

**MINUTES OF A REGULAR SESSION OF THE  
BOARD OF COMMISSIONERS HELD June 26, 2017**

Comes now the hour of 8:30 A.M. on the June 26, 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  
Dave Abbott, Member  
Dave Dolezal, Vice President

Also present were:

Jacqueline L. Knafel, County Coordinator  
Dennis Graft, Noble County Attorney  
Steve Garbaez, KPC Media  
Zack Smith, Highway Engineer  
Mark Goodrich, Highway Supervisor  
Richard Rogers, Highway Inspector  
Mike Henry, Resident of Waldron Lake

Gary Leatherman, Commissioner President, brought the meeting to order at approximately 8:30 A.M.

**MINUTES**

Minutes of the previous meeting were read and approved as written with a motion from Dave Dolezal and a second from Dave Abbott. Motion carried 3-0.

The minutes of the executive session held June 12, 2017 were also approved. Dave Abbott made the motion with a second coming from Dave Dolezal. Motion carried 3-0.

**CORRESPONDENCE**

- Town of Albion – leachate report for disposal
- Treasurer's Monthly report – duly entered copy - sent to state
- Clerk's monthly report – duly entered – copy sent to state
- Confined Feeding Operation Approval – Herschberger
- Letter – from Robert Lewis – trash burning / gun bomb noise

**PAYROLL**

Payroll for the period of 05/26/17 – 06/08/17 and dated 06/22/17 was reviewed. Dave Abbott made a motion to approve the 6 pages totaling \$369,031.38. Dave Dolezal seconded the motion, Motion carried 3-0.

**CLAIMS**

Nicole Noe, Deputy Auditor, was present to review 13 pages of claims. Total claims were \$1,159,417.91 dated 06/26/17. Dave Dolezal moved to approve the claims presented with a second coming from Dave Abbott. Motion carried 3-0.

**WALDRON LAKE**

Mike Henry and Diann Scott, residents of Waldron Lake, were present to confront the commissioners with what the county plans to do to help the residents of Waldron Lake concerning the flooding issue. The commissioners have told these residents on numerous occasions that the Elkhart River is under the jurisdiction of the State and our hands are tied as to what the county can do. Mr. Henry indicated that they were looking to community leaders for guidance. The commissioners again asked the residents to reach out to their representatives on the state level to try to get permits/ permission to clean the river of sediment and logs. Diann Scott informed the commissioners that on July 12, 18, 19, 2017 the homeowners association will be having a joint meeting with many different agencies to try to come together for a resolution to this issue. All meetings will be held at the Orange Township Fire Department at 5:30PM. The commissioners and also the highway engineer will plan to attend.

## HIGHWAY ANNUAL BIDS

Community Crossing requirement of current bidding was met with the opening of bids for services and materials needed for these particular projects. Bids were received from the following:

- Niblock- #17-3C
- Pavement Solutions #17-3C
- USI - #17-9B
- Pavement Solutions #17-09B
- Pavement Solutions #17-05B

Dave Dolezal moved to accept the bids as presented for further review by the highway department. Dave Abbott seconded the motion. Motion carried 3-0.

Richard Rogers, Highway Inspector, is present to discuss some driveway variances with the commissioners:

- A request to put a 2<sup>nd</sup> drive on the same property on 250 S was granted with a motion from Dave Abbott and a second from Dave Dolezal. Motion carried 3-0. The highway department had no issues with site distance or drainage.
  - 1000N was the site of another 2<sup>nd</sup> driveway request. This is 50 feet short of site distance but should not create any problems according to Richard. Dave Dolezal moved to approve the variance. Dave Abbott seconded the motion. Motion carried 3-0.
  - Robinson's are building on River Road at a location that would 150 feet short of site distance. However, there is an existing easement and a current driveway directly across the road from where the request is coming from. After some concerns, a motion to grant the variance came from Dave Abbott and was seconded by Dave Dolezal. Motion carried 3-0.
- Mark Goodrich, Highway Superintendent, was present for the following:
- Mark report that the department is a week behind with chip sealing, but all is working well and looking good.
  - Mark introduced Randy Jordan who was recently hired for the position of Shop Supervisor. Randy comes to us from Columbia City and has extensive experience with fleet control and maintenance. Both Mark and Zack feel that he will be a huge asset to the county as we move forward in this department.
  - Mark also filed a Utility permit for NIPSCO with the commissioners

Zack Smith, Highway Engineer, discussed the following issues with the commissioners:

- Highway Garage – Zack reported that the open house last week went very well and that there were guests from other counties that stopped by to see the new garage. With Randy on board we will begin to get the necessary tools and equipment to meet the needs of the department.
- Zack is requesting signatures from the commissioners on a voucher for bridge inspection. Dave Abbott moved to approve the signing of the voucher and Dave Dolezal seconded the motion. Motion carried 3-0.
- Bridge 147 – Zack is finalizing all phases for construction next year.
- Bridge 136 and Baseline Road Project – IDOT has notified Zack that the federal funding for these projects is still in place and he has the green light to proceed.
- Bridge 6 - this is the culvert project that was delayed due to lack of an accepted bid. This will be rebid for the 2018 construction time period.
- Bridge 77 is also a culvert project and Zack is thinking that he will bid both this bridge and bridge 6 at the same time for construction which should be more cost effective.
- The construction on 16 and 24 are set to kick off within the next couple of weeks.
- Zack is in the process of closing out last year community crossing projects and is geared up for this year projects.
- Zack has received a quote for the shop for a computer program to manage and maintain the highway fleet. Randy – the new shop supervisor – is very familiar with this program and this will help with maintenance issues as well as parts inventory. The amount of \$10,860.20 will provide software, software modules and services. Motion to approve the purchase came from Dave Dolezal and was seconded by Dave Abbott. Motion carried 3-0.
- Concrete recycling – Zack is using recycled concrete at times and there is a stock pile in Garrett that he is interested in. He is talking with Garrett to see if there is a possibility of entering into an interlocal agreement with them to break up the concrete at their location

for hauling to us. Zack provided pictures (H.I.) of the site. Dave Abbott moved to approve Zack to proceed with the concrete recycling idea. Dave Dolezal seconded the motion. Motion carried 3-0.

- Zack also presented an idea of raising the road level in the Waldron Lake subdivision. He cautioned that doing this could create more water issues for residents as the water runoff has to go somewhere. After some discussion, it was recommended that we wait and see the results of the upcoming meetings with all the agencies before proceeding with this project.

#### PLAN COMMISSION

Kenneth Hughes, Plan Director, is present with an agreement for the commissioners to sign for a project he had discussed early with them. The agreement is will GovPay Services. This is system for debit or credit card payments. Dave Abbott moved to approve the agreement with this company. Dave Dolezal seconded the motion. Motion carried 3-0.

Kenneth also had drawn up an agreement for his "contract for employment". This will result in a significant increase in pay and increase his vacation time by one week. Kenneth explained that he will be adding some responsibilities to his job title such as Flood Plan Management. Norm Lortie will continue to do flood inspections. Kenneth also indicated that he would like a take home car. This topic was not negotiated with the commissioner as they feel this will open up doors that cannot be shut. The contract was amended to strike the car provision and then signed with a motion from Dave Abbott. Dave Dolezal seconded the motion. Motion carried 3-0. Kenneth also requested permission to attend the flood training seminar for certification which was granted.

#### REZONING

The Bontrager rezoning that was scheduled for this meeting was cancelled by a request from Eberhart & Weiner. (H.I.)

#### ST JOSEPH RIVER BASIN COMMISSION

Matt Meerson, SJRBC representative, was present to review the agencies plans for the future and also to request that the commissioners contribute to the SJRBC on a percentage of acreage in Noble County that lies within the river basin. The county is currently giving \$500,00 to the agencies and he is now asking for \$8,854,00. This is a significant increase and Matt provided information about the SJRBC mission, budgetary information and a work plan for the future. The commissioners did not promise the increase would be granted but did feel that more could be accomplished for flood prone areas through this agency than appropriating dollars for just the county to do projects. This will be further discussed at budget time.

A representative from Noble House Ministries was present to request to us the courthouse square November 17, 2017 from 4:00PM to 10:00AM on the 18<sup>th</sup>. They hope to have 75 to 150 people present to draw attention to Homeless awareness. Tents would not be staked and will be held down with sandbags. They will not require any courthouse entry at all and will be responsible for cleanup of the area. Dave Dolezal moved to approve the square usage. Dave Abbott seconded the motion. Motion carried 3-0.

#### STAR

Leslee Derbeck, Star Insurance, dropped by to see how things were going and provided a short update on the outstanding GPA/ELAP claims that still continue. The commissioners asked Leslee to be at the July meeting for a "sort of" 6 month review.

Motion to recess was then made until after drainage board.

Back in session 12:30PM

#### ASSESSOR/TMA

Noble County Assessor, Kim Carson, and Carolyn Byrd, deputy assessor were present for this portion of the meeting along with John Metzger. Kim is wanting to continue the contract with TMA that the commissioners voted to terminate at their last meeting. Kim is demanding to know the reasoning behind the contract termination. The commissioners explained their continued frustration with the 20% penalty that was assessed. The commissioners had reviewed all of the tapes from the 5 meetings that this project and/or contract was presented and there was nothing ever mentioned about the 20% by the company or Kim and there is nothing in the contract

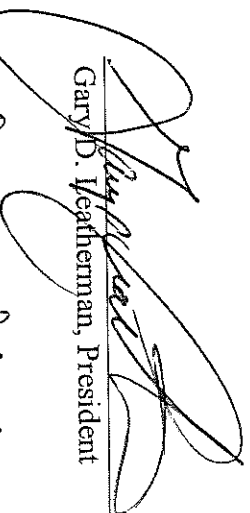
indicating the charge. There was never any direction given by Kim or the company to the treasurer or auditor as to handling the setup for these accounts which is entirely different than how other corrections to personal or real property are handled. When asked how many audits were done in the audits office in the last 10 years which is a statutory duty of the assessor- Kim replied that none had been done. The reasoning was the lack of personnel. John Metzger voiced his concern of stopping this project mid-stream is that some have been audited and others have not. After prolonged discussions, the commissioner told Kim that if she would sign the agreement to not charge the 20% and agree that at the end of the 3 year contract with TMA that her office would assume the responsibility of auditing the personal property, that they would reconsider termination of the contract. Although prior to this meeting Kim maintained that she could NOT remove the penalty because of the IC code, she was able to find an assessor who had done just that. Kathy Lane from Knox County had choose not to assess the 20% penalty on the first go round of TMA audits. The contract would be amended to strike any mention of penalty during this initial audit process. Kim spoke with a representative from TMA and they will get an amended contract to the commissioners. Dave Abbott moved to continue the contract with TMA provided the amendment of penalty portion be removed. Gary Leatherman seconded the motion. Motion carried 2-1 with Dave Dolezal voting against the continuation of the contract.

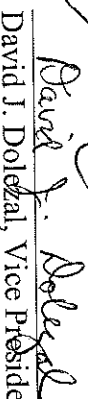
**COURT CLAIMS**

Court claims were reviewed and approved with a motion from Dave Dolezal. A second came from Dave Abbott and the motion carried 3-0. This report contained 5 pages and totaled \$44,342.93.

**ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 4:05P. M. recessed from day to day until July 10, 2017.

  
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Gary D. Leatherman, President

  
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David J. Dolezal, Vice President

  
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David Abbott, Member

ATTESTED:   
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Tonya L. Marks, Auditor