

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD NOVEMBER 13, 2012**

Comes now the hour of 8:28 A.M. on the 13th day of November, 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
David J. (Dave) Dolezal, Vice President
Jack W. Herendeen, Member

Also present were:

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

PAYROLL TO BE PAID 11/15/12 APPROVED

After reviewing the payroll from 10/19/12 – 11/01/12 to be paid 11/15/12 Dave moved to approve it. Jack seconded the motion and it carried, 3-0.

**KPC MEDIA GROUP INC. – TEMPORARY CLOSURE OF
ROADS FOR KPC SPRINT TRIATHLON ON 7/20/13**

The Commissioners received a request for temporary road closure for portions of Waits Road and South Main Street as well as permission to conduct the race along the edge of Allen Chapel Road, (H.I.). Jack moved to approve the request. Dave seconded the motion and it carried, 3-0.

**MINUTES APPROVED – OCTOBER
22, 2012 AND OCTOBER 29, 2012**

After reviewing the above referenced minutes the following actions were taken: Dave moved to approve the minutes of *OCTOBER 22, 2012* as corrected. Jack seconded the motion and it carried, 3-0; Jack moved to approve the minutes of the *OCTOBER 29, 2012* meeting as corrected. Dave seconded the motion and it carried, 3-0.

**PROPERTIES ON TAX SALE WITH DELINQUENT
SEWER BILLS - GLENDA KELLY PROPERTY**

Dennis reported on his discussion with Jon Owen, attorney for the Bear, High, Wolf Lake Sewer District regarding the possibility of the sewer district removing or reducing the sewer liens on some of the properties that were on tax sale because of the liens. Dennis said Jon seemed willing to work with us on the Glenda Kelly property but he really couldn't make a commitment on anything without the sewer district board's approval.

**ENERGIZING INDIANA – UPGRADE/
REPLACEMENT OF HVAC EQUIPMENT**

The Commissioners received information about a C&I Prescriptive Rebate Program that is available to business customers installing high efficiency HVAC systems to upgrade/replace what they currently have, (H.I.).

TOWN OF ALBION – LEACHATE DISPOSAL INVOICE

The Commissioners received an invoice from the Town of Albion in the amount of \$420.00 for the disposal of 7,000 gallons of leachate from the landfill, (H.I.).

FLEET CARDS USA – FUEL CARD

The Commissioner received information from FleetCardsUSA regarding ways they feel they could control the county's fuel expenses, including the use of one of their fuel cards, (H.I.).

EMA – MEETING 11/19/12

Joy reported on a meeting that Mick Newton, EMA Director is holding next Monday regarding Community Organizations Active in Disasters. She said she didn't know who all would be there and that it is unfortunate that it is on a Monday where the Commissioners can't attend. Dave said he thought the state is the one wanting this meeting held.

**UPDATE ON WINDOWS AND CARPETING
AT SOUTH COMPLEX**

Joy said several of the windows had been installed at the South Complex and they are still working on the installation of the rest of the windows. There was also discussion about the carpeting that will be installed at the South Complex during the weeks of December 10 and December 17th, and the use of the work crew(s) to help move furniture for the carpet to be installed. Joy said the price of the carpet had gone up \$2,206.05 because it had been ordered almost two years ago. Joy said we had encumbered some money, and in addition to that we have money in the facilities renovation fund to take care of the carpet and the other things that have been committed for. Dave asked for the price of the carpet. Joy said it would be \$17,809.44.

There was discussion about the need to finalize plans on who would be moving to the Annex from the South Complex so that when they move their things for the carpet to be installed they can make the transition at that time.

TRANSITION OF NEW COMMISSIONERS

Joy said she had e-mailed the two newly elected Commissioners that we should begin the transition. She said there are several items that she would like to make sure they are briefed on. Joy said the first thing she would like for them to do would be to meet at the Highway Department to go over the road evaluation and other things.

