

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD April 8, 2024**

Comes now the hour of 8:30 am. on the 8th day of April, 2024 in the Commissioners Room in the Noble County Annex building, 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
Gary Timmerman, Member

Also present were:

Jacqueline L Knafel, County Coordinator
Dennis Graft, Noble County Attorney
Matt Getts, KPC Media
Zack Smith, Highway Engineer

Gary Leatherman, Commissioners President, brought the meeting to order at approximately 8:30am.

CORRESPONDENCE

- IDEM – Air permit Application – Hollingshead Mixer Company LLC
- IDEM- final decision for an air permit – Ashley Industrial Molding Inc
- IDEM – Air permit final decision – Creative Liquid Coatings.
- INDOT – Early coordination letter for a culvert replacement on State Rd 8 at Central Noble Schools.
- Noble County Clerk – report for the month of March.
- Gary Leatherman also shared a letter that he had drafted for the Noble County Public Library praising the library for their help, assistance and use of their facility during the Covid 19 pandemic.

MINUTES

- Minutes of the special meeting held March 19, 2024 concerning the updating of the employee handbook were read and approved as written with a motion from Anita Hess. Gary Timmerman seconded and the motion carried 3-0.
- Minutes of the regular meeting dated March 25, 2024 were also reviewed. Anita Hess moved to approve the minutes as corrected. Gary Timmerman seconded and the motion carried 3-0.
- Minutes of the Executive session held on March 28, 2024 were also approved with a motion from Anita Hess, Gary Timmerman seconded. Motion carried 3-0. Gary Leatherman explained that the executive session held was in reference to a probation employee who appealed her dismissal to the commissioners according to the handbook guidance. Gary explained that according to state statute, the commissioners have no authority to hire or fire a court employee. Anita Hess made a motion to that affect stating that as commissioners, they don't have the authority to do anything about the grievance brought to them by the employee of the courts. Gary Timmerman seconded. Motion carries 3-0.

CLAIMS

Gary Timmerman moved to approve claims in the amount of \$562,908.55. The 12-page report was reviewed. Anita Hess seconded and the motion carried 3-0.

Misc claims were also reviewed. This was a 5-page report that totaled \$462,91.23 and was approved with a motion from Gary Timmerman and a second from Anita Hess. Motion carried 3-0

PAYROLL

Gary Timmerman made a motion to approve payroll dated April 4, 2024. This was a 3-page report totaling \$502,832.25. Anita Hess seconded. Motion carried 3-0.

OLD BUSINESS

Gary Leatherman questioned a statement made by Gary Timmerman at the previous meeting concerning the UDO. Gary Timmerman explained that he would like to pause the UDO (in particular the Solar portion of the UDO) to allow further changes to be made. He stated that the entire UDO should be reevaluated.

Gary Leatherman explained that years have gone into that UDO and with the final adoption – everyone at the time – knew that there were things that would need to be “tweaked” which could be done as amendments just as was done at the last commissioners meeting.

Gary Timmerman indicated that he had checked with surrounding counties and that Noble County seems to have the most restrictive UDO in place. Things have changed such as Federal guidelines such as the sell of properties to certain foreign countries. Dennis informed the commissioners that any federal or state laws would be in place regardless of the County’s UDO. Gary Timmerman again stated that he would just like to pause the solar plan so that the public would have more input.

Anita Hess, who is on the plan commission board, explained to Gary Timmerman that in the pass we have had a moratorium for just that purpose. Meetings were held at Central Noble School, many public hearings were held in the Dekko room at the South Complex, we had meeting here at the new annex in the conference room - all concerning the solar issues. Anita also indicated that all the changes that have been made was because of those meetings and what was heard from the public. “All amendments that have been made were made because of the input of the public that have attended those countless meetings”. She referred – most recently – to the petitions that were signed by many of the people who attended the March 25, 2024 meeting. That petition was asking that escrow amounts be added to the solar ordinance. That is exactly the amendment that was made that the word escrow be added and will be in the amount the commissioners set.

Gary Timmerman was concerned that the plan commission board is not willing to listen to the people that are opposed to solar. They have been reaching out to him and he wants to represent the people that elected him.

