

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD September 10, 2018 at 8:30AM**

Comes now the hour of 8:30am. on the 10th day of September, 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
Steve Garbacz from KPC Media
Zack Smith, Highway Engineer
Richard Rogers, Highway Inspector
Kenneth Hughes, Plan Director
Bud Edsall
Judy Middleton
Tammy Greer
Marvin Rodenbeck
Norm Lortie
Duane Crisp
Suzanne Handshoe, Mayor of Kendallville
Mike Jansen, Board of Aviation

JUNK TRASH AND DEBRIS

Bud Edsall along with his daughters, Judy Middleton and Tammy Greer, were present to discuss the letter sent to them concerning the condition of their property on State Road 9. Kenneth Hughes, Plan Director, was also present. They have enlisted an attorney to help them through the process and were given some options as to how to handle the situation by the plan commission office. The Edsall's indicated that it was suggestion that they either bury the debris or to build a "wall" that would conceal the debris. Bud expressed his concern to do either one of these scenarios would be very costly and that he didn't have the money to do this. His daughter suggested having help from family members to do the work by hauling it away and bury what they could. The commissioners thought that would be fine and asked what timeframe they needed to do this work? With harvest season coming up the Edsalls suggested April of 2019 should give them the time to accomplish the job. The Edsall's did want assurance that in doing this work, they would avoid the fine that was threatened in the letter received. Dennis Graft, County Attorney, suggested that the Edsall's contact their attorney and have the attorney contact the Plan Director directly for that assurance.

EASEMENT ORDINANCE

The vacation of an easement for George & Lisa Gerdes ordinance was read and signed along with the Findings of Facts, Conclusion & Order with a motion from Anita Hess. Dave Dolezal seconded the motion. Motion carried 3-0. Copy was given to Lisa Gerdes, Ordinance entered into the Ordinance book and a copy was also sent to Municode.

VEHICLE TITLE

A vehicle title was presented for signature. This is a van at the surveyor's office and signed with a motion from Dave Dolezal and a second from Anita Hess. Motion carried 3-0.

HIGHWAY

Richard Rogers, Highway Superintendent, was present to discuss the following construction business at the highway department:

- Driveway variance – Richard is requesting a variance for a property on 850 N for a second drive. Richard is reporting that the drive is 150 ft short of sight distance but is not in objection to the variance. Motion to approve the variance came from Dave Dolezal. Anita Hess seconded the motion. Motion carried 3-0.

- Tracy Cooper on 290 W is also requesting a 2nd driveway and is in need of a variance. This is 165 ft short of sight distance but Richard indicated that this still remains the best option for that second drive. Motion to approve the variance was made by Dave Dolezal and seconded by Anita Hess. Motion carried 3-0.
- A driveway variance for a 2nd drive was also requested by a resident on 225 W. There is no issues with this request and Richard is recommending that the variance be approved. Motion to approve came from Dave Dolezal. Anita Hess seconded the motion. Motion carried 3-0.
- No issues exist with a 2nd driveway request from a Kemerly on Baseline Road. Motion to approve was made by Dave Dolezal and seconded by Anita Hess. Motion carried 3-0.
- The last driveway variance is being requested by Brad Ebey at Port Mitchell. The required 30 ft road frontage is not met with only a 20 ft property ownership. Richard had no other issues with the driveway. Motion to approve came from Dave Dolezal and was seconded by Anita Hess. Motion carried 3-0.
- Richard reported that the chip sealing would be complete this week as well as the fog sealing.
- Berming will then begin again

Zack Smith, Highway Engineer, the reported on the highway departments engineering business:

