

**MINUTES OF A REGULAR SESSION OF THE  
BOARD OF COMMISSIONERS HELD January 9, 2017**

Comes now the hour of 8:30A.M. on the 9<sup>th</sup> day of January, 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  
David J. (Dave) Dolezal, Vice President  
Dave Abbott, Member

Also present were:

Jacqueline L. Knafel, County Coordinator  
Tonya L Marks, Noble County Auditor  
Dennis Graft, County Attorney  
and  
Mitch Fiandt, 911 Director  
Mark Goodrich, Highway Superintendent  
Steve Garbacz, KPC Media  
Zack Smith, Highway Engineer  
Derek Faulk – Wilcox Environmental  
Seth Tipton - Attorney  
Jim Iddins – Mosiac  
Andrew Waugh – Architects -Martin Riley  
Kenneth Hughes Plan Director  
Teresa Tackett – Plan Commission Secretary  
Norm Lortie – Building Inspector  
Chris Jansen – Attorney for the ones against the rezoning.  
Many member of the Swan Township community around Moose Lake  
Nicole Noe, Deputy Auditor  
Allen Howard and Leslee Derbeck, Star Insurance  
Laurie Helgesen, Deputy Clerk  
Shelley Mawhorter, Clerk

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

**CLOSING OF 2016**

With there being no further business before the Commissioners for 2016, Dave Dolezal moved to close the calendar year 2016. Dave Abbott seconded the motion. Motion carried 3-0.

**OPENING OF 2017**

Tonya Marks, Noble County Auditor, opened the 2017 calendar year and held the nomination of president process. Dave Dolezal moved to nominate Gary Leatherman as president and then also closed the nominations. Dave Abbott seconded the motions. Motion carried 3-0.

Gary Leatherman then nominated Dave Dolezal to serve as vice president and then also closed the nominations. Dave Abbott seconded the motion. Motion carried 3-0.

**911 REPORT**

Mitch Fiandt, 911 Director, was present to go over his 2016 annual report with the commissioners. Mitch reported CADS generated 31,459 and 19,141 in 911 calls for 2016. Mitch indicated that these numbers are up slightly but throughout the last few years the numbers have been pretty steady and he complimented his staff with the job that they are doing. Report was duly entered.

**LANDFILL**

Derek Faulk, Wilcox Environmental Engineering, is present to discuss the following landfill issues:

- N8 Well – this well is located on the north side of the landfill and the groundwater is flowing to the south. IDEM had given permission several years ago to stop testing this well and somehow it got back on the list for testing. Derek has confirmed with IDEM that is no longer necessary to test this well.
- Concerning the background data and the requirements of IDEM, Derek is in contact with Cindy Jones and she is indicating that there needs to be a step plan for statistical evaluations.
- Derek indicated that IDEM feels that the leachate issue is due to a clay wall being built way back to stop the flow of leachate. Derek is having trouble finding the wall and feels that over time this wall may no longer be doing the job. This was the old system of containing leachate and new closures have engineered leachate collection units.
- Derek confirmed with IDEM the remediation plan that they are looking for and Derek indicated that this will not take long to complete and indicated that the cost would be around \$2,000.00. GP 15 is still reading high for methane and Derek would like to put 5 new vents with the turbines on them in various areas. The expected cost of this would be around \$20,000.00.
- GP 17 is blocked and Derek feels that bentonite is the reason as it expands when wet. Derek is expected the expansion to lessen in the spring.
- Derek also told the commissioners that they will be over the expected cost with his company because of the demands by IDEM they will be over budget.
- Again Derek that IDEM is now requiring methane remediation, the step plan and the background data report which is all available once IDEM indicates their complete requirements.

#### HIGHWAY

Zack Smith, Highway Engineer, along with Jim Iddins, from Mosaic and Andrew Waugh from Martin Riley were present to discuss the winterization of the concrete and who would be responsible for the cost of the winterization. Mosaic indicated a 3 weeks turnaround from the architect once the manufactured of the building moved the columns. Martin Riley indicated that this would not have been necessary had the building manufacturer not taken the liberty of moving those columns. Martin Riley also had absorbed the cost of the reengineering after this happen. The commissioners feel that part of the responsibility of this issue was at the hands of Mosaic as they subcontracted the work. After much discussion, Dave Dolezal moved to pay 2/3 of these increased cost with the agreement from Mr. Iddins that they would absorb the other 1/3 of the cost. Dave Abbott seconded the motion. Motion carried 3-0.

