

**MINUTES OF A SPECIAL SESSION OF THE  
BOARD OF COMMISSIONERS HELD OCTOBER 15, 2012**

Comes now the hour of 8:32 A.M. on the 15<sup>th</sup> day of October, 2012, in the Commissioners Court in the Noble County Courthouse, Albion, Indiana, being the time, date and place set for a special session of the Board of Commissioners of Noble County, Indiana.

Present were:

Joy Y. LeCount, President  
Jack W. Herendeen, Member

Also present were:

Marion S. Cavanaugh, Deputy Auditor  
Dennis Graft, County Attorney  
Dara Childers, Public  
and Bob Braley & Scott Perry, News Media

Absent was: David J. (Dave) Dolezal, Vice President

**PAYROLL TO BE PAID 10/18/12 APPROVED**

After reviewing the payroll from 9/21/12 – 10/04/12 to be paid 10/18/12 Jack moved to approve it. Joy seconded the motion and it carried, 2-0.

**REASSESSMENT UPDATE**

Kim Gephart, Assessor said that on Friday they got 412 (property) cards back that Nexus supposedly didn't have. Kim said they haven't gone through them yet because they had been working on other things, and as soon as she knows she would let the Commissioners know if everything is in. She said she wondered why the DLGF didn't do any Ag parcels in their investigation because that was included in the contract. Kim said Tyler (new firm hired to finish reassessment) seems to be well under way. She said we are waiting on the State's signature on the contract to say that it is official.

**CLAIMS APPROVED**

After reviewing the claims to be paid today's date Jack moved to approve them. Joy seconded the motion and it carried, 2-0.

**TRANE - WORK AUTHORIZATION**

Phil Jacob, Head of Maintenance came before the Commissioners with a request to spend more than \$500.00. He said when TRANE was here to do their free maintenance they found two things that need addressed. Phil said the first is to replace 2 compressor crankcase heaters at the courthouse, (\$656.00). He said the second thing is to adjust the freeze point on the court house and the probation office by adding glycol, (\$2,173.00). Phil said we have to do that or it would start jelling up and plug the system up. Jack moved to approve the work authorizations. Joy seconded the motion and it carried, 2-0.

### **KONE, INC. - INSPECTION OF DUMBWAITER**

Phil said when the chair lift was put in at the Prosecutor's Office they took our dumbwaiter out of service because it didn't have an inspection sticker on it. He said it is not on the contract with KONE Elevator to be inspected. Phil said KONE quoted a price of \$270.00 per quarter to add it as a rider to the contract we have with them now. Phil said an annual weight test has to be done on the dumb waiter. He said once that is done they will put it back in commission.

Jack moved to approve the rider. Joy seconded the motion and it carried, 2-0. (Joy will sign the rider once it is changed to say the dumbwaiter is at the Prosecutor's Office.)

### **HEALTH DEPARTMENT VEHICLE**

Judy Fox from the Health Department notified the Commissioners that the 2003 Ford Taurus that she drives needs a new transmission, and that Dr. Warrenner, Health Officer said he felt the vehicle should be replaced and he will look for a nice pre-owned vehicle, (H.I.).

Judy was present at this time. Joy asked if they have the money to replace the car. Judy said they are going to use the Tobacco Trust Funds. Jack asked how many miles are on the Taurus. Judy said it was just under 110,000 miles. Jack asked how long we have had the car. Judy said she thought they got it in 2004 when it was a year old. Joy asked Judy to keep the Commissioners informed about how it is going with getting the paperwork done for using the Tobacco Trust Funds.

### **AMRAMP – HANDICAPPED RAMPS**

John Burkhardt, Amramp Representative sent a letter to the Commissioners about ramps they have available to rent that are completely steel, won't retain water, and are typically available within 24-48 hours, (H.I.). They thought with the upcoming election these could be needed. John said they also provide ramps for purchase if a permanent solution is needed. A copy was given to the Clerk.

### **TREASURER & CLERK'S REPORTS**

The Commissioners received the above referenced reports for September, 2012, (H.I.).

### **LEPC AWARDS**

Jerry Sprague, LEPC Chairman; Mick Newton, EMA Director; and Judy Fox, LEPC Secretary were present to inform the Commissioners about some awards the LEPC had received. The awards are as follows: Commodity Flow Study; Exercise; and Outreach to Facilities, (H.I.). Judy said they will display the plaques in the EMA Office.

