

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD NOVEMBER 25, 2013**

Comes now the hour of 8:40 A.M. on the 25th day of November, 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 Bob Braley, News Media

PAYROLL APPROVED

After reviewing the payroll from 11/01/13 – 11/14/13 to be paid today's date Dave moved to approve it. Chad seconded the motion and it carried, 3-0.

WEIGHTS & MEASURES REPORT – 10/15/13 – 11/15/13

Art Buchanan, Weights & Measures, submitted his report from October 15 – November 15, 2013, (H.I.).

WEAVER BOOS INVOICE

The Commissioners received an invoice from Weaver Boos re: submission of a letter to IDEM with a request to discontinue residential groundwater monitoring near the landfill, in response to prior communications with IDEM. The invoice is in the amount of \$1,444.75 for labor, (H.I.).

INDIANA CLEAN COMMUNITY CHALLENGE

The Commissioners received a letter from the Indiana CLEAN Community Challenge which is managed by the Indiana Department of Environmental Management, (H.I.). This is a free program that recognizes and rewards Indiana communities for proactively managing the environmental impacts associated with governmental operations.

HIGHWAY DEPARTMENT 2014 ANNUAL BID BREAKDOWN

The Commissioners received a breakdown of the bids that were approved for materials and services for 2014 for the Highway Department, (H.I.).

HUNTERTOWN WATER AND SEWER ORDINANCE

Gary said that last week the Commissioners had a discussion about Huntertown having an ordinance that encompassed a four mile radius around Huntertown for water. He said he had

been in contact with their town attorney and the ordinance is exclusive of those areas which are located outside of Allen County, so since none of Noble County is factored into that the Commissioners will take no further action. Chad moved to not send the letter to the IURC as had been voted on last week. Dave seconded the motion and it carried, 3-0.

PART TIME CUSTODIAL POSITION

Auditor Jackie Knafel said she had called the other individual the Commissioners wanted interviewed for the part time custodial position and she has never returned her calls. She asked how the Commissioners wanted to proceed. Chad asked Jackie to call the individual that had been interviewed to make sure she still wants the position.

HIGHWAY BUSINESS – MIKE FITCH, ENGINEER AND MARK GOODRICH, SUPERINTENDENT TRUCK #4 POWER ISSUES

Mark said they started having power issues with truck #4 last week which is a spare truck, and they think it is an injector problem or an injector pump problem. He said an injector pump is a little under \$1,000.00 but if it is the injector it is going to run \$2039.88 to replace. After further discussion Dave moved to approve the purchase of the injectors if that is the issue. Chad seconded the motion and it carried, 3-0.

TRUCK #18

Mark said Stoops wants to know if we are going to trade in the tandem truck which they offered \$20,000.00 for a trade in on a new truck. He said with the problems we have had with trucks he would really like to hold on to it at least through the winter to evaluate what direction we want to go. Mark talked about the problems with other trucks they have. He said we might be better off to get rid of one of the single axle trucks and keep the tandem. Dave asked Mark if he gave the truck up how many spares he would have. Mark said he would have five. Dave asked if that wouldn't be adequate. Mark said the reason he chose this truck to replace was because it is the oldest tandem in the fleet and maintenance has been running \$10,000.00 - \$20,000.00 a year over the last five years. He said if it is a spare truck the maintenance would probably go down because they wouldn't keep it for a route truck. Mark said truck #7 which has the issue with the frame rusting out is a tandem as well, and in the event that we did have some major problems we would have a tandem to keep on the road in place of it. He said they hold so much more material and they can get the routes cleaned up a lot quicker. Mark said if we keep the tandem and get rid of a single axle truck we would have to sell it instead of trading it in. Gary asked if they would have enough money if we don't trade the truck in. Mark said he was sure the money was all put in place without the trade. Chad asked when we did the CEDIT amendment if it was for the entire purchase price. Jackie said it was \$185,000.00. Chad asked if that would cover the truck and the bed. Mark said it would. Dave asked Mark if he thought only having five tandems would handcuff him for spares without having the other tandem. Mark said some of his concern is the issues we are having with tandems. Dave asked what percentage of spares there would be if we keep the tandem, which would give us 6. Mark said it would be 50%. He said we have 12 trucks. Mark said the oldest truck is a Ford single axle and it is a '96 and the bed is bad in it. After further discussion Dave moved that based on Marks recommendation we hold on to the tandem through the winter and re-evaluate it next summer. Chad seconded the motion and it carried, 3-0.

