

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD December 11 2023**

Comes now the hour of 8:30 am. on the 11th day of December, 2023 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
Gary Timmerman, Member

Also present were:

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

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

EXTENSION OFFICE

Matt Dice, Youth Agent, came before the commissioners to request permission to purchase a projector for the 4-H program. Gary Timmerman moved to approve the purchase not to exceed \$1,000.00. Anita Hess seconded. Motion carries 3-0.

CORRESPONDENCE

- Treasurers Report for the month of November – duly entered
- IDEM – Office of Water Quality Permit Section - City of Kendallville
- Clerk of the Circuit Court- monthly report – duly entered
- Amendment of the Allocation Area for the City of Ligonier

MINUTES

Minutes of the previous meeting were approved as written with a motion from Gary Timmerman. Anita Hess seconded the motion and it carried 3-0.

CLAIMS

Claims were reviewed by the commissioners. The 14-page report totaled \$992,337.80 and was approved as presented with a motion from Gary Timmerman and a second from Anita Hess. Motion carried 3-0.

MISC CLAIMS

Misc claims totaled \$705,485.75 and were reviewed and approved with a motion from Gary Timmerman. Anita Hess seconded and the motion carried 3-0.

PAYROLL

Payroll dated December 14, 2023 was reviewed by the commissioners. The 3-page report totaled \$510,592.83 and was approved with a motion from Gary Timmerman. Anita Hess seconded and the motion carried 3-0.

NEW BUSINESS

Jay Hayes of Hayes Enterprises, LLC had a contract for refinishing benches out of the courtroom. The commissioners signed the contract in the amount of \$1500.00 for the repair and refinishing of 10 benches. Gary Timmerman moved to sign. Anita Hess seconded and the motion carried 3-0.

HIGHWAY

Zack Smith, Highway Engineer, and Richard Rogers, Highway Inspector, were both present for the opening of the annual bids. The following bids were received:

- 24-01- Ceres Solutions - lead free gas
- 24-02 – Ceres Solutions – diesel fuel
- 24-03a – bituminous mixtures - API, Pulver & Sons, Niblock Excavating, Brooks Construction, and Phend & Brown

- 24-03b – Bituminous Mix Installed - Pulver Asphalt, Niblock, Brooks Construction, API and Asphalt Materials
- 24-04 Calcium Chloride - K-tech Specialty and Great Lakes Chloride
- 24-05 – Liquid Bituminous - Asphalt Materials, K-tech, Pierceton Trucking and Rejuvtec
- 24-06 – Aggregate Gravel - Jasper Trucking, Butler Mill (Butler), Butler Mill (Columbia City), Brooks Construction, Niblock Excavating, Jack Owen Excavating, Wolf Lake Gravel, Bailey Aggregates, Old Prairie Products, Clifford Aggregate, Hixon Sand & Gravel, and Stone Street Quarries.
- 24-07 – Aggregate Limestone – Jasper Trucking, Butler Mill (Butler), Butler Mill (Columbia City), IMI, Brad Hull Trucking, Bailey Aggregate, Hixon Sand & Gravel, and Clifford Aggregate.
- 24-09 – Culverts - Metal Culverts. Hixon Sand & Gravel, and St Regis
- 24-10 – hourly rates – Jasper Trucking, Clifford Aggregate, Jack Owen Excavating, Pulver Asphalt, Bailey Aggregate, Sieber Bros, Payment Solutions, Caskey Excavating, Brooks Construction, Griffis Excavating, Hixon Sand & Gravel, Lawson Fisher, American StructurePoint, BFS Civil Engineers, and Civil Con

With all bids being opened, Gary Timmerman moved to accept all bids under advisement. Anita Hess seconded and motion carried 3-0.

Richard Rogers filed Utility Permits for Frontier Communications and NIPSCO – duly entered

Richard also had a variance for a drive for which was 100 ft short on sight distance. Richard reported no other issues with the drive and indicated that this was the best possible placing of the drive. Gary Timmerman moved to approve the variance. Anita Hess seconded and the motion carried 3-0.

