

**MINUTES OF A SPECIAL SESSION OF THE  
BOARD OF COMMISSIONERS HELD JULY 14, 2014**

Comes now the hour of 8:37 A.M. on the 14<sup>th</sup> day of July, 2014, 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, News Media

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

Bill said he drafted a letter to be sent to IDEM explaining what is being done at the landfill to address the issues that IDEM had mentioned in a letter dated June 2, 2014 and a letter dated July 2, 2014, (H.I.). After a brief discussion Dave moved to approve the letter to IDEM. Chad seconded the motion and it carried, 3-0.

Bill said two weeks ago he went to Garrett to look at tanks. He said he talked to the sales person and he put together a quote for a 2500 gallon tank that comes with its own pre-made base that we can just sit on a stone base and then build a containment area around it. Bill said the one thing he cannot find in any file, is any information about the leachate well. He said he is going to ask John or the engineering staff at IDEM if they have that information that tells us how deep the well is, and for any other pertinent information they have. Dave said the quote says flexible expansion joints are required on all sidewall nozzles, but they are not included in the quote. He asked what kind of additional money we are looking at if they are not covered. Bill said he would call Chris and ask him, because he thought all of that was included. The quote is from Assmann Corporation of America and is in the amount of \$12,596.00 and after a 20% discount it would be \$10,076.80 with an estimated amount of \$550.00 for delivery. Bill said if the Highway Department would be willing to help, they could pick it up and save the delivery charge, and they could also help with or do the installation. He said they have a grade all and a good grade all operator that could do it. Zack Smith, Highway Engineer was present, and when asked, he said he thought with some notice they could work it in their schedule to pick up the tank and do what is needed at the landfill to set the tank.

Bill said we need to update the Town of Albion agreement (for leachate disposal). He said he will sit down with Beth (Albion Town Manager) and they will come up with a revised agreement to come back with.

Chad made a motion to move forward with the purchase of the tank and to seek IDEM approval. Dave seconded the motion and it carried, 3-0.

In regards to the proposal that had been submitted by Bill on behalf of Engineering Resources, Inc. for a leachate study and landfill evaluation, Bill said the Commissioners could approve the entire agreement and then approve for Engineering Resources to do one phase at a time. He said they bill on the amount that they have, and their dollar amounts are on a “not to exceed” unless they run into something extraordinary. Bill said the first two things they really need to get started on, and there would be an extra cost for whoever the drilling contractor is.

After further discussion Dave moved to approve the contract presented by Engineering Resources for the landfill. Chad seconded the motion and it carried, 3-0.

### **HIGHWAY BUSINESS – ZACK SMITH & MARK GOODRICH** **UTILITY PERMITS**

Mark presented permit #UP-021-14 from Noble REMC for work on CR 175 N between CR 400 E and 500 E in Jefferson Township, and #UP-022-14 from Knapp Lake Area Conservancy District for work on several roads in Washington Township to install a pressure sewer system, force main and related appurtenances, (H.I.).

### **CULVERT ON CR 200 S RE: WATER PROBLEM**

Mark said a resident on 200 S wants a larger pipe, which had been discussed previously. Dave said they called him this morning and he went by his place. He said the resident said there is an issue with a hydraulic pushing his gravel out. Dave said he went down and looked, and it looks like we ditched it from his driveway east down to the pipe that goes under the road, and he asked what else we can do. Mark said he wants a larger pipe. He said he had talked to the neighbors, and they don't have the outlet downstream and they were afraid it would start washing out their drives. Mark said he told Harold that basically we would be moving the problem downstream. He said he is afraid that would create a liability for us if we increase the size. Mark said he talked to Russ Baker from the NRCS about the potential of restricting the flow coming out of the fields before it gets to the road. He said he had already talked to Harold about that and he didn't seem interested. Mark said they have plenty of grants and he would like to work with him or at least talk to him about it. Dave asked if that would involve taking some land out of production. Mark said it probably would a little bit. He said generally it is not a great deal of land that they take out. Mark said there is a county tile about a tenth of a mile away, and he suggested that Harold work with the county surveyor to extend the county tile onto his property and run all of the water underground. He said he just wants us to install an 18” tile. After further discussion Zack said he thought it was a larger issue than the Highway Department can handle and he thought we should talk to the Drainage Board about it. He said he could attend the meeting this afternoon.

