

**MINUTES OF A REGULAR SESSION OF THE  
BOARD OF COMMISSIONERS HELD JUNE 2, 2014**

Comes now the hour of 8:40 A.M. on the 2<sup>nd</sup> day of June, 2014, 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:

Jacqueline L. Knafel, Auditor  
Marion S. Cavanaugh, Deputy Auditor  
Dennis Graft, County Attorney  
and Joel Elliott & Scott Perry, News Media

**CLAIMS APPROVED**

After reviewing the claims to be paid today and the supplemental claims that are paid as they come in, Chad moved to approve them. Dave seconded the motion and it carried, 3-0.

**PAYROLL TO BE PAID 5/29/14 APPROVED**

The Commissioners received copies of the payroll from 5/02/14 – 5/15/14 that was paid 5/29/14 after being approved by Gary on 5/21/14, (H.I.).

**NOBLE COUNTY COURT SECURITY REPORT FOR MAY**

Noble County Court Security submitted their report for May, 2014 showing that 19 people were taken into custody and there was 1 emergency response, (H.I.).

**WEIGHTS & MEASURES REPORT - 4/15/14 - 5/15/14**

Art Buchanan submitted the Weights & Measures monthly report from April 15, 2014 - May 15, 2014, showing that he did 80 inspections and one computing scale was rejected, (H.I.).

**CLERK'S REPORT – MARCH & APRIL 2014**

The Clerk's reports for March and April, 2014 were received, (H.I.).

**TREASURER'S REPORT – APRIL 2014**

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

**CERTIFICATES OF INSPECTION – BOILERS AT JAIL**

The State of Indiana Boiler & Pressure Vessel Section sent certificates of inspection for the boilers at the jail, (H.I.).

**IDEM – ASHLEY INDUSTRIAL MOLDING, INC. –  
APPROVAL OF PERMIT MODIFICATION &  
KRAFT FOODS GROUP, INC.**

The Commissioners received notification from IDEM that they had approved a permit modification for Ashley Industrial Molding, Inc. and a permit modification for Kraft Foods Group, Inc., (H.I.).

**REPORT OF INSPECTION – COURTHOUSE ELEVATOR**

The State of Indiana Division of Fire & Building Safety Division of Elevators sent a Report of Inspection for the courthouse elevator, (H.I.). Dave is going to follow up with KONE Elevator to see when the five year inspection will be done.

**NOTICE OF MAINTENANCE ON THE FOLLOWING  
DRAINS; EASTERDAY #150; EASTERDAY BR1; &  
EASTERDAY, ALL IN THE ROSCOE DRAIN SYSTEM**

The Commissioners received notice that the above drains would have open spraying done on them starting June 1<sup>st</sup> and being completed ASAP, (H.I.).

**GENERAL PRESERVATION CORP. -  
EXTERIOR RESTORATION**

The Commissioners received information on the services they have available, (H.I.).

**SECOND AMENDMENT TO 2014/2015 CREDIT PLAN**

The Commissioners received a copy of a proposed 2<sup>nd</sup> amendment to the CREDIT Plan as has been discussed, which would add to the first year of the plan, Project 14, Highway Road Improvements in the amount of \$100,000.00, (H.I.). Dave moved to approve it. Chad seconded the motion and it carried, 3-0.

**INDIANA LINCOLN HIGHWAY ASSOC. -  
LINCOLN HIGHWAY BYWAY**

The Commissioners received a letter from the President of the Indiana Lincoln Highway Association indicating that they are organizing an Indiana Lincoln Highway BYWAY Corridor Council, and asking for names or nominees, (H.I.). Chad said the way they talked at a meeting they thought it should be someone from the CVB (Convention & Visitors Bureau). Dave said he would contact someone to see if they would be interested in serving.

**MINUTES APPROVED**

After reviewing the minutes of the *May 12, 2014* meeting Chad moved to approve them. Dave seconded the motion and moved to approve the *May 19, 2014* minutes. Chad seconded the motion and the motions carried, 3-0.

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

Toby Steffen from Butler Fairman & Seufert and Dan Kinder from Primco were present for this part of the meeting.

