

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD June 24, 2019**

Comes now the hour of 8:30am. on the 24th day of June, 2019, in the Commissioners Room in the Noble County Courthouse, 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
Justin Stump, Member

Also present were:

Jacqueline L Knafel, County Coordinator
Dennis Graft, Noble County Attorney
Matt Getts, KPC Media
Marvin Rodenbeck
Zack Smith, Highway Engineer
Kenneth Hughes, Plan Director
Steve Kromkoski, DLZ
Mike Trevino DLZ
Max Weber, Noble County Sheriff
Austin Papenbrock,

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

CORRESPONDENCE

- DOC – information from the department of correction concerning payment to counties for housing of state inmates
- Treasurers monthly report for the month of May – duly entered
- DNR – information was received from the DNR concerning land acquisition at Crooked Lake.
- Surveyor – notice of drain maintenance on the Roscoe Drain
- Clerk of the Courts monthly report – duly entered.

MINUTES

Minutes of the June 10, 2019 meeting were read and approved as written with a motion from Justin Stump and a second from Anita Hess. Motion carried 3-0.

PAYROLL

The commissioners reviewed the payroll for the weeks of 05/24/19 through 06/06/19. The 6-page report totaled \$419,212.91 and was paid 06/20/19. Motion to approve the payroll came from Anita Hess and was seconded by Justin Stump. Motion carried 3-0.

CLAIMS

- The regular claims were reviewed by the commissioners and approved with a motion from Justin Stump. Anita Hess seconded the motion. Motion carried 3-0.
- Court claims were also reviewed and approved with a motion from Justin Stump and a second came from Anita Hess. Motion carried 3-0.

OLD BUSINESS - DOSSETT CONTRACT

The Dossett contract was signed with a motion from Anita Hess after concerns were addressed about timely filings with the prosecutor's office. A second came from Justin Stump and the motion carried 3-0.

NEW BUSINESS

- Tim Lock is requesting that a contract be signed with Wildman for mats etc. for maintenance. Anita Hess moved to approve the contract. Justin Stump seconded the motion. Motion carried 3-0.
- The Time Clock Plus contract was also reviewed and discussed. It was tabled until a future meeting so that number of employees could be verified and a question that Dennis had about a clause in the contract.

HIGHWAY

Construction:

Richard Rogers, Highway Superintendent, was on vacation but had the following information for Zack to share with the commissioners:

- A driveway variance for a property on 400 S was before the commissioners because of sight distance. The highway department had reviewed the area and even though this is short of sight distance – it is the best place on the property for a drive. The recommendation is to have signs placed on the roadway as warnings. Anita Hess moved to approve the variance with the stipulation of posting of hidden drive signs. Justin Stump seconded the motion. Motion carried 3-0.
- Another driveway variance came before the commissioners, this one located on 1100 E and was 45 feet short of sight distance. Anita Hess moved to approve the variance based on the recommendation of the Highway department. Justin Stump seconded the motion. Motion carried 3-0.
- Century Link is requesting a fiber optic permit and it is approved with a motion from Justin Stump and a second from Anita Hess. Motion carried 3-0.
- There is a quote for a pressure washer. The old one is in need of repair at an estimated cost of over \$2,000.00. Zack also had a quote for a new pressure washer at just over \$7,000.00. The old washer was over 12 years old and Zack is recommending that the department just go ahead and purchase a new washer. Motion to purchase a new pressure washer came from Justin Stump. Anita Hess seconded the motion. Motion carried 3-0.
- Reconstruction work continues.
- After issues with the chip and seal work, a strip on 600 E was laid and experts from the materials vendors were on hand to view the process. According to Zack, there were no issues with the process and the vendors of the materials used earlier have given credit to the county for future use.
- Three of the six subdivisions have been completed with Kimmell on tap for July and Wawaka and Brimfield to follow.
- Mowers have been running every day to get the roadsides taken care of.

