

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD August 27, 2018 at 8:30AM**

Comes now the hour of 8:30am. on the 27th of August, 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 Dolezal, Vice President
Anita Hess, Member

Also present were:

Jacqueline L Knafel, County Coordinator
Dennis Graft, Noble County Attorney
Matt Getts from KPC Media
Zack Smith, Highway Engineer
Richard Rogers, Highway Inspector
Kenneth Hughes, Plan Director

CORRESPONDENCE

- IDEM - Dexter Axle Air Quality
- IDEM - LSC Communications Air permit
- Clerk Report – Month of July, 2018 – duly entered

MINUTES

Minutes of the August 13, 2018 meeting were read and approved as corrected with a motion from Anita Hess and a second from Dave Dolezal. Motion carried 3-0.
Minutes of the executive session also held on August 13, 2018 were read and approved with a motion from Dave Dolezal and seconded by Anita Hess. Motion carried 3-0.

PAYROLL

Payroll dated August 30, 2018 containing 6 pages and totaling \$387,496.79 was reviewed and approved with a motion from Dave Dolezal. Anita Hess seconded the motion. Motion carried 3-0.

CLAIMS

Regular claims were reviewed for approval. This report was dated 8/27/18 and contained 10 pages totaling \$525,413.92. Motion to approved the claims came from Dave Dolezal and was seconded by Anita Hess. Motion carried 3-0.
Court Claims were also reviewed with the report containing 5 pages and totaled \$41,232.36. These were approved with a motion from Dave Dolezal and a second from Anita Hess. Motion carried 3-0.

HIGHWAY

Richard Rogers, Highway Superintendent, was present for the following construction information from the department:

- Utility permits were received from NIPSCO, Frontier, and Noble REMC
- Richard has a request for a drive way variance. This is coming from Andrea Graves on 800 N Kendallville and she is requesting a 3rd drive. Richard indicated no issues from the department other than the adding of another drive to the parcel. Motion to approve the variance came from Dave Dolezal. Anita Hess seconded the motion. Motion carried 3-0.
- Another driveway variance is being requested by Carol Bender on River Road, Albion. This is for a new home and is short on sight distance. Richard indicated that it is near a curve so speed is not an issue. He also indicated that he had discussed with the homeowner that trimming some trees in the area would greatly help with the sight distance. Motion to approve the variance then came from Anita Hess and was seconded by Dave Dolezal. Motion carried 3-0.
- The last variance is being requested by a Kline on 125 S between 400-500 E. This is also short on sight distance because of a hill. This is a gravel road and Richard believes that there is a need for a “hidden drive” signage at the location. Motion to approve the variance

with the condition of signage was made by Dave Dolezal. Anita Hess seconded the motion. Motion carried 3-0.

- Richard reported that work is continuing on 200 W where a large culvert is being installed.
- Chip sealing is going well and should be completed shortly.
- After chip sealing is completed the department will be back on drainage in sub divisions.

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

- Zack reported that the preconstruction meeting on the overlay projects has been held.
- Bridge Inspection – Zack had a draft 4-year consulting contract for the commissioner's review. Dave Dolezal moved to approve the signing of the contract. Anita Hess seconded the motion. Motion carried 3-0.
- Bridge 147 – currently under construction and Zack reported that it should be complete by sometime in November.
- Bridge 136 – This is a complicated bridge project according to Zack but is on schedule for the 2022 build.
- Baseline Road – Zack has a LPA voucher for Lawson Fisher for preliminary engineering in the amount of \$9291.25, Motion to approve the LPA voucher came from Dave Dolezal. Anita Hess seconded the motion. Motion carried 3-0.
- 400 N project – Zack reported that we have not yet received the contract approval from INDOT to date.
- Bridge 77 - the final plans have been approved and an advertisement "Notice to Bidders" has been sent to the papers for print on 9/12 and 9/19/2018.
- Bridge 55 – Right of way purchase is happening and the offer is \$1,685,00 for land from DNR who owns all of the right of way around this bridge. Motion to proceed came from Dave Dolezal and was seconded by Anita Hess. Motion carried 3-0.
- Permitting has been received for the dewatering culvert replacement project.
- Permits have been received for all phases of the fuel pump replacement station at the highway.
- The easement agreement between Bruce and Tina Murrell and the county has been prepared and the county is now waiting on the Noble County Surveyor to complete the next step.
- Bayview Drive – Zack reported that DLZ has completed their research and found nothing in the records concerning easement for Bayview Dr in Orange township. The department will now start the process of ROW acquisition as directed by the commissioners at their last meeting. Zack has prepared a letter to the new owners (after auction) concerning potential drive ways in that area.
- Zack reported that he is working with IDOT concerning damage to the local detour county roads during the bridge replacement on US 6 at Brimfield