#### DRIVEWAY VARIANCE

Mark Goodrich, Highway Superintendent, was present along with the owner of a property on 900 N east of the baseline road. Mark Goodrich indicated that this is a high traffic volume road and that the current driveway only had a 350 foot sight distance. The owner indicated that he could move the drive 25 feet and still the highway was concerned because of this being an Amish family and the time for a horse and buggy was longer than a motorized vehicle. The commissioners asked if the owner would be able to go another 25 feet (meaning a 400 foot sight distance) and the owners agreed to do so. The driveway variance was approved contingent on the 50 additional feet being met with a motion from Dave Abbott. Dave Dolezal seconded the motion. Motion carried 3-0.

#### PUBLIC HEARING

The Moose Lake or Raccoon Ridge/Key Largo LLC rezoning again came before the commissioners. Seth Tipton, attorney for Doug Jennings, owner of the Moose Lake facility, spoke first. Seth indicated that the owner is asking for 20 acres +/- to be rezoned to Village Mix. The remainder of the property would remain zoned agricultural. There have been issued with Moose Lake not having an acceptable Sewage system for the number of people visiting the sight and Mr. Jennings is asking for an extension of 18 months to complete this work. The problem is that the bank will not loan any money until such time as the property is zoned properly. Mr. Jennings indicated that he has been working with two different contractors as to what is the best solution to his septic system needs. The most cost effective would be to hook into the LaOtto sewer system. When asked if he planned any additional expansion, he responded that he would like another bed and breakfast to keep up with the demands of his customers but no expansion will happen until the septic issue is addressed. Kenneth Hughes, Plan Director, indicated that there will be no permits issued until the state has okayed the septic system.

Chris Jansen, attorney for the LaRowes, was up next. Chris explained that the neighbors and there were many in attendance – including his clients were upset as Mr. Jennings had never gone through the proper departments since the time this facility opened. They were also concerned with that this property has been on the market at 2 separate times and if they allow the rezoning what happens when it is sold. Will there be a bar go in to that area?? Or some other type of establishment that is not acceptable to the neighbors. Chris also presented a petition with around 50 signatures on it all opposed to this rezoning.

Kenneth Hughes, Plan Director, indicated that if the rezoning was not approved, then he would start the process of filing a zoning violation. Mr. Jennings indicated that he had always gotten building permits etc.... when he developed this property and was never told of the zoning issue until he got notice from Mr. Hughes. At that time he contacted the plan director and started the process of rezoning. In 2013 there was a petition for rezoning and there was no recommendation by the board at that time and so it was pulled. Dave Abbott suggested that possibly a fine would be in order in this case, but again Mr. Jennings replied that once he was told of the zoning issue he began working with the departments to make it happen.

Then the process of trying to compromise started. This was an already established business and other that shut it down with disallowing the rezoning, the commissioners requested that the ones opposed review the list of allowable uses for this property if rezoned and then when and if the rezoning is allowed - it can have restriction on the use of land. With this suggestion of review by both parties, the commissioners tabled this rezoning with a motion from Dave Abbott until January 23, 2017 at 7:30AM when both attorneys can be present. Dave Dolezal seconded the motion. Motion carried 3-0.

RECESS until after drainage

RECONVENE

MINUTES

Minutes of the executive session December 28, 2016 were read and approved as written with a motion from Dave Dolezal and a second from Dave Abbott. Motion carried 3-0. Minutes of the regular meeting dated December 19, 2016 were also read and approved as corrected with a motion from Dave Dolezal and a second from Dave Abbott. Motion carried 3-0.

HIGHWAY

Mark Goodrich, Highway Superintendent, had another driveway variance request. This was on a gravel road west of Ligonier. This was also short of the sight distance requirement but was a low traffic volume road and therefore the highway department did not have an issue with the variance being given. Dave Dolezal moved to allow the variance for Macias on Blue Road outside of Ligonier. Dave Abbott seconded the motion. Motion carried 3-0. Damage was done to the vent on the building when a driver didn't lower the bed of his truck and hit the building. There was no damage to the truck and the louvers on the vent were estimated to cost around \$482.21. Dave Dolezal had suggested that signs be put on the side of the building as a reminder to the drivers, which now has been done.

Zack Smith, Highway Engineer, has the following engineering business to discuss with the commissioners:

- Public hearing was held on the speed ordinance for county road 400 E as well as 225 E in preparation for the upcoming bridge projects. There was also an ordinance removing a yield sign and the public hearing was conducted for both ordinances. There being no one in attendance to object to the ordinances, Dave Dolezal moved to approve both the speed and yield sign removal ordinances. Dave Abbott seconded the motion, Motion carried 3-0.
- Bridge Inspection - United Consulting will be out as soon as Zack notifies them to begin.
- Bridge 147- Zack had a LPA voucher for approval on this bridge. Dave Abbott moved to approve the \$20052.80 voucher. Dave Dolezal seconded the motion. Motion carried 3-0.
- Bridge 136 and the Baseline Road project has been pushed back until 2022, however Zack has had some preliminary meetings and has been notified to proceed with RFP's. These will be due by February 24 and the selection process will go from there.
- ADA and TITLE VI have been updated with the reporting of the project complete for ADA and the completion of Title VI.