### **COMPLAINT RE: POSSIBLE POND ORDINANCE VIOLATION**

Scott Zeigler, Noble County Surveyor and Dara Childers were present to continue discussion on the possible Pond Ordinance violation that was started September 24, 2012. Joy told them that there are only about ten minutes right now and the Commissioners had not had a chance to discuss this since they got the elevation maps last Monday, which she had told Dara when she called her. She said she didn't know if they wanted to sit here until after 10:00 until they get the truck bids done. Joy said it would take longer than 10 minutes for them to discuss the pond issue. Scott had to leave but Dara stayed.

**SIGN PROJECT – REPORT OF FINAL INSPECTION  
& RECOMMENDATION FOR FINAL ACCEPTANCE**

The Commissioners received the above referenced document for their approval and signatures, (H.I.). When Mike Fitch from the Highway Department was present, he said the Commissioners had already signed it and it was sent back to them.

**CERTIFICATE OF APPOINTMENTS TO COUNTY  
HEALTH BOARD – PHILIP CORBIN M.D. & LARRY ALLEN**

The Commissioners received the above referenced certificates, (H.I.). Jack moved to re-appoint Larry Allen and Dr. Corbin. Joy seconded the motion and it carried, 2-0.

**RESIGNATION OF DR. GERALD WARRENER, HEALTH  
OFFICER - DR. TERRY GAFF INTERESTED IN POSITION**

The Commissioners received a letter of resignation from Dr. Gerald Warrener, Noble County Health Officer, (H.I.). They also received notice that Dr. Terry Gaff would like to be considered for the position, and that the Local Health Board would make an appointment at their January 8, 2013 meeting, which would need to be certified by the Commissioners, (H.I.).

**RECESSED AND RECONVENED**

The Commissioners recessed their meeting at approximately 9:32 A.M. and reconvened at approximately 9:39 A.M.

**HIGHWAY BUSINESS – MIKE FITCH & MARK GOODRICH  
ICE MACHINE**

Mark said he presented a proposal for a new ice machine last week and that would be the best way to go because of the repairs that had already made and the cost of repairs now needed. Jack asked what the replacement cost was. Mark said it would be \$2,870.00.

Joy asked if there had been any recommendation on how to improve the airflow through there. Mark said he wasn't there when the representative was present. He said the machine he recommended is more tolerant of higher temperatures, which at one time they said was part of the problem.

Jack moved to allow the purchase of the ice machine from Manitowoc in the amount of \$2,870.19. Joy seconded the motion and it carried, 2-0.

**SIGN PROJECT - LPA INVOICE VOUCHER**

Jack asked if they ever got the 40 some signs put up. Mark said they did. Mike said everything is complete and they are just doing the final records.

Jack moved to approve the voucher. Joy seconded the motion and it carried, 2-0.

**INSTALLATION OF CULVERTS NORTH  
OF US 6 & ON 250 W NORTH OF CR 400 S**

Mark said the culverts north of US 6 are installed. He said we had Sawyer Road closed Monday and Tuesday and 600 E was closed Wednesday and Thursday for the installations. He said there is a little ground work to do yet.

Mark said they will start the culvert on 250 W, north of 400 S on Tuesday.

### **BRIDGE #12 NEXT TO BE REPLACED**

Mike said Bridge #12 is one of the bridges our bridge inspection report said needed to be replaced. He said we contracted with Engineering Resources, Inc. to do the work and he presented their design contract for their services. Mike said he had reviewed the agreement. He said the bridge is on CR 400 S over the Bilger Ditch. Mike went through the costs with the Commissioners which totaled \$43,451.50, which he said would make the project ready for construction.

Joy asked if we have the money for that. Mike said we have the money in the bridge fund. He said the estimated construction cost is right around \$500,000.00.

Jack moved to approve the agreement. Joy seconded the motion and it carried, 2-0.

### **TRUCK BIDS**

Present for this portion of the meeting were: Andrew McGill and Dennis McIntyre from WA Jones. John Good, Hoosier Trailer & Truck stopped in later to check bid prices.