COMMUNITY VISITOR'S BUREAU BOARD

The Commissioners briefly discussed the need for an appointment to the Community Visitor's Bureau Board. Joy said she had a whole list of suggestions, and one of them was Renee Gabet from Ligonier. Joy said she would contact her to see if she is willing to serve after Jack and Dave agreed that she would be a good candidate.

KENDALLVILLE PLAN COMMISSION

Joy said the Commissioners also have an appointment to make to the Kendallville Plan Commission for the area that is outside their city limits but inside their zoning boundary. She said she had spoken to the Mayor twice and she had someone to recommend. Joy said she doesn't know who it is because she hasn't given her a name yet.

TAX SALE PROPERTIES

The Commissioners received a list of properties that didn't sell at the tax sale which they briefly reviewed. Dave said we could take title to the properties and sell them but he was a little leery about getting into the property business because you don't know what you are getting into. Dennis said the only thing would be if we knew a neighbor wanted it we could clear it off the tax rolls and then get rid of it to someone that wants it. He said he had no idea if most of them were even worth messing with. Dave said you don't know if there is hazardous material there or if there is an old lien on it.

Joy asked if the Commissioners could take title to the property and sell it for the amount due on the taxes or if we would have to get it appraised and sell it for the average of the two appraisals. Dennis said we would have to get it appraised and sell it for the average amount.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 9:24 A.M. and reconvened at approximately 9:35 A.M.

HIGHWAY BUSINESS – MIKE FITCH & MARK GOODRICH UTILITY PERMITS

Mark presented the following utility permits from Noble REMC: #UP-066-12 for work on CR 200 N between CR 775 W and CR 650 W in Sparta Township at the Gaylord Cunningham residence; #UP-067-12 for work on CR 775 W between CR 100 N and 200 N in Sparta Township at the Tom Miller residence; #UP-068-12 for work on CR 400 S between CR 300 E and CR 400 E in Elkhart Township at the Nathaniel Walton residence; and #UP-069-12 for work on CR 450 W between CR 70 N and 850 N in Elkhart Township at the Wysong Farms, (H.I.).

PROPOSED SPEED LIMIT AT LOON LAKE ON CR 600 W & CR 600 S

Mike presented the above referenced proposed speed limit which he explained, (H.I.). Dave said he was surprised at how many houses there are on that road and that some of them are really close to the road.

Mike said he didn't know if there was an ordinance for the 40 MPH speed limit that is already there, so he didn't know if we would have to repeal it if there was. He said he didn't find an ordinance for the 40 MPH.

After further discussion Dave moved to advertise the proposed ordinance. Jack seconded the motion and it carried, 3-0.

SIDEWALKS & ADA COMPLIANCE

Mike said he is working on the ADA and sidewalks. He said his report isn't complete yet. Mike said he went out and took photographs and is putting estimates together. Mike said basically there are four unincorporated communities with sidewalks, and they are LaOtto, Wolf Lake, Kimmel and Wawaka. He said in Wolf Lake he only looked at the sidewalks away from the state road (SR 33) because the rest are the state's responsibility. Mike said probably 80% of the walks are in poor condition. He said there are some areas where there is sidewalk just in front of the houses. Mike said the question is if we replace the sidewalk or just remove it. Mike said LaOtto probably has the most contiguous sidewalks and most of them are in good condition.

Joy asked if the sidewalks are on our property. Mike said he thought that with looking at the platted streets they are on our road right-of-way. Joy said she is sure the county never put in any sidewalks and that they are all private. Mike said he only looked at all of the streets that we maintain. He said he would find out from our ADA experts just what is mandated.

Jack said in all of his years at the Highway Department we have **never** done anything with sidewalks anywhere. Joy said she thought the property owners probably put the sidewalks in themselves and probably never asked if it was on their property or on county right-of-way. Mike said in some areas people park their vehicles right over the sidewalks.

Dave said the sidewalks not being contiguous was never brought up at any ADA meetings he had attended.