## **MOWERS WORKING**

Mark reported that the part time mowers have started with the mowing. He said we have three of them and it will be very helpful having them working every day.

## **DITCHING & BERMING**

Mark said they have started the ditching and berming. He said they are behind where he wants to be and he will look at some options to get caught up.

## **ROAD CONSTRUCTION**

Mark said he had made phone calls to get things ready for road construction. He said just about everything that could be messed up was. Mark said the material wasn't going to be available, the equipment that had been promised wasn't what we had been promised, etc. He said he thought he had most of the bugs worked out to where we will be within about a week of where we want to be.

Dave thanked Mark for making it a priority to get the water off the roads before we put money into them.

## **BRIDGE #70 WAGE SCALE HEARING & RAILROAD AGREEMENT**

Zack said the wage scale meeting was held a couple of weeks ago and it went fine. He said we will open bids at 9:30. Zack said the only outstanding thing we have on that is the railroad agreement. He said he had received the railroad agreement and he asked Dennis if he had reviewed it. Dennis said he had and it seemed one-sided. He said he would go over it with Zack to talk about his concerns. There was discussion about the costs involved in the agreement and why there is a need for flaggers.

## **BRIDGE OVERLAYS**

Zack said they did all of the scour protection work in-house last week on the five bridges that had been discussed previously and another bridge structure. He said it would have been upwards of \$10,000.00 for each bridge, and they were able to use the Camp Crew and they rented a mini excavator to do a lot of the work in house. Zach said that will also pull the structures that were on Scour Critical inspections off, so we will save money on inspections as well. He said the plans are nearly finalized if the Commissioners want to go ahead and sign the cover sheet. Zack said with the work that was done in-house the estimated cost would be around \$150,000.00 instead of \$400,000.00 plus. Chad moved to approve the cover sheet for the bridge resurfacing plans for five bridge projects. Dave seconded the motion and it carried, 3-0.

## **BRIDGE INSPECTION CONTRACT - UNITED CONSULTING**

Zack reported that the Bridge Inspection Contract with United is being drafted.

## **LPA CALL FOR PROJECTS**

Zack said they will be presenting on all of our projects tomorrow. Dave said he only saw five projects instead of six. Zack said the newest bridge ratings weren't published in time and one of the projects got denied because of the ratings going from 77 to 46. Zack said he has all of the power points prepared, and the Commissioners are welcome to go if they want to.

## **HIGHWAY STANDARDS**

Zack presented the Highway Standards that had been approved and signed by Gary and Dave and still needed Chad and Jackie's signatures. These will be available on line and it will be published that there will be an ordinance advertised to make them official.

## **1000 E/LISBON ROAD - STOP SIGN REMOVAL**

Zack reported that he would be removing the stop signs on Wednesday morning at the 1000 E/Lisbon Road intersection making it a two way stop instead of a four way stop.

## **BRIDGE #5 GUARDRAIL DAMAGE**

Zack said there is guardrail damage on Bridge #5 which was a hit and run, and therefore there is no insurance coverage. He said he has a quote for the work in the amount of \$5,000.00. Zack said it is within Kendallville City limits but it is part of the guardrails tying into the bridge approach. He said he didn't know if we should just pay it or ask Kendallville to pay a portion of it, and he asked the Commissioners if they have preference on how they deal with it. Dave said if there is no insurance coverage, he would like to ask Kendallville to split the cost with us. Jackie is going to check with the insurance company to see if there is any coverage.

## **CR 200 W RAILROAD OVER PASS**

Zack said they got a quote for the pipe lining under the railroad overpass on CR 200 W. He said the pipe is getting pretty bad and in order to work around the railroad we actually do a lining project and we technically don't have to contact them because it is not in their right-of-way. Zack said it would cost between \$31,000.00 and \$34,000.00 to contract it out. He said it would be for about 84' of 48" pipe that would be relined.

## **SME - REPAIR OF 300 S**

Zack said they got the results back from SME with a proposed repair for 300 S. He said except for in one area we had on average 3-4 inches of asphalt on 8-9 inches of stone. Zack said below that was clay. He said there proposed repair is to go about 12 inches and do a cement modified type of FDR (Full Depth Reclamation). He said he is still asking for an engineering estimate. Zack said he contacted an asphalt company that does the same thing to see what their design would be so we could competitively bid it if we want to.

