

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD February 27, 2017**

Comes now the hour of 8:30 A.M. on the February 27,2017, 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

Absent:

Dave Dolezal, Vice President

Also present were:

Jacqueline L. Knafel, County Coordinator
Dennis Graft, Noble County Attorney
Steve Garbacz, KPC Media
Zack Smith, Highway Engineer
Mark Goodrich, Highway Supervisor
Doug Keenan, Extension Agent
Kim Carson, Noble County Assessor
Kenneth Hughes, Plan Director
Scott Ziegler, Surveyor
Mr. Claymiller, concerned citizen
Lori Gagen, Black Pine Animal Sanctuary

Gary Leatherman, brought the meeting to order at approximately 8:30AM.

EXTENSION

Doug Keenan, Noble County Extension Agent, was present to introduce the new home economist to the Commissioners. Abigail Craig has taken this position and grew up in the Kendallville area. Abigail will be working in the area of food and nutrient and will be working with restaurants and schools in the county and has extensive training in the diabetes area.

COUNCIL ON AGING

The director for the council on Aging was present requesting the commissioner's signatures on paperwork that will return unused grant funds to the state. Dave Abbott moved to sign the return of funds. Gary Leatherman seconded the motion. Motion carried 2-0.
The director also provided a copy of the Compliance Review from IDOT to the commissioners for informational purposes only.

PERSONAL PROPERTY

The commissioners met again with Kim Carson, Noble County Assessor, concerning the 20% penalty that now being assessed. Another letter had been received from a local farmer concerning this issue. Kim indicated that the state has made this decision and she must assess the penalty for the back billing if it is over a certain percentage. According to Kim when the assessor's office was asked to replace the 12 trustees and their assessing duties, she was not given adequate staff to perform this task.

MAXIMUS CONTRACT

Tonya Marks, Noble County Auditor, had received information back from Ken Moeller concerning the questions that the commissioners had concerning her contract with Maximus. With that information available, Dave Abbott moved to sign the Maximus contract. Gary Leatherman seconded the motion. Motion carried 2-0.

HIGHWAY

Zack Smith, Highway Engineer, provided the following engineering business to the commissioners:

- Bids were first on the agenda with the opening of bids received for Bridge 16 with an engineer estimate of \$311,170.90.
 1. RG Zachrich Construction Inc. \$333,525.91

- 2. Primco \$247,149.54
- 3. R.L. McCoy Inc. \$244,963.02
- 4. Pioneer \$285,744.75

A motion to award the bid to the lowest bid which was R.L.McCoy subject to bid compliance was made by Dave Abbott. Gary Leatherman seconded the motion. Motion carried 2-0.

- The following bids were received for bridge 24 which had an engineering estimate of \$505,549.31:

- 1. RG Zachrich \$473,983.08
- 2. Primco \$372,878.36
- 3. R.L. McCoy \$365,851.30
- 4. Pioneer \$378,411.50

Dave Abbott again moved to allow the low bid be awarded to RL McCoy subject to bid compliance. Gary Leatherman seconded the motion. Motion carried 2-0.

Mark Goodrich, Highway Superintendent, has the following construction business to bring before the commissioners:

- Mark has a request from Bontrager's that live on 950 N for a driveway variance. The request is 75 feet short of site distance however Mark is reporting that this is a gravel road and has low volume traffic and the department would have no issue with the granting of the variance. Dave Abbott moved to allow the driveway variance on 950 N. Gary Leatherman seconded the motion. Motion carried 2-0.
- Mark has a Utility Permit request for Indiana Fiber Network which will run across many county roads. The permit was reviewed and okayed with a motion from Dave Abbott and a second from Gary Leatherman. Motion carried 2-0.
- Mark also filed utility permits for Medicom and Noble REMC.
- Mark updated the commissioners on a drainage issue that he had brought before the commissioners earlier on 1100E. Mark reported that the certified letter had been sent and he had notification that the letter was received. The resident was given 10 days to respond and he had not done so as of yet but still had a couple more days. The commissioners suggested Mark wait the entire period and then the next move would be discussed.
- The post driver at the highway department is down and Mark indicated that parts were ordered however because of the age of the equipment the parts were getting harder and harder to find. They have gotten a couple of quotes on a new post driver and those were between \$2,000 and \$3,000.00.

Zack Smith, Highway Engineer, then opened Letters of Interest for two upcoming LPA projects. The following companies are interested in the Baseline Road project:

- Lochmueller Group
- DLZ
- USI
- Truesberry
- Lawson Fisher Associates
- A & Z Engineering

Zack is recommending that the LOI's be taken under review for scoring at a later time. Dave Abbot made the motion to accept under review. Gary Leatherman seconded the motion. Motion carried 2-0.

LPA Project Bridge 136 had the following Letters of Interest:

- USI
- United Consulting
- Corbid Group
- American Structure Point
- Butler Fairman Seyfert
- DLZ
- VS Engineering
- Lochmueller Group
- NCINorthwest Consultants

Dave Abbott moved to accept the LOI's for scoring at a later date. Gary Leatherman seconded the motion. Motion carried 2-0.

Zack continues the engineering business with the following information:

- The new construction on the Highway Garage should be complete in its entirety in April. In a recent walk through there was an item found that the department wanted added due to the usage of the area and the safety concern in that area. This will be at the cost of \$1,434.20 but was a necessary change according to Zack. Dave Abbott made a motion to accept the change order. Gary Leatherman seconded the motion. Motion carried 2-0.
- Bridge Inspection - Zack presented the commissioners with a draft agreement from IDOT for their signatures. Dave Abbott moved to approve the signing of the agreement. Gary Leatherman seconded the motion. Motion carried 2-0.
- Community crossing grant – Zack updated the commissioners on the current bill at the state level and told them that if this bill goes through the money this fall would be an 80/20 split rather than the current 50/50 split.
- Equipment Purchases – Zack has advertised the specs for the two new trucks as well as the chip spreader and has them being opened at the March 27, 2017 meeting.
- Building Demo – quotes were also being received today for the demolition of the 3 homes on the west side of the courthouse. Commissioners will open them at a later time today.
- Funding scenarios – Zack had done extensive work on the wheel and sur tax and there is still more options for raising the tax. Another avenue Zack has explored is reestablishment of the CCD Fund. These options – Zack will take before the Noble County Council at their next meeting.
- Speed Study - Zack has completed the speed study requested by Norfolk Southern Rail on county road 200 W. His findings did not indicate a need for the changing of the speed in this area. Zack will relay this communication with the rail and design will have to meet the needs of this decision.
- Zack spoke briefly with the commissioners concerning sub division roads of which many of them have never been accepted into the county maintenance plan. Zack indicated that now that the county has a little more in road funding available that requests as they come to the highway for these roads will be sent to the commissioners for review and their decisions.
- Zack says the department is also trying to upgrade the gravel roads in the county and will do so when the county is in the area doing other construction.
- Lastly, Zack is asking the commissioners to contact their legislators concerning SB 1002, letting them know the importance of road funding throughout the state.

REZONING'S

- Kenneth Hughes, Plan Director, and Scott Ziegler, Surveyor, are both present for the Loon Lake Rezoning request. This has passed the plan commission and is now before the Commissioners for final approval. Dave Abbott moved to approve the rezoning of 7.2 acres of land in Noble Township from LR/A1 to OS which is zoning #473. Gary Leatherman seconded the motion. Motion carried 2-0.
- Hochstetler property located in Elkhart Township consisting of 1.39 acres is also on the agenda for approval of a rezoning request. The plans are to locate an Amish School at this location so the request is to rezone from A1 to IS. Dave Abbott moved to approve the rezoning from A1 to IS for rezoning #472. Gary Leatherman seconded the motion. Motion carried 2-0.
- Kenneth informed the commissioners that the BZA was in need of a board member. Tony Feichter has not resigned as of yet but will do so very soon. Kenneth indicated that Linda Gray would be interested as an alternate. Dave Abbott moved to approve Linda Gray to serve as an alternate. Gary Leatherman seconded the motion. Motion carried 2-0.

CORONER

A Mr. Claymiller was present to discuss an issue with the commissioners involving his son. His son had died at a residence here in Noble County and Mr. Claymiller wanted to know why an autopsy was never performed. Mr. Claymiller told the commissioners that his son was HIV positive within the conversation but he still thought that there was a need for an autopsy. Gary Leatherman explained to Mr. Claymiller that the commissioners had no jurisdiction over an elected official. Mr. Claymiller said that he had asked for a copy of the coroner's report and had received that report which is really the only thing that the commissioners could require of the coroner according to Dennis Graft, Noble County Attorney. Dennis suggested that Mr. Claymiller contact an attorney if he wished to take this case any further.

