

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD October 11, 2022**

Comes now the hour of 8:30 am. on the 11th day of October, 2022 in the Commissioners Room in the Noble County Annex building, 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
Anita Hess, Vice President
Dave Dolezal, Member

Also present were:

Jacqueline L Knafel, County Coordinator
Dennis Graft, Noble County Attorney
Matt Getts, KPC Media
Richard Rogers, Highway Superintendent
Zack Smith, Highway Engineer

Gary Leatherman, Commissioner President, called the meeting to order at approximately 8:30am.

Old Business

Scott Ziegler and Jacob Atz were here for more discussion on the driveway concern from the 24th meeting. The purchase of the property and the plat are being held up because the plan commission is now requiring a construction plan on the private road/drive. This was not discussed when the plat was being considered by the plan commission board. Many members of the family who are trying to purchase the property were also present. Sam Miller of J & S Auctions, told the commissioners that what we need to do is get a resolution to this issue. This has gone on for weeks and this is holding up the closing and interest rates are climbing. He also indicated that this is the most issues he has ever had with a real estate deal. The commissions tried to reach Mr. Newman, the attorney for the plan commission, but were unable to do so. Teresa Tackett, plan director, was called into the meeting and will try to get a hold of both Mr. Newman and the county surveyor, Randy Sexton, to see if they would be available some time today to discuss this further.

MINUTES

Minutes of the previous meeting were read and approved as corrected with a motion from Dave Dolezal. Anita Hess seconded and the motion carries 3-0.

HIGHWAY

Richard Rogers, Highway Superintendent, was present updating the commissioners on the construction at the highway department:

- Utility permits were submitted for NIPSCO UP-031-22
- Richard talked to the commissioners about a basketball hoop that had been put up in a cul-de-sack off of Manchester Way in Cobblestone. The highway department had been contacted and originally gave permission, but soon after that had spoken with County Attorney Dennis Graft and he had voiced his opinion about liability. The highway department then contacted the resident and asked that this be taken down. To date, the basketball hoop remains. A resident from Cobblestone is present and is concerned about the safety of the children and feels that this is a violation of the HOA. Gary asked if there were any plans to provide a "safe" place for the children in the community. The resident indicated that there is property in that area that would be perfect for something like that to happen. Dennis suggested that the county has really nothing in this and that an e-mail should be sent Mr. Haley and the president of the HOA indicating that this is an association matter and that there is no responsibility on the part of the county.
- Driveway variance – Richard has a driveway variance for the Lundy residence on 250 S in Avilla. Richard is reported a 50 ft shortage in sight distance. Dave Dolezal moved to approve the variance. Anita Hess seconded and the motion carried 3-0.
- Pulver's are done with the HMA project for this year.
- Berming will continue until the winter weather arrives
- The department has hired two new employees to replace the retiring employees. The two have their CDL and were employees of the state so have experience in this area.

Zack Smith, Highway Engineer, had the following engineering update for the commissioners:

- A letter had been received from IDEM concerning the underground storage and an audit that they will be performing. Zack indicated that Anna and Randy Jordan are working on getting all of the information that was requested in place for the audit.
- CCMG – 2 - Zack indicated that he hopes to know if the Noble County projects were awarded sometime late this month or early November,
- Bridge 136 - Zack has the title sheet for the project for the commissioners to sign. Dave moved to sign the sheet. Anita Hess seconded and the motion carries 3-0. Zack informed the commissioners that the final right of way process was progressing and pending the right of way easement from CSX the project will be in full swing for a February bid and early spring start.
- Baseline Road / 600 E – this is in the final stages with Lawson Fisher.
- Bridge 69 – Zack has an LPA voucher for this project in the amount of \$743.00. Dave Dolezal moved to approve the voucher. Anita Hess seconded. Motion carried 3-0.
- Zack has a meeting concerning Old State Road 3 later this week.
- Call for projects - For the next round of “call for projects”, Zack plans to submit Bridge 61, Baseline Rd, and 100 N/50 W.
- Bridge 73 - this is going to be a winter project and Zack indicated that they are currently waiting on utility moving.
- Little Long & Round Lake – Zack has reviewed the bids received 2 weeks ago. KWEST had the lowest bid and is complete in the bid process. Zack had reached out to references and feels that the company will do a good job. Dave Dolezal moved to give the work to KWEST. Anita Hess seconded and the motion carried 3-0. The private funds of \$500,000.00 will pay for most of the project with the remainder coming from Highway or CREDIT funds. Randy was called on the dredging and that is expected to cost \$40,000 to \$60,000.00 range with half of that coming from the drainage fund and the half coming from county funds. There was also a contract with BFS for construction inspection on this project. Dave Dolezal moved to approve BFS for construction inspection not to exceed \$33,500.00 and to be paid from CREDIT Funds. Anita Hess seconded and the motion carried 3-0.