Joy said we have proof of publication from the Kendallville News-Sun and the Albion New-Era, (H.I.). Bids were received from:

***Selking International & Idealease*** - International WorkStar with WA Jones body - \$166,376.00

***Stoops Freightliner*** - Freightliner 114SD with WA Jones body - \$159,238.00

Freightliner 114SD with Hoosier body - \$145,825.45

***Palmer Trucks*** – Kenworth with Hoosier body- \$150,296.00

Kenworth with WA Jones body \$159,618.00

***JX Peterbuilt*** - Peterbuilt Model 365 - \$172,600.00

Jack said the last time we got trucks he thought we got held up when we took them to WA Jones to get the body put on. Mark said he didn't know. He said there might be something in the file.

Jack moved to take the bids under advisement until 10:00 on the 29<sup>th</sup>. Joy seconded the motion and it carried, 2-0.

Upon hearing that the Annual Highway Bids would be opened at that time, Jack rescinded his motion and moved to accept the bid at 9:30 on the 29<sup>th</sup>. Joy seconded the motion and it carried, 2-0.

### **COMPLAINT RE: POSSIBLE POND ORDINANCE VIOLATION**

Joy talked about what had brought this question to the Commissioners originally at the September 24, 2012 meeting. She said the Commissioners now have the elevations taken of the water, the dike itself, the ground around it, the pipe inlets and outlets, and the indication that the water on the property is 28' from the property line at a minimum, (H.I.).

Joy gave a brief scenario of what had happened to bring this complaint about. She said the Commissioners task is to see if there are any violations of the pond ordinance.

Joy read from the pond ordinance. When finished, Joy said in reading that, it is her opinion that this is not the Board of Commissioners responsibility to determine if a violation has occurred. She said it is the responsibility of the Noble County Surveyor's Office. County Attorney Dennis Graft agreed. Joy said she didn't know why it came here. Dennis said the way the ordinance is written, the Commissioners and the Drainage Board have no control over it, and it should go back to the Surveyor's Office.

Dara asked if the Surveyor's Office is to determine what needs to be done, what she needs to do. Dennis said she needs to go to the Surveyor's Office to see if there is a violation of the pond ordinance. Dara asked if she goes back (to the Surveyor's Office), what time frame can she look at getting an answer, because their lane is getting worse. Dennis said she needs to talk to Scott Zeigler, Noble County Surveyor. Dara asked if there would be a letter written. Dennis said there would be a letter written to Scott. Dara asked when the letter would be written. Dennis and Joy said it would probably be written today.

At the end of the meeting Joy drafted a letter to Dara with some guidance from Dennis, (H.I.). She read the letter aloud. Jack moved to approve the letter. Joy seconded the motion and it carried, 2-0.

### **KENDALLVILLE PLAN COMMISSION APPOINTMENT**

There was discussion about the need for an appointment to the Kendallville Plan Commission. Joy said she would need to find out if the person appointed has to be of a certain political affiliation.

### **ZONING MAPS**

Joy said when looking at the Plan Commission minutes of a special session on September 26<sup>th</sup> which she wasn't in attendance at there was discussion about the zoning maps. Joy read from the minutes the discussion that was held at that meeting regarding who should prepare the zoning maps which included a statement by Everett Newman, Plan Commission Attorney, who said the zoning maps technically should have been done simultaneously by the Commissioners when they brought their amendments to the adopted ordinance back to the Plan Commission.

### **LOGJAM REMOVAL ON SOUTH BRANCH OF ELKHART RIVER**

Joy said we had received the final invoice from Gilbert Drainage for logjam removal on the south branch, so both projects (north branch and south branch) are completed now. She said the total of their bill for the last part completed is \$12,442.00. Joy drafted a letter to be sent to the DNR regarding the final payment, (H.I.).

### **TAKE-HOME CARS/VEHICLES**

There was a brief discussion about the number of vehicles that are owned by the county and how many are take-home vehicles. Dave is working on a list to show what the take-home vehicles are. Joy said Dave would probably have more information later.

**ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 11:24 A.M. recessed from day to day until the 22<sup>nd</sup> day of October 2012.

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Joy Y. LeCount, President

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David J. Dolezal, Vice President

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Jack W. Herendeen, Member

ATTESTED: \_\_\_\_\_  
Jacqueline L. Knafel, Auditor