## **REPAIRS TO PROSECUTOR'S PARKING LOT**

Jackie asked Zack if he had talked to the Commissioners about the repairs to the Prosecutor's parking lot. Zack said there was a giant suck hole in the Prosecutor's parking lot. He said they did some investigation and it looked like it used to be an old cistern that had collapsed. Zack said they went ahead and cut it out and filled it with 53's and compacted it pretty well. He said he didn't know how that usually bills out. Jackie said she didn't know if the Commissioners wanted to pay that out of CCD for outside maintenance. Chad said we should only pay for materials since we are already paying the employees.

## **NORTHPORT ROAD – COMPLAINT**

Zack said there was a complaint on Northport Road. He said there used to be a grass field there that slowed the water down considerably and it was all replanted as a farm field and now it is dumping a large amount of water across the road and causing significant property damage. Zack said he didn't know what recourse there is as far as changing the land use and getting a lot of washout on the road as well as the property south of there. Dennis said someone can't dump water on someone else. He asked what the cause of it was. Zack they changed the landscape. He said it used to be kind of a hill with a grassy area that absorbed the water. Dennis asked if it was the property that did that. Zack said it was the property owner across the road that changed it all to farm field and now we are getting large washouts which will eventually lead to road damage, and he is also flooding the property owner to the south. Dave asked if the Surveyor knows about it. Zack said he didn't know. Mark talked about the work the Highway Department had done to try to alleviate the problem. He said there should be a ditch in there. Dennis told Zack he should talk to Randy (Noble County Surveyor).

## **BRIDGE #70 BID OPENINGS**

Present for this portion of the meeting

Zack reported that five firms took forms but there were only three that actually submitted bids. The bids are as follows:

**LaPorte Construction Co., Inc. - \$620,383.48**

**Primco Inc. - \$572,944.04**

**Pioneer Associates Inc. - \$657,848.00**

Zack said he would go through the bids to make sure all of the proper information and certifications are in them before we award it. He said it look like the bids are a bit higher than the engineers estimate so he would go through to see where the additional cost is coming from. Chad moved to take the bids under advisement. Dave seconded the motion and it carried, 3-0.

## **SHERIFF – MOBILE DATA TERMINALS - TRITECH PROPOSAL/QUOTE**

Sheriff Doug Harp and Dave Baum, IT came before the Commissioners to discuss the purchase of Mobile Data Terminals (MDT's). Doug said the money has already been allocated for the MDT's. He said once we order what we need we should have the stuff within a couple of weeks and then they will start training after that. There was discussion about what funds the costs would be coming out of for the materials, licenses that will be needed, and training.

Chad moved to approve the contract with TriTech to put in place MDT's for the Sheriff's Department in the total amount of \$45,233.70. Dave seconded the motion and it carried, 3-0.

## **SALE OF SURPLUS COMPUTER EQUIPMENT**

Dave Baum asked if the Commissioners have any objections to him doing something like a garage sale to dispose of old equipment. He said he could publish it within the county two weeks ahead of time. The Commissioners voiced no objections.

## **CREDIT CARD PAYMENT FOR TAXES**

Chad asked Dave Baum if it is possible to put something into place to allow people to pay their taxes with a credit card. Dave said we are not allowed to charge a fee for it and that is the reason we always use a third party. He said the Clerk already does that, so he doesn't think there should be any barrier's for the Treasurer to do it.

## **RECESSED AND RECONVENED**

The Commissioners recessed their meeting at approximately 10:02 A.M. and reconvened at approximately 10:11 A.M.

## **PUBLIC HEARING – REZONING FOR KENNETH & LORI ANN TROYER IN YORK TOWNSHIP**

Present for this portion of the meeting were: Nathan Miller, Plan Commission Director; Kenny Troyer; Mel Egolf; Harold Douth; Sharon Pfeiffer; Michelle Pfeiffer; Steve Hagen, Attorney; Phyllis Busche; Dwight Busche; Dwight Busche, Jr; Chris Ayres; Connie Douth; E. Straton; Bob Buchanan; Andrew Hastings; Gary R. Thome; Tony Feichter; Tiffany Rolen, representing Kenny Troyer; and Greg Bricker.

