

**MINUTES OF A SPECIAL SESSION OF THE  
BOARD OF COMMISSIONERS HELD JULY 16, 2012**

Comes now the hour of 8:30 A.M. on the 16<sup>th</sup> day of July, 2012, 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:

Joy Y. LeCount, President  
David J. (Dave) Dolezal, Vice President  
Jack W. Herendeen, Member

Also present were:

Michelle L Mawhorter, Recorder  
Dennis Graft, County Attorney

**CLAIMS:**

Claims to be paid on August 6<sup>th</sup>, 2012; Commissioners would like a notice sent to J & J Landscaping to stop mowing until we receive rain. Commissioners would like to know what Scott is building with the funds for Big C Lumber and Midwest Pipe. Dave makes a motion to approve claims with the exception of Claims from the Surveyors Perpetuation fund; Jack seconds, motion carries 3-0.

**ELKHART LOG JAM REMOVAL**

Joy brings up the bid specs that the DNR wrote reference the log jam removal from the Elkhart. This was a meeting that was held last week. Commissioners still have questions about our 20% being in addition to the grant; Commissioners would like to have that clarified. Bids are to be in the Auditor's office by 9am on July 23<sup>rd</sup>.

**SIDEWALK GRANT**

Joy received an email from Beth Shellman reference the paving on the North side of the Prosecutor's office and our share will be \$1,508.00. No bill has been presented at this time.

**IDEM**

A notice received that the State has granted an air quality permit to Myer Material, LLC.

**NOBLE COUNTY BUILDING DEPARTMENT**

List of fees occurred by Randy Tucker regarding an unsafe building at Bear Lake, (H.I.)

## **GROUND RULES - UDO**

The scope of work will be to prepare a final draft in reference to the final changes by the Noble County Commissioners. The final changes will be provided to the consultant by August 12<sup>th</sup>. It should say NO increase to the maximum Dave makes a motion to sign the contract, Jack makes a second with the question of this being in the same price as the first, Joy states this is an addition. Motion carries 3-0.

## **BP**

They are just letting us know that we can get Credit Cards from them for people on the road. We already have that.

## **WEAVER BOOS CONSULTANTS**

This is an invoice for the groundwater monitoring for April 2012 in the amount of \$2,900.00. (H.I.)

## **MINUTES TO THE EXECUTIVE SESSION OF JULY 9, 2012**

Jack makes a motion to approve, Dave seconds, motion carries 3-0.

## **NOBLE COUNTY EMERGENCY MANAGEMENT AGENCY**

Mick Newton and Terresa Griffiths are present for this. Mick states that there is really no change in the dryness. Mick states that the forecast is very grim. Do not expect anything thro July. In reference to the burn ban it does not seem to cover fireworks. Mick thinks that if this continues we need to gather the players, the attorneys, the police and all involved to see what we need to do to enforce all of this. Mick gives a list of places that have had field fires. (H.I.) Mick recommends that the burn ban be left in place. 3 counties have never had a burn ban, but almost all of Indiana is under the ban. Mick states that the Kendallville fire department will have a big presence at the fairgrounds this week. Terresa states that the fair board is putting sprinklers on top of the buildings to help keep things cool.

## **DAVE BAUM**

He would like to have 2 of the desks that have been removed from the Clerk's office. Dave will let Phil know he wants them.

## **HIGHWAY DEPARTMENT**

Mike Fitch and Mark Goodrich are here for this part of the meeting.

Received quotes for Brookside Estates Concrete Repair quotes were from Garcia Concrete Construction, Inc for \$26,770.00 and 1 from Pioneer Construction, Inc for \$33,216.00. Mike recommends Garcia Concrete for this work. Dave makes a motion to accept the bid from Garcia in the amount of \$26,770.00; Jack seconds, motion carries 3-0.

The Commissioners received 2 quotes from Mike for pavement line striping; 1 from Three Rivers Barricade and Equipment Co for \$23,851.26 and 1 from Airmarking Co, Inc for \$29,027.77. Mike recommends Three Rivers Barricade for this; they have done work for us in the past. Jack makes a motion to accept the bid from 3 Rivers. Mike states that the budget was set for \$45,000.00 and he would like to increase the road on this but not to exceed the \$45,000. Mike is unsure under Indiana code how much we can add to the contract without re-bidding. Denny would feel more comfortable if Mike contacted them and said we would like to increase the amount of road and how would this change the bid. Jack re-tracks his motion. This will be on hold until next week.

The Commissioners would like Mike to hang around until 10 to look over the bids for the parking lot for the Annex.

## **BRIDGE # 134**

LPA vouchers totaling \$1,995.75 in which \$1,596.60 is the Federal Share. We are waiting on a response from the RR on cost and design. Joy asks Mike if we do not receive anything from the RR on a timely manner what happens. Mike is unsure but feels that INDOT would want to give an opinion on this, so we should wait for the RR. Dave makes a motion to sign the vouchers; Jack seconds motion carries 3-0.

## **MISC**

Fiber Optic lines to be buried (H.I.).

