

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD Monday December 9, 2024**

Comes now the hour of 8:30 am. on the 9th day of December, 2024 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 Knafel, County Coordinator
Dennis Graft, Noble County Attorney
Matt Getts, KPC Media
Zack Smith, Highway Engineer

Gary Leatherman, Commissioners President, brought the meeting to order at approximately 8:30am.

IT DEPARTMENT

Dave Baum, IT Director, was present to speak to the commissioners about our current phone system. Dave told the group that we are currently with Frontier with an approximate cost per month of \$2,000.00. Dave indicated that over the past, 16 months the cost have increased from \$660.00 to over \$1100.00 just for local service. In speaking with Mediacom, the total would be \$1400.00 a month with no fluctuation as there are no long-distance fees. There is a one-time installation cost of \$625.00. Dave indicated that the switch would be done on a non-business day and he is shooting for Presidents Day. He told the commissioners that this will have NO affect on 911 service. Anita Hess moved to have Dave contact Mediacom for a contract so that it can be reviewed by the county attorney and the commissioners. Gary Timmerman seconded. The motion carried 3-0.

BZA / PLAN COMMISSION APPOINTMENTS

Teresa Tacket, Plan Director, was present for appointments to the BZA and the Plan Commission Board. Applications were accepted and reviewed by a board. Recommendation was provided to the commissioners for consideration. Anita Hess made a motion to appoint Glen Lemon and Sarah Ragan as the Democrat appointments to the board and to retain Tom Griffiths as the republican member. Anita added that Tom's appointment needs to come with the understanding that he is to reclude himself of any solar business that he is involved in. Gary Leatherman seconded the motion and the motion carried 2-1 with Gary Timmerman voting against the appointment of Tom Griffith.

BZA APPOINTMENT

Anita Hess moved to appoint Mary Worman to the BZA Board with Jason Gaerte being an alternate for Mary Worman on the board. Gary Timmerman seconded and the motion carried 3-0.

CORRESPONDENCE

- Treasurer's Monthly report – duly entered
- Clerk's monthly report – duly entered
- IDEM – Zoeller Motor Works – final decision
- INDOT - notice of bridge work on State Road 33 through Noble County

CLAIMS

A 12-page report of claims dated 12/09/2024 and totaling \$297,377.51 was reviewed by the commissioners. Gary Timmerman moved to approve the claims. Anita Hess seconded. The motion carried 3-0.

PAYROLL

Payroll dated 12/12/24 was also reviewed. This was a 3-page report that totaled \$509,689.32.

Motion to approve payroll came from Gary Timmerman and was seconded by Anita Hess. Motion carried 3-0.

OLD BUSINESS

- Findings and Orders and Ordinance signed as approved at the previous meeting for Fahmi Albahal represented by Jacob Atz. Copies of both documents e-mailed to Atz Law on December 9, 2024
- Jackie Knafel, County Coordinator, had been contacted by the state board of accounts concerning an ordinance for buggy plates. The SBOA was questioning how this was worded in the \$8.00 that was retained by the trustees of the townships selling buggy plates. Dennis will review the ordinance.

NEW BUSINESS

- Title- Cherish Mishleau, COA Director, has requested that a title be signed for a COA van which has a blown engine. Tire Star has made an offer to but the van at \$1,500.00. Anita Hess moved to sign the title. Gary Timmerman seconded. The motion carried 3-0.
- Also signed was a purchase agreement between Noble County Health department and Noble County Commissioners for a purchase of a vehicle to be used for the Health Department.

HIGHWAY

Richard Rogers, Highway Inspector, filed two utility permits with the Commissioners. Both permits were for Pearce services on behalf of Frontier Communications.