- Community Crossing- all applications have been submitted and the department will continue to wait for any notification.
- Bridge Inspection - Zack had received the INDOT contract for signature for the commissioners signatures. Motion to sign the contract was made by Dave Dolezal. Anita Hess seconded the motion. Motion carried 3-0.
- Bridge 147 – this bridge is under construction and on schedule. Zack is presenting two LPA voucher for the bridge – one for preliminary engineering and one for construction. Motion to sign the LPA vouchers came from Dave Dolezal with a second coming from Anita Hess. Motion carried 3-0.
- Bridge 136 - Zack reported that United Consulting is about 70% through the design process for this bridge and had a LPA voucher for Preliminary Engineering. Motion to sign the voucher came from Dave Dolezal. Anita Hess seconded the motion. Motion carried 3-0.
- 400 N – Zack is awaiting the consulting contract to be signed by INDOT.
- Bridge 77 - Advertisement has gone to the paper for publication on September 12 and 19th. Bids will be opened at the October 9th, 2018 Commissioners meeting.
- Bridge 55 – Right of way acquisition is in process. According to Zack this shouldn't take too long as all of the right of way is owned by the State of Indiana.
- Loon Lake Culvert replacement - Zack reported that the final permit has now been received so the process should begin.
- Fueling pump station – All permits have been applied for and the project is on course for the October installation date.
- Bayview Dr or 325 E is in the Right of Way acquisition process.
- Kimmel South Shores- Zack presented a petition signed by some of it's resident requesting that a speed in the area be reduced to 15 MPH. Zack indicated the posted speed is currently 30 MPH. Zack would like to begin with signage such as curve -15 MPH etc and then proceed from there.
- A speed study was conducted on 300 N between State Road 3 and 1000 E. Findings were that there was some excessive speed in the area. Jeremy Bontrager was present and has lived in the area since 2007. He indicated that there seems to be increased number of semis on the road as well. Zack is suggesting that the speed limit be reduced to 45 MPH. Dave Dolezal moved to proceed with the drafting of an ordinance to reduce the speed on CR 300 N between State Road 3 and 1000 E to 45 MPH. Anita Hess seconded the motion. Motion carried 3-0.
- Zack reported to the commissioners that he has ordered a new traffic counter as the old one is at the "end of the line" and as soon as the new one is received the traffic work will continue.
- Zack briefly mentioned correspondence on a pond ordinance, the drainage issue at Diamond Lake and the Weimer Drainage issue but all will be discussed in detail at the drainage meeting.

UNSAFE HOUSING

Norm Lortie was present to discuss the Borders unsafe housing issue. The property is now owned by Mary Malle who is attempting to remodel the house. Many issues have arisen during the remodeling with now most all of the home being demolished and more recently an issue with the septic system. The estimated cost of this is expected to be close to \$15,000.00. Norm is suggesting that we continue the hearing for another 60 days with the date and time of the hearing being set on Monday December 10, 2018 at 9:30AM.

Norm also wanted to discuss the fees that we are currently charging other municipalities for the inspection of buildings. We are currently charging \$15.00 for the inspection and Norm indicated that this doesn't cover the expenses. He is suggesting an increase of \$10.00 making the fee \$25.00. Last year, Norm reported that he had done 120 inspections in Albion, 233 in Avilla, 31 in Cromwell and 236 in Rome City. Norm has notified the town managers of this intention. Anita Hess moved to adjust the fee to \$30.00 and to begin the process of adjust the current contracts with the towns. Dave Dolezal seconded the motion. Motion carried 3-0.

BEAR LAKE RESIDENT

Duane Crisp, a Bear Lake resident, is coming before the commissioner concerning a neighbor. This is a rental property with the owner being Bob Beecher. The family living there has a dog that has bitten people and killed other pets in the neighborhood. Mr. Crisp indicated that the sheriff's department has been called a number of times and nothing has been done. He indicated that there is trash burning, and the residents speeding up and down the road, the residents walking through the neighbors yards and so on. Mr. Crisp also told the board that the last time he called the sheriff's department that he was told to stop harassing the ones in the rental property. Mr. Crisp was asked whether he had talked to other departments such as the Health department, the building department etc. He indicated that he had talked to several departments and didn't know what else to do. Dave Dolezal that possibly IDEM could get involved if the burning of certain items was being done and also if he wanted to sign a complaint about the unsafe conditions that the building department or health department could possibly investigate.

ANIMAL ORDINANCE

Kenneth Hughes, Plan Director, brought again to the commissioners, the Animal Welfare Standards. The commissioners would like the dog tag section be removed from the ordinance and then it can be advertised for public hearing. Dave Dolezal moved to approve the ordinance for publication. Anita Hess seconded the motion. Motion carried 3-0.