GAS & DIESEL BIDS

Dennis asked Mark if there is anything new on the gas. Mark said nothing other than the prices keep going up. He said he just started getting information on it last week and he talked to Dean about it and he still looks for a downturn in December and he thinks December is our best bet. Mark said he was reading an article today where they claim the price is going to go up because the refinery is shut down and there is holiday travel.

FUNDING APPLICATIONS – CR 150 & BRIDGE #182

Mike reported that he and Marc Fisher would get the funding applications finished today for CR 150 and Bridge #182 and get them sent in.

CONSTRUCTION STANDARDS

Mike said he is working on the construction standards. He said he sent the final corrected version to Zach along with the drawings so he could review them. Mike said the only thing he has left to do is the permit section and the fee portion. He said his goal is to have them done before the end of the year.

BRIDGE DECK SURFACE REPLACEMENTS

Mike said Engineering Resources is going to do some site inspections regarding the bridge deck surface replacements and Zach will be involved in that.

LOG OF PROJECTS

Mike said he is putting together a written log of all of the projects he has been involved in. He said he has several traffic signage issues that he has been working on and he has some information from Region 3A on two of them. Mike said it is easier to write it all down rather than to try to tell Zach about all of it.

ROAD MILEAGE CERTIFICATION

Mike said usually about this time of year we put together any additions or deletions in our certified mileage and get it sent to Indianapolis by the first of the year. He said he is working on that with Charisse. Mike said they found out they have been maintaining some that we shouldn't be maintaining.

REFLECTIVE SIGNAGE

Mark Pankop was present and he said with the new reflective signage it is so bright it blinds you, and he asked if there is anything that can be done. He said when you have your bright lights on, you can't even read some of the signs at night, and it becomes so bright that if there is a vehicle coming and one of the signs is there what you do is just split the difference because there is no way to see anything else. Mark said they are so high that at an intersection where there is a little bit of slope or something, he can't even see if the other directions has stop signs or not. Mark said he didn't think we have made an improvement, especially with the reflection. Mike said he thought we could turn the faces a little bit to help with the reflection if we know which ones they are. Mark said he didn't think that was the point. He said he didn't think they had to be so bright. Chad said he thought that was the federal standards now. Mike said they are mounted at the recommended height.

REQUEST TO LEASE RECORDING SYSTEM FOR INTERROGATION ROOMS AT SHERIFF'S DEPARTMENT

Sheriff Doug Harp was present and he said they have had a lot of glitches with their recording system and they had tried to piece meal cameras and microphones and so on. He said they are still having intermittent problems with it. When asked, Doug said he was talking about video and audio in the interrogation rooms. Doug said he had been working with I Record which