Each Commissioner and the County Attorney had a packet of information from the Plan Commission to review.

Gary announced that because of the number of people here today, they will allow the petitioner 10 minutes and once that time is up they will allow 10 minutes for a representative of the opposition. It was agreed that Steve Hagen, attorney for Busche's who are adjacent property owners, would be the representative.

Kenny introduced Tiffany Rolen, who works for Melissa Lehman. Kenny said they have been trying to build a hog barn since last December. He said the rules changed half way through the IDEM permit. Kenny said they filed a variance for a set-back and were denied. He said they moved the IDEM permit site to where everything is agreeable to the county. Kenny said he has two farmers that have signed up for the hog manure so that is taken care of. He said it is a wean to finish operation and they load out at about 260-280 pounds. Dave asked if the number of hogs would be 2000. Kenny said it would be.

There was discussion about the new site that had been/will be presented to IDEM for approval. Dave asked if there is wetland. Tiffany said there is. She said there is an earthen berm that is going to divert any run-off water into the wetland. Nathan said if he remembered right Melissa said it is wetland type soil. Tiffany agreed. Kenny said water does not stand in it year around. He said he pastures it from April to November with his horses. Kenny said it is muck. Chad asked if the corner property that is owned by Hofman is an R-E property or if it reverted back to A-1. Nathan said we show that to be 1.75 acres and that is why it didn't switch to A-1. Dave asked if that is where the abandoned house is that is boarded up. Chad said it is. Kenny said he tried to contact him about buying it and they won't communicate with him, so he is not sure who to contact until it comes up for auction or the bank sells it.

There was discussion about dairy and beef farming in the surrounding area.

When asked by Dave, Kenny said he usually has about a dozen horses that are pastured, but because of the uncertainty of the fences being taken out and other things for the project he hasn't rented the pasture out yet this year. Dave asked how much of the 38 + acres is muck. Kenny said he would guess about 10 - 12 acres but he is not sure. He said the muck was tiled at one time and it does drain and is not a standing mud hole.

Nathan said the Plan Commission heard the petition for the rezoning on May 21<sup>st</sup> and there were 5 that voted for it, 1 voted against it, 1 that abstained, and 2 members that that were not present. He said it did pass as a positive recommendation from the Plan Commission. There was discussion about the findings of facts sheets filled out by the Plan Commission members.

Chad asked Nathan if some divided areas was a subdivision. Nathan said he didn't think it was. Chad said if it is a subdivision the set back of 1320' wouldn't be met.

Steve Hagen, Attorney for Dwight Busche presented some paperwork (none for file). Steve said there has been mention of IDEM permits. He said IDEM is charged with only monitoring things that are statutorily required to be monitored. Steve said it is irrelevant to the use of the land we are talking about today. He said there was some mention by Mr. Troyer that he was trying to buy the rural estate zoned property that is immediately adjacent to his property. Steve said Mr. Busche is also trying to purchase the property and he is working with a realtor. He said the fact before the Commissioners this morning in that it is zoned R-E today.

Steve the UDO is set up to protect platted subdivisions, and whether or not the area in question is a platted subdivision, it has all of the attributes of a platted subdivision. He said it is seven lots consistent in size, on a road and all in one spot. Steve read from Section 105-D and Section 1.06 of the UDO. He also read about the "District Intent". Steve said in essence, under

the UDO ordinance, it would be illegal to change this to an A-3 because it is immediately adjacent to an R-1, and it is within three football fields of seven R-E properties. He said it is also not good public policy. Steve said he has an article out of Iowa about Concentrated Animal Feeding Operations that uses a figure of 40% of diminishment of value after half a mile. He said that is what he used to ascertain the loss that would be suffered by property owners in that area. Steve talked about other documentation he had included in the information. He said using the 40% number, there would be a total loss of value of \$1,086,240.00 to the county. Steve said in addition there are health concerns. He said there will be a release of Hydrogen Sulfide Gas which is a neurotoxin. Steve said the smell will also travel with the wind. He said for those reasons they feel this is an inappropriate use of land and an inappropriate use of police power in terms of rezoning by the County Commissioners.

