

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD May 28, 2024**

Comes now the hour of 8:30 am. on the 28th of May, 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 L 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.

STAR COMMITTEE

Steve Hook, a member of the STAR Team, was present to request permission to use the sidewalks around the courthouse for some of their events. Coming up this Friday is the Albion Monopoly event and in October the Halloween event. He also inquired about use of the plaza for some of the events. Anita Hess moved to allow the group to use both the sidewalk area as well as the plaza area at the New Annex building for their events. Gary Timmerman seconded and the motion carries 3-0.

EMA

DEPARTMENT

Gabe Creech, EMA Director, is present to discuss a contract with Hyper-Reach. This would replace the NIXEL system now in place. Gabe explained that he was having a lot of issues with the customer service at NIXEL and it is taking quite some time for anyone from NIXEL getting back with you when an issue arises. This being the reason for looking into other services. Gabe would like to go with a 5-year contract for a total cost of \$55,000.00 which could be paid up front or at \$11,000.00 a year. This would also allow unlimited and will include mobile unit and business and residential land lines. They also provide 24/7 customer support and will get back with you within 24 hours. Dennis Graft, Noble County Attorney, reviewed the contract and with his approval, Anita Hess moved to sign the HYPER-Reach contract. Gary Timmerman seconded and the motion carried 3-0.

CORRESPONDENCE

- IDEM – Air Permit Application – Star of the West Milling Company
- Town of Albion – Variance hearing notice
- Adams Tower & Street Clocks – old tower clock repair and maintenance – duly entered
- County Treasurer’s monthly report - duly entered

MINUTES

Minutes of the May 13, 2024 meeting were read and approved as corrected with a motion from Gary Timmerman and a second from Anita Hess. Motion carried 3-0.

CLAIMS

The 14-page report totaling \$1,857,685.73 and dated May 13, 2024 were reviewed by the commissioners. Gary Timmerman moved to approve. Anita Hess seconded. Motion carried 3-0.

PAYROLL

This was a 3-page report that totaled \$517,801.15 and dated 05/30/2024. Payroll was approved with a motion from Anita Hess and a second from Gary Timmerman. Motion carried 3-0.

OLD BUSINESS

Findings and Orders prepared by the county attorney in the Saleh Ali Omar unsafe housing case were signed by the commissioners.

TIME CLOCK PLUS

Jackie reminded the commissioners that we need to get the letter of contract non-renewal sent to TCP. Gary Leatherman indicated that he had spoken with the County Auditor and that the new system is working well. Anita Hess moved to send a notice to TCP to terminate the contract. Gary Timmerman seconded. Motion carried 3-0.

SOLAR

Also under old business, Gary Timmerman, asked the group if they should be looking into a "conflict of interest" issue on the plan commission board. It was brought to his attention and he indicated that it seemed apparent at the end of the last commissioners meeting that one of the members was not interested in making any changes to the solar ordinance. The commissioners as well as the county attorney indicated that this is an issue for the plan commission board and its attorney to address. Gary told the group that this is a concern of his and that he thinks that it should be looked into.

NEW BUSINESS

Stephanie Leonhardt, Deputy Auditor, had provided the commissioners with the SRI contract for 2024 as well as the tax sale addendum papers. SRI takes care of the county's tax sales every year. Dennis has reviewed the contract and has okayed it. Motion to sign came from Anita Hess. Gary Timmerman seconded and the motion carried 3-0.

CEDIT AMENDMENT

Jackie Knafel, County Coordinator, provided a copy of the second amendment to the CEDIT plan for the commissioners to review. This will allow the FFE package for the Courthouse renovation to be paid for from CEDIT funds. Anita Hess moves to approve the amendment. Gary Timmerman seconded and the motion carried 3-0.

CHAIN O LAKES CRUISE IN

Randy Gunder, a member of the Cruise-in committee, has approached the commissioners about using some of the courthouse parking spaces for the upcoming Cruise-In this Friday. Motion to approve this request came from Anita Hess. Gary Timmerman seconded and the motion carried 3-0.

HIGHWAY

Richard Rogers, Highway Inspector, was present for the following requests through the highway department:

- Driveway Variance – Richard has a request for a second drive on CO 1100 E for Robert & Kelly Craft. Richard reported that this is short on sight distance by about 35 ft but was at the best location for the drive on this parcel. Gary Timmerman moved to approve the variance. Anita Hess seconded. Motion carried 3-0.
- Driveway Variance – A request for a variance for a second drive for an Atkinson was also before the commissioners for consideration. This drive has a bit of an issue with a drain in the area and is close to a legal drain. Gary Timmerman moved to approve this variance. Anita Hess seconded. Motion carried 3-0.
- The 3rd variance is also for Atkinson and is requesting a 3rd drive on this parcel. Again, the drainage issue is something that needs to be addressed. Gary Timmerman moved to approve this variance with the condition of communication with the county surveyor concerning drainage tiles. Anita Hess seconded and the motion carried 3-0.