ANNEX

Zack Smith, Project Manager, has the following update for the new annex project:

- PCO -59 – this is for misc. painting in the amount of \$1,364.16. Dave Dolezal moved to approve. Anita Hess seconded and the motion carried 3-0.
- PCO-60 – Wall painting in the basement is needed and comes in at \$9,228.05. Dave Dolezal moved to approve the change order. Anita Hess seconded and the motion carries 3-0.
- Ceiling painting was PCO – 61 in the amount of \$3,505.95 and is approved with a motion from Dave Dolezal. Anita Hess seconded. Motion carried 3-0.
- Zack talked with the commissioners about the cost of acoustical panels in the main lobby. The estimate he got was for around \$27,000.00. Anita would like to see a sample of what would be put up prior to approval and installation.

COURTHOUSE RENOVATION

Zack is hoping to have the cost estimates for the courthouse renovation in soon for a more decisive plan.

COUNCIL ON AGING

Cherish Smith, Council on Aging Director, was present for her quarterly report. Dave Dolezal moved to approve APP funding in the amount of \$30,757.00 and the rural transit funding in the amount of \$88,171.00. Anita Hess seconded and the motion carried 3-0.

Cherish reported that schedules are full most of the time. They are down some drivers but all is going well.

STATEWIDE 911

Shellie Coney, 911 Director, is coming before the commissioners to get permission to sign on to Live 911. This is a web-based program that will allow officer in the area of a call coming into dispatch to hear the conversation. They will not be able to join in on the conversation but will be able to hear. This will allow them to get a “head start” on the issue at hand. Max is on board with the program and thinks this will be helpful to the officers. The cost of the service will be

\$6000.00 for Software and 5 concurrent licenses. This will be an annual recurring cost. There is also a one-time cost of installation and configuration and virtual basic training in the amount of \$1,380.00. There will also be a cost from Indigital for deployment of the service in the amount of \$952.67. This will be a total cost of \$8332.67. Anita Hess moved to approve the new program. Dave Dolezal seconded and the motion carried 3-0.

UNSAFE HOUSING

Norm Lortie, Building Inspector, was present to discuss condemnation of a property on Loon Lake owned by Michael McKee. Norm said that the first complaint came in a year ago in June. At that time, he had met with the owner and he indicated that he had contracted with someone to debrush and repair the area. As of June, this year, there was still nothing done to the property. A letter has been sent by regular mail as well as certified. The certified letter was never picked up at the post office. Dennis indicated that Norm should pursue some sort of other service such as service by sheriff so that we know the owner has been notified prior to a condemnation process.

DRIVEWAY ISSUE

Mr. Atz and Scott were back in the commissioner's room asking if a contractor's bond between the land owner and contractor would be sufficient for the driveway bond that the commissioners are requesting. Dennis said that the commissioners would have no hold if the contract was between the contractor and the owner and that we would need to separate bond for the drive/private road.

Teresa had gotten a hold of Randy and Everett and they will be present at 2:30 PM.

BTS

Tim Lock, Maintenance, had provided a contract with BTS for the Weber Road facility for a one-year standard service agreement on the equipment. This was in the amount of \$3,140.00 and was approved with a motion from Dave Dolezal and a second from Anita Hess. Motion carried 3-0. The agreement will expire 09/30/2023. A copy was given to Tim Lock for his records and the original was scanned and sent to John Gilbert via e-mail jgilbert@buildingtemperaturesolutions.com on 10/13/22.

GENERATORS AT THE SHERIFF'S DEPARTMENT AND COURTHOUSE

Tim Lock had talked to Buckeye Power Sales about combining the service agreement for the sheriff's department and the courthouse. This will be cheaper to combine the service rather than have two separate contracts. He indicated that he had spoken with Brad Rollins at the sheriff's department and he was in agreement. Dave Dolezal moved to approve this request. Anita Hess seconded and the motion carried 3-0. Copy to Tim Lock for distribution.

SES SITE WORK

A letter requesting that site work be allowed on two parcels near Frick Services in Wawaka. The one parcel in right of way in the GIS layer and the commissioners will give permission to do the work on parcel 57-03-28-200-995.000-006. The other parcel 57-03-28-200-992.000-006 was denied as this is a parcel that the county has no jurisdiction over. Motion to sign for the 995 parcel was made by Anita Hess and seconded by Dave Dolezal. Motion carried 3-0.

PAYROLL

The payroll dated 10/06/2022 was reviewed and approved with a motion from Dave Dolezal and a second from Anita Hess. Motion carried 3-0. This was a 4-page report totaling \$446,015.38.

ANNUAL DRUG REPORTING

A new requirement of the federal government requires reporting of drug and healthcare cost. An agreement from Unified (our current carrier) would allow them to report for the county. This will be at a cost of \$4,000.00. Dave Dolezal moved to approve this agreement. Anita Hess seconded and the motion carried 3-0. A scanned copy was sent to Julie Imel from Unified on 10/13/2022.