Nathan said he had checked and it is two subdivisions. He said one is three lots and one is four lots. Nathan said he had Kelly (GIS) measure it off and it would be pretty close to 1320'.

Dave asked with the manure capacity of 962 thousand gallons, what happens in the non-farming months. Kenny said it has enough capacity to hold from spring to fall, and it is spread twice a year. Tiffany went on to further explain that there is almost 8 months of storage. She said we always have to make sure on the permit that they have at least 180 days of storage, and he has more than that. Kenny said there is hog manure being spread in the neighborhood already. He said the farmer that rents Mr. Busche's property spreads manure.

Steve asked where the manure is going. Kenny said some of it would go south. Steve asked if it would stay in the area. Kenny said it would. Tiffany talked about the set-backs that had been met for IDEM regarding spreading the manure in the spring and fall.

Chad said his biggest concern is not only about the R-E abutting directly against the property, but the seven parcels of property that are within 1320'. He said one of the things that was taken out of the UDO was the built up area of five or more homes. Chad said he didn't know if they should have or not. He said he is for if your land is yours and you meet the set-backs you should be able to do whatever you want to with your land. Chad said he goes both ways.

Gary asked if this use would have been permitted under A-1 originally. Chad said it would have been. There was discussion about the set-backs under the old policy and the new policy regarding confined feeding and discussion about composting operations.

Jackie asked if they would decide to try for another hog operation if everybody would be notified of any future buildings. Chad said they would have to be notified per IDEM. Tiffany said there would be letters sent to property owners. There was discussion about the setback distance from the subdivisions.

Nathan said if the Commissioners approve the zoning to go to A-3 and they decide at some point that the configuration they showed you doesn't work they could reconfigure it as long as they don't violate any of the set-backs. He asked Dennis if that was right. Dennis said "Or they could get a variance".

Steve said the Commissioners don't need to accept the Plan Commission recommendation. Dennis told the Commissioners they need to make their own independent determination of the points (in the UDO).

After further discussion, Jackie said there was a similar situation in her area, and she went through a lot of studies, including in other states, and every study that she looked at had a negative impact. She said you don't really know what kind of impact it will have until it is done.

Chad moved to deny the request to rezone the property from A-1 to A-3 with the reason being the R-E land that abuts to the property. He said he is also concerned with the 7 properties to the south. Dave said he has also did a lot of research and it depends whose report you read, but more reports you read say that it will have a significant impact negatively on property values. Dave said according to our own rules of the UDO he would second the motion. The motion carried, 3-0. Dennis asked that the Commissioners fill out the findings with the five questions so we could have them for the record, (H.I.).

**WAIVER OF 10% PAY REDUCTION FOR BILL FORBES, NEW HEALTH DEPT. SEPTIC SANITARIAN**

Dr. Gaff reported that the Health Department is up to full force with the hiring of a new Part-Time Nurse and a Septic Sanitarian. He said the Sanitarian that was hired has experience and he actually took a pay cut to come here. Dr. Gaff asked that the 10% deduction for the first six months be waived for the rest of the six months because of his qualifications. Chad asked how long the Sanitarian had been employed. Dr. Gaff said he has been employed for about a month and a half. He said they had reduced the salary for that position to make it match the Food Sanitarian position, so we are paying him 90% of the lower fee right now in comparison to what was originally budgeted for that position.

Dave moved to approve the waiver of the 10% reduction. Chad seconded the motion for discussion. He talked about why we have the 6 month reduction in place. He said he would be in favor of reducing the reduction to 3 months. Gary said in the interim we had someone from the State coming down. Dr. Gaff said that was correct and it was at no additional charge to us. He said she is still available and involved in making sure that we are meeting the guidelines that we were not meeting previously. Dr. Gaff said she is making sure that he is properly trained. He said he is not asking that the Probationary Period be suspended, just the reduction in pay.

Dave asked Dr. Gaff if his recommendation was based on Mr. Forbe's performance to date. Dr. Gaff said that was right. He said to date his performance has been excellent and he feels that it is a reasonable request. Dr. Gaff said he isn't asking for anything retroactively but at some point, less than six months. He said if 3 months is the Commissioners decision then they will live with that. Dr. Gaff said he needs to stand behind his people and he wanted to bring the question to them.

