

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD November 26, 2018**

Comes now the hour of 9:20A.M. on the 26th day of November, 2018, 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
John McGill, Resident
Zack Smith, Highway Engineer
Richard Rogers, Highway Superintendent
Marvin Rodenbeck, Resident
Steve Garbacz, KPC Media
Matt Meerson, SJRB

Gary Leatherman, President of the Board of Commissioners, brought the meeting to order at approximately 9:20 A.M.

COURT SERVICES

John McGill, Owner of the Court Services building, was present to update the commissioners on the condition of the building. He told the commissioners that one mouse has been caught in the building with many traps being set. He explained the reasoning for not moving the insulation to the second floor and that he didn't feel that there was a huge area of concern.

HIGHWAY

Richard Rogers, Highway Superintendent, was present to update the commissioners in areas of construction:

- Richard is requesting a driveway variance to allow a second drive for a Winegard property on 250W. Richard reported no issues with the variance as far as the Highway is concerned and with that, Dave Dolezal moved to approve the variance. Anita Hess seconded the motion. Motion carried 3-0.
- Another driveway variance has been requested for a Short property. Again, there were no areas of concern it was simply a request for a 2nd drive. Anita Hess moved to approve the variance with a second coming from Dave Dolezal. Motion carried 3-0.
- A third driveway variance is before the commissioners for a 2nd drive for an outside wood burner on the Heaton property on Fresh Air Dr. Dave Dolezal moved to approve. Anita Hess seconded the motion. Motion carried 3-0.
- Richard also submitted a Utility Permit for United Telephone for the file.

Zack Smith, Highway Engineer, was present for the engineering business update:

- Bridge Inspection – The county is still waiting on contract approval from the state
- Bridge 147 – Zack reported that the ribbon cutting ceremony was to begin at 10:00 AM for this completed bridge.
- Bridge 136 – Zack presented an IPA voucher for preliminary engineering for this bridge project. Dave Dolezal moved to approve the voucher. Anita Hess seconded the motion. Motion carried 3-0.
- Baseline Road project – this is also an IPA voucher for this project. This is for preliminary engineering as well for Lawson Fisher. Dave Dolezal moved to approve this voucher which was seconded by Anita Hess. Motion carried 3-0.
- Zack reported that the surveying of the 400 N project was complete.
- Bridge 55 – Zack has received a title sheet for signatures. Dave Dolezal moved to sign the title sheet for Bridge 55. Anita Hess seconded the motion. Motion carried 3-0.

- The HMA project for this year was completed as of last week. Striping will need to be completed.
 - The fuel pump project is underway with the old tanks now out and the new ones have been installed.
 - 325 E right of way acquisition – Zack reported that the final offer has been submitted.
 - Zack had received quotes for a Skid Steer Loader. The following quotes were opened:
 1. Michigan CAT \$80,000.00
 2. MacAllister CAT \$78,950.00
 3. MacAllister Machinery \$72,800.00
- Zack had reviewed the quotes and found them to be comparable quotes and recommended that we go with the lowest quote. Dave Dolezal moved to purchase the loader from MacAllister Machinery at the quoted price of \$72,800.00. Anita Hess seconded the motion. Motion carried 3-0.
- The department advised the commissioners that Kerry Foster had been hired to replace Rob Hull (who moved to Road Foreman) as an operator.

COMPLAINT

Marvin Rodenbeck, a resident in Swan Township, came before the commissioners concerning the Plan Director and the UDO. Marvin cited many incidents of things that he was required to do and others have not been. He has done a lot researched and has studied the UDO thoroughly. Marvin has a storage facility in Swan township and according to him should not have even needed a variance for that according to the UDO and its permitted uses for Ag ground. He was also required to put stones or gravel where vehicles would park when a similar operation was allowed to let parking in grassy areas.

He also reported a gentleman who wanted to sit a semi loaded with supplies and he would pick up things on a daily bases, he was then told that he needed a permit for that which took about 6 months and consequently he lost that customer. He located in a different area and Mr. Rodenbeck reported that was probably a \$12,000.00 loss of revenue.

Another incident has been with a sign. Mr. Rodenbeck installed a sign to cover up a previous sign on the building that he owns. He was unaware that he needed a variance for this and when he found out – he applied for the variance. He was denied – He then appealed the decision and at the appeal hearing the wrong information was read and the board again denied the variance. He has since that time been sent “threatening” letters. This is now become a civil court case. He also reported that he requested the finding of facts and it took 2 ½ months to get them. He also has requested the minutes of the meeting.

Lastly, Mr. Rodenbeck reported that AEP installed lighting on his lot. He reported that AEP had been in contact with the plan director during the process and after installation, Mr. Rodenbeck was again notified by the plan commission about the lights. He reportedly told Mr. Hughes that those were AEP lights and that he should contact AEP not Mr. Rodenbeck. He is now getting fine letters from the department.

In conclusion, Mr. Rodenbeck is hoping that the commissioners will revisit the UDO issues so that these things will not be happening in the future. He indicated the months that this has been going on, it has been one issue after another. Martin said that “he never did anything intentionally against the UDO and when he found out he needed various permits went through the permitting process only to be denied at every attempt. Marvin told the commissioners “I came to the county to do the right thing and all that I have ended up with getting letters for fines. I would have better off to do whatever he wanted with his property as the results would have been no different”.

WEST LAKES

Diane Scott, President of the West Lakes Association, is present to update the commissioners on what has been done since the last update with the commissioners. A complete presentation is entered in the file. Diane reported the following results:

- Continued log removal
- Increased membership
- Increased finances
- Conducted fundraising events
- Received 2 LARE grants

She also reported that the associations key focus remains:

- Home elevations
- Flood preparedness
- Gages

- Bridges & roads
 - Agricultural impacts
 - Vegetation management
- Diane reported that they have started the steps to create a conservancy as well as the creation of a Noble County Lakes Council.

RECESS for drainage meeting 10:55AM

RECONVENE at 1:05AM the South Complex for Animal Welfare informational meeting. Many residents from Noble County as well as surrounding counties were in attendance as well as representatives from the Zoological Assn of America, Black Pine Animal Sanctuary, Grooming facilities, Humane Society, Veterinary Clinics, Sheriff's Department, and Indiana Farm Bureau. A complete list of those in attendance is duly entered. Some of the biggest concerns noted were that the ordinance has become another layer of government control and the lack of enforcement resources. A complete audio is available at the Plan Commission office.

RECESS back to the courthouse for remainder of the commissioners meeting

RECONVENE at 3:10PM

PUBLIC DEFENDER

Jim Abbs, Chief Public Defender and Jon Owen, Asst Public Defender, were both present for the discussion of a contract between Mr. Owen and the Public Defenders office. Jon is able to receive Medicare at this time and will be transitioning to Medicare for his complete Health care. He will now be a contract employee and will be paid on a monthly claim related procedure. County Attorney Dennis Graft reviewed the contract and with his approval the contract was signed by the Commissioners with a motion from Anita Hess and a second from Dave Dolezal. Motion carried 3-0.

CORRESPONDENCE

- IDEM correspondence to the Town of Albion concerning the disposal of leachate.
- Surveyor -- J Stuckman Watershed
- 2019 Commissioners Meeting schedule

MINUTES

Minutes of the November 13, 2018 meeting were read and approved as corrected with a motion from Dave Dolezal and seconded by Anita Hess. Motion carried 3-0.

Minutes of the Executive sessions dated 10/9/18 11/13/18 and 11/26/18 were all approved for signatures with a motion from Dave Dolezal. Anita Hess seconded the motion. Motion carried 3-0.

PAYROLL

Payroll dated 11/21/18 was reviewed. The report contained 6 pages and totaled \$386,965.91, it covered the period of 10/26/18-11/08/18. Payroll was approved with a motion from Dave Dolezal. Anita Hess seconded the motion. Motion carried 3-0.

COURT CLAIMS

Court claims dated 12/03/18 contained 9 pages and totaled \$46,044.93. These were approved with a motion from Anita Hess. Dave Dolezal seconded the motion. Motion carried 3-0.

REGULAR CLAIMS

The regular claims contained 11 pages and totaling \$993,962.70 were approved with a motion from Dave Dolezal. Anita Hess seconded the motion. Motion carried 3-0.

WE CARE CONTRACT

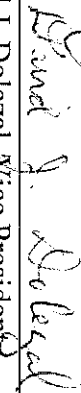
The contract renewal for Noble County Government was discussed and the commissioners had one question concerning the 3% merit-based increase and whether or not that was annually or over the 3-year period. Jackie will contact the WeCare representative for clarification.

ADJOURNMENT

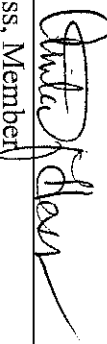
This session of the Board of Commissioners of Noble County was at approximately 4:00P.M. recessed from day to day until December 10, 2018.



Gary D. Leatherman, President



David J. Dolezal, Vice President



Anita Hess, Member

ATTESTED: 

Tonya L. Jones, Auditor