ENGINEERING

Zack Smith, Highway Engineer, was present to update the commissioner on the engineering business:

- Speed Ordinance – a speed ordinance on 400 N was read. This will reduce the speed on 400 N between State Road 9 and 150 E to 45 MPH. The public hearing was held and a motion to approve the ordinance came from Anita Hess. Justin Stump seconded the motion. Motion carried 3-0.
- Stop Control - An ordinance in Allen Township for a Stop Signs on CR 350 N for southbound traffic and Noble Hawk drive and the State Rd 3 approach was read. There being no public opposition a motion was made by Anita Hess and seconded by Justin Stump to adopt the ordinance. Motion carried 3-0.
- 4 Way Stop – this ordinance will create a four way stop in Noble Township. It will be placed on W Noble Street in Wolf Lake for both north and southbound traffic. This will create a four way stop for W. Noble Street and Main Street. Again, there was no public comment and a motion to approve the 4-way stop was made by Justin Stump. Anita Hess seconded the motion. Motion carried 3-0.
- HMA Bid Package – the department is currently waiting on the contracts and work will probably begin in August / September.
- LPA project – 400 N is ahead of schedule with the next phase being field checks.
- Bridge Inspection – the field work is complete on this project and Zack has a LPA voucher for approval. Zack reported that the 13 bridges that once were on the annual inspection list have been reduced to 5 on the annual list. Justin Stump moved to approve the LPA voucher. Anita Hess seconded the motion. Motion carried 3-0.
- Zack was asked about asphalt work for bridge 77. AEP had to changes their work plans for utility work and at last communication with them – they plan to have the utility work done by the 3rd week of July. After their heavy equipment is removed then asphalt work will begin.
- Bridge 136 – Phase one design has been submitted but is yet to be approved by the state. The project is tracking on schedule and Zack is in hopes that the environmental work is complete by the end of the year which will help with the submission of a like project in

bridge 134. Motion to approve the LPA voucher for preliminary engineering on Bridge 136 came from Justin Stump and was seconded by Anita Hess. Motion carried 3-0.

- Baseline Road - a LPA voucher was also received for Baseline Road/ 600 E project. Motion to approve this voucher came from Justin Stump. Anita Hess seconded the motion. Motion carried 3-0.
- Bridge 55 – Right of way work is now complete and on schedule to start work in November.
- Ball Road --- the development for improvements continues with some work to be done this summer.
- Crooked Lake - Neer property – The Neers have now reached out to the Highway department. The estimate from the surveyor's office was in the area of \$18,000.00 which was considerably higher than projected. The highway department was going to do some quoting as well and the Neers will wait for that quote before proceeding.
- Zack commented on the Big Lake petition for road acceptance. The engineering report indicated that the roads in the area do not currently meet the standards for acceptance. Zack will continue to work on this project for other solutions and was given permission to explore the other option and draft ordinances as necessary for approval with a motion from Justin Stump and a second from Anita Hess. Motion carried 3-0.

TRANSFER FEE ORDINANCE

An ordinance was drafted as an amendment to the 2011-08 ordinance allowing the auditor to collect a \$5.00 fee for every deed transfer. With the July 1, 2019 requirement of the state this ordinance will be changed the fee from \$5.00 to \$10.00 per deed. The public hearing was held and the ordinance was adopted with a motion from Justin Stump. Anita Hess seconded the motion. Motion carried 3-0.

COMPLAINT

Marvin Rodenbeck was present to let the commissioners know that he strongly objects to the conduct of Kenneth Hughes, Plan Director and George Bennett, President of the Plan Commission at one of their recent meetings. Marvin reported that he was lied to by Mr. Hughes on a number of occasions. Marvin was told that he would be on future agendas and he should have been on the top of the next agenda when in fact he was never allowed to speak and that next meeting. He also commented that Mr. Hughes was told to refund the permit fees to Mr. Rodenbeck to which Mr. Hughes commented that he would not do.... Marvin told that commissioners that he considers the plan commission office to be a hostile environment and with the board only listening to one side of the story - thinks that petitioners have nowhere to go when they have a complaint. Marvin told the commissioners that these issues will probably end up in a lawsuit and he had pages of documentation and copies of letters from the plan director that had been given to his attorney. He told the commissioners that he wanted to do the right thing, get the right permits etc.... but now feels that this has become personal and that the plan commission is doing everything to shut his business down. His attorney had advised him to come before the Board of Commissioners today and request two things:

1. That the commissioners get a ruling from the State Attorney General that being a Plan Commission Director and an Elected Township Trustee isn't a conflict of interest.
2. That the commissioners take care of the lighting issues and requirements of the letter provided by Marvin that was sent to him from the Plan Commission. Marvin explained that he does not own the lights they are simply leased from I & M and that he will not touch them for that reason.

No decisions or comments were made by the commissioners except for asking Dennis to prepare a letter to the Attorney General to clarify the dual position issue.

UDO DISCUSSION

Kenneth Hughes was present to discuss changes to the UDO. He informed the commissioners that the Plan Commission Board had decided to table the changes pending more information so that this will be on some future agenda.