Gary said Dr. Gaff made reference to the Food Sanitarian and the Septic Sanitarian being cross-trained, and he asked when that would start. Dr. Gaff said it has already started. Gary asked what the comfort level of the lady from the State is about Bill's knowledge and ability to do the job. Dr. Gaff said she feels that he has the information and the skills. He said she has been working with him without any problems. Dr. Gaff said he thought her desire would have been to have that relationship with our previous employee but it didn't occur. He said he works with other long term experienced employees to make sure that the state guidelines are met as well as the county guidelines.

The motion then carried, 3-0. Dennis asked for clarification of when the 10% deduction waiver would start. The Commissioners agreed it would be with the next pay period.

### **UNEMPLOYMENT COMPENSATION FOR PREVIOUS EMPLOYEE'S OF THE COUNTY**

Dr. Gaff said for unemployment a person has to apply to the state and they are allowed to receive slightly less than ½ half of their salary they would have made for 26 weeks. Chad said it would be whatever the state determines they would get. Dr. Gaff said the exposure from our budgetary standpoint would be something less than \$5,000.00 for the rest of this year and less than \$8,000.00 for the total compensation that would potentially be afforded to that person during transition to any future employment. He said they would have to meet the rules and guidelines of the Unemployment Office. Dr. Gaff said at this point that money has not been tapped into, but there was some question about whether it should be appealed. He said so far his position has been that he is not appealing it. Dr. Gaff said if the Commissioners have objections to that he would like to know so he could approach it from a different angle. Dave asked if the former employee has already filed and it has been awarded. Dr. Gaff said he believes he has filed but there has been an issue and he has not received any compensation to this point. There was discussion as to whether the county has a budgeted account for unemployment or not.

### **DAVE BAUM, IT – EXPENSE OVER \$500.00**

Dave Baum presented a request for IT Dept. purchases for work stations in the Auditor, Treasurer and Clerk's Offices and for 5 desktop printers in the amount of \$28,600.00, (H.I.). Dave moved to approve the request. Chad seconded the motion and it carried, 3-0.

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

Bill Etzler came before the Commissioners to talk about the landfill. He showed the Commissioners a drawing. Bill said he had spent time going through landfill records and unfortunately there are reams of information that are missing. He said he has asked the people at the Highway Department to look through their boxes of files to see if they could find more information. Bill said there were file cabinets full of information that would be very helpful in this whole process to figure out what needs to be done. He said the area of concern is the south area of the landfill where we are pumping leachate. Bill said he took the time to meet with Steve Christman last week who was his counterpart in the late 80's when the landfill was operating. He said they know from their experience that there are a number of purged sand lenses in the area that the landfill was built. Bill said what happens is that a sand lense gets totally surrounded within an area of clay. He said the water table within the sand lenses fluctuates so in times of low rainfall they tend to dry up. Bill said when we have lots of snow we get melted snow and rainfall and they tend to build back up. He said they fill and drain and fill and drain. Bill said the other thing that is involved with this is what is called hydraulic gradient. Bill said very simply that is how the water flows underground. He said they do know that for the most part the hydraulic gradient in the south part of the landfill is north to south and it moves towards the Easterday ditch towards the Baseline Road. He said there are two factors that are influencing us. Bill said one is how much play does the Easterday Ditch have in influencing water getting into the south piece, and their guess is that it is from 125 down the Easterday Ditch line to the eastern half of that. He said the landfill construction probably didn't encroach on the Easterday Ditch, just because of the grade. Bill said they left a clay wall between the ditch and where they excavated. He said in looking at the records, the water level in the well and the water level in the Easterday Ditch stays pretty much in harmony. Bill said in order to find out what is going on

