

**MINUTES OF A SPECIAL SESSION OF THE  
BOARD OF COMMISSIONERS HELD SEPTEMBER 30, 2013**

Comes now the hour of 8:26 A.M. on the 30<sup>th</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 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  
and Scott Perry & Bob Braley, News Media

**NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH**

Steve Clouse, Prosecutor came before the Commissioners to let them know that October is National Domestic Violence Awareness Month, and in the past they have always had a display in memory of victims who have passed away in the last year. He said Indiana has had 58 fatalities of men, women and children in the past year that were domestic related. Steve said we did have a Domestic Violence Task Force that has kind of disbanded, so his office has taken the lead on it, and they would like to put a display with the crosses and a banner on the courthouse lawn again to recognize the awareness month. He said Suzie (Pippenger) and Terri (Skinner) are the Victims Advocates and Brent (Echenberger) handles the domestic violence cases in the office. Suzie, Terri and Brent were all present. Steve said they go from July 1<sup>st</sup> through June 30<sup>th</sup> when they are doing the count. Gary asked what is seen in Noble County regarding domestic violence. Steve said we haven't had any fatalities, but it is steady in the number of cases. He said unfortunately they continue to deal with the domestic violence cycle where the victim comes in the next day and begs to have the charges dropped because it was all a mistake. Steve said they work closely with the Counselors at the Noble House to try to educate the victims on the cycle of abuse and what they are feeling. Dave moved to approve the request. Chad seconded the motion and it carried, 3-0.

**PAYROLL TO BE PAID 10/03/13 APPROVED**

After reviewing the payroll from 9/06/13 – 9/19/13 to be paid 10/03/13 Dave moved to approve it. Chad seconded the motion and it carried, 3-0.

**IDEM – KAUTEX TEXTRON, NORTH AMERICA, AVILLA  
& CREATIVE WOODS DESIGNS IN LIGONIER –  
NOTICE OF APPROVAL OF PERMIT APPLICATIONS**

The Commissioners received notice from IDEM of the approval of the above referenced permit applications, (H.I.).

## **IDEM – APPROVAL OF KNAPP LAKE SEWER PERMIT APPLICATION & LIGONIER COMPOST REGISTRATION RENEWAL**

IDEM notified the Commissioners that they had received a **sanitary sewer** permit application from the Knapp Lake Area Conservancy District, which if approved would allow the applicant to construct a sanitary sewer for the Knapp Lake Area Wastewater Collection System in Noble and Kosciusko County.

The Commissioners also received notification from IDEM that they approved a vegetative matter composting registration for the City of Ligonier, (H.I.).

## **WEIGHTS & MEASURES REPORT – 8/15/13 – 9/15/13**

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

## **MINUTES APPROVED – SEPTEMBER 23, 2013**

Having reviewed the minutes of the *September 23, 2013* minutes and making corrections, Dave moved to approve them. Chad seconded the motion and it carried, 3-0.

## **NUNC PRO TUNC ENTRY RE: WELLS FARGO INSURANCE – SCHEDULE OF BENEFITS RE: HEALTH INSURANCE**

A motion was made last week by Chad to approve the preliminary rates for the three insurance plans as presented and seconded by Dave, but no vote was taken. The Commissioners voted 3-0 in favor of the motion made last week.

## **CUSTODIAL POSITION**

Gary said that Phil, Head of Maintenance, had recommended that four of the applicants for the custodial position be interviewed. He said the interviews will be Wednesday. The Commissioners reviewed the applications and they added an additional applicant to be interviewed.

## **HIGHWAY BUSINESS – MARK GOODRICH & MIKE FITCH DAMAGE TO DISTRIBUTOR**

Mark reported that the distributor was spraying tack over on CR 415 and a car ran into the rear end of it. Mark said the man that hit the distributor was ticketed for going down a closed road. Chad asked if he lived down that road. Mark said he didn't and he drove by a "road closed" sign. Gary asked how much damage was done to the distributor. Mike said it basically broke some air lines. He said they are working on getting it repaired and he didn't think it would be too bad. Dave asked if there were any injuries. Mark said there weren't any injuries.

## **OPERATOR**

Mark reported that he has had an operator off since July 10<sup>th</sup> with a back injury and it appears that he is going to need back surgery. He said if he needs surgery we will be lucky if he is back by the end of the year. Dave asked what that would do to the staffing this winter. Mark said as far as having an operator down, we are coming off the time when we really need him. He said summer is when we need them the most and he can get by without him most of the winter.

## **LPA VOUCHERS – BRIDGE INSPECTIONS**

Mark presented an LPA Invoice Voucher for United Consulting's Engineering costs regarding bridge inspections, (H.I.). Chad moved to approve for Gary to sign the LPA vouchers. Dave seconded the motion and it carried, 3-0.