is probably the premier recording system. He said he had worked with Dave Baum (IT) on it some too. Doug said there are several surrounding counties that have the system he has a quote for. He said what he wants to do is to lease it for the first year rather than buying it outright. Doug said he was planning on buying it through Commissary funds. He said the original price is about \$17,000.00. Doug said it is a very good system. He said they lose spots of the recordings as they are doing interviews, and his fear is that will happen during a big case. Doug said his plan was to pay the first lease payment out of the Drug Seizure Forfeiture Fund and he didn't think there would be an issue with that. He said after that he would pay for it from his Commissary fund. Doug said it is a five year lease and the price would be \$20,614.30 through the five year lease. Chad asked if the equipment stays the same throughout the entire five years. Doug said it does and then we would have an option to buy it at the end of the lease. Dave asked Doug if he had looked at competing companies. Doug said he has but what it looks to him like is that it is people that are in the surveillance type camera business that are trying to make that into an interview recording system. He said this is a proven system that he wants to go with and it has worked very well for different agencies. Doug said there is a way you can type key words into the system and it will search it so you don't have to listen to the whole interview. He said there are a lot of plus' with the system, but it is expensive. Chad asked if this is a "lease to own" and not a lease that at the end of the five years we turn it back. Doug said it is a "lease to own". Dave asked if it includes maintenance. Doug said there is maintenance built into it. He said if the Commissioners don't have a problem with it he would like to do the lease option rather than an outright purchase because of the way the Commissary fund is right now.

DONATION OF SICK DAYS TO LANDON WHEELER IN PROBATION APPROVED

Stacey Beam, Chief of Probation came before the Commissioners to get approval for the donation of sick days to Landon Wheeler, the new person she just hired. She explained that he had an emergency appendectomy a week ago Friday and six employees in the Probation Department donated a sick day to him. Stacey said she hadn't had a chance to read the new handbook but it says they need to come and ask for approval before they donate days, and she asked how about an emergency like that. She said he got sick on a Thursday night. Chad said generally it would take place before payroll. Stacie said she could email the Commissioners if something like that comes up again. Chad said as long as the Commissioners address it on a Monday, generally payroll would be a week out. Chad moved to approve the donation of the sick days to Travis. Dave seconded the motion and it carried, 3-0. Chad said the Commissioners also want to know the employees attendance history when there is a request.

PROCEDURE FOR DONATION OF SICK DAYS

Dave Baum was present for this portion of the meeting, and he said he has an employee that he just hired and his wife is going to have a baby in a couple of weeks. He asked if the Commissioners would rather have an email sent. Chad said he thought it would be good to start with an email because it is going to come down to reviewing the employee and it is going to be a case by case basis. He said someone who abuses sick days is probably not likely to get donated sick days.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 9:36 A.M. and reconvened at approximately 9:53 A.M.

PUBLIC HEARING – ALLEN CHAPEL ROAD (1000 E) AND LISBON ROAD (CR 415 N) 4-WAY STOP TO 2-WAY STOP

Present were: Mike Fitch, Highway Engineer; Mark Goodrich, Highway Superintendent; Scott Swogger, by phone; Bryan C. Riehm; Mark L. Pankop; Ray Scott; and Hertha Meyer.

Scott Swogger said he wanted to reaffirm that the letter he had sent previously with the concerns he had with that change still stand. He said he understood there would be another traffic study done on that road and he didn't believe it had been done because he didn't see any wires going across the road. Mike Fitch said Region 3A said the counts that they originally took, basically took in an annual count. He said they allowed for the variations throughout the year in the traffic amount. Scott said he believes there is a significant difference in the number of trucks and cars that are now utilizing that stretch between 1000 and Kendallville Iron & Metal now that the roads have been redone. Chad said he had a conversation with the General Manager of Kendallville Iron and Metal and he told him that none of their semis use that intersection and that they use State Road 3. He said the only trucks that do use that intersection are their small roll-off tandem trucks. Chad said the manager said on their busiest day they have an average of two to four. Scott said that is probably true with their trucks, but they do operate that waste transfer site and there are any number of waste hauling trucks that do initially use that road to get to the waste haul dump site. Chad asked Scott if he thought the trucks are crossing 1000 E or if they are on 1000 E and turning onto Lisbon Road. Scott said he would suspect that the majority of the trucks are traveling on 1000 E and turning onto Lisbon Road. He said he thought it was more of a turn issue and that was his concern about there being no turn lanes or decel lanes

Ray Scott said his thoughts were summed up in the note he sent to the Commissioners recently. He thanked the Commissioners for their due diligence on the topic and not rushing to any judgment. Ray said he still hoped that a throughway on 1000 E will be a result of this. He said he is strongly in favor of it.