Road closed for the next week will be CR 600 W and CR 450 W at the Norfolk Southern tracks. Truck #14 is still not together, it is just a matter of time they are putting the final touches on it. They will then move to Truck #2, it is missing an injector. The man that looked at the truck stated with the miles on it he would recommend replacing all the injectors. Mark is unsure of the cost of that.

Scrap money from the sign project came in and we got \$11,950.00; Marc Fisher sent the money up to put in the Highway fund.

## **HIXSON SAND AND GRAVEL**

Hixson will be putting the pit in Kimmel up for sale. They are not getting rid of the material with it; they want to know if we are interested in purchasing any of the material from them prior

to their sale. Jack feels like we shouldn't worry about it. Joy states we would be handling the material twice by moving it to the lot and then to the roads.

### **DRIVEWAY PERMITS**

Mike states that this is a bad issue. The permit just protects the County if they are built where the site is correct. This is where the attorney needs to look this over. The ordinance at this time has been suspended. Joy states that the desirable home sites would not allow driveway permits under the previous ordinance. We need to make this work for all of Noble County.

### **OPENING BIDS FOR THE PAVING OF THE SOUTH COMPLEX**

BROOKS CONSTRUCTION \$33,452.00

API \$29,000.00

PULVER ASPHALT \$33,200.00

The Commissioners will take these under advisement until next week at 9:00 am, Jack makes this motion, Dave seconds motion carries 3-0.

### **BREAK AT 10:25 BACK IN SESSION AT 10:35**

### **UNSAFE BUILDING AT WALDRON LAKE**

Richard Adair is here for this part along with Michael & Donna Middleton

Dick sent a letter on June 21, 2011 in reference to a building on the Middleton property. A tree fell on the building. Mr. Middleton notified Dick that he would like to repair the building. No action was taken on the repair. On 5/15/12 Dick sent a letter advising the Middleton to have this taken care of by June 29<sup>th</sup> of 2012, still nothing has been done. (H.I.) This is an 8 x 10 storage building. The building has been torn down, but has not been removed or repaired. This building is located on Frantz Dr. Dick has photos of the building and the fact that no further action has been taken to clean this up. Jack wants to know if they are going to remove it. Mr. Middleton states that they have to separate the shingles from the wood and the weather has been very hot. Jack states that this has been going on for over a year. Joy wants to know if you get a dumpster in there could you get someone to help you. Mr. Middleton stated yes but they want to salvage part of the pieces. Dave asked about a time frame. Mr. Middleton stated about 30 to 45 days to get it completed. Denny states that you need to give them a set time and they need to understand that the fine could be up to \$5,000. This needs to be cleared away. Denny will draft a findings and an order per the Commissioners. Jack asks if Dick feels this is ok. Dick states that this has been going on for a year and the only thing they have done is knock the building down, they have not followed through. Joy states that if the Commissioners give you until after Labor Day weekend can you get this done. If after this time Jack states the Commissioners will NOT put this off again, they will face a fine and they will pay the cost of the County having this removed. Jack makes a motion to allow them until September 4<sup>th</sup>, Dave seconds the motion it carries 3-0.

## **GREGG PARKER QUARTERLY REPORT & GRANT PAPERWORK**

Council on Aging grant.

Mr. Parker stated that counties around us used stimulus money to purchase scheduling software that shows the time it takes to get from one place to another, but he used his money for vans. Greg has the second quarter voucher for the Commissioners today (H.I.).

Greg needs the Commissioners to sign the paperwork for a grant. Grant is for \$100,535.00. Jack makes a motion to sign the paperwork; Dave seconds motion carries 3-0. (H.I.)

The Commissioners discussed a variety of space issues.

### **RECESSED at 11:29 UNTIL 3:15**

Jack Herendeen is not here for this part of the meeting

### **UNSAFE BUILDING AT BEAR LAKE**

The Commissioners are back in session at 3:15. Mr. Tucker is not here, the board will wait for 10 minutes.

Randy Tucker's property is located at 1894 S. 6<sup>th</sup> St., Albion, IN; Mr. Tucker lives at 4614 E Old Trail Rd, Columbia City, IN.

The Commissioners are talking about the options to take care of this unsafe building. Joy wonders if we get a dumpster and the Chain O Lakes crew to clean it up. The cost of the work crew could be figured into the fees charged to Mr. Tucker plus the cost of the dumpster. Joy states the IC is 36-7-9-7.

Dave asks if we can assess the fine in Mr. Tuckers absents? The fine can be up to \$5,000.00.

Dave makes a motion to fine Mr. Tucker 10% of the Assessed Value of the land which will make the fine \$800.00; Joy seconds, motion carries 2-0.

The Noble County Disposal stated the price for a 40 yard dumpster is \$543.00 for 2 weeks. Denny states that we must give Mr. Tucker 10 days notice of us doing the work. Shelley will pay for the dumpster cost out of the Recorder's Perpetuation fund.

Denny will draw up the paperwork to be signed by the Commissioners and sent by certified mail to Mr. Tucker.

**ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 4:03 recessed from day to day until the 23<sup>rd</sup> day of July 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