figured out what a lot of our mower problems were and they have parts on hand now. Dave asked if there are any counties that contract out their mowing. Mike said Whitley County had put out a question to see if any counties do that, and he didn't see any responses that they do. Mark said probably the best bet for us would be to pick up a used tractor mower to keep a spare on hand like we used to. Mike said Mark Fisher is looking into trying to get some of our part-time staffing back for next year. He said our mowing program needs to have full-time attention all summer long. Mike said he thought keeping the weeds down so people can see is the number one thing for the Highway Department to do. Dave asked what kind of DOT regulations the part-time mowers would have. Mark said there are not any particular requirements. He said retired farmers that have already worked with that kind of equipment works out best.

#### **REPLACEMENT OF CULVERTS ON 500 E & 415 N**

Mark reported that the above referenced culvert on 500 E south of 600 N has been replaced. He said they have started the ditch and culvert replacement on 415 N.

#### **CHIP SEALING**

Mark said tomorrow or Thursday they will start with the chip sealing again if the Council approves the money today. He said he needs to get started while we still have warm weather.

#### **BRIDGE 12**

Mike said PRIMCO said they would probably start construction on Bridge #12 sometime in September. He said he is going to contact them and get their schedule so we will know when the road is going to be closed.

#### **BRIDGE #6 AT BRIMFIELD**

Mike said INDOT sent a reply to his e-mail and said there was a possibility that they could take 100 E and tie it in over to the west side. Gary asked how soon they would actually start this project. Mike said they are just going through the engineering and getting all of the hearings out of the way. He said he didn't think any money had been made available yet and they will have a public hearing at some time.

#### **BRIDGE INSPECTION REPORT**

Mike said United Consulting has a couple of minor things to do to finish the Bridge Inspection Report and then they will be setting up a meeting to go over it with the Commissioners. He said there are a few minor things that they brought to his attention about some structural issues that need to be taken care of, but none of them are things that have to be done right away.

#### **STRIPING – PHASE 2**

Mike said he is going to start putting together a list for the roads to be striped in Phase 2 so they can get it done before the cold weather.

## **HIGHWAY ENGINEER APPLICANTS**

Dave asked if there had been any response from the LTAP ad for a Highway Engineer. Mike said there hadn't been any. Mike said it is odd that we haven't heard from more people. He said there has been a shortage of Civil Engineers for the last 10 years. Mike said he thought we could wait for a couple of more weeks, and then it would be time to make a decision and move on.

## **BRIDGE MAINTENANCE DISCUSSION**

Mike said the bridge inspection identified six or eight bridges where the decks are in bad shape. He said he got some estimates on them, which he would be going through. Mike said it costs \$30,000.00 - \$35,000.00 each to remove the decks and seal them and put a new asphalt surface on. He said he would get with Marc Fisher on the funding to see if we can still do some of them this fall. He said before working on the bridge decks, they would work on structural issues first.

## **PUBLIC HEARINGS – JONES LAKE ROAD SPEED LIMIT**

Proof of publication was provided for all three public hearings to be heard today. With no one present to object, Chad moved to approve the ordinance establishing a set speed limit for Jones Lake Road at 20 MPH from CR E 1050 N to the end of Jones Lake Road, (H.I.). Dave seconded the motion and it carried, 3-0. (Ord. #2013-06).

## **STOP SIGN – SPARTA TOWNSHIP**

Chad moved to approve the ordinance (#2013-07) establishing a stop sign at Lincoln Street and Oak Street in Sparta Township (Kimmell). Dave seconded the motion and it carried, 3-0.

## **AUGUST 2013 SECURITY REPORT**

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

## **IDEM – COLWELL, INC. PERMIT**

The Commissioners received notice from IDEM that Colwell, Inc. has applied for a new source review and renewal of its Part 70 Operating Permit issued on December 11, 2001, (H.I.).

## **IDEM – METZGER DAIRY, INC. - CONFINED FEEDING OPERATION**

IDEM notified the Commissioners that Metzger Dairy, Inc. has applied for a Confined Feeding Operation Proposed Expansion, (H.I.).

## **ECONOMIC DEVELOPMENT - CONTRIBUTION**

The Commissioners received a copy of a letter from Donald Babcock, Director of Economic Development in Merrillville, IN who sent a check in the amount of \$8,750.00 to Northeast Indiana Regional Partnership, (H.I.).

## **GRUBER POWER SERVICES - UNINTERRUPTIBLE POWER SYSTEM & GENERATOR MAINTENANCE**

The Commissioners received a letter from Jonathon T. Gress with Gruber Power Services, inquiring how they could go about doing business with Noble County, (H.I.). There was information on services they have available. No action taken.

### **PAYROLL TO BE PAID 9/05/13 APPROVED**

After reviewing the payroll from 8/09/13 - to 8/22/13 be paid 9/05/2013 Dave moved to approve it. Chad seconded the motion and it carried, 3-0.

### **HIGHWAY BUSINESS CONTINUED**

#### **PUBLIC HEARING – STOP SIGN @ CR E 900 N & CR N 1200 E INTERSECTION IN WAYNE TWP.**

Chad moved to approve the stop sign on CR 900 N in the *turn right lane* of CR 1200 E in Wayne Township. Dave seconded the motion and it carried, 3-0. (Ord. #2013-08)

#### **UDO CHANGES RE: DRIVEWAY PERMITS, ETC.**

Mike said he is going to try to get the construction standards done this week so they can be reviewed and finalized. Dave asked what that will include. Mike said it is basically highway construction standards that will take in a lot of the stuff that the UDO has on driveways, and he is adding a section to cover general things on permits. He said when it is all done they will put the construction manual on the web site so people can go in and read the rules and regulations concerning the various kinds of permits.