## **FRONTIER COMMUNICATIONS - DAMAGED PHONE BOX**

Mark said he contacted the agency that is handling the claim against us for damage to a junction box. He said he told her he didn't think it was fair for them to charge us due to the circumstances of higher than normal weeds and the green boxes. Mark said she said she would pass it on to Frontier, and he has a meeting with two of their representatives on the 18<sup>th</sup> to see what can be worked out.

## **BRIDGE REPLACEMENT ON 400 S STARTED**

Mark reported that the bridge replacement on CR 400 S is well under way. He gave an update on what has been done so far, and there was discussion as to how long the bridge would be closed. Mike said he thought they would be a few days ahead of schedule.

## **NEW TANDEM TRUCK**

Mark said the latest delivery date on the Western Star tandem truck we have ordered is October 2<sup>nd</sup>.

## **DISTRIBUTORS**

Mark said he has started working on specs for a distributor. He said his goal, if he can keep everything else running, is to have the specs sent out by the middle of October and then review the quotes and accept one by the end of October or the first of November, and that would give us an early May delivery. Chad said at the conference they talked about the possibility of leasing the tandems rather than buying, and he asked about contacting LTAP to get some figures so they could do some price comparisons between owning and leasing or renting.

## **CR 415 CHIP & SEAL**

Mark said he is hoping to get the final lay of asphalt on CR 415 today and go back in and touch up the berm. He said he had talked to an individual about hydro seeding that because he thought it would work better. Mark said he thought they could spray that and get the grass to grow more even. He said he has the money for that.

## **TREE AT BIG LAKE**

Mark said Chad had talked to the forester for the DNR, and he won't come out for anything less than 10 acres. Dave asked Mike if he thought the Forester they met from Earth Source would come out and look at it. Mike said we could check to see if they have an arborist on staff. Chad said his thought about that is to know what they are going to charge us, because the quote came in at just over a little over \$1,000.00 to remove two trees. He said if we are going to pay a couple of hundred dollars for someone to come and look at the trees, we might as well look at the possibility of taking the trees down. He said we would have to look at splitting the cost. Dave said we could open a can of worms doing that. He said if the tree is fine, he is more leaning towards leaving it alone. Mike said in this case the tree that blew over was so close to the road that it actually damaged part of our road and the other trees are in the same situation. He said if we were considering taking it down he would offer a 50/50 split on the cost. Mike said it would protect us from additional road costs if it ever did blow over. Dennis asked what it cost to fix the road when the tree came down. Mark said they had three guys with

half a day labor and a load of gravel to do some repairs. He said the bid did not include taking the stumps out, and he asked the landowner (Jay Painter) if he expected us to take the stumps out. Mark said Mr. Painter said he didn't care about the stumps so they would still be there. Mike said as long as they cut them off down at the ground that would be ok.

Dave said hearing Mike's view about the damage to the road, that would change his perspective and he would be willing to cost share. Chad asked Mark to contact the landowner to see if he would be willing to split the cost 50/50 to have the trees taken down.

### **SAFETY TRAINING**

Mark said he had scheduled the road crew and mechanics for safety training on October 17<sup>th</sup> and for a snow plowing seminar on October 31<sup>st</sup>, both of which will be put on by LTAP. He said the safety class is sponsored by IPEP, and Kosciusko County Highway Department will have the snow plow seminar put on, and they have invited Noble County to attend.

### **ANNUAL SUPPLY BIDS**

Mark said we need to get a date set for the annual bids to be done. After some discussion, it was decided to go with a November 4<sup>th</sup> date for opening the bids.

### **CR 1000 & LISBON ROAD STOP SIGN**

Mike asked if the Commissioners want to schedule another hearing for the CR 1000 and Lisbon Road Stop Sign. He said he had received information from Region 3-A that he had requested on a gap study, and from that information it doesn't appear there is any concern or problem with people being able to stop and get out on to 1000. Mike said the gap study tells you the time between cars passing on 1000 so you have enough time to get in and get out. He said he wanted to check that for the peak hours to see if people would have to wait. Mike said he hadn't found anything to change his original recommendation to make it a two-way stop. He said he asked Region 3A to do another count, and they told him that they factor in the time of the year, the day of the week and adjust the numbers accordingly, so it wouldn't make any difference when the count was taken.

Chad said once the road is actually done, he is planning on going out there to count cars and to keep track of who turns.

Mike said as another part of this, currently there is no speed limit on Lisbon Road, and he would suggest making that 35 or 40 MPH between SR 3 and 1000, and possibly the last 1000 feet for eastbound traffic on the east side of 1000. He said people come down that hill too fast so if we reduce the speed it should help that situation. Chad asked if it is possible to put a yellow flashing light on the Stop Ahead sign. Mike said there are new signs that are solar electrified with LED lights around the sign that flashes that you can see for ten miles. He said the thing about that is if there is anyone living nearby it might be an annoyance to them. Mike said he could check into the signs.