Zack Smith had the following engineering business to come before the commissioners:

- One of the highway tractors was parked at in a church parking lot and evidently there were individuals doing “donuts” in the parking lot and broke out a windshield on the vehicle. Zack had an estimate of repair in the amount of \$1,675.00. Since our deductible is \$1000.00, it was the decision of the commissioners and Zack to just pay the cost and not turn it in to the Insurance Company. The responsible party(s) were not identified.
- With the final invoice being paid for the HMA 2023-01 – this project will be closed out
- HMA 2023 -02 will start in early spring.
- FY 29 Call for projects – the 2 bridges and the Baseline Road project was submitted for consideration.
- 400 N - There was an LPA voucher for Construction Engineering for this project in the amount of \$144.00. Gary Timmerman moved to approve. Anita Hess seconded and the motion carried 3-0.
- Bridge 136 work will begin in January with Bridge 44 work slated for July.
- Bridge 134 – an LPA voucher for Preliminary engineering was received. Gary Timmerman moved to approve the voucher in the amount of \$14,355.00 with a second coming from Anita Hess. Motion carried 3-0
- Bridge 69 - \$3,626.00 was the amount of an LPA voucher for this project. Gary Timmerman moved to approve. Anita Hess seconded and the motion carried 3-0
- Old State Road 3 – an LPA voucher for this project was presented in the amount of \$6,520.00 and was approved with a motion from Gary Timmerman and a second from Anita Hess. Motion carried 3-0.
- LPA voucher Bridge 59 – this voucher was in the amount of \$5,600.00 for preliminary engineering and approved by a motion from Gary Timmerman. Anita Hess seconded. Motion carried 3-0.
- Lastly an LPA voucher for the Riley Road / Appleman Road project in the amount of \$23,132.00 was received for approval. Gary Timmerman moved to approve. Anita Hess seconded and the motion carried 3-0.
- Zack had received a “local detour” letter from INDOT for the State Road 205 project. Gary Timmerman moved to accept the detour route and sign the letter. Anita Hess seconded and the motion carried 3-0.
- Zack presented a quote for a small structure build on CR 500 S. This was in the amount of \$96,028.00. Zack considered this to be a huge cost for a small structure and is looking into alternative – more cost-effective solutions.

- Permitting Software – according to Zack and the additional research that was done for the broadband permitting, he is suggesting that we hold off for the time being and not change the ordinance at this time.

COURTHOUSE REMODEL

Zack Smith, project manager, along with Conner Lundquist, project engineer, were present to discuss some things with the commissioners.

- Vault Bins- Conner and Zack explained that the vault bins for the big books could be reused, the removal and new installation were very time consuming and would end up costing more than new bin installation. There were some pieces of old equipment that will be repurposed but this area was too labor intensive.
- Zack shared the testing that was done on the masonry and unfortunately the test results did not show the strength that was needed so the original plan will be resumed.
- Zack reported that the tour with the judges went well and they were able to see the challenges that were before the engineers, etc...
- Zack shared the new figures with the commissioners for the completion of the project. The new total came in at \$11,229,327.00 and Zack is asking that the commissioners advise as how to proceed. He shared financial information with the commissioners and indicated that there is enough to fund construction. As to the FFE and other extra charges – that is unfunded at this time, however, with the project going out to December of 2024 – the possibility of 2025 fund availability might be there.
- Funding - a spread sheet was put together to indicate where money would come from. Within that spreadsheet was the request to shift money from ARP to the Rainy Day fund. Anita Hess moved to move \$649,447.40 in claims from the ARP fund to the Rainy Day fund pending County Council approval. Gary Timmerman seconded. Motion carried 3-0.
- This will allow all funding of the courthouse project to be paid from ARP money, Lake City Bank loan, Rainy Day and CEDIT. With this approved and in place, Gary Timmerman moved to proceed with the project. Anita Hess seconded and the motion carried 3-0.

SHERIFF

Max Weber, Noble County Sheriff, was present for the following:

- The public hearing was held for the ordinance changing the sheriff sale fees from \$200.00 to \$300.00 for foreclosures. There being no public opposition to this ordinance, Gary Timmerman moved to approve the ordinance as presented. Anita Hess seconded and the motion carried 3-0.
- In other business, the contracts with the Elevator (Schindler) and generator (Buckeye) were discussed. Max was understanding that the maintenance agreements were all combined and that one bill would be sent. That was not the understanding that some others had. The commissioners also thought that billing for maintenance and repairs should be billed separately.
- Lastly, Brad Rollins, Maintenance supervisor at the jail, had sent up a quote for repair to the generator at the jail. This was in the amount of \$4,275.51. Max indicated that this was taken care of through his funds at the department.

STORM & EROSION ORDINANCE

Scott Ziegler, a local surveyor, along with many other residents, surveyors, etc. were in attendance to discuss the storm and erosion ordinance with the commissioners. Randy Sexton, Noble County Surveyor, was also in attendance. Scott started the conversation with the frustration about this ordinance being enforced for agricultural buildings. He was surveyor at the time this was adopted and indicated that there was never an attempt to enforce this on agricultural projects. Requiring a detention pond for a large building would take ground out of farm production and stop the irrigation process on a farm owned by Carrie Sietsma. Scott admitted that the storm ordinance was maybe unclear in area but the “intent” was not to include ag projects. However, the Erosion part of the ordinance it is very clear that agricultural parcels are exempt. He is suggesting that it simply be rewritten and have a public hearing and be amended by the commissioners. Representatives from the Maumee River Basin as well as the St. Joe River Basin were also in attendance. Matt Meerson indicated that the goal is to preserve the quality and the quantity of water and everything that is done affects other downstream. His comment was a building is a building regardless of its’ location.

