

**MINUTES OF A REGULAR SESSION OF THE  
BOARD OF COMMISSIONERS HELD July 24, 2023**

Comes now the hour of 8:30 am. on the 24<sup>th</sup> day of July, 2023 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:

Jennetta Calvelage, Drainage Sec  
Dennis Graft, County Attorney  
Matt Getts, KPC Media  
Zack Smith, Highway Engineer

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

COURT SECURITY—Judges Michael Kramer and Steven Clouse came before the Commissioners expressing concerns about the public being able to bring in their camera phones in the Annex now that the courts will be temporarily there while the Courthouse is being renovated. There have been problems in Allen County of gang members taking pictures of jurors trying to intimidate them, and some taking video of court proceedings. They asked what the Commissioners' thoughts were about implementing a cell phone ban in just the court rooms or in the whole building. They understand others need them to transact business in the Assessor's Office and other offices in the building. Anita suggested the guard could ask their intentions and monitor where they are going, or maybe the other offices could let the guard know when someone is coming to their office with their phone. Dennis suggested the judges do an Order of the Judges for now and he would draft an ordinance. Judge Kramer stated that they also had an order prohibiting video recording on the third floor of the Courthouse. Anita thought maybe the order and ordinance should cover anything court related.

Judge Kramer asked when renovation would begin and Gary stated Weigand are scheduled to move their equipment there in mid-August.

CORRESPONDENCE

- Noble County Sheriff—Semi-Annual Commissary Report—duly entered.
- Beers & Mallers Attorneys-at-Law—Town of Shipshewana Redevelopment Commission meeting scheduled for today at 3:30 pm.

MINUTES—Minutes of the previous meeting were read and Dennis commented that on page 2, under the Courthouse Renovation heading, the estimation of construction amount was missing a few zeroes. Gary Timmerman made a motion to approve the minutes with the correction. Anita Hess seconded the motion and it carried 3-0.

CLAIMS—The Commissioners reviewed claims dated July 24, 2023. The 15-page report totaled \$944,493.89. Dennis asked who Green Edge Lawn Care was on the bottom of the third page. Gary Leatherman said that is who takes care of the South Complex and the Sheriff's Department. Gary Timmerman made a motion to approve claims dated July 24, 2023 for \$944,493.89. Anita Hess seconded the motion and it carried 3-0.

MISC CLAIMS—The Commissioners reviewed the misc claims for the Month of June.

- Pg2—Gary Timmerman asked about the overpayment of taxes—after some discussion he is going to talk to Ben Castle about it at a later date.
- Pg 3—Gary Timmerman asked about Dearborn Insurance—County Insurance Dental.
- Pg 1—Anita asked about the wheelchair reimbursement. They had talked about getting one for the Annex, but this looks like maybe parts for one?—Confinement Officer had bought a complete wheelchair at Goodwill for Sheriff's Department.
- Pg 5—Anita questioned Cardmember Service for \$5,892.02—IT technical purchases

- Pg 5—Gary Timmerman questioned Cardmember Service for \$161,400.00—Nicole Noe confirmed that it was a typo and should have been \$1,614.00.
- Pg 4—Gary Timmerman questioned AMK Services for \$17,352.49—Health Dept off-site refrigeration service.

After calculating the new total for misc claims due to the typo on Page 5, Gary Timmerman made a motion to approve the misc claims for the month of June for \$827,222.68. Anita seconded the motion and it carried 3-0.

PAYROLL—The commissioners reviewed payroll for the pay date of 07/27/2023. The 3-page payroll report totaled \$481,262.59. Gary Timmerman moved to approve with a second coming from Anita Hess. Motion carried 3-0.

NEW BUSINESS—Peterson Consulting Services, Inc contract—assisting Noble County in preparing annual update of capital asset information for financial reporting for the fiscal year ending December 31, 2023. Gary Timmerman made a motion to approve the contract with the fixed rate of \$3,575.00 with possible incidentals. Anita seconded the motion and it carried 3-0.