- Equipment Purchases - Zack informed the commissioners that the department is planning to replace a couple trucks as well as a chip spreader. He feels that between the CREDIT budget and the excess funds at the highway that this may be able to be accomplished in 2017.
- Zack will also be going before the council to seek approval to hire another operator. He indicated that the council seems to be straying from their original policy of hiring no new employees and the highway has enough funds to cover this expense.
- Zack also had cover sheets for Bridge 16 to be signed by the commissioners.

#### APPOINTMENTS

- The commissioners had been contacted by the Plan Commissioners that appointments needed to be made to the Plan Commission Board as well as the BZA. Dave Abbott moved to appoint George Bennett, Don Leighty and Glen Lemon to the Plan Commission Board. Dave Dolezal seconded the motion. Motion carried 3-0.
- Dave Dolezal made a motion to appoint George Bennett, Carol Edwards and Tom Griffith to the BZA Board. Dave Abbott seconded that motion. Motion carried 3-0.
- Kim Carson, Noble County Assessor, was present to request appointments to the PTABOA Board. At her recommendation, Dave Dolezal moved to appoint Dave Buttons and James Cook to this board. Dave Abbott seconded the motion. Motion carried 3-0.
- Region III-A – a letter of request was received from Region III-A requesting appointment to their board. Dave Abbott moved to appoint Dave Dolezal to sit on this board. Gary Leatherman seconded this motion. Motion carried 2-0.
- Letters of request were also received from the Board of Health. Dave Dolezal moved to appoint Jennifer Lortie, Phillip Corbin and Gerald Warrener to this board. Dave Abbott seconded the motion. Motion carried 3-0.
- Also appointed were Norm Lortie, Building Inspector – Dennis Graft as County Attorney – Head Custodian will be Tim Lock – Mark Goodrich as the Highway Superintendent – Mike Clouse as Veterans Service Officer – Rick Wysong, Weights & Measures inspector – Mitch Fandt, 911 Director with a motion from Dave Abbott and a second from Dave Dolezal. Motion carrier 3-0.
- Gary Leatherman will remain on the EMS Advisory Committee, Noble County Economic Development Trust Advisory Committee, Northeast Indiana Solid Waste, and Work Force One. Dave Dolezal will be on the EMA Board, Drug Free Noble County, LEPC, Maumee River Basin, Region III A and RDC Board. Dave Abbott will remain on the Plan Commission, EDC, Council on Aging and the WeCare Board. All of these appointments were approved with a motion from Dave Abbott and seconded by Dave Dolezal. Motion carried 3-0.

#### MAXIMUS CONTRACT

Dave Dolezal moved to approve a 3 year contract with Maximus for the Noble County Clerk. County Attorney Dennis Graft had reviewed the contract and with that a second came from Dave Abbott. Motion carried 3-0.

#### CLAIMS

Nicole Noe, Deputy Auditor, was present for the review of claims that contained 11 pages and totaled \$536,789.13. Dave Dolezal moved to approve the claims with a second from Dave Abbott. Motion carried 3-0. Utility claims containing 2 pages and totaling \$280820.48 were approved by the same motion.

#### LONG TERM DISABILITY

Allen Howard and Leslee Derbeck, Star Insurance, Shelley Mawhorter and Laurie Helgesen, Clerk's Office, were present to discuss the circumstances of LTD for Laurie. Leslee explained the time period of LTD prior to a social security disability situation being up to 29 months. With this information a Memorandum of Understanding was entered into with employee Laurie Helgesen. With this understanding, Dave Abbott moved to approve the signing of the agreement. Dave Dolezal seconded the motion. Motion carried 3-0.

#### PAYROLL

Payroll for 12/09/16 through 12/22/16 and dated 01/05/17 was reviewed by the commissioners. Six pages totaling \$360,977.29 were approved with a motion from Dave Dolezal and a second from Dave Abbott. Motion carried 3-0.

**CORRESPONDENCE**

- Treasurer's Monthly Report – duly entered
- Court Security Monthly Report – duly entered
- Weights & Measures Report – duly entered
- Surveyor Rate increases on Mud Run, Wild Cat and Martz drains notice
- Plan Commission Notice of hearing on Parks sub-division request
- IDEM – Herr confined feeding Application as well as the receipt from IDEM of the application.
- IDEM – Parkview Noble Hospital permit
- Landfill leachate report
- Umbaugh – notification of TIF Public Hearing for Avilla

**ADJOURNMENT**

This session of the Board of Commissioners of Noble County was at approximately 1:35 P.M. recessed from day to day until the 23<sup>rd</sup> day of January, 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