Zack Smith, Highway Director, has the following engineering business to bring before the commissioners:

- Annual bids were opened for the 2025 calendar year. The following bids were received:

25-01 Lead free gasoline	Keystone
25-02 Diesel fuel	Keystone
25-03a bituminous mix	Brooks Pulvers API Construction
25-03b bituminous mis installed by contractor	Brooks Pulvers Pavement Solutions
25-04 Calcium Chloride	Great Lakes Chloride
25-05 Liquid Bituminous	Pierceton Trucking Asphalt Materials Pavement Solutions
25-06 Aggregate Gravel	Old Prairie Product Brooks Jack Owen Excavating Clifford Aggregate Hixson Sand and Gravel Bailey Aggregates Wolf Lake Gravel Fox Contractors
25-07 Aggregate Limestone	Columbia City Mill Service Columbia City Mill Service Pulvers Bailey Aggregates Hixson Sand and Gravel Clifford Aggregate Brad Hull Trucking IMI Irving Materials Fox Contractors
25-08 Pub Mill Equipment	NO BID
25-09 Culverts	Hixson Sand & Gravel Metal Culverts

25-10 equipment rental or prof services

St Regis Culvert
Civil Con
Brooks
Jack Owen Excavating
Hixson Sand & Gravel
Clifford Aggregate
Bailey Aggregate
Caskey Excavating
Pulver Asphalt
Fox Contractors
Pavement Solutions.

Gary Timmerman moved to accept all bids to be taken under advisement. Anita Hess seconded. The motion carried 3-0.

- CCMG -2025 Zack reported that the application process is open 1/2/25 thru 1/31/25. Zack will be submitting projects for this cycle
- Bridge 75 and Bridge 67 - both projects have been submitted for LPA funding
- Bridge 136 and Bridge 44 – Pre final inspection is set for 12/17/24
- Ball Road – letting is coming up this week
- Bridge 134 – right of way issues continue on this project. Zack reported that work is continuing to come up with a solution to these issues. Zack also reported that in his discussions with the railroad, they have agreed to additional funding for these big bridge projects. Zack has an LPA voucher for this project in the amount of \$9,170.00. Gary Timmerman moved to approve the voucher. Anita Hess seconded. Motion carried 3-0.
- Bridge 69 – an LPA voucher in the amount of \$7,320.31 was approved with a motion from Gary Timmerman. Anita Hess seconded. The motion carried 3-0.
- Bridge 69 - Right of way work is being down on this project. Zack has received a letter from Kindig & Sloat regarding property owned by Phillip & Tina Ball. Zack has drafted a response to the letter and is requesting commissioner approval for the letter to be sent. Anita Hess moved to approve the response letter drafted by Zack. Gary Timmerman seconded and the motion carried 3-0.
- Old State Road 3 - Letting will occur next summer on this project
- Bridge 59 - Right of way work just started on this project. Zack has an LPA voucher in the amount of \$2,250.00 for approval. Motion to approve came from Gary Timmerman. Anita Hess seconded. Motion carried 3-0.
- Bridge 61 and Bridge 56 – Notice to proceed was issued on both of these projects.
- CR 500 N - As discussed at the previous meeting and based on a speed study done in the area of 500 N and 700 E, Zack has an ordinance drafted for approval. This will provide for a 4-way stop at the intersection of 500 N and 700 E. The draft ordinance was approved for advertisement with a motion from Anita Hess and a second from Gary Timmerman. Motion carried 3-0.

COUNTY COURTHOUSE

Zack Smith, Project Manager, gave the following update for the courthouse renovation:

- Zack provided minutes of meeting #22
- The completion date is now about 8 weeks out and crews are working to meet that deadline.
- PCO 97 – this is for trim work in the courts at a cost of \$7,814.03 and is approved with a motion from Gary Timmerman and a second from Anita Hess. Motion carried 3-0.
- PCO 101- this was an owner request for the security desk at the entrance. The cost came in at \$2,358.00 Gary Timmerman moved to approve. Anita Hess seconded. Motion carried 3-0.
- PCO 102 – This is for the sub-panel breaker for the generator. The cost is \$968.81 and was approved with a motion from Gary Timmerman and a second from Anita Hess.
- With the last PCO approved the \$10,000.00 previously moved into contingency was depleted. Zack is requesting another additional for this project. Anita Hess moved to approve more money not to exceed \$10,000.00 to hopefully finish this project. Gary Timmerman seconded. The motion carried 3-0.
- Zack reported that Pierceton Wood Academy is working on the seal for Superior I
- The refrigerators for the jury rooms have been delivered and are installed.