Josh Lash, another local surveyor, was there and indicated that this is an additional cost of \$15000.00 to the farmer not including surveyor cost. There were comments about this is not be handled routinely and it just needs to be fair across the board. The commissioners agreed that the 25-year-old ordinance needs to be reviewed and amended and suggested a committee to put that ordinance together. Once that is complete, a public hearing will be held as there is a process to follow. The commissioners challenged the group to come up with some names of people that are willing to sit on the committee.

Gary Timmerman moved to temporarily suspend the storm and erosion ordinance when dealing with agricultural and single-family homes for a period of six months requesting that a committee be formed to make necessary changes to the ordinance and hold a public hearing. Anita Hess seconded. Motion carried 3-0.

Recess

Back in Session 1:30 PM

Dave Baum, IT director, is present requesting permission to upgrade GIS licensing for the GIS department. Dave indicated that we currently pay around \$23,000.00 a year for licensing however it is outdated. This new licensing is at a cost of \$39,700.00 a year and if purchased now will lock that price for 3 years. Dave explained that he thought this would have capabilities for outside agencies to use this as well. Dave has spoken with the ESRI and credit will be given for the amount paid on the old contract which will amount to just over \$20,000.00. Gary Timmerman moved to sign the agreement with ESRI for the new licensing with the understanding that the first year will carry the credit of the \$20,000.00 + from the old licensing. Anita Hess seconded. Motion carried 3-0.

RIGHT OF WAY DISCUSSION

Teresa Tackett, Plan Director, Everett Newman, Plan Commission Attorney, along with 2 employees from the Assessor's office and Randy Sexton, Noble County Surveyor, were present for discussion about the additional 10 foot of right of way that is now required on plats. Gary Timmerman recently had a plat drawn up and discovered that this is a requirement. He has spoken with several individuals and is indicating that should not be done without payment and the individual being aware of the situation. Teresa and Everett tried to explain that this would be up to the surveyor to explain all of this to their client. There was a long discussion about this issue and sides maintaining their thoughts as to why this was happening and the legality of it all. The UDO refers to the highway standards so at the end of the discussion, it was decided to have this discussion with Zack on Monday the 18th to get his thought as to the Highway Standards. There was concern that changing this may jeopardize federally funded projects.

ENCUMBRANCES

Jackie Knafel, Noble County Coordinator, had the following encumbrances for approval:

- GENERAL – Clerk – election \$8460.00 1000-21100-003 e-poll pads
- GENERAL – IT \$17,357.74 1000-44000-043 security access
- GENERAL – IT \$1,050.00 1000-44000-043 jail integration
- GENERAL – Plan \$4,125.00 1000-32202-027 planning services
- GENERAL – Prosecutor crim \$898.56 1000-13301-010 hotel accommodations conf
- HIGHWAY – MVH Rest \$873520.09 1173-36101-107 repair maintenance rds.
- CEDIT - GIS \$30,000.00 1112-47803-312 Pictometry
- CEDIT – Bridge \$98,403.00 1112-47820-312 Dredging little long/round

Motion was made by Anita Hess to approve all encumbrances. Gary Timmerman seconded and the motion carried 3-0.

TCP TIME

Jackie had correspondence from Time Clock Plus as to a 1 year 3 year and 5 year extension of the contract. This information was given to Dennis Graft as there are plans to discontinue service.

HANDBOOK

Jackie also talked to the commissioners about NEW FOCUS. This company will redo handbooks and then update them annually. Beatrice Ramey, Madison County HR, shared this information

with Jackie and their cost was \$6000.00 for the handbook and \$150.00 annually for the updates. The commissioners seemed interested in this service.


LAND SELL

Anita Hess had received an offer from someone interested in the land directly east of the Noble County Landfill. This is needing council approval. Anita Hess moved to present this offer to the Noble County Council for the approximate 11 acres with a 60' strip for access to the property. Gary Timmerman seconded. Motion carried 3-0.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 3:45 pm recessed from day to day until December 18, 2023

Dated this 18 day of December, 2023



Gary D. Leatherman, President



Anita Hess, Vice President



Gary Timmerman Member

ATTESTED: 

Michelle Mawhorter, Auditor