

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD February 13, 2017**

Comes now the hour of 9:01 A.M. on the February 13,2017, in the Commissioners Court 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
David J. (Dave) Dolezal, Vice President
Dave Abbott, Member

Also present were:

Jacqueline L. Knafel, County Coordinator
Dennis Graft, Noble County Attorney
Steve Garbacz, KPC Media
Zack Smith, Highway Engineer
Mark Goodrich, Highway Supervisor
Richard Rogers, Highway Inspector
Kenneth Hughes, Plan Director
Teresa Tackett, Plan dept. deputy
Chad Willett, Chief Deputy Sheriff
Tonya Marks, Noble County Auditor
Derek Faulk, Wilcox Environmental

Gary Leatherman, brought the meeting to order at approximately 9:01AM.

HIGHWAY

Richard Rogers, Highway Inspector, had several driveway variances for commissioners to sign.

- Driveway variance – Moose Lake. Property is in the name of Raccoon Ridge and the application for the variance was not in the proper name. This will be tabled until the application is done in the proper name.
- Driveway variance – 950 E – Dave Dolezal moved to approve this variance. Dave Abbott seconded the motion. Motion carried 3-0.
- Driveway variance – 450 W – Dave Abbott moved to approve this variance. Dave Dolezal seconded the motion. Motion carried 3-0.
- Driveway variance – 200 E - this is for a second driveway on the same parcel and is 60 feet short for sight distance. Dave Dolezal moved to approve the variance. Dave Abbott seconded the motion. Motion carried 3-0.
- Driveway variance – Gienger property on 950 E #005-017 - Dave Dolezal moved to approve. Dave Abbott seconded the motion. Motion carried 3-0.
- Driveway variance – Gienger property on 950 E – #005-018 2nd driveway within 30 feet of the existing drive. Dave Dolezal moved to approve the variance with a second from Dave Abbott. Motion carried 3-0.
- Driveway variance – Gienger property on 300 S – this is a shared drive with 2 parcels. Dave Dolezal moved to approve the variance. Dave Abbott seconded the motion. Motion carried 3-0.
- Driveway variance – Gienger property on 300 S – this is another shared drive situation and is within 85 feet of another drive. Dave Abbott moved to approve this variance and Dave Dolezal seconded the motion. Motion carried 3-0.
- Driveway variance – Gienger property on 300 S – this drive will be within 75 feet of an existing drive. Dave Abbott moved to approve the variance. Dave Dolezal seconded the motion. Motion carried 3-0.

Mark Goodrich, highway superintendent, had the following construction information to share with the commissioners:

- Axel for the brush chipper will be at the cost of \$2,462.28 plus shipping. Mark had gotten approval earlier but wanted to inform the commissioners of the cost. Dave Dolezal moved to approve the purchase. Dave Abbott seconded the motion. Motion carried 3-0.

- Mark also had a request from Medicom to install fiber optic on 400 E from State Road 6 to the dead end. Dave Dolezal moved to approve the installation. Dave Abbott seconded the motion. Motion carried 3-0.
- Indiana Fiber has also requested permission for fiber optic for the Parkview Hospital. This is within the Noble County Right of way. Dave Dolezal moved to approve the installation with a second coming from Dave Abbott. Motion carried 3-0.
- Mark related information about a resident on 1100 E who has created an issue with water problem. A driveway permit for this resident was issued in 1993 – however – they continue to share a drive with a neighbor until there were differences between the two neighbors. The resident then installed a driveway – not where the permit had allowed – but in a different location that has plugged a culvert. They also did backfill onto the county’s right of way. Mark is asking how to handle the situation. The commissioners suggested that the highway department send a registered letter asking for a response within 10 days. If no response then the county will go in and clean the culvert and clear the area where backfill was placed.
- Also presented were Utility permits from Medicom, United Telephone of Indiana, Frontier Communications, and Noble REMC

Zack Smith, Highway Engineer, had the following engineering business to discuss with the commissioners:

- Highway Garage – Zack indicated that the garage should be done with the next month time period.
- Zack is planning to purchase equipment with the remainder of the bond after the garage is completed and all bills are paid. He is hoping to also be able to purchase two new trucks combining CEDIT, Highway funds and bond money.
- United Consulting has notified the county that needs scour assessments for all 64 county bridges to remain in compliance. This will be at a cost of \$44,800.00 of which our cost (being 20%) would be \$8,960.00. Dave Dolezal moved to approve the additional cost. Dave Abbott seconded the motion. Motion carried 3-0.
- Bridge 147 – Zack presented a LPA voucher for signature for bridge 147. Dave Abbott moved to sign the voucher with a second coming from Dave Dolezal. Motion carried 3-0.
- Zack has RFP’s out for Bridge 136 and the Baseline Road project. They are due on Friday February 24, 2017.
- Bids for Bridge 16 and 24 are also due on Friday, February 24, 2017.
- Community Crossing money – Zack is awaiting changes to the community crossing grant money and he feels the decisions that will be made regarding this grant will be determined by HB 1002. There is a possibility of this now being an 80/20 split rather than the current 50/50 split. Application are due this summer with awarding of the money this fall.
- Zack will get the request for quotes out for the new equipment that he is wanting to purchase.
- Building Demo – Joe Shultz was in attendance earlier this morning with questions about the demolition of the 3 homes on the west side of the courthouse. Zack indicated that he would get the addendum to Jackie so that all bids would be apples to apples.
- Funding issues on a local level – Zack has done more research on the wheel and sur tax and is informing the commissioners that there are steps that can be taken by the Noble County Council in again increase the wheel and sur tax as well as reestablish the CCD fund.
- Norfolk Southern - Zack has had a request from Norfolk Southern for a speed reduction on county road 200 W. Zack will be doing the speed study to see if this request is justified.

ASSESSOR

Kim Carson, Noble County Assessor, is present to request permission to spend over \$500.00. Midwest does the printing and the mailing of the form 11’s for the Assessor’s office. The last couple of years the cost has been around \$11,000.00 but Kim does not have an exact quote for this year’s expense at this time. Dave Dolezal moved to approve Midwest to again perform this service with the cost to not exceed \$11,217.00. Dave Abbott seconded the motion. Motion carried 3-0.

SUBDIVISION INFORMATION

Kenneth Hughes, Plan Director, and Teresa Tackett, Plan Commission Secretary, are both present to discuss the process for subdivision plats. Kenneth is indicating that all combinations and splits

need to come through his office. This will increase the time and expenses of the taxpayer however Kenneth indicated that this was the law. The Auditor's office have a situation waiting at this time with a title company that went through the Surveyor and Plan Commission with a property that has now had the closing and even though the party knew that it would be "non-conforming" in the eyes of the Plan Commission wanted to proceed. Now the title company has been notified of rejection of the survey. The Auditor's has - in the past - been able to do splits (with a survey) without the party going through the plan commission. It was left that - now all division or combination of property will go through the plan commission so the auditor's office will now send back anything that comes in with a survey indicating prior approval must be obtained before we can proceed.

UDO AMENDMENTS

Kenneth Hughes, Plan Director, proposed the following changes to the UDO:

- 2.02 Open Space - Dwelling Size from 900 to 960 sq. ft.
- 2.10 Rural Estate - dwelling size from 1600 to 1200 sq. ft.
- 2.14 density single family residential - dwelling size from 1000 to 1200 sq. ft.
- 2.18 multifamily residential - dwelling size from 900 to 960 sq. ft.
- 2.24 Manufactured home dwelling size from 700 to 960 sq. ft.
- 2.26 Institutional District - minimum main floor from 1000 to 960 sq. ft.
- 2.28 Village Mix dwelling size from 900 to 960 sq. ft.
- 11.02 extensive change to Livestock Operations and Animal Density Standards (copy in the file of changes
- 9.18 - Plan Commission will approve all administrative subdivisions
- 9.18 lot sizes will go from 20 to 10 acres
- 2.03 - District Intent - accessory permitted uses - barn (storage or agricultural)
- 11.02 - see copy of changes in file
- 2.03 - Accessory Permitted Uses - add Temporary accessory Dwelling and Accessory Special Exception Uses - add Permanent accessory dwelling
- 2.09 - see above - as same changes are made
- 2.22 LR District Development Standards - changes properties to structures
- Farmstead to A2 zoning 2.05 Permitted Uses add Residential Permitted Uses - farmstead.