Kenneth did, however, speak to the commissioners about amending the Junk Ordinance. Kenneth indicated that that accumulation of junk debris is increasing throughout the county. He indicated that once a notice is given that he can charge \$100.00 a day until the property is brought into compliance. He said that he is more than happy to work with people but there needs to be a time frame to which property owners are held to. Kenneth is proposing an ordinance that would allow him to clean the property with a court order. Concerns of cost and recovery were mentioned and Kenneth indicated that a lien would be put on the property. This request will need more time to gather information to determine recovery of the funds invested into the removal of the junk.

DLZ SPACE STUDY

Steve Kromsoski and Mike Trevino from DLZ were present to bring the commissioners up to date with the building project space study. DLZ had reviewed their previous study and had the same of department heads and reported that some departments had revised their needs assessment and others had determined that the needs were still the same. DLZ provided the commissioners a copy of the updated assessment and also had 4 options for the commissioners to look at. Once the commissioners make a decision to know which direction they want to go, then cost can be defined and a more accurate figure can be determined. DLZ indicated that while there is time to pull everything together, a decision has to be made by the end of summer.

Recess for drainage

SHERIFF

Max Weber, Noble County Sheriff, was present to share the following information with the commissioners:

- Max reported that Kendallville had paid their portion of the 2019 billing for Spillman. Avilla will pay this fall and the City of Ligonier will pay in 2 future installments.
- Max had an Inspection Agreement with Shambaugh & Son for fire protection inspections. This is a 5 years agreement at a cost of \$3,665.00 annually. This was the best price of two quotes that Max had received. Motion to approve the contract with S & S came from Justin Stump and was seconded by Anita Hess. Motion carried 3-0.
- Max then introduced Austin Papenbrock who had done a roof assessment at the jail. After Austin summarized the roofing needs, he was asked what he thought the most immediate need was. Austin replied that the gutters are in serious need of repair. The cost to just the repair the gutters would be in the price range of approximately \$12,000.00. The commissioners will look into funding of this project. Austin explained that he sub-contracts this work out but would oversee the entire process and would approve all materials used.

BUILDING STUDY

Zack Smith, Project Manager for the building project, was in and discussed the DLZ report as well as the information received from Structure Point. Structure Point will have representatives here in the county to sit down with the department heads on July 1 and July 3 to discuss their office needs with the company.

CEDIT PLAN 2020/2021

Jackie Knafel, County Coordinator, presented the 2-year CEDIT plan for the commissioner's adoption. The plan had been discussed at an earlier meeting and the final draft was ready for review. Justin Stump moved to adopt the 2020/2021 CEDIT plan. Anita Hess seconded the motion. Motion carried 3-0.

FARM LEASE

A farm lease agreement between Noble County and Randy Marks was signed. This was for the 4-5 acres of ground located west of the landfill. Randy will farm the ground for the sum of \$100.00 per acre. Motion to sign the agreement came from Anita Hess and was seconded by Justin Stump. Motion carried 3-0. Copy of the signed agreement will be sent to Randy Marks @ 1000 E Baseline Road Albion Indiana 46701.

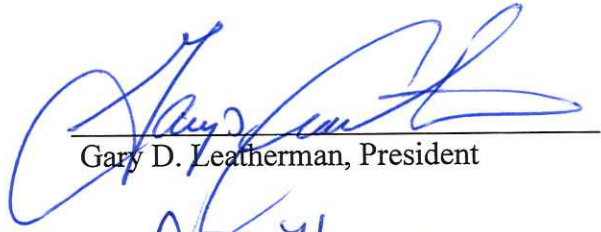
TITLE

Max Weber, Noble County Sheriff, had requested a title for a 2012 Dodge Charger be signed. This will be sold to the City of Ligonier. Motion to sign the title came from Justin Stump. Anita Hess seconded the motion. Motion carried 3-0.

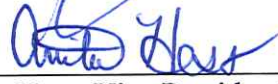
ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 2:50PM recessed from day to day until July 8, 2019.

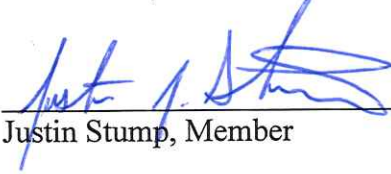
Dated this 8th day of July, 2019



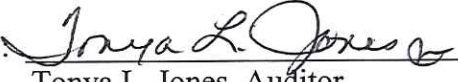
Gary D. Leatherman, President



Anita Hess, Vice President



Justin Stump, Member

ATTESTED: 
Tonya L. Jones, Auditor