Mark Pankop said he was involved in the original 1000 E project when he was a Commissioner. He said when the project was first envisioned Kendallville was putting in an industrial park on the east side of Kendallville and the thought was that the road from the new SR 3, which wasn't built yet, would become a well traveled road. He said the Commissioners were assured that the SR 3 project would be put on the front burner right after 1000 E was completed, and that didn't happen. Mark said he and Harold Troyer another former Commissioner learned that Bruno (the person from the State who would approve the project) was retiring, and they got an appointment and went to talk to him and he said they thought the 1000 E project was promised. He said the road was a federally approved project and it was to be a thoroughfare from Dowling Street to new SR 3. Mark said it was built with federal funds to federal standards. He said the Dowling Street and Waits Road intersections were addressed. Mark said all of the intersections were designed and constructed for that to be a thoroughfare. He said the thought at the time was to make it a 4-way stop and then when the people got used to it we could make it a thoroughfare as it was designed. Gary asked Mark when 1000 E was completed, why it wasn't made a two-way stop then. He asked if the state was controlling it. Mark said he thought the intent was to completely reverse it once people got used to stopping.

Bryan Riehm said that during the factory shift change time, he didn't know how they would be able to get across. Dave asked how they get across at Waits Road. Bryan said there is a stop sign at the half way point and he thought that slowed the traffic down enough so they could get in and out. He said Lisbon Road is a shortcut between Kendallville and Auburn too.

Hertha Meyer said at the last meeting a comment was made that there are no stop signs north of 6 on 1000 E. She said there is no reason for that because it is primarily residential or farm land. Hertha said there are two industries on the Lisbon Road and there were none on the Waits Road before. She said the Waits Road had to have a through way before 1000 was adjusted, because of the elevation. Hertha said they used to have to stop on 1000 before the Waits Road because of the way the road was. She said they raised Waits Road so 1000 could be a straight road through. Hertha said things have changed in the time that she has been there. She said it used to be all agricultural and now there are more homes on the Lisbon Road, and there are four small children that live right at that intersection and she worries about them. She said there are school busses for six weeks solid that come to the orchard, and a lot of people drive their cars there. Hertha said she would like to see the stop sign stay, if for no other reason than safety. She said she was a little perturbed when at the last meeting it was said that there would be another speed study, and when she stopped at the Highway Department last month she found out it wasn't done. Hertha said there might be a marked speed limit, but people go zooming through there and don't pay attention to the speed limit, and she would like the Commissioners to reconsider what they are proposing. Chad said we requested for Region 3A to do another traffic study, and they said it wasn't necessary. They said they said the first traffic study took into account the numbers and that the second traffic study would have been a waste of time because the number would have been the same. Hertha asked why they didn't make the changes when the 1000 E project was done. Mike said he talked to the design engineering consultant who designed the project. He said the engineer told him that the only intersection that they were asked to do a warrants on for stop signs was on Waits Road. Mike said they did the warrants on Waits Road and it was converted from a 4-way to a 2-way, and they were never asked to do a study on 415. Mike said he asked if it hadn't been part of their responsibility to do the warrants automatically, and he said, "No". He said the public officials advise them if they want a signal, stop signs or whatever. He said it was an existing 4-way stop and it was left a 4-way stop. Hertha asked if they weren't the experts. Mike said he thought that too. Hertha said since industry has increased in the Industrial Park that road has become so heavily traveled that in some cases people that need the side roads are at a danger to try to get across or on to it. Mike said the warrants for a 4-way stop are that both directions have to have the same or close to the same number of cars per day. He said this intersection has almost 3,700 cars a day on 1000 and 415 has approximate 450 cars per day. Mike said the other warrant is that the 415 intersection has to have at least 200 cars per hour entering the intersection for 8 hours. Hertha asked if the intersection of 1000 E and Dowling meets the criteria. Chad said he travels that road a lot and he would say they meet the first warrant of equal traffic but may not meet the second warrant of 200 vehicles per hour. Mike said the other issue is that the accident history at that intersection is good. He said he thought over the last 5 years there has been an average of two accidents per year, and from information he got from Region 3A most of them were driver error accidents. He said to him it comes down to inconvenience. Dave said to spend all of that money to make it a thoroughfare we should have used it as a thoroughfare in the first place.