Dave Dolezal moved to approve the proposed changes to the UDO. Dave Abbott seconded the motion. Motion carried 3-0.

VACATION EXTENSION

Chad Willett, Chief Deputy Sheriff, was present to answer questions concerning a letter that was sent by Sheriff Doug Harp concerning an extension in vacation for a deputy at the department. Under the circumstances reported a motion from Dave Dolezal approved the extension. Dave Abbott seconded the motion. Motion carried 3-0.

Chad also reported trouble with the generator at the Sheriff's department. The estimated cost of repairs is thought to be around \$3,000.00. Chad indicated that power will be down at the jail for approximately 1 hour during the repair period. Dave Dolezal moved to approve the expense of repair. Dave Abbott seconded the motion. Motion carried 3-0.

LANDFILL

Derek Faulk, Wilcox Environmental, was present to discuss issues with the landfill. GP 15 consistently is reported to have high levels methane gas and given that other solutions to the problem has failed, Derek is proposing that a 50 foot trench be dug with a 20 foot deep bed of gravel and the installation of vertical pipes and horizontal pipes with wind turbines. Derek will contact IDEM for approval before getting firm prizes but he is estimating the cost to be in the area of \$26,000.00. Dave Dolezal made a motion to allow Derek to proceed with the process. Dave Abbott seconded the motion. Motion carried 3-0.

RECESS

The Commissioners recess this session until 1:00PM.

BACK IN SESSION

The commissioners went back into session at 1:29PM

MAXIMUS CONTRACT

Dennis has reviewed the contract with Maximus and has questions about the date. Tonya Marks, Noble County Auditor, will contact Maximus for an explanation of the contract dates. The signing of the contract will be tabled until further clarification.

CORRESPONDENCE

- Landfill – Methane Gas Monitoring weekly report
- Kone – Elevator Inspection Report
- IDEM – Wysong Farms – Confined feeding operation
- Sheriff – Annual Report
- Court Security – January report
- Umbaugh – City of Kendallville TIF Allocation Area and impact reporting
- Report of Collections – Sheriff's report
- Leachate report – December and January – town of Albion
- Haines – report of Leachate

WORK AUTHORIZATION

Trane has requested a work authorization for work at the Prosecutor's office in the amount of \$1,626.00. Dave Abbott moved to approve the work to be done with a second coming from Dave Dolezal. Motion carried 3-0.

MINUTES

Minutes of the Executive Session held earlier today were read and approved with a motion from Dave Dolezal. Dave Abbott seconded the motion. Motion carried. 3-0

Minutes of the January 23, 2017 meeting were read and approved as corrected with a motion from Dave Dolezal. Dave Abbott seconded the motion. Motion carried 3-0.

PAYROLL

Payroll dated 02/02/17 for the pay period of 01/06/17 through 01/19/17 containing 6 pages and totaling \$348,448.11 was approved with a motion from Dave Abbott and a second from Dave Dolezal. Motion carried 3-0.

Payroll dated 02/16/17 for the pay period of 01/20/17 through 02/02/17 containing 6 pages and totaling \$353,640.37 was also approved by Dave Abbott and seconded by Dave Dolezal. Motion carried 3-0.

CLAIMS

Utility Claims containing two pages totaling \$611,101.07, Supplemental Claims containing 3 pages and totaling \$211,414.27 and regular claims containing 15 pages and totaling \$684,182.05 were all approved after review with a motion from Dave Abbott. Dave Dolezal seconded the motion. Motion carried 3-0.

SERVICE AGREEMENT WILDMAN

Tim Lock, Maintenance Supervisor, is requesting a change in service from Cintex to Wildman. Tim has found the cost to be considerably less. The service agreement was reviewed and signed with a motion from Dave Dolezal and a second Dave Abbott. Motion carried 3-0. Both this service agreement for Wildman and the work authorization for Trane were delivered to Tim Lock by Jackie on Wednesday, February 15, 2017.

The Raccoon Ridge (Moose Lake) rezoning ordinance was finally signed now that all requirements of the names and legal issues were resolved. This rezoning was approved on the 23rd of January.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 1:50P.M. Recessed from day to day until the 13th day of February, 2017.

Gary D. Leatherman, President

David J. Dolezal, Vice President

David Abbott, Member

ATTESTED:

Tonya L. Marks, Auditor