KENDALLVILLE AIRPORT

Suzanne Handshoe, Mayor of Kendallville, and Mike Jansen, President of the Board of Aviation are present to discuss continuing the contract with the City of Kendallville in reference to the support of the Airport Manager. Mr. Jansen indicated that there were many good things happening at the airport now that they have the manager with plans to have a heated hangar and maintenance now being done on sight. The city would also appreciate any increase in that amount of support that might be reasonable. Jackie Knafel, County Coordinator, indicated that this is paid from CEDIT funds and that possibly the amount of the support would need to wait until after the contract amount with Parkview is decided. The commissioners asked that Mayor Handshoe come back in June/July of 2019 so that the increase is in place for budgets and the CEDIT plan.

RECESS for Drainage

11:30AM RECONVENE

There is being held a joint Drainage Board/Commissioners meeting in consideration of a Pond Ordinance. Mike Konger and a representative of Pankop Excavating were present along with Zack Smith, Highway Engineer. For more detailed minutes please refer to the Drainage Board minutes.

LUNCH

RECONVENE

CORRESPONDENCE

- Noble County Drug Free Comprehensive Plan – Notice of approval.
- IDEM – Landfill – leachate seepage

- County Treasurer's Monthly Report - duly entered
- Weimer Drainage - reestablished - NOTE: - this hearing will be canceled due to the findings at the drainage board/commissioners joint meeting held earlier today.
- Haines monthly report – leachate disposal
- Albion Town – Leachate billing for disposal
- Courthouse Security – monthly report – duly entered

MINUTES

Minutes of the August 27, 2018 meeting were read and approved as corrected with a motion from Dave Dolezal. Anita Hess seconded the motion. Motion carried 3-0.

PAYROLL

Payroll dated 09-13-18 containing 6 pages and totaling \$392,069.35 was reviewed and approved with a motion from Dave Dolezal. Anita Hess seconded the motion. Motion carried 3-0.

CLAIMS

Nicole Noe, Deputy Auditor, is present to review claims with the commissioners:

- Regular Claims – 10 pages of claims were reviewed with the total claims approved being \$379,017.52, Motion to approve the claims came from Dave Dolezal and was seconded by Anita Hess. Motion carried 3-0.
- Supplemental Claims – There were only 2 pages to the supplemental claims and they totaled \$29537.97. Motion to approve these claims came from Dave Dolezal. Anita Hess seconded the motion. Motion carried 3-0.
- Utility Claims- These claims totaled \$533,101.36 and contained 2 pages. Dave Dolezal moved to approve the claims after review. Anita Hess seconded the motion. Motion carried 3-0.

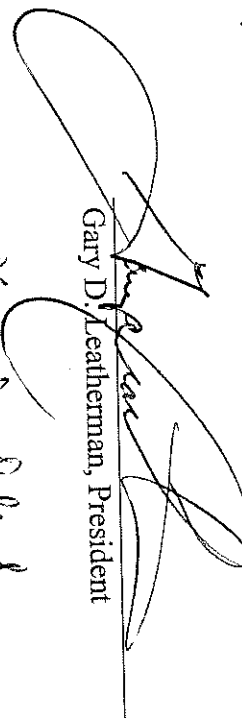
UDO ISSUE

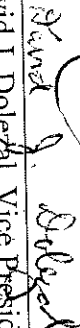
Marvin Rodenbeck, resident in Swan Township, was present to talk to the commissioner about a possible revision to the UDO – sign section. Mr. Rodenbeck has a property located on St Road 3. Most of the St. Rd 3 properties are on the back side of farms. Marvin has a barn just off of the road of which he placed a sign on the side of the barn. This sign covered an existing sign and he indicated that he had contacted the state to insure it would be okay to put it there. The state had no issue as long as it was off their right of way. Just recently Mr. Rodenbeck received a letter from the Plan Director stating that he would need to remove the sign because it was too big. Just down the road is Dekalb county and no such rules apply. Marvin was suggesting that the counties become more uniform in the requirements. Many of the commissioners as well as the county attorney agreed that the sign ordinance may be unnecessary and that there might be a possibility of removing the entire section. They suggested that Marvin contact Kenneth Hughes with his concerns and then Kenneth will come before the commissioners for possible changes to the UDO.

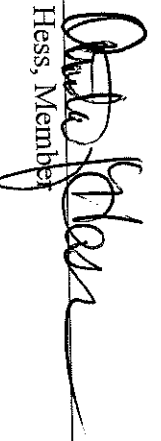
ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 3:20PM recessed from day to day until September 24, 2018.

Dated this 24th day of Sept, 2018


Gary D. Leatherman, President


David J. Dolezal, Vice President


Anita Hess, Member