REZONING

Kenneth Hughes, Plan Director is present for this session and for the consideration of 4 rezonings:

- Douglas & Patricia Moser - This is a request to rezone 61.226 acres from A1 to A3 to allow a hog confined feeding building to be constructed. Kenneth reported a favorable recommendation by the plan commission board. Dave Dolezal moved to approve the rezoning #520. Anita Hess seconded the motion. Motion carried 3-0.
- Shed Time LLC – This rezoning is requested for Song Bird Acres Lot 1 to be changed from A1 to I1. Given a favorable recommendation from the Plan Commission Board, Dave Dolezal moved to approve the rezoning. Anita Hess seconded the motion. Motion carried 3-0.
- Tina James is requesting a rezoning for LaOtto OP L48 to be rezoned from C2 to R3. This has always been a residential area but was somehow eliminated from the mass update that was done several years ago. Dave Dolezal moved to approve the rezoning. Anita Hess seconded the motion. Motion carried 3-0.
- Reid Family Farms was back on the agenda being tabled from last commissioner's meeting. Ryan Weber along with another associate from Lakewood Surveying were present to voice their concerns over the possible denial of the rezoning. They indicated that when the owner came to them to start the process they went to great length to make sure setbacks and all of the other regulations as set forth in the UDO were met in order to find a suitable sight for the CFO. Then after thousands of dollars were sent they have a possible denial "because someone didn't like where they are putting the building". In objection to the

building was Jim Annis. He is concerned about the run off from the building and also the air quality because of the "curtained windows". Gary suggested that the UDO possible would need some adjustments as he is not convinced that a 22-acre sight is big enough for the big confined feeding operations. Kenneth Hughes again reminded the board that the plan commission board voted 5-0 for an unfavorable recommendation to the unit being built at this location feeling that there were better locations on the ground that the party owns that would be more suitable. He also reported that written objections to the rezoning were 4 with only 2 in favor of the rezoning. After more discussion, Dave Dolezal moved to deny the rezoning at this location citing the board would not normally go against the recommendation of the plan commission board. Anita Hess seconded the motion. Motion carried 3-0.

EASEMENT VACATION

Matt Shipman, attorney for George and Lisa Gerdes, was present along with Lisa Gerdes to present their request for a vacation of an easement between lots 10 and 11 in the Groveland Park Addition. The Gerdes currently own lots 8, 9, 10, 11, 12, and 13 with the easement separating the lots. The Gerdes would like to building a new home on these lots and would need to have the lots contiguous to have the necessary setbacks. Mr. Shipman presented the requirements that would make it impossible to grant the easement and suggested that none of these requirements existed in this case. Opposed to the easement were several people both in writing and in person. Ted Hoekmeyer was one of the opposing parties and suggested that even though there are 4 other easements in the area this is the only one that is clearly accessible. Dave Wuthrich was also present and is opposed to the vacation cited the same reasoning and provided pictures of the other easements. He indicated that he would not be opposed to the Gerdes combining the lots but would suggest that they give up a part of lot 13 and dedicate that to an easement. Jackie Knafel, County Coordinator, told the commissioners that in addition to a letter that Mr. William Martin had written - of which the commissioners had a copy - that Mr. Martin had called and had voiced his opposition to the vacation between 10 and 11 but had also said that putting the easement at the end of 13 would then put his property sitting in the middle of 2 easement as he owns lots 14 and 15. Diana Stewart spoke on behalf of her parents Henry Kolb and was opposed to the vacation. Weighing all of the information that was before the commissioners and then concentrating on the 4 facts of reason cited by Mr. Shipman the commissioners decided with a motion from Dave Dolezal to grant the vacation of the easement to George and Lisa Gerdes. Anita Hess seconded the motion. Motion carried 3-0.