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

- Bids were opened for the CCMG 2024 -01 asphalt project. Four bids were received: Zack reported the engineering estimate for this project was at \$1,485,000.00.
 1. Brooks Construction in the amount of \$1,486,287.00
 2. Phend and Brown in the amount of \$1,431,128.80
 3. Niblock in the amount of \$1,507,620.00
 4. Pulver's Asphalt in the amount of \$1,523,030.00

- Bids were opened for the CCMG 2024-02 Cement project. The Engineering estimate for this project was \$515,000.00. Only one bid was received for this project. That being from Pulver's in the amount of \$517,460.00
- Motion to accept the bids for review was made by Anita Hess. Gary Timmerman seconded and the motion carried 3-0.

In other engineering business, Zack has the following updates:

- Zack reviewed the 2024 Road Rehabilitation and Maintenance Plan with the commissioners. The commissioners commended Zack on his work done on the county roads to bring more into compliance than we have been in quite some time. Motion to approve the plan and post it on the county website came from Anita Hess. Gary Timmerman seconded and the motion carried 3-0.
- Bridge Deck Overlay – This work should begin some time in June or July.
- Bridge Inspection – Zack has an LPA voucher for preliminary inspection in the amount of \$5,218.80 for this project. Motion to approve came from Gary Timmerman with a second coming from Anita Hess. Motion carried 3-0.
- 400 N - Zack reported that earth work and pipe installation work continues on this project.
- Bridge 136 - the LPA voucher for this project was for Construction Engineering and was in the amount of \$79,310.57. Gary Timmerman moved to approve the LPA voucher. Anita Hess seconded and the motion carried 3-0. Zack reported that all is going well with the dirt hauling probably being completed by the end of this week on the south side of the bridge.
- Bridge 44 – Zack reported that there was going to be a meeting on June 3, 2024 with a professional sewer locator for this project. Zack has an LPA voucher in the amount of \$134.34 for this project which is approved with a motion from Gary Timmerman and a second coming from Anita Hess. Motion carried 3-0. A second LPA voucher was approved for this project in the amount of \$179.94 for construction engineering. Gary Timmerman moved to approve. Anita Hess seconded and the motion carried 3-0.
- Ball Road Project is the safety project and the company has the plan sheet available for approval. Gary Timmerman moved to approve the plan as presented. Anita Hess seconded and the motion carried 3-0. Zack reported that the project is going smoothly and is on time or slightly ahead of schedule.
- Old State Road 3 – An LPA voucher in the amount of \$9,780.00 was presented for approval. Gary Timmerman moved to approve. Anita Hess seconded. Motion carried 3-0. There was also an LPA Consulting agreement before the commissioners for this project. The consultant is Butler, Fairman and Seufert and the contract is approved with a motion from Anita Hess and a second from Gary Timmerman. Motion carried 3-0.
- Letters of Interest were received for Bridge 61. There were five LOI's received:
 1. BFS
 2. SJCA
 3. United
 4. USI
 5. DLZ
- Letters of Interest were received for Bridge 56 as well. There were 5 interested parties:
 1. BFS
 2. United
 3. USI
 4. Lochmueller Group
 5. DLZ
- Albion Road Excess Parcels - Zack informed the commissioners that he has now compiled all estimated expenses and estimates for the 5 parcels of ground on the Albion Road. He then broke down those expenses for each parcel of ground and now has a cost chart. Zack will prepare a bid sheet for advertisement. Anita Hess moved to approve the process to move forward on the selling of the 5 parcels of ground along Albion Road. Gary Timmerman seconded. Motion carried 3-0.
- 600 S – Zack submitted the 2nd speed study for a stretch of 600 S. He indicated that in comparison of the two studies that the actions taken after the 1st study were helping some. The excessive speed numbers were cut in half but still existed. Angela Hamilton along with one of her neighbors were in attendance during this session. She told the commissioners that she paid for a hidden drive sign and the county installed more speed limit signs but still there is just not enough “reaction time” when she is pulling out of her drive. They would still like to see the speed limit reduced in the area. Zack had some

other recommendation such as possible “shaving” some off of the crest of the hill, the county would do more sight distant checks and install more advisory signs. Gary Timmerman made a motion install the advisory signs and explore other options as well as there is “a lot going on in the area”. Anita Hess seconded. Motion carried 3-0.

COURTHOUSE AGENDA

Zack Smith, Project Manager, has the following courthouse renovation update:

- Project meeting minutes from the county, American StructurePoint and Weigand were provided.
- Zack told the group that the cement has now been poured in the west entrance area and they are installing the walls for the ramp.
- Zack reminded the commissioners of the meeting with the office holders concerning the FFE project on Thursday May 30,2024. Only one commissioner will be in attendance.
- Scheduling continues to be on track with 35% of the contingency dollars left.
- PCO 26 - patching in the amount of \$5,926.69. Anita Hess motion. Gary Timmerman 2nd. Motion carried 3-0
- PCO 31 - design development of the chiller/heater. This is in the amount of \$1,690.18 and is approved with a motion from Anita Hess and a second from Gary Timmerman. Motion carried 3-0.
- PCO 32 – this was for the water heated ducting in the amount of \$579.00. Motion to approve came from Anita Hess. Gary Timmerman seconded and the motion carried 3-0.
- PCO 33 – Interior Bell Tower – other options are being looked at and so \$53,000.00 will be applied back to the contingency. Motion to approve – Anita Hess. Seconded by Gary Timmerman. Motion carries 3-0.
- PCO 34 – this is concerning the bulkhead at the north and south entrances. The cost is \$1,403.03 and is approved with a motion from Anita Hess. Gary Timmerman seconded. Motion carried 3-0.
- PCO 35 – There was some unforeseen issues with the counter flashing that need to be addressed. The cost coming in at \$2,257.39 and is approved with a motion from Anita Hess and a second from Gary Timmerman. Motion carried 3-0.
- PCO 37 – The cost to upgrade the laminate is \$518.70 and is approved with a motion from Anita Hess. Gary Timmerman seconded. Motion carried 3-0.
- PCO 41 – The courtrooms are needing larger rugs and so the change order for this expense is in the amount of \$7,297.62 which is approved with a motion from Anita Hess. Gary Timmerman seconded. Motion carries 3-0.
- There was discussion of how to handle the ceiling tiles in the main circuit court room. There are not enough salvageable tiles remaining to cover the entire space. There was discussion about using tin or acoustic material. Tin is a lot more expensive and will not be good for sound. It was decided to speak with the judges on Thursday to get their thoughts.
- Funding – Zack informed the commissioners that there is around \$598000.00 left in ARP funding. The next billing will deplete this fund and we will then go to the loan dollars for funding.

REZONING

Teresa Tackett, Plan Commission Director, is bringing a rezoning request to the commissioners for Phil and Vi Wysong and Jay and Sandy Wysong. This was approved at a different location earlier but because of opposition to the CAFO operation in the area, the Wysong’s when with another location on the west side of the county. This is in Elkhart Township and is for 64.65 acres on 450 W. Motion to approve the rezoning from A-1 to A-3 was made by Gary Timmerman. Anita Hess seconded. Motion carried 3-0.

HEALTH DEPARTMENT

Tina Lough and Carrie Ryan were in attendance to request permission to purchase vehicles for the department. These vehicles will be purchased from the Tobacco Master fund – which is now a ‘legacy’ fund. The Health 1st Indiana fund has taken its’ place. They will be trading in 3 current vehicles and replacing them and then also want to purchase an additional vehicle. Many questions were asked about mileage and quotes. Tina indicated that she had gone to Shepherd’s in Kendallville and they were having issues stocking their lot so did not really have any vehicles like the Health Department was looking for. Max Platt had 3 2024 Explorers on the lot and on 2023 Explorer. The total cost (with trade-ins) was \$139,401.00. This was approved by the health

department board. Motion to proceed with the purchase of the vehicles came from Anita Hess. Gary Leatherman seconded and the motion carried 2-1 with Gary Timmerman citing the low mileage on the current vehicles and he didn't think that a 4th vehicle was needed.

RECESS

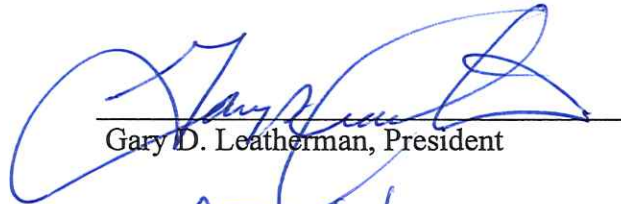
BACK IN SESSION 1:00 PM

Ron Raypole, CEO Noble REMC, was present to provide information to the commissioners about how the electrical grid works. He clarified that he would not be giving options about solar rather would just be explaining the way the grid moves the electricity. Ron had a power point that describes the working of the grid. At one point, Ron did indicate that the main source of electricity comes from coal and that solar is a very small amount of contribution citing the example of solar is done at 6 pm and the peak hours for REMC is between 5 and 8 PM. Ron supplies very good information for all those attending.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 1:45 PM recessed from day to day until June 10 2024.

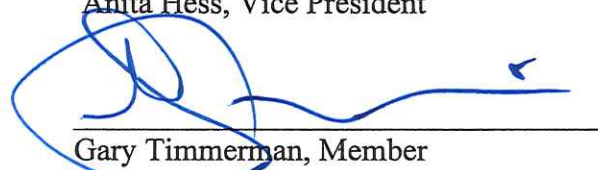
Dated this 10th day of June, 2024



Gary D. Leatherman, President



Anita Hess, Vice President



Gary Timmerman, Member

ATTESTED: 

Michelle Mawhorter, Auditor