### **KNAPP LAKE SEWER SYSTEM**

Mark reported that the Knapp Lake Sewer District went through the permitting process, and North Webster where they are going to take all of their waste to, changed directions and they want to go into the north side of town instead of the south side. He said they are re-routing their main line and instead of going in 200 S they are going to go across 100 S/125 S. Mark said it would be to our advantage because we have more right-of way there and it is a less traveled road.

## **ROAD CONSTRUCTION**

Zack said they have almost finished with all of the reclaiming. He said they will monitor how the surfaces are doing. Zack said if we have enough hot dry days they will try to get Lemper Road done before school starts.

## **BRIDGE #70 CONTRACT - PRIMCO**

Dennis said he looked through the contract from PRIMCO for the Bridge #70 replacement, (H.I.). He said on 10.01 the only thing he read was the first three items, so if the rest of it is ok with Zack that is all he had. Dennis said it talked about attachments. Zack said it is just the performance bond and the insurance. Dennis said to make sure the payment bond and the performance bonds get filled in. Zack showed Dennis the bonds and certificate of insurance. Dennis reviewed them and said they were fine.

Chad moved to approve the contract with PRIMCO for the Bridge #70 project. Dave seconded the motion and it carried, 3-0.

The Commissioners received a letter from Butler Fairman & Seufert with the bid tabulation for the bridge project, (H.I.).

## **BRIDGE OVERLAYS**

Zack said he is working on setting up a pre-construction meeting to make sure they understand our expectations of what is in the contract along with the schedule of their work.

## **BRIDGE #147 – RFP**

Zack said he got all of the paperwork turned in for the RFP for Bridge #147. He said that will be posted for four weeks.

## **BRIDGE INSPECTION CONTRACT**

Zack said he hasn't heard anything on the bridge inspection contract, but it was submitted to INDOT, and hopefully we will get something back on that soon.

## **UNDERGROUND STORAGE TANKS**

Zack said they were filling out their yearly certification paperwork and it looks like they updated the paperwork this year. He said one of the items that came up was having some form of insurance on the underground storage tanks at the Highway Department. Zack said they are not covered under our general liability insurance, and Jarod at the insurance company said it would be \$1800.00 – \$2800.00 a year to cover them. He said there were other things we could have in lieu of the general insurance like a surety bond, a letter of credit, etc. Zack said he is not sure which way to go and who should be looking into it. He said he didn't know if it was at their discretion on which kind of mechanism to use on the insurance. Mark said the insurance they are talking about is for in case there is a spill. He said there is a fund that would pay for the majority of the bill. He said Marc (Bookkeeper) said our portion to pay would be \$20,000.00, which is what we need to come up with a guaranteed fund for. Zack asked if we could use a surety bond for that. He said they could look into the other options to find out what the costs would be. Dave asked what we had been doing to this point. Zack said it wasn't a question before. He said they completely updated the form with a lot of additional questions. Dennis asked what the insurance premium would pay. Zack said he would have to get some more information. He said the deductible for two tanks would be \$30,000.00 instead of \$20,000.00.

## **TITLE VI & ADA COORDINATION**

Zack said he went ahead and did the LDA certification for the year, and part of that is keeping maintenance through Title VI and ADA Coordination. He said they would probably have to sit down and have an annual type of meeting and go over our plan to see if there are any

changes to the document. Zack said he also signed up to take the Title VI training this winter for the ADA. He said he wants to make sure we are following all of the requirements for ADA.

### **FEDERAL GRANTS**

Zack said he is working on a grant and he pretty much has the full scope completed. He said he will try to get the grant submitted. Zack said it is a 9 page application plus some other things that have to be submitted. He said he has worked with Kurt from Engineering Resources on some of the technical stuff. Zack said the idea for the actual construction mandate which was an accelerated bridge construction is something that has not been used before, but they think it will work. He said it will be all pre-cast and he told how it would be put together. Zack said if the process works it could be a really valuable process to use on all of these box beam structures that are going through.

### **1000 E SPEED LIMIT**

Chad asked Zack if he could work with the City of Kendallville on trying to figure out the speed limit variation on 1000 E so they will coincide. Mark said Kendallville's speed limit is higher than ours. Zack said he would try to get some research done on the ordinances and see if we can figure something out. He said they might have an ordinance for their side and we have one for ours and they don't match.