COURTHOUSE SECURITY ORDINANCE

An ordinance designating the new annex as an ordinance violation courtroom and providing the necessary security that is needed in a courtroom facility was drafted by county attorney Dennis Graft. Motion to sign and adopt the ordinance was made by Dave Dolezal. Anita Hess seconded and the motion carried. The Ordinance will be advertised in the Albion New Era and the

Kendallville New Suns on October 19, 2022. Original in ordinance book 4, copies to Dennis Graft, Max Weber, Dan Rinehold, William Simpson, and Mike McCann.

FEDERAL INMATES' ORDINANCE 2022-31

Dennis has also drafted an ordinance establishing a fund in which the reimbursements for Federal inmates would go. This will be used for "general jail operational expenses". Motion to sign the ordinance was made by Dave Dolezal and seconded by Anita Hess. Motion carried 3-0. Original in Ordinance book 4, copies to Dennis Graft, and Max Weber. Copy was also given to Nicole Noe, Deputy Auditor to set up the new fund. Advertisement sent to ANE and KPC for advertisement on October 19

DRIVEWAY ISSUE

The commissioners are back in session for the Yoder driveway issue. Present are Jacob Atz, Scott Ziegler, the Yoders, Sam Miller of J & S Auctions, Everett Newman, Randy Sexton and Teresa Tackett. The subdivision Street Construction Agreement as prepared by Jacob Atz was reviewed by Everett, Dennis and the commissioners. With everyone in agreement at this time, Dave Dolezal moved to sign the agreement with the bond attached. Anita Hess seconded. Motion carried 3-0. Mr. Yoder signed at that time and the agreement was given to Jackie for the file. A copy of the agreement with Mrs. Yoder's signature will be brought in Wednesday morning. Copy of the recorded document was given to Jackie on Thursday.

CLAIMS

Claims were approved as presented after questions were answered about clothing claims. The commissioners have decided to clarify the clothing policy in the handbook to avoid issues in the future. The 13-page report totaled \$422,454.94 and was approved with a motion from Dave Dolezal and a second from Anita Hess. Motion carried 3-0.

SALE OF A NOBLE COUNTY PROPERTY

The commissioners have been working on the sale of a property owned by the commissioners on Greenwood Dr. in Duvalls Woodland Addition. The asking price is the average of two appraisals done by Kyle Bolyard and one by Ginger Forbes. That being \$11,500.00. There will be a live auction held in the commissioner's room on the second floor of the New Annex building at 109 N York Street, Albion Indiana. Notice of the auction will be sent to the papers for advertisement. Motion to proceed with the advertisement of the auction was made by Anita Hess and seconded by Dave Dolezal. Motion carried 3-0

THRIVE REQUEST

Having more correspondence from Jenna Anderson concerning the Tri-Share proposal for day care in Noble County, the commissioners discussed this further as to whether there would be money available out of ARP funding to fulfill the request of \$50,000.00 for start up money. With cost of construction supplies skyrocketing, this seems unlikely. The commissioners then decided to pull the money from CEDIT funds to help with this worthwhile cause. In a phone call to Ms. Anderson, it was verified that it was a one-time start up cost and would be payable in 2023. Motion to give \$50,000.00 in start up funding to Thrive for child care out of CEDIT funds came from Dave Dolezal and was seconded by Anita Hess. Motion carried 3-0.

ENTERPRISE

Jackie was notified by Enterprise that the county has \$23,584.66 in gains for the transfer of vehicles. They are wanting to know how to apply this to our account. The commissioners decided to just apply to the 2 highest cost vehicles until the gains are exhausted. Jackie will notify Greg Hamberg of this decision.

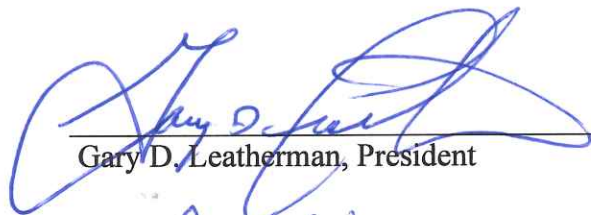
TAX SALE PROPERTIES

Shelley Mawhorter, Noble County Treasurer, and Stephanie Leonhardt, Deputy Auditor, came before the commissioners concerning tax sale properties not sold in the 2022 tax sale. Several of these properties were roads of retention ponds that were never properly transferred when a subdivision was created. These can be taken by the county within the allotted time period after the sale. One of the parcels can be named a 999 number which would take it off the tax rolls. There were a couple of properties that are in the Kendallville area and Dennis will again contact the city to see if they are interested. Stephanie will contact adjacent property owners of some of the parcels. If they are committed to taking over the property then the commissioners will take the tax deed and then deed it to them.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 3:30 pm recessed from day to day until October 24, 2022

Dated this 24th day of OCTOBER, 2022



Gary D. Leatherman, President



Anita Hess, Vice President



Dave Dolezal Member

• ATTESTED: 

Tonya L. Jones, Auditor