WEST LAKES

Cindy Vanderbosch, vice president of the homeowner's association, is present to request that the commissioners do an ordinance to prevent funneling. Ms. Vanderbosch indicated that they are being overrun with this problem and indicated that they have been to the DNR and other places to see what can be done. She is concerned about the number of boats -especially on Waldron which is a "fast" lake and is afraid that someone will be hurt. Gary told Cindy that an ordinance that the commissioners would do would not just be for the West Lakes area and would affect all Noble County Lakes. Dennis Graft, County Attorney, had a real concern about the enforcement of such an ordinance. This seemed to be more of a DNR issue who is charge of the lakes. Gary suggested that this might be something that the homeowner's association propose which would govern their own area. Cindy said at this time they are not a unit that has that authority and it was suggested that they go through the necessary process to be able to do this sort of thing internally.

CHANGE ORDER - Highway

Zack Smith brought in a change order for approximately \$25,000.00 for the canopy for the fueling station. Zack reported that the cost - according to the company - would be considerably more if the county waiting to install it at a later time. Zack told the commissioners that he had money in his building maintenance fund to cover the additional cost. Motion to approve the change order came from Dave Dolezal. Anita Hess seconded the motion. Motion carried 3-0.

RECESS FOR DRAINAGE

BACK IN SESSION.

ENTERPRISE

Michael Diaz, our Enterprise account manager, was present to review with the commissioners the plans for 2019 as far as our vehicle leases. The 3 Chevy Tahoe's will be going back at the end of

this year as we only had a year lease on those. Mr. Diaz was looking for some direction as to what might be needed in 2019. It was decided that we would take 3 trucks in replacement of the Tahoe's and then move the Equinox of the Assessors to the County vehicle and give a truck to them. Mike will be meeting Stacey Beam later this afternoon to discuss possible leasing options for the Probation department who buys out of their user fees and Gary will discuss the option with the Health Department who uses grant dollars for those purchases.

COURTHOUSE REPAIRS

Scott Pounds and Josh Rosenogle from Leatherman Construction were present to discuss the roof leakage here at the courthouse. Scott reported that these are NOT new leaks with evidence of deterioration and rusting "this has been a problem for some time". Scott presented several pictures that were taken on their assessment of the roofing problem. Options were given to the commissioners as to what could be done - other than a complete new roof - which would be extremely expensive. The commissioners will take the information under advisement.

Scott also had a proposal for a sidewalk issue that we were having on the south side of the courthouse. The quote was \$1382.00 for a 7' X 12' section of the sidewalk with the option of filling the joints with a self-leveling sealant at a cost of \$848.00. Motion to approve came from Dave Dolezal with a second from Gary Leatherman. Motion carried 2-0. Anita Hess left at noon due to a family emergency.

TITLE

Jackie had a title for a 2013 Dodge Charger that was sold to CN School Corporation for their new SRO at the CN Primary in Wolf Lake. The title was signed with a motion from Dave Dolezal and a second from Gary Leatherman. Motion carried 2-0. Jackie will deliver the title on Tuesday and pick up the check in the amount of \$4,000.00 that will be put into the CREDIT fund of which this car was purchased.

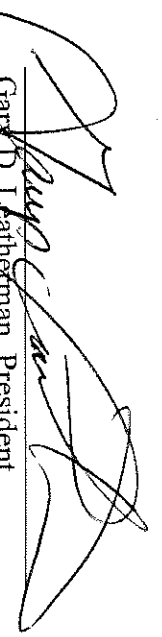
CHAIR LIFT

Tim Lock had provided an "out of service" form for the commissioners to take the two stair lift chairs out of maintenance at the prosecutor's office. The forms were signed with a motion from Dave Dolezal and a second from Gary Leatherman. Motion carried 2-0.

ADJOURNMENT

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

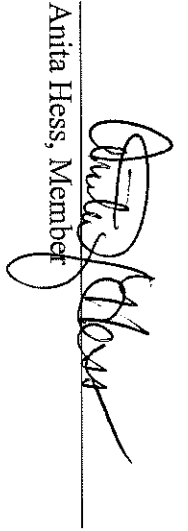
Dated this 10TH day of Sept, 2018




Gary D. Leatherman, President



David J. Dolezal, Vice President



Anita Hess, Member

ATTESTED: 

Tonya L. Jones, Auditor