### **QUOTES FOR SEALING & STRIPING OF THE PROSECUTOR'S PARKING LOT & STAIR STEP CONDITIONS**

Prosecutor Steve Clouse came before the Commissioners to present quotes for sealing & striping the Prosecutor's parking lot. He said with the sinkhole we had in the south lot it needs some touching up. Steve said they could pay for it out of Child Support money, but he wanted the Commissioners to direct where we are going to go with this. He said there are two quotes and his personal preference would be to stay local, but economically that might not be the smartest thing to do. The quotes are from Pulver Asphalt Paving, Inc. in the amount of \$3,688.12 and from Ranger Materials in the amount of \$2,135.00, (H.I.). Chad asked if Ranger addressed the sinkhole area as well. Steve said he assumed so. He said they were all given the same instructions. Dave moved to approve the quote of Ranger since we have used them before. Chad said he didn't think we need a motion since Steve is using his own money. Dennis said we didn't.

There was also discussion about the outside stair steps at the Prosecutors Office. Chad said he had talked to Beth (Albion Town Manage) and she said they do qualify for match with the town. Steve said it is a mess. He said there were chunks that fell off last week. Dave said he thought Phil said it would be \$10,000.00 - \$11,000.00 to fix it. Gary said he talked to Phil this morning and he said he did something to the steps. Steve said he did some patch work last week when the cement truck was here. Gary said he also contacted another contractor and they haven't come in yet to give us another estimate for the steps.

### **CONTRACTED MEDICAL SERVICES**

Sheriff Doug Harp was present to discuss the contracted medical services that had been discussed last week. He said He and Dennis had talked and he did look through the contract. Dennis said there are so many things that Advance is going to charge additional for that are already included with Quality's contract. He said Quality's contract is fine. Chad asked Doug if he is planning on going through the budget for this. Doug said his budget is what it

is. He said there is no increase on what he submitted. Doug said there would have to be some changes like Chantelle would be a separate line item. Chad said he would assume they would have to put everything into a single line item instead of having multiple line items like it currently is. Chad asked if it is a contract that has to be renewed every year. Doug said it is. Chad asked if there is any price guarantee in place for X number of years. Doug said all he could say was that the other sheriffs that are using that service have not complained about those sort of things. He said it is always a possibility that it is going to go up. Dennis read where it said that "it automatically renews for successive one year periods". He said it doesn't say what amount. There was discussion that if the Commissioners approve this, Chantelle who is the Jail nurse would have her services with the county terminated as of January 1<sup>st</sup>. Dennis said that is why he wanted to have Chantelle write a letter of resignation. Chad said we don't have a guarantee that Chantelle would be retained, and that we are just approving the contract if we do so. Doug said he had told Quality that they are happy with Chantelle and he would like for her to stay on. He said he could talk to Chantelle to see if she would write a letter of resignation. Chad said he thought by her working for Quality she would have better benefits and possibly the opportunity to advance, where that opportunity isn't available to her through the county. There was also discussion about Dr. Blusy and that fact that he could have the opportunity to stay on with Quality also.

#### **COUNCIL ON AGING TRANSIT GRANT**

Gregg Parker, Director of the Council on Aging came before the Commissioners to get some paperwork approved and signed regarding the Transit Grant. He presented the Quarterly Operating Date Report for the Council on Aging and the Voucher for the second quarter 5311 grant, (H.I.). After reviewing the report and the voucher and getting some questions answered, Dave moved to approve the voucher. Chad seconded the motion and it carried, 3-0.

#### **NOBLE COUNTY PARKS AND RECREATION MASTER PARK PLAN 2014- 2019**

Ray Scott from the Noble County Park Board was present to give the Commissioners a copy of the above referenced plan (none for file). He said they had been working on the plan for some time. Ray said the Dekko Foundation gave them the grant to do this, and Region 3A was a huge help to them in putting it together. He said there was a lot of public input. Ray and the Commissioners briefly reviewed the plan.

#### **UNSAFE BUILDING AT BIG LAKE – JOHN GRIES PROPERTY**

Dick Adair, Building Inspector came before the Commissioners to discuss the above referenced unsafe building. He said they have tried to work with Mr. Gries for a couple of years now. Dick said he started to roof it about a year and a half ago and he is still only about half done. He said he had received complaints a couple of years ago from the neighbors about it standing open and people going in and out of it so he contacted Mr. Gries and met him at the property. Dick said the ceilings were leaking on the back half of it because there had been a limb come through the roof. He said he did that repair but the ceilings are still falling down. Dick said there were some openings that critters are going in and out of, so the neighbors called him again. He said he met Mr. Gries up there again and he agreed to get it in shape or get it torn down, and Mr. Gries wanted to get it in shape. Dick said he doesn't mow the yard, the debris

from what roofing he did is still there, and the power service was knocked down. He said he pulled a permit for it over a year ago but it is still down. Dick said twice over the winter he sent him letters telling him the home was open and he needed to get it closed up and he never got a response. He said when he sent the initial letter to condemn the property he sent it registered mail and regular mail, and the regular mail did not come back but the registered mail came back. Dick said the process starts here if the Commissioners want to condemn it. He said this is one of the properties that we identified that would potentially be a good one to apply for the Blight grant on.

