

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD February 11, 2019**

Comes now the hour of 8:30am. on the 11th day of February 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:

Jacqueline L Knafel, County Coordinator
Dennis Graft, Noble County Attorney
Matt Getts, KPC Media
Jim Mowery, Noble County Prosecutor
Mitch Fiandt, 911 Director
Stacey Beam, Chief Probation Officer
Danyel Wagner, Asst Chief Probation Officer
Judge Kirsch, Superior I Judge
Judge Kramer, Circuit Court
Judge Hagen, Superior II Judge
Mike Trevino, DLZ Engineering.
Marvin Rodenbeck
Richard Rogers, Highway Superintendent
Zack Smith, Highway Engineer
Norm Lortie, Building Inspector
Cheryl Munson, Health Nurse

Gary Leatherman, President of the Noble County Commissioners opened the meeting at approximately 8:30AM.

JUDICIAL CENTER

Judge Robert Kirsch, Judge Michael Kramer and Judge Steve Hagen, were all present to talk to the commissioners about the possibility of a judicial center. Judge Kirsch was the spokesman for the group and cited the fact that there is just not enough room on the third floor any longer. He also indicated that in the future there might be a need for a 4th court. There is not enough space for a 12-man jury to meet in deliberation and there is only one public rest room on the third floor. There are also no areas for clients to meet with their attorneys. They suggested that the commissioners visit Kosciusko County and look at their facility. Probation also was on board for a judicial center as their department is in two different buildings. Gary Leatherman explained the study that was done about 5 years ago and the cost at that time would have had the necessity for a remonstrance to do the building to extent of what was needed. The discussion about building something whether that would be an annex or a judicial center was being discussed prior to this meeting with the judges as the debt service tax rate will fall off in 2021 if there is no new debt established. Mike Trevino from DLZ (the company that had done the first space study) was also present and indicated that he would get copies of the past study on to Jackie to distribute to the judges and the other two commissioners.

CASE MANAGEMENT SYSTEM

Judge Kramer wanted to discuss the case management system with the commissioners as they would like to move the system from CSI to Odyssey. Odyssey is a state-owned program ran by Tyler Technologies. Judge Kramer reported that only 11 counties in the state are NOT on Odyssey and he believes that we need to start the process to go with them as well. We have already implemented e-filing which has helped with storage and Shelley Mawhorter, Noble County Clerk, reported that she has a part time employee that is consistently microfilming old files. She indicated that she did not want to go with a new system during her time as clerk and that in 2020 there is a presidential election which is very time consuming. Many had concerns about this being a state-run system and the lack of competition with this software that issues could arise.

PICTURE

Judge Kramer would like his picture placed in the Circuit courtroom along with all the other judges that have served. Dave Dolezal had made a picture frame for the picture but when the picture was taken over to Picture This, she indicated that she could use the frame. Gary Leatherman asked that Judge Kramer bring the frame back and he would in touch with Mr. Dolezal to see if it could be corrected.

DLZ

Mike Trevino from DLZ was present for the information from the judges as well and his company had done the space study for the county in 2014. DLZ has been asked to revisit our needs in order to proceed quickly with a solution to the county's space needs. Jackie had the only copy of the 2014 space study and Mike will see about getting copies or a flash drive to us so that the Judges and other members of the Commissioners will have reference guides.

HIGHWAY

Richard Rogers, Highway Superintendent, has been contacted by residents at Bear Lake for signage to prevent semis from going down the roads. Dennis Graft suggested that the signage be in the form of information at this time and then if issues continue, an ordinance may have to be adopted imposing fines if the issue continues. Justin Stump moved to proceed with informational signage at this time. Anita Hess seconded the motion. Motion carried 3-0.

Zack Smith, Highway Engineer, had the following engineering business to bring before the commissioners:

- Bridge 134 – Zack informed the commissioners that the LPA project bridge 134 was denied and Zack is thinking that it has something to do with this project being granted several years ago and then the county had to back out of the project for various reasons one being the increased cost of the project due to the railroad deciding to add a third rail. Zack will continue to include this project in future LPA submissions.
- Community Crossing – this application has been submitted for overlay projects and Zack hopes to know something in March sometime.
- Bridge 147 -Zack has a LPA voucher for this bridge. This is closeout paperwork. Justin Stump moved to sign the LPA voucher. Anita Hess seconded the motion. Motion carried 3-0.
- 400 N project – There is also a LPA voucher for this project. Zack reported this project is on schedule. Justin Stump moved to sign this voucher as well. Anita Hess seconded the motion. Motion carried 3-0.
- Bridge Inspection – Zack is continuing the transition from closing out the last 4-year cycle of bridge inspections and beginning the new 4-year cycle.
- Bridge 136 – this project is in stage one design and this part of the project should be nearing completion in March. The next phase will be permitting.
- Baseline Road – This project is moving along and continues to be ahead of schedule. Design phase is complete and the company is working on right of way acquisition.
- LOCAL PROJECTS – Bridge 55 – Bids were received at the last commissioners meeting and Zack has now completed his review. Two bids were received – one from Primco and the other from RL McCoy. Primco's bid was \$682882.01 and RL McCoy's bid was \$786,941.90. After review, Zack is recommending that the county go with the low bid of Primco. Anita Hess moved to approve Primco as the contractor for Bridge 55. Justin Stump seconded the motion. Motion carried 3-0.
- Zack is also recommending a part time inspection company to do critical component inspections. He has a contract with BFS not to exceed \$18,000.00. Justin Stump moved to contract with Butler Fairman & Seufert for part time inspections. Anita Hess seconded the motion. Motion carried 3-0.
- Bridge 77 – work continues through the cold weather on this project and Zack reported that the piling work has been completed.
- The \$60,000.00 from INDOT for the repair of 600 N used during the bridge replacement on US 6 was finally received.
- Zack let the commissioners know that all of the funds were moved and in place for the newly created and required MVH Restricted fund. This fund is to be used for road repairs only. The Regular MVH fund will continue to support wages, benefits and other expenditures outside of road repair.

UNSAFE HOUSING

Norm Lortie, Building Inspector, was present to discuss unsafe housing issues:

- Colen property in Wolf Lake is now owned by the mortgage company and Norm has been working the company for several months now in an attempt to get this area all cleaned up. They continue to drag their feet and Norm is asking the commissioners to set a deadline for completion without fines. If not completed by that time, then the county will solicit bids for completion of the project and impose a fine to the company. Anita Hess moved to set April 22, 2019 at 9:30am for the final review. Justin Stump seconded the motion. Motion carried 3-0.
- Three other properties were also brought to the attention of the commissioners. Norm reported that all three are abandoned properties and the structures need to be removed. 2 of the properties are located at High Lake and one is at Waldron Lake. Anita Hess moved to also review the status of these three properties at the April 22, 2019 meeting at 9:30AM. Justin Stump seconded the motion. Motion carried 3-0.
- Norm also undated the commissioners on the status of the Wolf Lake Bar and Grill. There was a tort claim filed in this case stating that the building department was stopping rebuilding progress. Norm stated that he had put a stop work order on the project as a building permit had never been issued. The owner has now applied for the permit and Norm has sent the owner a list of things that need to be addressed prior to the building permit being issued. The owner indicated that they would contact their attorney and get back with him to sit down and discuss the various issues.

HEALTH DEPARTMENT

Cheryl Munson, Health Nurse, is coming before the commissioners to ask permission to replace their 2007 vehicle. Cheryl had secured 3 bids for vehicles – one from BZ Auto which was extremely high, one from Max Platt Ford for an explorer which was \$25,900.00 with trade in. And one from Shepherds for a Chevy Traverse in the amount of \$24,600.00 with trade in. The department would be trading in the Saturn Vue and have the available funds in their grant fund. Justin Stump moved to forward with the purchase. Anita Hess seconded the motion. Motion carried 3-0.

SHERIFF

Max Weber, Noble County Sheriff, is present for the reading and adoption of the Sheriff Sale amendment. After the reading and no public opposition, the ordinance was adopted with a motion from Anita Hess. Justin Stump seconded the motion. Motion carried 3-0.

Mitch Fiandt, 911 director, is requesting that a grant letter be signed by the commissioner president. This will allow up to 60% reimbursement on the new radio system. If granted it will return approximately \$11,000.00+ of the \$19,000.00 spent. Motion to sign the grant letter came from Justin Stump with a second coming from Anita Hess. Motion carried 3-0.

Mitch and Max both discussed the purchase of 40 new radios. This is a total cost of \$132,399.20. The department will be trading in the current radios with the value of trade in estimated at around \$10,000.00. Money to pay for the radios will come from the Public Safety tax and Statewide 911 budgets.

LANDFILL

Derek Faulk, Wilcox Engineering, is present to update the commissioners on landfill issues.

- Regular work will continue such as groundwater sampling and the required testing.
- Leachate- Derek will continue the work with IDEM concerning Leachate disposal. The town of Albion had received a letter of concern of the county dumping Leachate. Derek thought that this had been resolved but was uncertain at this time.
- Derek reported that the application for leachate disposal into a creek located on the newly purchased land next to the landfill. Derek reported that once the application is submitted there will be a series of notification and testing before final approval.
- The post closure time period – is ten years of clear testing. The methane issue seems to have been resolved and the time clock has started on that issue. The groundwater and leachate issues still have issues and hopefully this will be resolved with the steps that we are taking now.
- Derek will be in touch with IDEM to finalize the application process.