There was discussion that in many communities the property owners have to pay for one half or a portion of the fees to install a new sidewalk.

Dave said Dick (Adair, Building Inspector) and Marc (Fisher, Highway Department Bookkeeper) are in the process of auditing all of the county buildings, and then all of the information will be put into a book and we will have a transition and inventory plan and be up to date. He said we are supposed to have it done by the end of the year.

Jack asked about the sidewalks going to the school in Wolf Lake. Mike said there are no sidewalks going to the school. Joy said if you go to property owners and tell them that they need to remove their sidewalk because it isn't ADA compliant they are going to say it is their private sidewalk and it has nothing to do with us.

Jack asked if the tavern is still open in Kimmell. Mark said it is. Jack said where they park in front of the tavern there is quite a step-up to get on the sidewalk. He asked if we would have to raise the road there. Mark questioned if the sidewalk comes up to our right-of-way. Mike said his guess was that it would be our right-of-way.

Dave asked if it is not maintenance, but reconstruction that triggers this. Mike said if we used any federal funds on the streets then we would have to do it. He said if we use local funds on the streets it doesn't trigger anything.

Mike said if there are any sidewalks on our bridges they would be our responsibility even if they are within a town or city.

LINE STRIPING & BERM ON ROAD INTO CHAIN O'LAKES STATE PARK (CR 75 S)

Jack asked Mike if he had found out anything about the striping and the berm on the road into Chain O'Lakes. Mike said he called this morning and the lady that put the design together is looking into it. He said he looked at the estimates they sent us and there was no striping in them. Mike said it was not striped before, but hopefully they will get it done.

LINE STRIPING ON COUNTY ROADS

There were some questions about breaks in line striping on some of the roads. Mike and Mark explained that they did not have any roads or portions of roads that are scheduled for maintenance striped. There was discussion about how expensive it is to stripe the roads, especially the roads that have no passing zones.

BLADES FOR GRADERS

Mark said he would like to purchase six sets of blades for the graders, which would be \$272.00 a set totaling \$1,632.00. Jack asked if they were carbide. Mark said it is red hardened steel. Jack moved to approve the request. Dave seconded the motion and it carried, 3-0.

LOGIC BOARD FOR TRUCK #7

Mark said they have a logic board that may need to be replaced. He said they are investigating getting it fixed. Mark said to replace it would be \$1300.00. Dave asked what it controls. Mark said it is the main board for the hydraulic system. Jack said if they find out it is bad, his recommendation is to replace it with a new one rather than try to fix it. He moved to approve for a new board if the old one is bad. Dave seconded the motion and it carried, 3-0.

QUOTES FOR SIDE PLOW FOR NEW TRUCK

Marc said they had a little over \$10,000.00 left in the fund after the purchase of the new truck and he would like to purchase a side plow for the truck. He presented quotes from W.A. Jones in the amount of \$7,482.00 and from The Godwin Group in the amount of \$8,178.00, (H.I.).

Jack moved to approve the purchase from W.A. Jones who had the lowest quote. Dave seconded the motion and it carried, 3-0.

2013 BID ACCEPTANCE

Mark said there are a few small things missing on some of the bids such as a printed notary under the signatures, (H.I.). Mark said if it would be okay he would have Charisse contact the companies and let them know they need to complete their bids.

Mark said we received a bid from Drew for guardrail and it wasn't a part of the regular bid package. After some discussion the Commissioners told Mark to keep the bid just for reference.

Mark said the biggest changes he sees in the bids is in sealing asphalt. He said there is a 17% increase in the tar for chip sealing.

Jack asked Mark if he had gotten in touch with SDI about the slag material and how much they would have. Mark said he did get in touch with them and they said we could haul as much as we wanted to.

Mark said Caskey Trucking gave us permission to stock pile salt/sand mix at their pit in Wolf Lake. He said we are losing the Kimmel pit so that will help keep material in that area. Jack asked how they would load it. Mark said he would take the Case loader over there. He said we could keep it over there and plug it in and give them money for electricity. Jack asked if the truck drivers would load the material themselves. Mark said they would.