Dennis Graft, County Attorney, told the commissioners that they can send something back to the plan commission board, but it has to be specific as to what they want changed. You can’t just indicate that you want the solar ordinance changed, it has to be specific and have suggestion of what you want in exchange. Gary Timmerman told the group that he has heard from a number of people and they will get a list of requested changes put together.

Gary Leatherman again indicated that there is a process that must be met in order to successfully change this ordinance.

Gary Timmerman had requested a public hearing (which will need advertised) on the 22nd of April. After this discussion, Gary made a motion to now cancel that public hearing. Anita Hess seconded and the motion carried 3-0.

Gary Timmerman will come up with a list of recommendations to possibly be on the commissioner’s agenda for April 22, 2024 for discussion and possible “pause” and at that time (if needed) a public hearing will be set for public input.

HIGHWAY

Richard Rogers, Highway Inspector, has the following construction business to bring before the commissioners:

- Utility permit for NIPSCO – duly entered
- Richard had a request for a driveway variance from Jeff and Belinda Anglemeyer. This is for a 2nd drive. Richard is reporting that the location is 10ft short of sight distance. Gary Timmerman moved to approve the variance. Anita Hess seconded and the motion carried 3-0.
- A second variance was requested by Jeff Hosted. This is for a field entrance and is short of sight distance by quite a lot. However, Richard explained that it would be entered by large farm equipment that would be visible due to the height of the equipment. Motion to approve was made by Gary Timmerman. Anita Hess seconded and the motion carried 3-0.
- Richard reported that brush work is underway and spraying would start in approximately 3 weeks.

ENGINEERING

Zack Smith, Highway Engineer, has the following engineering business to come before the commissioners:

- Zack has the invoice from WA Jones for a new truck in the amount of \$149,320.00 along with the package that will be installed on the truck in the amount of \$9,585.00.

- Zack had a proposal for shop concrete repairs in the amount of \$6,910.00. Gary Timmerman moved to approve this repair costs. Anita Hess seconded and the motion carried 3-0
- There was also an estimate for tires that was received from McMahon's in the amount of \$13,895.42 for the department. Gary Timmerman moved to approve this purchase. Anita Hess seconded and the motion carries 3-0.
- The Call for Project FY 29 – Zack reported that early coordination meetings will be held this Wednesday for these projects.
- Bridge Deck Overlays – Zack informed the commissioners that he sent the bid received to United for review. The bid from Niblock was considerably lower than the engineering estimate and he wanted to make sure this bid was accurate. With United's okay, Zack is recommending that the commissioners accept the Niblock bid in the amount of \$106,472.75. Gary Timmerman made that motion. Anita Hess seconded and the motion carried 3-0.
- 400 N – Zack indicated that construction would start tomorrow April 9, 2024 on this project. There is also an LPA Voucher for this project. Gary Timmerman moved to approve the voucher for construction engineering in the amount of \$1,708.38. Anita Hess seconded. Motion carried 3-0.
- Bridge 136 – Zack reported that the concrete box culvert is in place and the crews are working on the demolition of the house. Once complete this will open the project up for the main construction of the bridge.
- Bridge 44 – there is an LPA voucher for this bridge in the amount of \$271.06. Motion to approve came from Gary Timmerman with a second coming from Anita Hess. Motion carried 3-0.
- Ball Road - construction letting will be coming soon. With the approval from the state for this to be a safety project, the project will be fully funded.
- Bridge 134 – the environmental reports are complete for this project.
- Bridge 69 – Zack reported that right of way purchasing is complete on the west side of the project. The right of way work on the east side continues.
- Riley Road/Appleman Road – Zack has an LPA voucher for preliminary engineering in the amount of \$2,258.40. Gary Timmerman moved to approve. Anita Hess seconded and the motion carried 3-0.
- CR 100 N at 50W – Gary Timmerman moved to approve an LPA voucher in the amount of \$370.10 for this project. Anita Hess seconded and the motion carried 3-0.
- Excess parcels Albion Road – Zack told the commissioners that the title work is complete and the surveying is done. Kyle Bolyard will do an appraisal and then we will go from there concerning the possible sell of the parcels.
- Lakeshore Drive – Zack again talked with the commissioners about the possible acceptance of this roadway. He had secured a quote from Pulver Asphalt to pave. If paving there will be a lot of drainage work as well. The quote was for \$36,000.00. Zack will also put together a cost estimate for upgrading it to highway standards but keeping it in a gravel situation. There are currently around 6 homeowners in this section of roadway.
- Zack has the updated ADA Transition Plan complete. Gary Timmerman made a motion to accept the plan and to post the updated plan on the website. Anita Hess seconded. Motion carried 3-0. More sidewalk work will be done in LaOtto for this year's project.
- The Title VI implementation plan was also accepted and approved for publication on the web with a motion from Gary Timmerman. Anita Hess seconded. Motion carried 6-0.

COURTHOUSE RENOVATION

- Zack had pictures of the renovation progression at the courthouse. He indicated that most concrete was now complete.
- PR 3 is still "under development" but hopes to have this soon
- PCO #12 – this is for excess panel work and in the amount of \$549.82. Motion to approve came from Anita Hess. Gary Timmerman seconded. Motion carried 3-0.
- PCO #13- was concerning a water value issue in the probation area. The amount to supply power to this area was in the amount of \$950.00. Anita Hess also approved this with a motion. Gary Timmerman seconded. Motion carried 3-0
- PCO #18 – this was design development for the men's restroom and involved window case work. Anita Hess moved to approve the change in the amount of \$414.96. Gary Timmerman seconded. Motion carried 3-0.

- Lastly, Zack is discussing the builders risk insurance. Zack explained that Weigand takes care of this for new construction but when it is a renovation they do not. Jarrod Ramer from Black and Ramer Insurance is also present for this discussion. Jarrod had been able to renew the insurance with Liberty in the amount of \$21,653.00. There was an issue with the prior year's premium in the fact that the original project was at \$6.5 million which is what the premium was based on. The project came in at 13+ million and to renew – the company is requiring a back payment for the remainder of the project cost. This was over \$9,000.00. The renewal that Jarrod is bringing today will take us to April of 2025 at which time the project will be completed. Motion to renew the builders risk policy with the premium and back premium came from Gary Timmerman. Anita Hess seconded. Motion carried 3-0.
- Cost renovation updates and a construction outline update were provided to the commissioners.

REZONING

Teresa Tacket, Plan Director, was present to request rezonings on two parcels. She indicated that there were only 4 members of the plan commission board present but all voted in favor of the rezonings. Rezoning #580 was for Thomas and Patricia Smith and they are asking that 14.67 +/- acres be rezoned from A1 to RE, the second rezoning was for Justin & Kristie Beall and was Wind Mill Ridge Lot 1. This is rezoning #584 and will also go from A1 to RE. These two will be combined under one owner in the future. Motion to approve both rezonings (#580 and #584) was made by Anita Hess. Gary Timmerman seconded. Motion carried 3-0.

Bryan Hanson did not show up for his meeting with the commissioners that he had requested.

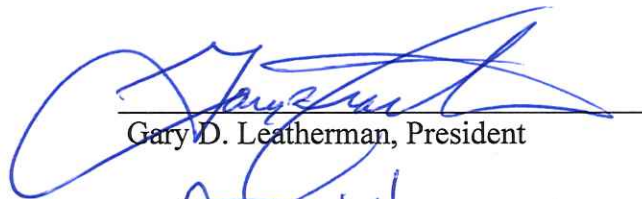
SOLAR

Deb Uhl was in attendance and asked for permission to speak to the commissioners about solar. This was not an agenda item and there was some reluctance to allow this but because of the open time Gary Leatherman allowed her to speak. For a transcript of the conversation, there is a recording of the session. Her main concern was the restrictions on the solar ordinance as well as the transparency of the meetings. Public hearings are advertised in two local papers as required by law. The notice is also placed on the web. Gary Leatherman as well as Anita Hess again tried to explain the process in making changes to the UDO/ solar ordinance. Spoke of many, many meetings, public hearing etc. that have taken place over the last few years to perfect this ordinance.

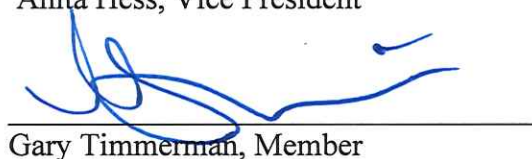
ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 10:55 AM recessed from day to day until April 22 2024

Dated this 22nd day of April, 2024


 Gary D. Leatherman, President


 Anita Hess, Vice President


 Gary Timmerman, Member

ATTESTED: 
 Michelle Mawhorter, Auditor