RECESS FOR DRAINAGE

BACK IN SESSION 1:00PM

IT

Dave Baum, IT Director, was present to update the commissioners on the event of the past week. Dave reported that on Monday morning, he noticed something suspicious on a computer in the courts. Upon further investigation, a malware virus was discovered. They were able to stop the virus but most everything had to be restored. The phone and e-mail were back up and running by noon that day. The Spillman System at the jail was restored by the end of the day and Tuesday and Wednesday was spent restoring the various servers. Dave indicated that even as bad as things seemed to be at the time, it could have been worse and the IT department learned that various things that they had put in place worked at preventing a worst situation. They also have found that are more things they can do to help in the future. Dave reported that there are still some lingering issues and the IT department continues to address the problems. Dave also asked that as things progress with the building project that he be kept up to date and informed merely for the fiber optic and wiring issues.

CORRESPONDENCE

- County Treasurer's Monthly report
- Unified letter
- IDEM - Air Quality permitting – Mahone Foundries
- IDEM – Air Quality permitting – Dexter Axle
- Courthouse security – monthly report

MINUTES

Minutes of the previous meeting were read and approved as written with a motion from Anita Hess. Justin Stump seconded the motion. Motion carried 3-0.

PAYROLL

The payroll report for 02/14/19 was reviewed. This 6-page report totaling \$428,849.07 was for the time period of 01/18/19 thru 1/31/19. Justin Stump moved to approve payroll. Anita Hess seconded the motion. Motion carried 3-0.

CLAIMS

- Regular claims dated 02/11/19 were reviewed. The report contained 10 pages and totaled \$200,841.95. These were approved with a motion from Anita Hess and a second from Justin Stump. Motion carried 3-0.
- Utility claims were also reviewed and approved. Anita Hess moved to approve the 2-page report totaling \$684,239.56. Justin Stump seconded the motion. Motion carried 3-0
- The supplemental claims were also reviewed and approved with a motion from Anita Hess. Justin Stump seconded the motion. Motion carried 3-0.

HEALTH INSURANCE

Documents were received from Unified, our health insurance carrier, for signatures. Motion to sign the stop loss application and the plan supervisor agreement was made by Anita Hess. Justin Stump seconded the motion. Motion carried 3-0.

MAYORS & COMMISSIONERS CAUCUS

Jackie had received the dues notice for the Mayors & Commissioners Caucus and is asking the commissioners if this membership needs to be continued. Anita Hess reported that she has attended one meeting and after further discussion, Gary indicated that he would try to attend the upcoming meeting and a decision as to whether to pay the dues would be made at the next meeting. Justin Stump moved to table the decision until the next meeting of the commissioners. Anita Hess seconded the motion. Motion carried 3-0.

NATIONWIDE

One of the deferred comp providers has sent in information concerning changing the interest rates for investments. The county was given 3 options in this document. Option 3 would no longer allow payroll deductions for our employees. After review Anita Hess moved to approve Option 1 on the contract. Justin Stump seconded the motion. Motion carried 3-0.

ODYSSEY RESOLUTION

After the request and information gather earlier today from the Noble County judges, the commissioners again reviewed the Odyssey resolution. Justin Stump moved to sign the resolution requested by the Judges to move to the state-run case management system. Anita Hess seconded the motion. Motion carried 3-0.

EMERGENCY CLOSING

After the events of January 30 and 31st the commissioners decided to pay all employees for the 2 days that the courthouse was closed. All essential employees, highway and sheriff's department were paid in addition to their regular pay. This was different than the handbook policy and therefore in need of a motion. Justin Stump moved to pay the county employees for the closing on January 30 and 31, 2019 and pay those that worked additional pay which was – in this meeting- approved through payroll. Anita Hess seconded the motion. Motion carried 3-0.


PLAN COMMISSION

Marvin Rodenbeck, a resident of Swan Township, has had many issues with his signage and recently had the lights turned off at this storage units on State Road 3 by the plan commission. Even though – he stated- that there has been admitted mishandling of his issues and requests for appeals and variances, this ‘harassment’ continues. Mr. Rodenbeck reminded the commissioners that the process has begun for the rewriting of the UDO and is requesting that they be mindful of the changes and what effects those changes may have on these very issues. He told the commissioners that he has tried to work with the plan director and has been very patient to this point, however, with the turning off of the lighting at his facility – he will lose business and feels that it might be necessary to file suit. Gary told Mr. Rodenbeck that he would again talk to the plan director about this issue but also reminded Mr. Rodenbeck that the plan commission board is over this position.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 3:00PM recessed from day to day until February 25, 2019.

Dated this 25 day of February, 2019



Gary D. Leatherman, President



Anita Hess, Vice President



Justin Stump, Member

ATTESTED: 

Tonya L. Jones, Auditor