### **PHASE II STRIPING PROJECT**

Mike said they had received the striping quotes, and he will work with Mark to finalize the Phase II striping for this fall.

### **INDOT – CALL OUT FOR PROJECTS**

Mike reported that INDOT is going to have a call for projects for 2017 and 2018, and the first applications are due before October 31, 2013 for 2017. He said the ones for 2018 would be the following month. Mike said he would put together a couple of projects with cost estimates and make some recommendations. Mike said it is for all types of projects including roads and bridges. He said he would also like to submit for a bridge and it might be good to submit several bridges. Chad asked if we can submit multiple applications. Mike said on the email he saw they

didn't have any limit on the amount of applications we could make. Chad asked if there is a possibility that we could be awarded two projects. Mike said there is. He said it is based on how you prepare your presentation and the needs and commitment of the county. Mike said if we are willing to pay for engineering and right-of-way out of local funds that would influence their decision, because it allows them to stretch their money.

### **UNITED CONSULTING - BRIDGE INSPECTIONS PHASE II FINAL REPORT**

Present for this portion of the meeting were Jen Grawcock and Scott Minnich from United Consulting. Scott presented the final Phase II Bridge Inspection Report, (H.I.). (See filing cabinet in Commissioners Room). He said there are federal requirements that the bridges all be inspected every two years in order to keep them safe. Scott said in general Noble County bridges are in good shape. He said everything is currently open and currently safe for the public. Scott said there are 68 bridges total and they have listed 8 of them on the replacement schedule. He said there are 4 bridges listed for some repair work and there are also some maintenance items listed for the majority of the bridges as well. Scott said they are minor items that need to be done. He said there are 4 bridges that are posted for load limits. Scott said three of them are truss bridges over the CSX railroad and the other one is Bridge 12, all of which are on the replacement schedule. He talked to the Commissioners about box beam bridges of which the county has 43. Scott talked about some of the problems that happen as the bridges age.

Dave asked if we pay for the inspections on the railroad bridges. Scott said we do. Scott told about the CD in the back of the book that is very helpful in looking things up. There was discussion about the replacement values. Dave asked if there is a rating that if a bridge drops below that rating it has to be closed. Scott said from a low grading standpoint, three tons is generally thought of as the minimum load rating.

Mike said what the Highway Department has been doing since the first report came out is to take care of some of the maintenance things that they are able to take care of, and he mentioned some of what they have done, and what they still have to do. Mike said he wanted to thank Scott for his report and for working with him so well and answering his questions.

Scott said he appreciated the cooperation of Mike and Mark and that it had been good working with them.

### **RECESSED AND RECONVENED**

The Commissioners recessed their meeting at approximately 10:02 A.M. and reconvened at approximately 10:18 A.M.

### **REZONING – ROGER DIEHM IN WAYNE TOWNSHIP & ACCEPTANCE OF ADDITIONAL RIGHT-OF-WAY FOR BECK'S SUBDIVISION**

Scott Zeigler who did the surveying for Roger and Nathan Miller, Plan Commission Director were present for this portion of the meeting. Nathan said they were here for a rezoning and a dedication of road right-of-way for Roger Diehm. Scott said the property is located at 1000 N and 1000 E in Wayne Twp. He said Roger has about 19 acres on the northwest corner of the intersection. Scott said there is an existing house on that plat of ground and Roger's desire is to sell off 2.07 acres around the existing house, drive, septic and well and retain the remainder of the land. He said a one lot subdivision (Beck's Subdivision) and a rezoning would be

required. Scott said there are about 15 parcels of land in that are residential within a mile radius of that area, and they range from 2 - 5 acres in size. Scott said with the plat they would be dedicating an additional 10' of right-of-way to make the required 30' right-of-way for this parcel.

Nathan said the Plan Commission had reviewed this and they approved the subdivision and gave a favorable recommendation on the rezoning.

Dave moved to approve the rezoning for Beck's Subdivision from A-1 to RE. Chad seconded the motion and it carried, 3-0. Dave then moved to receive the additional 10' of right of way on the 2.07 acres on the property. Chad seconded the motion and it carried, 3-0.