Mark recommended accepting all of the bids with the exception of the guard rail bid we received but didn't ask for which would just be kept on file. Dave moved to accept all bids with the exception of the guard rail bid, subject to all corrections being made that are needed. Jack seconded the motion and it carried, 3-0.

**SOUTH DRIVE - CHAIN-O-LAKES
ESTATES FIRST ADDITION**

There was a brief discussion about a road (South Drive) that was in the plat but still owned by the developer. Joy said we have those several places and we don't maintain them. Mike said the plat says it is public right-of-way, but it is not public right-of-way if it is in the developer's name.

Joy asked if the plat says it is dedicated to the public. Dennis said it does. Joy said she thought all plats say the roads are dedicated to the public. Dennis is to continue looking into this.

**UNSAFE BUILDING @ BEAR LAKE -
REGINA HAMPSHIRE**

Richard Adair, Building Inspector came before the Commissioners to discuss the unsafe building at Bear Lake on property owned by Regina Hampshire. He said there is an abandoned RV on the property and he notified the owner. Richard said the owner is deceased but his wife has control of the property. He said she lives at Union City which is 100 miles away. Richard said she had her son come up here, and he cut the trees away from the doorway so they could get in. He said they realized it is not safe to pull out of there and that it would have to be demolished on-site. Richard said she is requesting to have until next spring to get it out of there since they live 100 miles away. Joy asked Richard if that is what they were coming in for next week. Richard said it was. He said there had been a seasonal porch put on the front of it and it had collapsed. Richard said they have taken that off. There was discussion that they could go to a junk yard and have them remove the RV.

After further discussion the Commissioners decided to go ahead with the hearing next week.

WOODCOCK UNSAFE BUILDING

Richard said we did receive the fine money from Glenn Woodcock regarding his unsafe building at Knapp Lake. He said we will still have to tear the building down because Mr. Woodcock is not going to do it.

TAX SALE PROPERTIES CONTINUED

The Commissioners continued their review of the list of properties that were on the tax sale this year that never sold. Some of the properties had been on the list for a few years. Dennis said the Commissioners should go through the list in more detail with Sheri (Deputy Auditor who deals with the tax sale). Dave said we need some detail about where the properties are and who the adjoining neighbors are so they could be contacted to see if they are interested in the properties.

ASSESSOR - FORM 11'S

Kim Miller, Assessor said she still had money in her reassessment budget and because of the time frame she was here to request permission to have the form 11's sent out to be done this year. She said they would be printed and sent out and everything. Kim said from the counties that she had talked to that had farmed out their form 11's they all said it was a little bit cheaper than doing it in house. She said by the time she uses her staff and pays postage it is cheaper to just have it done. Joy asked if she would just roll the information to the company. Kim said she

would roll it and the companies would do the postage and everything. Jack asked who would be doing it. Kim said she hadn't gone that far yet. She said she wanted approval to do it first. Jack asked how much it would cost. Kim said she hadn't checked that out yet. She said her main thing was to get the permission to do it. Joy asked Kim if she thought it would go over \$25,000.00. Kim said she didn't think it would. Joy asked Kim to get the information together and bring it back to the Commissioners next week. Kim came back to report that the three companies she had contacted were: Worrell; Performa; and Fine Line.

ASSIGNMENT OF ROOMS AT WEBER ROAD

There was discussion about who would possibly be using what rooms at the Annex on Weber Road.

DLZ - ADA BUILDING & FACILITIES AUDIT FORMS

There was discussion about the above referenced forms that a representative from DLZ said at a meeting that Dave had attended could be accessed on the internet. Dave said he has been unable to access them. He said he would call about them.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 11:27 recessed from day to day until the 19th day of November 2012.

Joy Y. LeCount, President

David J. Dolezal, Vice President

Jack W. Herendeen, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor