

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD July 8, 2024**

Comes now the hour of 8:30 am. on the 8th day of July, 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.

COUNCIL ON AGING

Cherish Mishleau, Council on Aging Director, was present to request signatures from the commissioners on a reimbursement form due to a double payment. Motion to sign the reimbursement form came from Anita Hess. Gary Timmerman seconded. Motion carried 3-0.

TITLE

A title for the Council on Aging van that was traded for the recently purchased van. Motion to sign the title for the 2013 van with the last four VIN # of 8474 was made by Anita Hess. Gary Timmerman seconded. Motion carried 3-0.

CORRESPONDENCE

- Letter concerning Solar
- Attorney General Todd Rokita - more info on HB 1183
- Surveyor – 5 notices regarding spraying on the following ditches: Melvin, JW Long, Yarian and Bilger. The letter indicates completion by September 6, 2024.
- IDEM – Hollingshead Mixer Company – Air Permit

MINUTES

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

CLAIMS

Motion to approve claims as presented was made by Anita Hess. Gary Timmerman seconded and the motion carried 3-0. This was a 11-page report totaling \$382,757.70.

MISC. CLAIMS

Gary Timmerman moved to approve the misc. claims totaling 1,106,787.48 after a clarification of a claim from the prosecutor's office. Anita Hess seconded the motion. Motion carried 3-0

PAYROLL

Payroll dated July 11, 2024 was reviewed by the commissioners. This was a 3-page report totaling \$512,010.99 and was approved with a motion from Gary Timmerman. Anita Hess seconded and the motion carried 3-0.

OLD BUSINESS

Gary Leatherman reminded the members that if there are changes that the commissioners want to see made to the UDO (solar) then those detailed responses need to be to her as soon as possible. They will then go to the plan commission board. Gary wants those completed at the next commissioners meeting to be held on July 22, 2024. Discussion continues on the possible areas of concern:

- To increase the setbacks – this will need to come with an exact recommendation.

- Bond – this needs to be specific as to what the commissioners want – bond, letter or credit or a cash escrow.
- Gary Timmerman brought up the concern of land owners' liability. He believes the land owner needs to be equally responsible. Exact wording needs to be provided.
- Soil Samples – more information needs to be gathered as to the legality of this. Anita feels that the UDO can't be just focused on solar for soil samples possibly other industrial sites across the board would be added.
- Gary Timmerman again brought up HB 1183 and foreign ownership and/or leased ground by adversaries of the United States. Dennis Graft, County Attorney feels that this is addressed in the HB 1183 and that the enforcement of this is in the hands of the Attorney General.
- Also discussed was the recommendation that the commissioner further discuss the abatement or the denials of abatements for solar.

Gary Leatherman went on to AGAIN explain that this is a work in progress and there is a process to make changes to the UDO. He reiterated the frustration in being in public service for 49 years, in law enforcement working holidays and week-ends and now as an elected office holder, all of the negative comments on Facebook and other social media are getting out of control and there have been accusations of kickbacks etc. Gary told the group that the commissioners are trying to get the best possible ordinance in place to protect everyone. Gary Timmerman referred to the 1st amendment said that everyone has a right to voice their opinion. Dennis agreed but went on to say that was correct up to the point of accusations of untruths. Stacey McGinnis was in attendance and asked Gary Leatherman if he was for or against solar. Gary indicated that he was not for solar but that the county must put an ordinance in place. She said that she has heard of solar companies paying for library events and programs and feels that this might be where some of that speculation came from. Linda Gray was also in attendance and asked if a plan were to be submitted today – would it be subject to the UDO in place right now. Dennis responded that would be the case. Linda said – that is the reason we are scared and frustrated. Anita Hess wanted it on record that she has never taken so much as a cup of coffee or a glass of water from either side at any of the meeting she has attended.

There will be a meeting at the Cobblestone Clubhouse tonight in Kendallville from 6:00 pm to 8:30 pm with Bob Bolen as the speaker. Anita Hess and Gary Timmerman plan to attend.

KENDALLVILLE PUBLIC LIBRARY

Jeni Ekovich is currently serving on the library board and the board would like to reappoint her to serve another 4 years. Anita Hess moved to appoint Jeni to serve the board through May 31, 2028. Gary Timmerman seconded. Motion carried 3-0.

Anne Tipple was another board member to which the board is recommending be reappointed. Anita Hess moved to appoint Anne to serve through May 31, 2028, Gary Timmerman seconded and the motion carried 3-0.

2025 HOLIDAY SCHEDULE

Jackie Knafel, County Coordinator, present the commissioners with the Holiday Schedule for 2025. She had included all federal holidays on the schedule. The commissioners discussed the Juneteenth holiday and decided to eliminate that from the schedule. Gary Timmerman moved to approve the schedule minus the Juneteenth holiday. Anita Hess seconded. Motion carried 3-0.

ALBION PLAN COMMISSION APPOINTMENT

An e-mail request was received from Carol Selby, Albion Town Clerk Treasurer, recommending Stacey McGinnis to be appointed by the commissioners as the 2-mile zoning jurisdiction. Ms. McGinnis will be replacing Jared Owen. Motion to appointment Stacey McGinnis to sit on the Albion Plan Commission and as a non-voting member of the Noble County Plan Commission came from Gary Timmerman. Anita Hess seconded the motion. Motion carried 3-0.

HIGHWAY

Richard Rogers, Highway Inspector, has a driveway variance for approval. Rebecca Sickafoose is requesting a second drive at a property on 350 E. This is a confined feeding cattle operation. Richard is reporting that the sight distance is a little short. Motion to approve the driveway variance came from Gary Timmerman. Anita Hess seconded. Motion carried 3-0.

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

- HMA -01 Zack has the construction contract for Phend and Brown for the asphalt project for this year. The contract is in the amount of \$1,431,398.80. Anita Hess moved to sign the contract. Gary Timmerman seconded the motion. Motion carried 3-0.
- CN -01 – this contract is with Pulver’s and this project has been submitted to the state for funding.
- Bridge Deck Overlay – this project has been completed
- CR 400 N –
- Zack has an LPA voucher in the amount of \$25,467.04. Motion to approve came from Gary Timmerman. Anita Hess seconded. Motion carried 3-0. Zack reported that most all of the earth work is done and paving will probably happen next month.
- Bridge 136 – Zack reported that CSX has hired a contractor for flagging so the project is back on schedule. Last week was a short week but the project is on schedule.
- Ball Road, Bridge 134, Bridge 69 and Old St Rd 3 will go out for letting in 2025.
- Bridge 134 has an LPA voucher for approval. Gary Timmerman moved to approve the voucher in the amount of \$20,075.00. Anita Hess seconded. Motion carried 3-0.
- Bridge 59 – an LPA voucher was received in the amount of \$2,305.00 for this project. Motion to approve came from Gary Timmerman. Anita Hess seconded. Motion carried 3-0.
- Bridge 61 and 56 – ratings were done last meeting and were submitted to INDOT. Zack has not received confirmation as of yet from the state.
- Albion Road Excess parcels – Zack indicated that seems to be interest in these parcels and bids are due for opening at the July 22, 2024 meeting.
- Striping – Accurate Striping’s contract is coming to an end and they have agreed to extend the contract for another 3 years at an accelerated scale. Zack referred back to the quotes from 3 years ago and this will continue to be – even with the acceleration – the most cost effective. Quotes from 2021 were from Victory Trucking at \$161,700.00; Airmaking at \$143,900.00 and Accurate Striping at \$66,661.00 with acceleration of 2021 @.0749, 2022 @.0782 and 2023 @ .0815. In correspondence between Zack and Accurate Striping, the company will honor the .0815 for 2024 with an acceleration or .0915 in 2025 and .1015 in 2026. Even with this information it will still be well below the other two bids. Gary Timmerman moved to approve the extended 3-year contract with Accurate Striping. Anita Hess seconded. Motion carried 3-0.

COURTHOUSE RENOVATION

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

- Meeting minutes were provided to the commissioners for Meeting #11 between Weigand Construction, Noble County and American StructurePoint.
- PCO -004 – 29 changes due to on-site conditions – Gary Timmerman moved to approve \$3,737.53 to come from contingency. Anita Hess seconded. Motion carried 3-0.
- PCO 42 – condensation drain routing – This is in the amount of \$4,766.98 and will come from contingency. Motion to approve came from Gary Timmerman and was seconded by Anita Hess. Motion carried 3-0.
- PCO 44 - \$365.17 will come from contingency for the support ceilings. Gary Timmerman moved to approve. Anita Hess seconded. Motion carried 3-0.
- PCO 45 – This is dealing with the North and South entrances to the courthouse. The change will charge \$32,854.19 to the contingency. Motion to approve came from Gary Timmerman. Anita Hess seconded. Motion carried 3-0.
- PCO 51 – Framing changes will cost \$1,334.00. This was approved with a motion from Gary Timmerman. Anita Hess seconded. Motion carried 3-0.
- PCO 53 – Control Hardware on the doors will cost \$4,580.14. The approval to come from contingency came from Gary Timmerman with a second from Anita Hess. Motion carries 3-0.
- PCO 60 - We will add \$222.50 back to contingency for a change to room 100 ceilings. Motion to approve this came from Gary Timmerman. Anita Hess seconded. Motion carried 3-0.
- Zack reported that the project remains on schedule with a completion estimated to be January of 2025.

SHERIFF

Max Weber, Noble County Sheriff, and Brian Walker, Chief Deputy, were present to request permission to sign a contract with Shambaugh & Sons for Fire Inspections. The annual cost came in at \$7,978.00 for the next 5 years. They will also do the Internal pipe inspection for \$5,116.00. Motion to sign the agreement came from Anita Hess. Gary Timmerman seconded. Motion carried 3-0.

CONTRACTS/AGREEMENTS

Anita Hess made the motion to authorize the department heads at the Highway and Sheriff's department to sign contracts/agreement under \$10,000.00 for their perspective departments. Gary Timmerman seconded the motion. Motion carried 3-0.

SHERIFF

Max and Brian wanted to also discuss the topic of Holiday pay with the commissioners. In discussing the new handbook. Max cited the 24/7 employee that already has 25 days of vacation would then be given another day a month to take off. Brian told the commissioners that on most days with this situation they would only have 2 deputies on the roads. Most of the 24/7 employees currently only work 14 days a month anyway. After some discussion on the issue, Gary Timmerman moved to continue as we have done in the past and pay holiday pay rather than give days off. Anita Hess seconded. Motion carried 3-0.

VACATION

Dale Hilliard and his attorney were present requesting a vacation of right of way in LaOtto on Lot 88 on the north side of Miller St. Zack Smith, Highway Engineer had spoken earlier with the commissioners and was okay with this vacation. Mr. Hilliard had provided copies of the newspaper add and the receipt of certified mail, but did not have a petition, his title work or the green cards as proof of receipt. They will provide all of this information at the next commissioners meeting scheduled for July 22 at 9:30 AM.

IT -DUAL SIGN IN

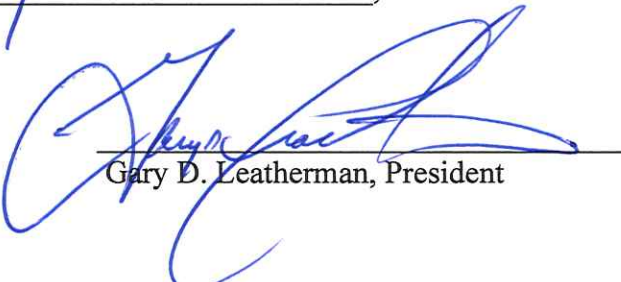
Dave Baum, IT Director, was present to discuss a new policy when it comes to employees signing in to the county computers. Ben Castle, Bryan Harter and Shelley Mawhorter were also present for this session. Dave told the commissioners that he currently has 110 people on the system which is a dual verification system. Some of the employees were unsure of having to use their own personal phone for this application. Shelley Mawhorter indicated that she wished that we had a heads up on this prior to this be implemented. Dave told the group that his people were told to explain this to each office as they put the system in place in their area. Dave did say that there are areas that other options will need to be put into place, because of the situation but they are working on that. Ben told the group that his people do not want to have the application on their phones and that he has funds to purchase a device that will work with this system. He has found this on line and can order 10 devices for just over \$200.00. Ben would like to have permission to order these items. Gary Timmerman said that he has dual verification on a lot of his things and it is a good way to secure locations but understands if the employees would prefer not to use their own phones. He believes that there should be options. Anita Hess moved to approve the purchase of devices out of the Assessor's Sales Disclosure fund. Gary Timmerman seconded. Motion carried 3-0.

ADJOURNMENT

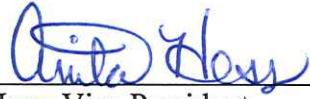
Dave made a motion to adjourn. Anita seconded the motion. Motion carried.

This session of the Board of Commissioners of Noble County was at approximately 11:20 am recessed from day to day until July 22, 2024

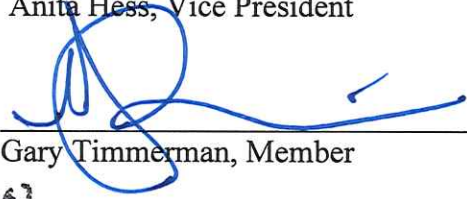
Dated this 22nd day of July, 2024



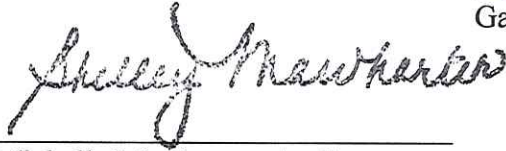
Gary D. Leatherman, President



Anita Hess, Vice President



Gary Timmerman, Member



ATTESTED:

Michelle Mawhorter, Auditor