SHERIFF

Max Weber, Noble County Sheriff, is requesting an extension of vacation and personal time for a deputy. This deputy was a transfer from the jail and was at academy for several weeks. He has 84 hours of vacation time and 36 hours of personal time that Max is asking be extended until March 31, 2025. Anita Hess moved to approve the extension. Gary Timmerman seconded and the motion carried 3-0.

SOLAR PUBLIC MEETING

Several people were in attendance for the public hearing concerning UDO amendments that were sent to the plan commission board and then returned to the commissioners. Gary Leatherman announced that if there were people who wanted to speak, there would be 15 minutes given to the group for the project and 15 minutes for the group who were against the project. Those wishing to speak should keep their comments to the amendments being discussed today which was concerning setbacks, bonding, liability, operation and maintenance and definitions.

- Rose Rickey spoke in opposition; Jay Hayes spoke for the solar project as did Mike Lemmon. Ann Barnard spoke in opposition as did Johnny Sieber. Charlie Lemmon and Lori Gagen were speaking on behalf of solar. Complete transcripts can be heard on the recorded tape of the meeting.
- Set backs were originally set at 300 feet from a non-participating landowner and 50 feet from a non-participating property line. The commissioners were asking for 750 feet set back. The plan commission only made one concession, that being 350 from a non-participating residence if the parcel was less than 3 acres. Gary Timmerman moved to stay with the commissioner's decision that was made on July 22, 2024 to go with 750 feet. There was no second on this motion, so motion died. The plan commission recommendation will stand.
- Financial Assurance – Gary Timmerman again stressed the need for some stable assurance that things will be take care of as far as clean up of these projects and feels that a cash escrow is that only assured system. This was discussed at length and the way it reads currently is that the county commissioners will have the final say when it comes to what type of financial assurance is needed. Gary Timmerman moved to have a cash escrow only. Motion died for lack of a second. This too will stand as written.
- Liability Insurance - The plan commission would like this moved to 5 years. Anita Hess moved to change to the requested "The landowner of the personal property allowing the CSES, shall show proof of (personal) liability insurance of no less than 2 million dollars, with proof of liability submitted no less than every 3 years to the Legislative body and the Zoning Administrator". Gary Timmerman seconded and the motion carried 3-0.
- The last request was to add Land in from of owner for responsibility. After a small discussion, Dennis Graft, County Attorney, indicated that there is enough wording in the rest of the paragraph to support that it is the responsibility of the "land" owner so this will also stand as written.

Gary Leatherman told the group that at next weeks commissioners meeting there will be commissioners' discussion about a moratorium for solar projects. That discussion will be held at 10:00 AM.

RECESS

Back in Session 11:40 AM

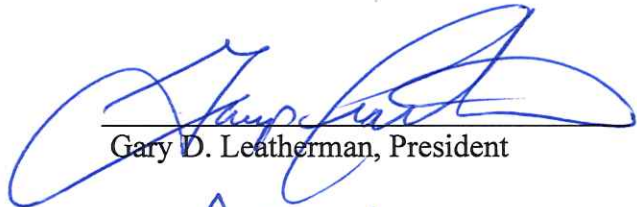
HIGHWAY

Zack Smith, Highway Director, is requesting that a rehire, Brad Darland, have the 10% reduction in pay waived due his past employment and experience. Gary Timmerman moved to approve the waiver. Anita Hess seconded and the motion carried 3-0.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 11:45 am recessed from day to day until December 16, 2024.

Dated this 16th day of Dec, 2024



Gary D. Leatherman, President



Anita Hess, Vice President



Gary Timmerman, Member

ATTESTED: 

Michelle Mawhorter, Auditor