#### HIGHWAY

Richard Rogers brought the following driveway variances before the Commissioners:

- Louis Yoder on 1175 W which is a dead end road. It is too close to another driveway, but the way it was parceled out it is all right with sight distance. Gary Timmerman made a motion to approve the variance. Anita seconded the motion and it carried 3-0.
- Steve Sibert on 850 N located in a 40 mph zone requests a variance as it is 35 feet short of sight distance to the east. Driveway is just for parking when hunting property. Gary Timmerman made a motion to approve the variance. Anita seconded the motion and it carried 3-0.
- Dean Miller on 900 N is wanting to put in a 2<sup>nd</sup> driveway for a second home on the property. There is an easement to the east of him that he says he's been denied access to. He's 200 feet short of sight distance to the west. Richard has suggested he use his existing driveway or make his own easement because from 325 feet to almost 550 feet there is a dip where you can't see anything looking west. Gary Timmerman made a motion to deny the driveway permit application for Dean Miller. Anita seconded the motion and it carried 3-0. Dennis commented that if Mr. Miller has legal access to that easement to the east, he could go to court to get access to it if they won't let him use it.

#### ENGINEERING

Zack Smith, Highway Engineer, was present to update the Commissioners on the engineering business at the department:

- HMA 2023-1—they are about 2 weeks out before they will start here.
- HMA 2023-2—This will later this year and the PO was received on Friday after he sent the agenda out. There will be a funds transfer just under a million dollars coming in. A Notice to Proceed should be issued by the end of the month even though work may be a month or two out.
- Bridge inspection—Still waiting on final reporting.
- CR 400 N—Closed for the year and will begin construction activities next year.
- Bridge 136—Everything is set up for October letting.
- Bridge 44—Finishing the final utility coordinating and set up for October letting.
- Bridge 134—Zack presented the MOA for the environmental. Noble Trails was included for first right of refusal based on previous correspondence. He will continue to work with them as the main issue is funding. Noble Trails is getting some estimates and doing some fundraising, but it will be a few years out. Their bridge will be for pedestrian traffic only and will not go on the bridge inventory. Anita made the motion to sign the memorandum of agreement between the Federal Highway Administration, Indiana State Historical Preservation Officer and the Advisory Council on the Historic Preservation and Noble County in regards to Bridge 134 historic bridge preservation. Gary Timmerman seconded the motion and it carried 3-0. The Commissioners signed the MOA.
- Old SR 3—Zack presented an LPA Invoice Voucher for Preliminary Engineering, Claim #17 for \$6,520.00. Gary Timmerman made a motion to approve the invoice voucher #18709 for said amount and Anita seconded. Motion carried 3-0.
- CR 100 N & CR 50 W—went through consultant selection. INDOT received and approved the selection. Zack sent out notifications to all parties that submitted.

- Riley Road—went to install signs last week, but found it more complicated than previously thought. They plan to return out there tomorrow to get them installed to close out the project.
- Bridge 73—All the close out documentation has been submitted following the paying of the final invoice. The only active projects open on CCMG is the paving for this year. Everything will then be caught up until the January cycle opens.
- Mobile Mapping—Zack reported being in the final post production and should have the majority of the passing calcs done in the next week or two and will then be setting up the line striping for the year.
- Traffic Study—Zack presented the traffic investigation report that was done in response to receiving a petition to do a traffic study from the Oak Shores Property Owners Association for CR 175 E/ CR 150 E/ & Canal Road south of Rome City. This area was the detour route when SR 9 was closed down and it exasperated some existing issues of non-standard traffic controls at that intersection. CR 175 E turns into CR 150 E at the intersection and meanders NW while Canal Rd goes to the east. The majority of traffic is coming up CR 175 E with most of it continuing on CR 150 E, but a good amount goes onto Canal Road. The current configuration is a stop control on CR 150 E southbound, a yield control off of Canal Road westbound, and a thoroughfare for CR 175 E. There have been numerous complaints; mostly driver confusion, and the people who are supposed to yield not doing so. Based on the traffic counts, Zack recommends that CR 175 E and CR 150 E be a thoroughfare with no stop control and existing signs to be removed, and a stop control added to the lower volume Canal Road, basically making it a T intersection. New signage will be placed, along with advance warning signage, spinners and reflective tape making it very visible so people understand the change with the 'cross traffic does not stop' signage added as well. It is a wide intersection and there is probably a decent amount of rural traffic there during harvest season. Randy Mull, president of the Oak Shores Property Owners Association stated he was the one who initiated the petition and agrees with Zack's recommendation for the intersection. Gary Timmerman made motion to draft an ordinance to change the stop controls at the CR 175 E/ CR 150E & Canal Road intersection south of Rome City. Anita seconded the motion and it carried 3-0.
- INDOT Local Public Agency Programs—Notice of Funding: Zack thinks the grant cycle will be pretty light based on them moving last year's project to fiscal year 2029. He's going to put worst case scenario because there's not a lot of money to go around. The other topic on the form is 'INDOT partners with local units of government to plan for the future' and he is unsure what they want in respect to that.
- Bridge 56—Zack presented a contract for an engineering assessment from USI Consultants, INC not to exceed \$7,500.00. He has a bridge from last year that is still eligible, but according to the bridge plan, if we don't replace an average of one bridge a year with the federal aid, we'll fall behind quickly, so because he missed getting one replaced last year, he will double up and then return to one a year after he is caught up. This is the first time USI has presented a bridge report with their assessment. Dennis said the form is fine; he just hadn't seen it before. Gary Timmerman made a motion to approve USI Consultants, Inc engineering assessment for Bridge 57-00056 over the Elkhart River east of River Road for \$7,500.00. Anita seconded the motion and it carried 3-0. The Commissioners signed the contract. Zack stated that with this in place, Bridge 61 and Bridge 56 will both be submitted.

#### ANNEX

Construction: The shell space had a final clean last Friday. There was an issue with networking, where there were only 2 jacks where 3 were needed. The glass should come in sometime next week, but the courtroom will still be functional.

Extension: Things are moving along fine with their staff moving to various locations. The courts will be moving in this week. They have a decent amount of circuitry running onto their counter space in the conference room to act normally, but it is not set up for 5 work stations on the opposite side by the window, so some of those circuit will be re-routed to eliminate tripping hazards by having to use extension cords and such. The stations and computers are ready.

#### COURTHOUSE RENOVATION

Construction documents—update to the final documents will be due September 8, 2023. There will be a letting period of 3 weeks and then a bid opening in early October.

Project Financing—has been submitted for closing this week.

FFE—we should have a project solicitation package shortly and we'll be going with PSI, Innovate, and Structure Point so we can get some competitive pricing.

Early Procurement—we have a re-bid/opening today at 2:00 p.m. for the Early Procurement Electrical Package.

Move: This will be happening most of this week with Gary Leatherman leading. Structure Point will be here today to do some final post-warranty checks for the Annex and some walk-throughs in the courthouse.

REZONING—Plan Director, Teresa Tackett, introduced Mrs. Lopez. The west side of the property had a structure that encroached onto the farm ground to the east. The surveyor created an exchange of property, but currently, through the UDO and the Indiana Code, adjustments of property lines have to go through the Plan Commission office and this did not; it was just recorded. The strips of ground are owned by the proper property owner, but the business strip is zoned AG and should be zoned C3 in order for them to be able to continue to associate it with their property. The Plan Commission has an internal document called a Commitment to Combine that the UDO permits that can attach these two parcels to be sold together. The landowner is asking to rezone the 0.10-acre parcel to the same zoning district of their business. They are planning to tear down the home and build an office on the property farther back from US 6. Gary Timmerman asked if notices had been sent out and Teresa replied yes and only received 1 card back. Gary Timmerman made a motion to approve the rezoning application #569 to rezone the 1/10 acre property owned by J & L Lopez Enterprises LLC Inc from A1 to C3 highway commercial. Anita seconded the motion and it carried 3-0.

911 DISPATCH—Shellie Coney came before the Board asking approval to purchase 17 wireless mics and 5 radios. Thirteen officers have shown interest in the wireless mics and 1 radio will go to the prosecutor and 1 to the investigator. The extras will be held as emergency replacements. When they presented the active shooter program, they found the radios are 20 years old and do not work. She presented the purchase order for the radios but had not received one for the wireless mics and this purchase would come out of the State 911 fund. The equipment is all Motorola and the officer still has to push a button to transmit. Gary Timmerman made a motion to approve the purchase of 5 radios for \$23,846.45 and 17 wireless mics for \$5,654.88 from ERS Wireless Services. Anita seconded the motion and it carried 3-0 and the paperwork was signed.

COUNCIL ON AGING—Cherish submitted her quarterly report totaling \$118,974.00. She has the orders put in for the 2 vehicles she needs, but it will be for next year's grants. She might get the one she ordered in 2020 in January. She reported that the number of rides has been steady, but summer is typically lower but she does have 1 new driver coming on. However, this fall, the rides will drop, because in the past their drivers have transported Amish kids to their schools and she doesn't have enough drivers to do it this year. Anita made a motion to approve the Noble County Transit System quarterly report for \$118,974.00. Gary Timmerman seconded and it carried 3-0.

SHERIFF—Max Weber stated they are in the process of getting new pipe and collars for the water break in the front parking lot which happened over the weekend. The ground also eroded on the other side of the curb where the light post is. When they dug the pipe out you could see where backhoe teeth had scraped the pipe once before. The new pumps are catching gravel and will need cleaned out. The jail has showers and water now, but it will have to be shut off for the time it will take to fix it. There apparently wasn't a flat lay with the pipe and it put stress on the joint, so they are going to correct that. They put a band on the pipe for a temporary fix, but he's going to have at least a 10-foot section replaced.

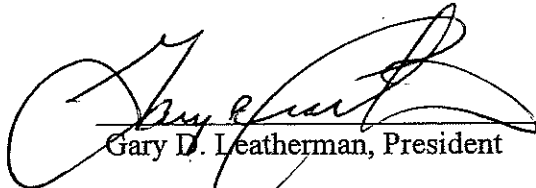
PROBATION UPDATE—Danyel Wagner stated there has been Community Corrections in Noble County since 2013 which covers work release GPS home detention, problem solving courts, pre-trial services alcohol monitoring and community services. The probation programs are under Community Corrections which is funded from the State through the Department of Corrections. Probation charges user fees for the folks in the programs and they've tried to increase the collection rate on those and last year it was 94%. In 2013, their grant funding was \$234,900.00. This year, the grant funding for 2024 is going to be the same as it was for 2023 which was \$560,805.00. She presented graphs of how many people served in the last few years. The GPS program has increased. The number of people and the length of sentences have increased. Their program is set up that a person is on home detention only 2 years. The longest they had was someone on work release for 4 years. She described that the community correction application is online now as well as on paper and a committee determines if the applicant fits the criteria. Three (3) persons do GPS

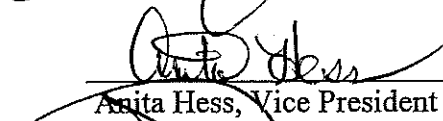
supervision and they are on call 24/7 and they are talking with their new GPS provider (VI) to help relieve some of the monitoring burden. There is a GPS watch that may be put in use in the future if the person does well with the anklet. The alcohol monitor is a remote breather (PDT). The person gets a text at a random time on their phone and has 10 minutes to take the breath test and it takes their photo while they do it. An anklet can test 24/7 through sweat and they are charged \$14.00 a day for the anklet. Probation assesses offenders' needs while they are on probation and do many home contacts. Dennis commented the pre-trial supervisions have gone up. In 2020, they started doing everyone's assessment if they were in custody. If someone was arrested in December 2022, they could be part of that number and the 2023 number because they are still in process.

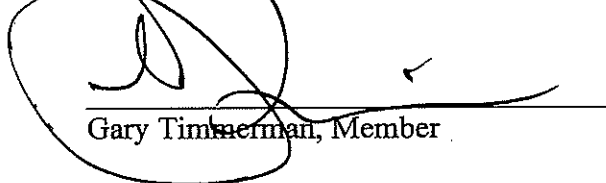
**ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 11: 00 am recessed from day to day until August 14, 2023.

Dated this 14<sup>th</sup> day of August, 2023

  
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Gary D. Leatherman, President

  
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Anita Hess, Vice President

  
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Gary Timmerman, Member

ATTESTED: Michelle Mawhorter  
Michelle Mawhorter, Auditor