#### **TRANE - WORK AUTHORIZATION RE: PROSECUTOR'S OFFICE AIR CONDITIONING**

The Commissioners received a copy of a Work Authorization from TRANE for work at the Prosecutor's Office in the amount of \$11,683.00 plus refrigerant if needed, (H.I.). Phil Jacob, Maintenance Supervisor told the Commissioners that for the last couple of weeks he had to keep resetting the air conditioner at the Prosecutor's Office. He said he called Trane and they came and said the one coil unit inside has a leak in it, and the whole coil unit would have to be replaced. Phil said he did put Freon in it and thought it might work until winter. He said something has to be done. There was discussion about how this could be paid for. Phil said he has had to reset the air conditioning once since they put the Freon in on August 28<sup>th</sup>. Auditor Jackie Knafel checked to see where they might be able to get the money. She reported that there is \$18,000.00 left in the CCD Fund for computer maintenance that she could transfer to repairs if the expenditure is approved by the Council this afternoon. At the end of the meeting, Chad moved to approve, pending approval from the Council, the maintenance work for the air conditioning unit at the Prosecutor's Office for \$11,683.00. Dave seconded the motion and it carried, 3-0.

#### **RECESSED AND RECONVENED**

The Commissioners recessed their meeting at approximately 10:01 A.M. and reconvened at approximately 10:13 A.M.

#### **REZONING – SHANE & TRACIE MANTH - GREEN TWP.**

Nathan Miller, Plan Commission Director said at the last Plan Commission meeting the board looked at a subdivision and rezoning for Shane and Tracie Manth. He said he believed they approved the subdivision pending rezoning approval, for which they gave a positive recommendation. Nathan said it is a large parcel and they are trying to divide off 2 acres around an old farm house so they can sell it off separately. He presented a one-lot subdivision plat which also included the additional right-of-way for the Commissioners to accept and approve if

they so choose. Dave asked if there were any issues or concerns with it. Nathan said they got one letter from a landowner that said there could be an issue with the septic system, but he let the Health Department know and he said they would check it out and let him know if there were problems but they never got back with him. He said as far as we know it is ok. Dave moved to approve the rezoning in Green Township for Shane and Tracie Manth for a property subdivision for Walnut Acres Estates. Chad seconded the motion and it carried, 3-0. Chad said the new Comprehensive Plan has new "set" road right-of-ways, and any time we do anything now they are giving us the additional right-of-way, so we have to accept it. Nathan said we are asking for a 30' right-of-way now. Dave moved to approve the additional right-of-way for Walnut Acres Estates. Chad seconded the motion and it carried, 3-0.

### **REZONING – LARRY BOYD (BOYD LP) – NOBLE TOWNSHIP**

Scott Zeigler, land surveyor and Matt Boyd were present for this portion of the meeting. Nathan said they are requesting a rezoning from I-1 to A-1 for a 2.73 acre section on US 33. Chad said one of the questions he had in the meeting and one of the unusual things is that we are rezoning this to an A-1. He said he thought it didn't have enough property for an A-1 because it is less than 10 acres. Chad said this is not a separate piece of property it is just going back into a larger parcel that will all be zoned A-1. Scott said what we actually have is a larger piece of property that has two different zonings on it. Nathan said most of the I-1 zoning on that chunk of ground is currently being used for agricultural production. After further discussion Dave asked if there was a recommendation of the Plan Commission. Nathan said there was a positive recommendation. Dave moved to approve the rezoning in Noble Township for Larry Boyd in Section 5. Chad seconded the motion and it carried, 3-0.

### **UDO CHANGES**

Nathan said the Plan Commission has some minor tweaks they want to make to the UDO, and he passed out some paperwork showing what they are, (H.I.). He said some of the square footage requirements for buildings were varied, and they would like to try to make them more uniform. Nathan said currently the UDO does not allow for open loop geothermal, and most of the people in Noble County use the open loop. He said the Plan Commission decided it should be allowed but they would have to go through a review by Storm Water and Erosion to make sure they are discharging the water appropriately. After discussion about the changes being requested, Dave moved to approve the UDO changes recommended by the Plan Commission. Chad seconded the motion and it carried, 3-0. Dennis asked Nathan to make reference in the UDO that these changes went into effect as of today so that it is clear.

### **PITNEY BOWES – CERTIFIED MAIL**

Shelley Mawhorter, Clerk came before the Commissioners to further discuss the need for the additional bar code that is needed for her to get a report of certified mail daily instead of once a week from the post office. She said she needs that information every day, because it is possible they wouldn't be able to have court sometimes if she can't show proof of service. The cost for the 1 time payment for the bar code option is \$3,330.00. When asked where to get the money, Jackie said it could be paid from the postage account, and hopefully the savings on the certified mail would cover it. Shelley said if the postage account runs low she could put a claim in to cover it out of her Perpetuation Fund. Chad moved to approve the \$3,330.00 request to add a bar code for Pitney Bowes for the certified mail. Dave seconded the motion and it carried, 3-0.

**ALLEN ENGLE, COURTHOUSE CUSTODIAN – RESIGNATION**

The Commissioners received a letter from Allen Engle notifying them that he would be resigning/retiring effective as of Thursday, September 26, 2013, (H.I.).

**COMMISSIONERS BUDGET PROJECTION ADOPTED**

The Commissioners received a copy of their budget projection, (H.I.).

**ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 10:57 A.M. recessed from day to day until the 9<sup>th</sup> day of September, 2013 on a motion made by Chad, seconded by Dave, which carried, 3-0.

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Gary Leatherman, President

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David J. Dolezal, Vice President

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Chad Kline, Member

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