**REZONING – IDEN LAND TRUST, INC. IN WASHINGTON TOWNSHIP AND ACCEPTANCE OF ADDITIONAL RIGHT-OF-WAY FOR BROADWAY ESTATES**

Scott Zeigler and Nathan Miller were present for this portion of the meeting also. Scott said this property is located on Broadway or 900 W, just into Washington Township. He said the parents have passed away and the children want to auction off the property and they want to have five auction tracts out of 186 acres. Scott said they have a two lot subdivision in which the lots are non-contiguous within a parcel of land, so the land in between would still belong to the Iden family. Scott said one lot is under 10 acres so it will have to be rezoned, and they are requesting that it be rezoned to Rural Estates (RE). He said there are over 12 residential sites within a mile radius that were 2 - 5 acres. Scott talked about soil borings and septic systems, and he talked about where the driveways would have to be. He said they are dedicating an additional 5' of right-of-way on the two plats to make a 60' road right-of-way.

Nathan said this was approved by the Plan Commission and they offered a favorable recommendation for the rezoning. Dave moved to rezone Lot 1 in Broadway Estates from A-1 to RE to include expanding the right-of-way from the current 50' right-of-way to a 60' total of right-of-way along CR 900 W. Chad asked if the issue with the drainage would be recorded with the deed. Scott said they put that as a restriction on page two of the plat. Chad said the issue is that the person owning the property to the east is believed to have private drainage running through the property. Dave included the drainage restriction in his motion. Chad then seconded the motion and it carried, 3-0.

**REZONING – KENNETH R. & DEBORAH L. MILLER IN WASHINGTON TWP. - KENNY & DEB MILLER ESTATE**

Nathan said the Kenny & Deb Miller Estate (subdivision) is on 1000 N & 600 W and they are asking for a subdivision and rezoning of 6.78 acres around the house and barn. He said directly to the east there is a confined feeding operation which is on a small lot with no room for expansion, and no one seemed to have a problem with that. Nathan said the Plan Commission approved the subdivision and gave a favorable recommendation for the rezoning from A-1 to RE. Dave moved to approve the Kenny & Deb Miller Estate rezoning of a 6.78 acre parcel to be changed from an A-1 to a RE and to include the 30' dedicated right-of-way for CR 600 W and 1000 N from the current to 30' which would be 60' total. Chad seconded the motion and it carried, 3-0.

## **HANDBOOK DISCUSSION**

### **EXEMPT PERSONNEL - 10:58**

There was discussion about the current list of exempt personnel and whether there would be any additions or deletions. During the discussion it was determined that the following would be exempt: Elected Officials; Chief Deputy Prosecutor; Deputy Prosecutors; Public Defenders; Chief of Probation; Assistant Chief of Probation; Director of Community Corrections; Highway Engineer; Highway Superintendent; Plan Director; Building Inspector; EMA Director; E-911 Director; Health Officer; Veterans Service Officer; Weights & Measures; County Nurse; Jail Nurse; IT Director; and GIS Coordinator should be exempt.

### **MEALS - 11:10**

Chad moved in the Reimbursement for meals that: (A) An employee in travel status or attending a conference or training event outside of Noble County will be reimbursed for meal expenses not to exceed \$40.00 per day. Dave seconded the motion and it carried, 3-0.

### **EXEMPT PERSONNEL - 11:11**

Chad moved to accept the list of exempt employees. Dave seconded the motion, per the previous discussion, and it carried, 3-0.

### **USE OF VEHICLE POLICY**

Chad said in the Use of Vehicle Policy where it talks about Central Dispatch it needs to be changed to Noble County Communications.

Jackie said she would make the changes and have Michelle proof the handbook. Chad asked that when Michelle gets done proofing that the Commissioners get to see the final version to make sure there is nothing else.

### **SAM'S CLUB & COSCO'S**

Jackie said Sam's Club and Cosco's have both been in to see her to ask permission to distribute information to the employees so they can get a small discount for membership fees. Chad moved to approve the disbursement of Sam's Club and Cosco's materials. Dave seconded the motion and it carried, 3-0.

### **LIQUIDITY SOLUTIONS, INC. - CLAIM**

#### **RE: IDEAL MUTUAL INS. CO. OF NEW YORK**

The Commissioners received a letter from Liquidity Solutions, Inc. expressing their interest in purchasing the county's allowed and undisputed Class 2 Claim against Ideal Mutual Insurance Company of New York in the amount of \$26,687.60, (H.I.). Chad moved to not accept the offer. Dave seconded the motion and it carried, 3-0.

### **J & K COMMUNICATIONS & ERS - QUOTES FOR 911 RADIO EQUIPMENT**

There was discussion about some quotes Jackie had received from J & K Communications & ERS for 911 radio dispatch upgrade equipment. Chad said Mitch (E-911 Director) had asked about the upgrade several months ago. He said the Commissioners gave him approval to do the upgrade, but he needs to use the money out of his own budget. Chad said he didn't think the Commissioners actually gave him the approval to do it, so he may have to come back to get that approval.

**ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 11:26 A.M. recessed from day to day until the 7<sup>th</sup> day of October, 2013 on a motion made by Dave and seconded by Chad 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