underground we will need some soil borings. He said we are probably looking at upwards of \$35,000.00 to get soil borings and engineering work associated with the borings. Bill said it could be less than that. Bill said the one problem we have is that we probably can't do any borings within the landfill itself because they have pushed the refuse limit as close to the fence as they could possibly get. He said they could bore right down the middle of 125, which is gravel. When asked, Bill said there would probably be 10 - 12 holes at 40-50' deep. He said he doesn't know what it would cost for the drilling because of the extra depth. Bill said they are usually \$1500.00 - \$2,000.00 a piece for the ones that are only 20' deep. Bill said we can't drill within in the limits of the landfill without IDEM's permission but he needs to talk to IDEM to make sure there is not a problem if we drill on 125. He said if we have to put in a cut-off wall we are looking at somewhere in the range of \$300,000.00 - \$500,000.00. Bill said he would look at it from the perspective that having the engineering information might be worthwhile. Dave asked if the cut-off wall would have to be right along 125. Bill said it would probably be right along 125. Dave asked if there is room to do that. Bill said he would probably have to do it out in the roadway or right along the existing pavement. When Gary asked how deep it would be Bill said that is why they need some information on how deep the sand lenses are.

Jackie asked if that would prevent us from all of the expenses we have now in the future. Bill said leachate pumping is never going to go away, but it will be minimized. He said there will always be some maintenance.

Chad asked if it we didn't go that route if it would be beneficial to place a float type pump on the well that then pumps out into a storage tank so it keeps the water out of the - or is it that the well is not the problem and it is going past the well. Bill said he thought maybe it is going past the well. Bill said what we have underground is very difficult to determine. Dave said since we can't do soil borings in the landfill it would be a guessing game of how deep to put a well. Bill said they could get permission to drill in the landfill itself. He said he thought as long as we present a plan to IDEM they would allow us to do it as long as we are in search of a solution. Bill said that might be something that we would want to consider, and that is one thing he is going to talk to John Hale about. Gary said one thing we talked about was dropping a catch basin down near the retaining wall that drops down by the fence on the property line, to get several feet below grade to put a pump there on the float, and then bore a line back into the cell. Bill said the state has a prohibition against recirculation. Chad said that is what some of the newer landfills are doing now. Bill said he is not sure pumping it back into the cell itself is recirculation.

Bill said from the time he had worked here, they always thought that surface water was a lot of the problem. When talking about a solution, Bill suggested that it might be a good idea to drill a couple of holes on the private property in that area to see what they find. Chad told Bill it would be nice to have a couple of different options to look at. Bill said he would get the keys and he will bring some staff up and they will take a good hard look at this. He said he is going to check with IDEM to see if they have the files that we don't have here.

Bill said he had the drawing that needs to be put with the deed for the landfill per IDEM, and he asked Dennis to get the deed annotated to be put with the map to be recorded. He said he will get Dennis copies of the drawing to put with the deed. Bill said IDEM requires two hard copies and then they will require an electronic copy of all of the information.

There was discussion about having the landfill mined. Chad said it would be nice if they would come in and take the landfill completely out. Bill said the closest firm he has found that will do that is in St. Louis. He said there are some in Florida that do it also.

**TAX SALE PROPERTIES**

There was a brief discussion about tax sale properties, and if one gets assigned to someone else what happens if they don't want it. Dennis said the petition for tax deeds have to be filed by tomorrow. He said they will go up for tax sale again next year.

**EMS CHASSIS**

There was discussion about an EMS chassis that has been left at Life Star Rescue, According to Jim Wolf. Jim said he had contacted Tom Shoemaker (EMS Director) for him to make arrangements to tow it back home, or they would purchase it for \$150.00 if Tom would send them a bill of sale and a copy of the title. Jim had told Jackie that Tom had told him the title had been lost and he never got back with him about getting the chassis.

Jackie was present at this time and she said she never heard back from Tom either. She said they would pay us \$150.00 for it. Chad said it would be worth more than that for scrap. Jackie said it would be, but we would have to go to Ohio and get it. She said she had left Tom a message and she had sent him an email. Chad said he would like to talk to Tom before we do anything. Jackie said she wanted to talk to him too. Chad said he could get in touch with the Parkview president and tell them we need Tom to call us immediately. He said Tom really doesn't have the authority to negotiate a scrap price for it because it is not his. Chad said he would like Tom to be on the agenda next Monday so we can talk about it. Jackie said she will send him an email.

**ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 12:11 P.M. recessed from day to day until the 9<sup>th</sup> day of June, 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