Ray Scott said in speaking with Scott Derby, the engineer for Kendallville, he pretty much said the same thing. He said Waits Road is used far more than Lisbon Road.

Chad said he used to use Lisbon Road to go to Auburn and now he uses Waits Road because it is a better road. Chad said he thought people had adjusted very well to that.

Gary agreed that when 1000 E was constructed it should have been a thorough highway. He said he compares this intersection to SR 5 and 200 N. He said both intersections have quite an incline to the north. Gary said his concern is that to go from a 4-way to a 2-way, if we are opening the door for more crashes because people are used to it being a 4-way stop. There was further discussion about other dangerous intersections. Dave said he thought everybody shares Gary's concern. He said the transition period would be a concern. Dave asked Mike if we hadn't talked about doing something to the stop sign to make it—Gary asked how the intersection will be marked if it is changed to a 2-way for warnings. Mike said currently there is a stop ahead sign on both sides of 415. He said he thought there should be an additional sign placed on the stop ahead sign, especially on the east approach, saying reduced speed 35 because there is a slight downhill grade there. Mike said underneath the stop sign would say cross traffic does not stop. He said that is a standard plaque that has to be placed on them. Chad asked if there could also be yellow flashing lights posted. Mike said there is a 30 – 60 day time period of when you could put flashers on stop signs. Mike said if they are used to stopping they are going to slow down when they come to the intersection and then they will coast on through when they realize they don't have to stop. He said people are doing that now and abusing the stop sign.

Mark Pankop said the Dowling Street intersection became a part of the Dowling Street project. He said the Waits Road intersection was a major consideration. Mark said we bought and removed a church building and a residence at that intersection in order to make it a thoroughfare. He said when spending approximately 2.6 million on an over pass over the railroad and approximately 6 million on the road itself for a thoroughfare, it seems kind of ridiculous to put a stop sign in the middle of it.

Mike said on 1000 E, north and south, we could put intersection cross signs and an advisory reduced speed sign letting people know there is an intersection coming up.

Chad said part of the concern he has is that this is probably not the best time to make the change with coming into inclement weather, with roads that could be ice covered or snow covered. He said adjusting to the change would probably be better during good weather. Gary said there is nothing we can do to correct driver inattention, no matter how many signs are placed at an intersection.

Dave said if you look at the stats from the National Highway Safety Traffic Association, it has always been their position that the elimination of signs actually makes for fewer accidents. He said if people just drive and pay attention they usually do a better job. Dave said he didn't know if the time of the year necessarily made any difference.

Hertha said she thought the Commissioners had done a good job researching this and listening to the people. She commended them and thanked them for their time. Ray Scott gave his thanks too.

Dave moved that the road be used as intended and built and that the stop sign on the north/south of 1000 E be removed as soon as it is feasible to do so and with the proper markings and make it a thoroughfare as it was intended by the federal project and guidelines in the way it was built. Chad said he thought that proper notice needs to be given before anything is changed. He asked what kind of timeframe would be needed to make the changes to the intersection. Mark Goodrich said they wouldn't have any of the type of lights they are talking about and they would have to be ordered. Chad said if we are going to change it he would like to be able to give people a date of when it is going to change. Mark Goodrich said he doesn't know

what kind of time frame it would take to get the lights. Dave said we could make it contingent upon getting all of the proper public notification and lights. Chad seconded the motion and it carried, 3-0. Chad asked Mark Goodrich that once he knows he has everything to let the Commissioners know, and we will set a date so we can provide ample time for notification of the change. Chad asked if there is a certain distance that the stop ahead signs need to be placed before the stop. Mark and Mike said it is 500 feet. Gary asked Mike to go to the maximum amount of signs we can put up there to notify people that through traffic does not stop.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 10:51 A.M. and reconvened at approximately 11:13 A.M.

