

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD January 14th 2019**

Comes now the hour of 8:30am. on the 14th day of January 2019, in the Commissioners Room 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
Anita Hess, Vice President
Justin Stump, Member

Also present were:

Jaqueline L Knafel, County Coordinator
Dennis Graft, Noble County Attorney
Matt Getts, KPC Media
Tim Lock, Maintenance Supervisor
Brad Rollins, Maintenance Sheriff's Department
Zack Smith, Highway Engineer
Richard Rogers, Highway Superintendent
Randy Nesbitt, Concerned Citizen

Gary Leatherman, President of the Noble County Commissioners opened the meeting at approximately 8:29 AM.

MAINTENANCE

Tim Lock, Maintenance Supervisor, is present to request a 10% wage reduction waiver for his employee here at the courthouse. Craig Frymier has many years of experience being at the school as a custodian for the last 21 years. Tim explained that he started January 1, 2019 full time but had worked part time for many months here at the courthouse. Anita Hess moved to approve the waiver. Justin Stump seconded the motion. Motion carried 3-0.

MAINTENANCE AT THE JAIL

Brad Rollins, Maintenance supervisor at the Noble County Jail brought quotes before the commissioners for a new monitor that monitors refrigerants. The unit is unrepairable and needs to be replaced. This was found during replacement of the cooling unit that was damaged by hail earlier this year. BTS provided a quote of \$6,864.00. WMI had a quote of \$6,663.37 with a rebuilt unit quoted at \$2,726.27. The commissioners asked about a rebuilt one from BTS and Brad will reach out to BTS to see if they would have a rebuild unit. Anita Hess made a motion to accept the rebuilt unit quote if BTS does not have that option. Justin Stump seconded the motion. Motion carried 3-0.

NEW CONTRACT

The commissioners reviewed the contract from NEXUS that was awarded the reassessment contract at their January 3, 2019 special meeting. Dennis Graft, County Attorney, had reviewed the contract and reported it to be a typical state contract. Anita Hess moved to sign the contract. Justin Stump seconded the motion. Motion carried 3-0. Original sent to DLGF 1/16/19 Copy to Nexus Group 1/16/19 copy to Noble County Assessor 1/16/19 and a copy is in the contract file in the Commissioners Room.

INTERLOCAL AGREEMENT

The Town of Avilla had sent their Spillman Interlocal Agreement in to be signed by the commissioners. The Avilla Town Council has signed. Anita Hess moved to sign this agreement. Justin Stump seconded the motion. Motion carried 3-0.

RESPONSE

A letter of request had been received by the commissioners asking for a copy of the policy change in our handling of Short Term disability by employee Terry Waitkel. A response letter was written that indicated that there was not a policy change in the handling of Short Term it was simply the fact that Noble County was now processing Short Term Disability payments rather than the insurance company. No changes were made as to the requirements of granting short term

disability. Anita Hess moved to sign the response letter with a second coming from Justin Stump. Motion carried 3-0.

MINUTES

Minutes of the December 10, 2018, December 17, 2018 and the Executive session minutes from December 10, 2018 were read and approved as written with a motion from Anita Hess. Gary Leatherman seconded the motion. Motion carried 3-0.
Minutes of the January 2, 2019 and the January 3, 2019 executive session was read and approved as corrected with a motion from Justin Stump. Anita Hess seconded the motion. Motion carried 3-0.

CORRESPONDENCE

- KONE- the commissioners received a rate increase letter from the vendor that does maintenance on the elevators. This is notice of a 4.05% increase.
- Northeastern Center Annual report – duly entered
- IDEM – Air permit for Mahoney Foundries.
- CVB Touchpoint Sessions with meeting dates of January 17 and February 21, 2019
- IDEM – issuance of Public Water supply for the Town of Avilla.
- Noble County Surveyor - rate increase hearing notice
- Courthouse Security - December report as well as the annual report.
- County Treasurer's Monthly report for the month of December – duly entered
- Year end Commissary report from the Noble County Sheriff.

TOWN OF ALBION PLAN COMMISSION APPOINTMENTS

The plan commission from the Town of Albion is requesting appointment from the Noble County Commissioners for the area of the 2-mile jurisdictional area. They have provided the following recommendations in Jared Owen as the Republican appointment and Michael McCoy as the Democratic appointment. Justin Stump moved to appoint Jared Owen and Michael McCoy as recommended. Anita Hess seconded the motion. Motion carried 3-0.

HIGHWAY

Richard Rogers, Highway Superintendent, was present to discuss the following construction update with the commissioners:

- Utility Permit – Frontier Communications
- Richard provided a quote for a stabilizer for the Chipper Box. Richard explained that this would stabilize the box from bouncing and damaging parts when crossing railroad tracks etc. The quote was for \$8979.38 and will be paid from Highway funds. Anita Hess moved to accept the quote for the chipper box. Justin Stump seconded the motion. Motion carried 3-0.
- Richard reported that with the decent weather continuing – the department is still working on culvert projects.
- Richard also had quotes for 2 new front-end plows from WA Jones. These will go on the two new trucks coming in May at a cost of \$18,550.00. Anita Hess moved to accept the quotes and proceed with the purchases. Justin Stump seconded the motion. Motion carried 3-0.

Zack Smith, Highway Engineer, had the following engineering updates for the commissioners:

- With the denial of the community crossing monies this past year, Zack reported that he was revising the road plan and moving projects around to fulfill the obligations of sub division work. Zack will now be putting some of the other stretches of highway work into the application for Community Crossing money for 2019.
- LPA Call for Projects – Zack will be traveling to Fort Wayne to do the presentation for the LPA Call for projects tomorrow January 15, 2019. This will be for Bridge 134 on County Rd 225 E.
- For the Community Crossing Grant – the requirements also require a commitment letter from the Noble County Commissioners. The letter was reviewed and signed with a motion from Anita Hess and a second from Justin Stump. Motion carried 3-0. Zack reported that this letter along will all of the other information would be sent today.
- Bridge 147 – This project is complete and the LPA Vouchers were signed with the following motions. Anita Hess moved to sign the LPA Voucher for Construction Engineering in the amount of \$6869.66. Justin Stump seconded the motion. Motion

- carried 3-0. Anita also moved to sign the LPA voucher for preliminary engineering in the amount of \$586.44 with a seconded coming from Justin Stump. Motion carried 3-0.
- Baseline Road – There is also a LPA Voucher for the Baseline Rd/600 E project. This is for \$3606.80 and for preliminary Engineering. Justin Stump moved to sign this voucher. Anita Hess seconded the motion. Motion carried 3-0. Zack reported that this project is ahead of schedule and has been bumped up one year for completion. Zack also had a Consulting Contract with Lawson Fisher for this project. Anita Hess moved to sign this contract and it was seconded by Justin Stump. Motion carried 3-0.
 - Bridge 136 – There is also a LPA voucher for this project in the amount of \$1700.00 and is approved for signature by Anita Hess. Justin Stump seconded the motion. Motion carried 3-0. Zack reported that this project is much more complicated but is progress on schedule.
 - The last of the LPA vouchers is for the 400 N project. Justin Stump moved to approve the voucher for \$15,528.47. Anita Hess seconded the motion. Motion carried 3-0.
 - Bridge Inspection – We are proceeding into the next bridge inspection cycle which will probably begin in April.
 - Bridge 77 – Zack reported that work did begin on January 3. There were some utility obstacles that were ironed out and the crew is making good progress to date.
 - Bridge 55 – this project is out to bid with the bids to be opened at the January 28, 2019 meeting.
 - Zack reported that the fuel pump station is complete and that there have been some issues with the reader but they are working on those issues.
 - We are still waiting on the repair agreement dollars from INDOT in the amount of \$60,000.00.
 - Lastly, the appointment(s) for the Highway department. This will only currently be the appointment of the Highway Superintendent. Anita Hess moved to appoint Richard Rogers to continue in the capacity of Highway Superintendent for 2019. Justin Stump seconded the motion. Motion carried 3-0.

FLOODING 900 N and STATE RD 9

Randy Nesbitt, owner of some property at the corner of 900 N and St. Rd 9 is coming before the commissioners concerning a water issue on this property. Mr. Nesbitt had pictures of water standing on this property and indicated that he had contacted John Strange back in 2017 to address the issue. After many calls, the highway department did install a dry well at the location. Mr. Nesbitt would like a culvert placed under the road and direct the water to the other side of the road where there is a ditch.

Richard Rogers also had pictures of the location which were taken 24-hours apart. On 12/31/18 there was water standing and 24-hours later 1/1/19 there was no water. Richard told Mr. Nesbitt that these pictures indicated that the dry well was doing what it was suppose to do. Zack told the board and Mr. Nesbitt that he agreed with Richard that the dry well was working and that the county is only responsible for highway run off. If there is drainage issue upstream etc. that becomes a drainage board or Surveyor problem. This issue with the ditch on the other side of the road – it is not a regulated drain and therefore the commissioners have no jurisdiction over that. This is a private ditch and before anything at all could be done in diverting the water across the road would require a “hold harmless” agreement from that landowner. The commissioners suggested to Mr. Nesbitt that the commissioners talk with the Surveyor at the upcoming drainage board meeting and see if he is willing to take a look at the area to see if there is anything his department may be able to do to help.

RECESS

BACK IN SESSION

COUNCIL ON AGING

Cherish Smith, Director for the Council on Aging, was present to deliver the 4th quarter reporting. She also requested that the commissioners sign the Department of Transportation voucher for \$32,132.00. Motion to sign the voucher came from Anita Hess. Justin Stump seconded the motion. Motion carried 3-0.

HEALTH DEPARTMENT

A request had been received from the Noble County Health Department to reappoint a couple of board members. It is requested that Brenda Patton and Michael Jones be reappointed by the

commissioners for the term of January 1, 2019 through December 31, 2022. Anita Hess moved to grant the recommendation with a second coming from Justin Stump. Motion carried 3-0.

COMMISSIONERS APPOINTMENTS

Justin Stump moved to approve the following board appoints with a second coming from Anita Hess. Motion carried 3-0:

- Gary Leatherman will serve on the EMS Advisory Board, Noble County Economic Development Trust Advisory Committee, Northeast Indiana Solid Waste and Work Force One.
- Anita Hess will serve on the Plan Commission, EDC Board, Council on Aging, We Care and the St Joe River Basin.
- And Justin will assume Dave Dolezal's role on the EMA Board, Drug Free Noble County, LEPC, Maumee River Basin, Region III-A and RDC Board.

The Board also reappointed Norm Lortie as Building Inspector, Tim Lock, Maintenance Supervisor, Mick Newton, EMA Director, Mike Clouse as the Veterans Service Officer, Rick Wysong, Weights and Measures Inspector, and Dennis Graft as county attorney with a motion from Anita Hess and a second from Justin Stump.

Anita Hess also moved to appoint Mitch Fiandt as E-911 director for the time period of Mitch's time here at Noble County. Mitch is planning to retire in May of this year if not sooner. Justin Stump seconded the motion. Motion carried 3-0.

SHERIFF

Max Weber, Noble County Sheriff, and Chief deputy Brian Walker are present for the following issues:

- Max reported that Brad Rollins, maintenance at the jail had called BTS as earlier today discussed and they do not offer a rebuilt monitor so Brad will be going ahead with the WMI rebuilt monitor.
- Max is asking the commissioners to consider the ordinance of increasing the Sheriff's Sale Fees as earlier discussed. County Attorney Dennis Graft had prepared the ordinance for commissioner review. After review, Anita Hess move to proceed with the process of adopting the ordinance by advertising the public meeting. Justin Stump seconded the motion. Motion carried 3-0.
- On the topic of sheriff's sales, Max had secured 2 quotes for conducting Sheriff's sales. One from Lieberman and one from SRL. After review of the two quotes and the costs Max is recommending Lieberman as the company to do the work. Anita Hess moved to approve Max's recommendation. Justin Stump seconded the motion. Motion carried 3-0.
- Brian Walker reported that the two new deputies recently hired would be going to the academy shortly.
- Vehicles – Max reported that one of the sheriff's pick ups would be transitioned to the maintenance department. A \$900.00 lift was all that was necessary to be added to enable the truck to be used with the snow blade. Also discussed was the need for more trucks at the department due to the Dodge Charger sitting low to the ground and when a raccoon or cat or whatever is hit – it sometimes does considerable damage. That fact and the fact that trucks have a great deal more trade in value. Brian reported that 3 trucks and one car will be ordered this year and that coming in at \$105,000.00 was a great deal. Jay Squadrino and Brad Rollins do a great job at equipping the new vehicles in house. A motion from Anita Hess and a second from Justin Stump will allow these vehicle purchases out of CEDIT funding. Motion carried 3-0.
- Brian also discussed the ordering of new vests. He reported that the grant money in the amount of \$9000.00 + is typically enough money to equip the deputies. They would like to upgrade the vests this time and go with a 3A vest which is stab resistant and will also withstand high velocity rounds. The grant money and money from the fire arms budget would enable the department to furnish all of the deputies with these more protective vests. Anita Hess moved to approve the purchase over \$2500.00. Justin Stump seconded the motion. Motion carried 3-0.
- Max briefly reviewed the Sheriff's Annual Report
- Spillman RMS System is in full swing. Max reported that the department is still ironing out issues as they arise but everyone is adjusting to the new system.

E-911

Mitch Fiandt, 911 Director and John Urso, Asst 911 Director, are both present for the following topics:

- Mitch reviewed the 911 Annual report with the commissioners reporting that 37380 calls were received this past year with 14140 being for the Sheriff's department, 16708 for other police agencies, 5458 for fire /ems and 1074 for unassigned....
- Mitch indicated that the numbers were consistent with the numbers from 2017.
- The department implemented the texting into the availability this past year and told the commissioners that the department was honored for being one of the top counties using this type of communication.
- Mitch also reported that were currently fully staffed when hasn't been easy. However, he reported that at the last conference that he attended there were very few counties that were fully staffed so it seems to be a really common thing.
- 2019 the department is going to focus on a lot more active shooter training.
- Mitch again announced that his probable retirement date would be the end of May. However, if opportunities become available sooner he will go earlier. He indicated that he would like for John Urso to step into this position and that he would be working with John as preparation for his departure.

HEALTH DEPARTMENT

- Cheryl Munson, Health Nurse, is coming before the commissioners asking for a waiver of the 10% wage reduction for a full-time employee who worked part time for the last 3 months. Justin Stump moved to waive the 10% reduction with a second coming from Anita Hess. Motion carried 3-0.
- Cheryl also told the commissioners that she has around 7000.00 that she would like to supply the courthouse house departments that recently took the active shooter training with "Stop the Bleed" kits. Cheryl will contact Jackie to set up the disbursement and training to go along with it.
- Lastly, Cheryl told the commissioners that she would be attending the National Immunization conference in Hawaii. She wanted them to know that there would be claims coming that exceeded the \$500.00 limit. This will be funded out of her external funds.