BLACK PINE ANIMAL SANCTUARY

- Lori Gagen, director of the Black Pine Animal Sanctuary was present to present a 10 year summary to the commissioners concern the sanctuary. Black Pine moved to its' current location in 2006 and has seen growth and successes since that move. The sanctuary is planning to do some improvements to the facility this year and according to the lease must get permission from the land owner (which is the County) for any improvement over \$50,000.00. This particular project is expected to be in the range of \$55,000.00. Dave Abbott moved to approve the improvement project with a second coming from Gary Leatherman. Motion carried 2-0.
- The mission of Black Pine is to help animals and provide education for the protection of the animals. Lori told the commissioners that there were over 18,000 visitors through the sanctuary last year. They are open year round with November through April being by appointment only and the rest of the year they are open daily for the public.
- Lori also mentioned that Black Pine might be interested in purchasing the land at some time and is asking the commissioners to give this idea some thought and she will make an appointment with the commissioners at a later date to discuss this further.

RECESS

BACK IN SESSION 1:30PM

INSURANCE

Jarrod Ramer, with Black & Ramer Insurance, is present to review the quotes he had received for the county's liability insurance. Travelers Insurance bid came in considerably less than our current carrier EMC. Jarrod had reviewed both of the policies and went over the slight changes with the commissioners. After review and consideration for both companies, Dave Abbott moved to switch our liability insurance to Travelers and also go with replacement cost on the inland marine policy. Gary Leatherman seconded the motion. Motion carried 2-0.

MINUTES

Minutes of the previous meeting were read and approved as written with a motion from Dave Abbott. Gary Leatherman seconded the motion. Motion carried 2-0.

CORRESPONDENCE

- Weights & Measures – monthly report
- IDEM – LSC Communications Air Quality renewal
- Wilcox – Methane gas monitoring report week of 02/16/17
- Treasurer – Monthly report
- IDEM – City of Kendallville – Wastewater Treatment Plant- construction permit
- FEMA – St Joseph River Watershed

CHAIN O'LAKES

The Chain O'Lakes Festival Committee is requesting use of the courthouse restrooms and the courthouse square for the upcoming Chain O'Lakes Festival held the week of Jun 7th through the 10th. Dave Abbott moved to approve the request. Gary Leatherman seconded the motion. Motion carried 2-0.

PAYROLL

Payroll for the period of 02/02/17 through 02/16/17 and dated 03/02/17 was approved with a motion from Dave Abbott. This reported contained 6 pages and totaled \$354,871.69 and got a second from Gary Leatherman. Motion carried 2-0.

CLAIMS

Claims containing 11 pages and totaling \$280,195.73 were reviewed and approved by the commissioners with a motion from Dave Abbott. Gary Leatherman seconded the motion. Motion carried 2-0.

RECORDER – MILEAGE

A letter had been received from the Noble County Recorder requesting permission to drive her own vehicle and collect the mileage which would be paid from the recorder's perpetuation fund. The commissioners would like to have all three commissioners present for this discussion and therefore tabled this decision until that time.

INSURANCE

The Health Insurance documents had been received and distributed to all commissioners and the county attorney for review prior to the meeting. The county attorney did not see any problems with the documents as presented. Dave Abbott moved to approve the signing of the Eligibility & Enrollment Appendix, the Amendment One for the benefit plan for November and December and the 2017 Plan Document and Summary Plan Description. Gary Leatherman seconded the motion. Motion carried 2-0.

QUOTES FOR DEMOLITION

Quotes for the demolition of the three homes located at 208, 210 and 214 W Jefferson St in Albion were received and opened. Two quotes were received – one from Eshelman Excavating, Inc. in the amount of \$49,000.00 and the other from Forker Excavating in the amount of \$27,335.00. Dave Abbott moved to approve the low bid which was from Forker excavating in the amount of \$27,335.00. Gary Leatherman seconded the motion. Motion carried 2-0.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 2:40P.M. Recessed from day to day until the 13th day of March, 2017.

Gary D. Leatherman, President

David J. Dolezal, Vice President

David Abbott, Member

ATTESTED: _____
Tonya L. Marks, Auditor