Chad said he finally got all of the information on the grant and one of the things that helps with the scoring is to have the property condemned. There was a brief discussion about how the grant would work. Dick said he supplied information on six properties that the grant would be useful for. Chad said he thought they were all good candidates for the grant.

Dennis said currently there has been an order that Dick issued saying he found the building to be unsafe. After further discussion Chad moved to condemn the property. Dave seconded the motion and it carried, 3-0.

### **REQUEST FOR GRANT APPLICATION FOR BLIGHTED PROPERTIES**

Chad said while Dick is here we have the Commissioners portion for the request for the grant application for the blighted properties, (H.I.). He said we have six properties that we are going to start putting all of the information together on. Dick said we could notify the property owners that this process could be a way for them to get out of it. Chad said he talked to Kendallville's ordinance officer who is putting their things together, and he is going to work with us to get our paperwork done.

Dennis said we usually set a review hearing and give them until a certain date to do whatever needs to be done. He asked Dick if he wanted John Gries to tear the building down. Dick said it is probably less than 500' total living area, and it sits on four rocks which is the foundation. He said the value is minimal and he gave him the opportunity to repair it and get it up to shape and that hasn't happened, so he thought it was time to remove it. There was discussion about giving Mr. Gries 60 days to get the house torn down. Dennis said then we would have a review hearing after the 60 days and a date was set for September 22, 2014 for the hearing.

Dave moved to approve the request for the Blight Elimination Program, Blighted Properties Grant for \$15,000.00 per property and \$25,000.00 per property with a basement for Noble County. Chad seconded the motion and it carried, 3-0.

### **WEIGHTS & MEASURES CONVENTION**

The Commissioners received a letter from the Indiana Association of Inspectors of Weights and Measures, Inc., requesting that they consider sending our inspector to a convention to be held in February of 2015 where they will discuss all of the changes in procedures for inspections, (H.I.).

### **IDEM – ESSEX GROUP PERMIT MODIFICATION**

IDEM notified the Commissioners that they have approved revisions to the permit requirements for Essex Group, Inc. in Kendallville, (H.I.).

**IDEM – NWP LIGONIER, LLC**  
**NEW SOURCE REVIEW & MSOP**

The Commissioners were informed by IDEM that NWP Ligonier, LLC has applied for a new source review and MSOP (Minor Source Operating Permit) that would allow them to operate an existing stationary sawdust and wood shaving pelletizing source, (H.I.).

**O'DANIEL CHRYSLER DODGE JEEP RAM –**  
**PURCHASE PRE-OWNED VEHICLE INTEREST FREE**

The Commissioners received a letter from O'Daniel's with an offer for the county to purchase a pre-owned vehicle virtually interest free because of having purchased a pre-owned vehicle on 9/13/10, (H.I.).

**KENDALLVILLE EMS BUILDING**  
**PARKING LOTS AND DRIVEWAYS**

Chad said last year Tom (Shoemaker, EMS Director) made a request for us to look at resurfacing the parking lot. He said we sent Mark out and he said it just needed sealed and then it was kind of forgotten about it. Chad said he asked Tom to get some quotes and the only quote he got was from Ranger Materials, who was recommended by the Sheriff. The quote is in the amount of \$1,892.00, (H.I.). Dave moved to approve the quote to recoat the lot for Noble County EMS at 510 Sawyer Road in the amount of \$1,892.00 from Ranger Materials in Warsaw. Chad seconded the motion and it carried, 3-0.

**IDEM – LANDFILL DEED NOTICE**

Comes now to the attention of the Commissioners, a copy of an e-mail from Jamie Miller at IDEM indicating that they had reviewed the draft deed notice for the landfill deed and that it is complete and should be recorded, (H.I.).

**ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 10:41 P.M. recessed from day to day until the 21<sup>st</sup> day of July, 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