RECESS 11:10AM

BACK IN SESSION 1:00pm

VACATION OF EASEMENT

The commissioners met in regard to a vacation of an easement that was granted in September of 2018. At that time the public hearing was held and George Gerdes and Lisa Gerdes and Matt Shipman, Gerdes's counsel, were all present. The easement was presented as public easement and the commissioners granted the vacation based on those facts. A neighbor William Martin, had then filed an appeal and secured the counsel of James Federhoph. After much research and our attorney communicating with the other counsels, this meeting was set to determine the outcome of the appeal. Based on title work research it was found that the easements in the original plat "are for the use of the owners of the lots in said Groveland Park" and not "public" easements as originally represented, therefore the commissioners would have no authority to vacation the easements in question. The Board of Commissioners rescinded the ordinance of vacation dated 9/10/18 concerning the vacation of the easement between lots 10 and 11 in Groveland Park and the ordinance is deemed VOID and having no legal validity or effect. Anita Hess moved to approve these findings. Justin Stump seconded the motion. Motion carried 3-0. This order will be furnished to the Noble County Auditor for removal from the tax rolls and will be recorded in the Noble County Recorders office. ---- Note Recorded this 15th day January, 2019.

ANIMAL WELFARE AND KENNEL STANDARDS

The Noble County Commissioners rejected the Animal Welfare ordinance as well as the Kennel Standards as presented earlier with a motion from Justin Stump and seconded by Anita Hess. Motion carried 3-0. This will now go back to the plan commission for further review.

CLAIMS

Regular claims are reviewed and approved with a motion from Anita Hess. Justin Stump seconded the motion. Motion carried 3-0. The report contained 16 pages and totaled \$938,867.87.

Court Claims were also reviewed and were then approved with a motion from Anita Hess and a seconded from Justin Stump. Motion carried 3-0. This report contained 6 pages and totaled \$37,542.86.

Utility claims – this report was just two pages and totaled \$298,639.60 and was approved after review with a motion from Anita Hess. Justin Stump seconded the motion and it carried 3-0

NOBLE TRAILS

The Commissioners had been contacted by Deanna Spidel from Noble Trails concerning a letter of support for the Fish line trail for grant purposes. The letter was prepared and signed with a motion from Anita Hess and seconded by Justin Stump. Motion carried 3-0.

PTABOA

Ben Castle, Noble County Assessor, and Bryan Harter, Chief Deputy, were present to discuss the members of the PTABOA Board. Ben indicated that he has 3 possible candidates for the board and has only heard from one of the present board members as their indication that they might be interested in staying. Dennis Graft, County Attorney, informed Ben that there is a requirement for political affiliation for this board. There must be at least one Democrat on the board. Ben will do the necessary research and come back to the board at their next meeting.

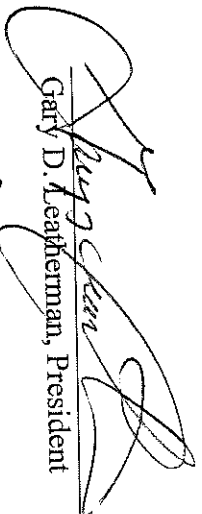
CHAIN O LAKES FESTIVAL

Jackie Knafel, County Coordinator, had received an e-mailed letter of request from the Chain O lakes festival committee to use the courthouse restrooms during the annual festival. Motion to approve the request came from Anita Hess and was seconded by Justin Stump. Motion carried 3-0.

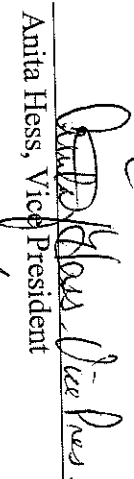
ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 2:45PM recessed from day to day until January 28, 2019.

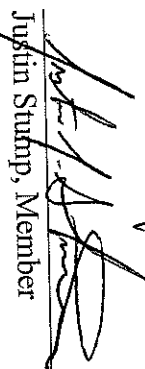
Dated this 28TH day of JAN., 2019



Gary D. Leapher, President



Anita Hess, Vice President



Justin Stump, Member

ATTESTED: 

Tonya L. Jones, Auditor