UDO CHANGES AND CONTRACT WITH GROUND RULES TO HELP WITH CHANGES

Nathan Miller, Plan Commission Director explained to Dave what had been discussed last week about the changes for placement of a temporary dwelling that was prematurely approved by the Commissioners, because the public hearing was not held until after their approval. Dave moved to approve the changes to section 9.07 Section A, 1 & 2 and subsection C-2 under Article 11, Animal Farm. Chad seconded the motion and it carried, 3-0.

Chad said one of the questions he had about the contract with Ground Rules is that in the previous contract in article 6-1 it said "in consideration of the scope of services and schedule" and now it says "scope of services and time frame". He also questioned the offer to complete the changes for a lump sum payment of \$4,000.00 plus the cost of any additional services requested. Chad said it was our understanding during conversations with him that he thought it would cost \$3,000.00 - \$5,000.00 including travel. He said we split it and went with \$4,000.00 but now the \$4,000.00 does not include any travel. Chad said in talking with Nathan he didn't think we would need him to travel here. He said we could do everything over a web meeting which would eliminate travel cost and would be included in the \$4,000.00 price tag. Chad said with the amount of work that we are probably going to have, he thought we would get our \$4,000.00 worth out of it. He said we have to get this changed, and we need to do it as soon as possible. Dave said on section 6-8 it talks about hard copies and he asked if we would ask for a lot of them. Nathan said Brad gives him the file and we have been printing all of our own.

Dave moved to approve the contract between Noble County and Ground Rules for the UDO update codification. Chad seconded the motion and it carried, 3-0. Chad said that Ground Rules agreed that if they didn't do \$4,000.00 worth of work they would lower the invoice.

IT – PURCHASES OVER \$500.00

Dave Baum came before the Commissioners to request some expenditures over \$500.00. He said Steve Hook's (GIS) server has needed to be replaced for a long time and he would like to do that and the approximate cost would be \$12,750.00. Dave said he also needs some additional furniture and shelving since IT is relocating and that would be \$3,500.00. He also asked to replace 20 laptops for Noble County Sheriff's Department squad cars. Dave said he would like to replace them all at one time because they are going to be changing the footprint to a tablet type foot print. Chad asked if they will be going to touch screens. Dave said they would be. He talked about what would be needed for e-tickets. Dave asked if the computers would be fixed or if the officers could take them out of their vehicles. Dave said they could be

taken out. Chad asked if the intent was once that these are installed that he would be installing the Vision Mobile at that time. Dave said he didn't know exactly when they would put the Vision Mobile in. Dave Dolezal said Dave Baum referenced e-tickets, and he asked what that is. Chad said the officers scan your driver's license and they scan your registration. He said they don't write tickets anymore. Chad said the computer will print them out. The replacement of the laptops would be \$30,000.00.

Chad moved to approve the purchases in the total amount of \$46,250.00. Dave seconded the motion and it carried, 3-0.

PART TIME CUSTODIAL POSITION

Chad said he and Gary held an interview for a part time custodial position. He said the candidate seemed like a perfect fit for the Sheriff's Department, Highway Department and Court Services. Chad moved to offer the job to Dora Lawson at \$10.00 an hour. Dave seconded the motion based on Chad and Gary's recommendation. The motion carried, 3-0.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 11:42 A.M. recessed from day to day until the 2nd day of December, 2013 on a motion from Chad and a second from Dave which carried, 3-0.

Gary Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor