

**MINUTES OF A REGULAR SESSION OF THE  
BOARD OF COMMISSIONERS HELD May 13, 2024**

Comes now the hour of 8:30 am. on the 13<sup>th</sup> of May, 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.

**EMERGENCY MANAGEMENT**

Gabe Creech, EMA Director, came before the commissioners with a request to pursue a grant for equipment of each fire department in Noble County. This is for a Rescue Task Force equipment and the grant is in the amount of \$54,000.00. Gabe also informed the commissioners that this is a reimbursable grant so an additional will have to be granted so that the equipment can be purchased. He indicated that there typically is about a 4-6 weeks lag between the claim and reimbursement. Gary Timmerman moved to allow Gabe to pursue this grant. Anita Hess seconded and the motion carried 3-0.

**CORRESPONDENCE**

- IDEM – Forest River – Final decision for air permit
- IDEM – City of Kendallville - construction permit water pollution treatment/control facility
- Monthly report of the clerk of the circuit court – month of April 2024 – duly entered
- Men’s Health Month information – duly entered

**MINUTES**

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

Minutes of the executive session held April 29, 2024 were reviewed and approved as written. Anita Hess moved to approve with a second coming from Gary Timmerman. Motion carried 3-0.

Minutes of the Special Meeting were also approved with a motion from Anita Hess. Gary Timmerman seconded and the motion carried 3-0.

**10% REDUCTION WAIVER**

Gary Timmerman moved to waive the 10% reduction in pay for newly hired maintenance supervisor Glenn Ryan citing previous knowledge and experience in this area. Anita Hess seconded. Motion carried 3-0.

**CLAIMS**

Claims dated May 13, 2024 were reviewed by the commissioners. The 14-page report totaled \$2,126,138.80 and was approved with a motion from Anita Hess. Gary Timmerman seconded and motion carried 3-0.

Misc. Claims were also approved with a motion from Anita Hess and a second coming from Gary Timmerman. Motion carried 3-0. This was a 4-page report that totaled \$815,364.04.

**PAYROLL**

Payroll dated May 2, 2024 in the amount of \$498,619.92 was approve with a motion from Gary Timmerman. Anita Hess seconded. Motion carried 3-0.

Payroll dated May 16 was also approved. This was a 3-page report totaling \$506,844.46 and was approved with a motion from Gary Timmerman and a second from Anita Hess. Motion carried 3-0

#### OLD BUSINESS

The Automated Logic Service Contract was again reviewed after corrections were requested. After review Gary Timmerman moved to approve the signing of the service agreement. Anita Hess seconded. Motion carried 3-0.

#### NEW BUSINESS

Jackie Knafel, County Coordinator, is asking about the notice of termination for the Time Clock Plus System. The commissioners decided to table this until verification that the new system would be fully operational by the August 19, 2024 deadline. This will be reviewed at the next commissioners meeting.

Jackie also informed the commissioners that credits that were received from Enterprise on vehicles that were returned through new leases would be credited to monthly payment on the replacement vehicles. This would include two 2023 Ford Escapes; and four 2024 Chevy Equinox's.

A title was signed for a 2018 Dodge Ram 1500 with a "last four" VIN numbers of 0163. Motion to sign came from Anita Hess. Gary Timmerman seconded and the motion carried 3-0.

#### HIGHWAY

Richard Rogers, Highway Inspector, was present to update the commissioners on the highway business:

- Richard is requesting a variance on behalf of a resident on 415 N. There is only 190 ft of sight distance for this driveway. There is an easement on the property that would be a better location by the residents are willing to assume the liability for the short sight distance. With this acknowledgement of liability, Gary Timmerman moved to approve the variance for the driveway. Anita Hess seconded the motion. Motion carried 3-0.
- The second variance is for a Jacob Oberlin at the corner of 825 W and 400 S. They would like their driveway to come off of 400 S which is about 55 ft short of the intersection requirements. Richard indicated that he was okay with due to the fact that there was a stop at that intersection. Gary Timmerman moved to approve. Anita Hess seconded. Motion carried 3-0.
- The 3<sup>rd</sup> driveway variance was for a Colin Mullins on 400 S. This is 40 ft short on sight distance but is the best location for the drive. Gary Timmerman moved to approve the variance. Anita Hess seconded and the motion carried 3-0.

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

- Zack presented the 2024 Road Evaluation Report and did a quick summary of the findings:
  1. There are 812.86 miles of road maintained by the highway department in Noble County
  2. Richard Rogers, Highway Inspector, does a lot of the field inspection work.
  3. The 2024 road ratings went from 6.81 in 2023 to 6.88 in 2024.
  4. The department is sticking to its' goals and making strides in improvements.
  5. Zack reported that the CCMG has helped greatly in achieving the improvements and this year \$1.5 million will help with this goal.

Anita Hess moved to approve the report for the web. Gary Timmerman seconded. Motion carried 3-0.

- CCMG bid packages are out for advertisement for Asphalt as well as cement repair. They will be opened at the May 28, 2024 commissioners meeting. There are also matching grant agreements for these projects. The first is for the cement repair in the amount of \$386,250.00 and the second is for the HMA overlay in the amount of \$1,113,750.00. Gary Timmerman moved to approve the agreements. Anita Hess seconded. Motion carried 3-0
- Bridge Deck Overlay work – this work will be beginning soon and will be paid from the CEDIT funds.
- 400 N – Zack report earth work is continuing on this project with ditching, culvert work and pipe work beginning. Zack has an LPA voucher for this project in the amount of

\$15,175.82 which is approved with a motion from Gary Timmerman and a second from Anita Hess. Motion carried 3-0.

- Bridge 136 – work continues on this project with a lot of dirt being hauled in for the elevation at this location. Zack provided pictures of the work and also has an LPA voucher for this project. The voucher is for Preliminary Engineering in the amount of \$500.00. Motion to approve this voucher came from Gary Timmerman and was seconded by Anita Hess. Motion carried 3-0.
- Bridge 134 – Zack reported that the funding for this project has been awarded and right of way acquisition should start soon. The LPA Voucher for this project came in at \$4,115.00 and was approved with a motion from Gary Timmerman. Anita Hess seconded. Motion carried 3-0.
- Bridge 69 – an LPA voucher for Preliminary Engineering in the amount of \$9,836.60 was received for approval. Gary Timmerman moved to approve the voucher. Anita Hess seconded and the motion carried 3-0. There was a second vouchered for Preliminary Engineering on this project. The amount of the LPA voucher was \$3,538.19 and it was approved by a motion from Gary Timmerman and a second from Anita Hess. Motion carried 3-0.
- A preliminary engineering LPA voucher was received for Old State Road 3 in the amount of \$3,430.00. Motion to approve the voucher came from Gary Timmerman. Anita Hess seconded and the motion carried 3-0.
- Riley Road / Appleman Road – this project has an LPA voucher in the amount of \$11,943.10 for preliminary engineering. This is approved with a motion from Gary Timmerman. Anita Hess seconded. Motion carried 3-0.
- Albion Road excess Parcels – Zack talked briefly concerning this issue. Appraisals have been completed. Zack presented correspondence to the commissioners that he has had with the plan commission as well as the Surveyor's office. Dennis Graft, County Attorney, told the group that at the very least the appraised value as well as expenses associated with this project need to be recouped in the sale of this property.
- 600 S- Zack reported that the department will do another speed study in this area due to the request of the residents. He will hopefully have a report for the next meeting.
- Richard Rogers reported that HMA project going on currently is finishing up on the Wolf Lake Road and will then move to the Long Lake Road.

#### COURTHOUSE RENOVATION

Zack Smith, Project Manager, presented the following information to the commissioners:

- Zack provided a copy of the May 15, 2024 progress minutes.
- The process continues to progress with many sub-contractors on sight and the schedule appears to be somewhat ahead of schedule.
- Work continues on all 3 floors of the courthouse with about 30% of the plaster work complete.
- PCO #21 – this is for access doors and in the amount of \$183.62 to come from the contingency. Motion to approve the PCO came from Anita Hess. Gary Timmerman seconded. Motion carried 3-0
- PCO #28 – This is in the area of the elevator – additional cement work was done in the amount of \$1,486.36 coming from contingency. Motion to approve this came from Anita Hess and was seconded by Gary Timmerman. Motion carried 3-0.
- PCO #29 – this is for Chimney Brick repair in the amount of \$3,485.68 with this also coming from contingency. Motion to approve the PCO came from Anita Hess. Gary Timmerman seconded. Motion carried 3-0.
- Zack informed the commissioners the results of the council meeting which provided money from the Cum Courthouse fund to pay for the pre-wiring for the courts. The detailed equipment for the courts will be discussed at a later date.
- FFE - Zack had some estimates for the Furniture and equipment for the courthouse, which came in at \$459,257.74. Discussion as to where this funding might come from and Anita Hess moved to fund this from CREDIT funds. Gary Timmerman seconded and the motion carried 3-0.

#### UNSAFE HOUSING

Mike Klopfenstein, Building Inspector, was present for this discussion in reference to the building at SR 9 and SR6. This is owned by Saleh Ali Omar. Mr. Omar and his brother are in attendance. Mike had a presentation concerning the history of this building as well as the attempt repairs being

made. At the conclusion of the presentation, Mike told the board that he is recommending that the county proceed with demolition of the building. Nelson LeCount was also in attendance and he was in agreement with Mr. Klopfenstein. Mr. Omar told the board that at the last meeting he was instructed to secure the building and that is what he was attempting to do. After that was accomplished then his plans were to start the renovation process. Gary Leatherman told Mr. Omar that according to the pictures that were provided, it looked like the contractor had simply “band-aided” the building and that things were not be done to code. At the conclusion of the meeting today, Mr. Omar was given the option to hire a structural engineer to inspect the property and give him an outlined construction needs and an estimate of what this might cost to get the building to code. At that time Mr. Omar can make the decision to proceed with renovation or if the cost is beyond what he wants to pay – the building will be demolished. Gary Timmerman moved to set a review for July 22, 2024 at 10:00 AM for the decision as to how Mr. Omar will proceed. Anita Hess seconded. Motion carried 3-0.

#### COUNCIL ON AGING

Cherish Mishleau, Noble County Council on Aging Director, had a correction to make on recent paperwork she submitted. This was on the “local funding sources detail” and the corrected amount was \$230,219.00.

Cherish is also requesting a signature on Federal Funds Match for the Transit Van. The request was for \$53734.00. Anita Hess moved to sign the paperwork. Gary Timmerman seconded. Motion carried 3-0.

#### SHERIFF

Max Weber, Noble County Sheriff, was present to discuss the Trane Service Agreement. Max is requesting a 5-year agreement and covers 1.5-5-ton RTU, 3-10 Ton RTU, Air cooled chiller, Tracer SC, with the 1<sup>st</sup> year pricing at \$13,746.00. This will include on-site scheduled maintenance, remote inspections, performance Check-ins. Motion to approve the 5-year contract came from Gary Timmerman. Anita Hess seconded and the motion carried 3-0.

Max also is requesting a 1-year maintenance agreement for the Heating Boilers & Equipment. This is quoted at \$13,700.00. Gary Timmerman moved to approve the agreement. Anita Hess seconded and the motion carried 3-0.

Max is discussing changes in staffing at his department. Angie Baczynski plans to retire in early fall and Wanda Truelove will be retiring at the end of the year, with this in mind, Max is wanting to only replace the office manager and only have 4 office staff rather than the current 5 office employees. He wants to then have an assistant jail commander, which he is suggesting a salary of \$56,800.00. Max indicated that the jail is a very busy place and there is an increasing amount of paperwork which makes it difficult for one person to handle. Gary Timmerman moved to approve the requested changes pending Council approval. Anita Hess seconded. Motion carried 3-0.

#### PROBATION

Jared Owen, Chief Probation Officer, was present to quickly review the changes in the probation department. Jared reported that department plans to combine all of the problem-solving courts and add a “mental health” aspect to the court services. Jared also reported that pre-trial supervision certification has been sent to state for final certification.

#### RECESS

Back in session

The Solar ordinance was back on the agenda for discussion. There were many people in attendance, however this was not a public meeting, so no public input was allowed. Gary Leatherman turned the discussion over to Gary Timmerman. Gary Timmerman had provided information to the other commissioners as the focus of his discussion. Gary T. told the group that he was asking that the commissioners consider a “pause” or “moratorium” on the solar portion of the UDO. “There has been laws and things that have come to light recently, which is the reason for this request”.

1. House Bill 1183, which “bars entities affiliated with China, Cuba, Iran, North Korea, Russia and Venezuela from acquiring or renting agricultural land”. There were several things discussed about this situation and most importantly - who was to monitor and enforce this law. It was determined that the Attorney General was the one identified.
2. Gary T provided information that indicated that the solar lease is sold from the original company many times over and could end up in the hands of the above adversaries.
3. The third attachment was that of a “good neighbor agreement” from DeKalb County in which the solar company would have to pay the affected neighbor a certain amount of money when starting a solar project.
4. Article from Boone County stating the commissioners have done a 2-year moratorium in that county.
5. And finally, the listing of what the is being requested that the commissioners send back to the Plan Commission board:
  - Surety within the commercial Solar Overlay be amended in such a way as to be consistent with the preexisting surety requirements
  - Owner/Operator with the Commercial Solar Overlay be amended to say “land owner/operator”.
  - Commercial Solar Overlay be amended in such a way that it includes a standalone right of entry clause, giving the county the right to enter the premises at the discretion of the county, and this include the right of the county to obtain soil samples at the discretion of the county.
  - Commercial Solar Overlay be amended in such a way as to prohibit the use of any solar panel that may contain cadmium.
  - That the setbacks within the Commercial Solar overlay be amended to better protect adjacent property values.
  - The Commercial Solar overlay be amended to exclude projects that obtain government funding.
  - And lastly, requesting that the Commercial Solar Ordinance be amended to only allow for private/localized usage, and that a local task committee be formed to author said amendment.

Discussion <sup>among</sup> the Commissioners, County Attorney, Teresa Tackett, Everett Newman and George Bennett then began. After questions, discussions etc. it was determined that the first four items listed above could possibly be taken care of at the next plan commission meeting.

Item 5 – concerning setbacks, Gary Timmerman referred to Whitley County’s ordinance which has 1500 feet of setbacks. After another lengthy discussion, it was suggested that Teresa review Whitley County’s ordinance for suggestions to the setbacks.

Item 6 - As far as funding, it was deemed that it would be extremely hard to determine funding sources and the only way to possibly affect the solar project, might be through the abatement process. Gary Timmerman would like to have these project completely privately funded.

Item 7 – When it comes to the private / localized usage, it was suggested that the commissioners contact REMC – to see if a representative could come and explain how the grid works as to the transporting of the energy.

**APPLIED NATURAL SCIENCES**

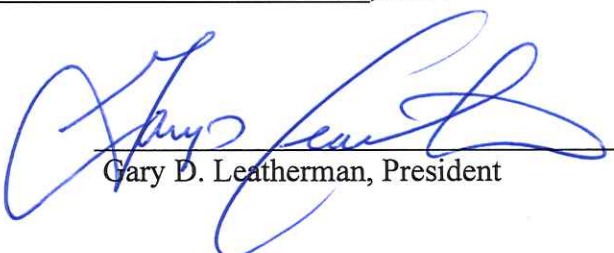
Gary Leatherman had received a proposal for 2024 replanting and Deer Guard installation of the trees at the landfill. This was in the amount of \$8,300.00 and was approved with a motion from Gary Timmerman and a second from Anita Hess. Motion carried 3-0.

**ADJOURNMENT**

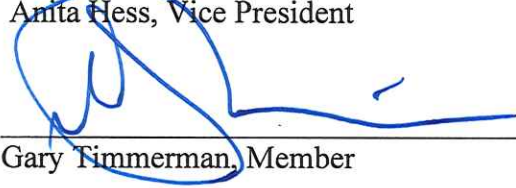
Dave made a motion to adjourn. Anita seconded the motion. Motion carried.

This session of the Board of Commissioners of Noble County was at approximately 3:15 PM recessed from day to day until May 28, 2024.

Dated this 28<sup>TH</sup> day of May, 2024

  
 Gary D. Leatherman, President

  
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Anita Hess, Vice President

  
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Gary Timmerman, Member

ATTESTED:   
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Michelle Mawhorter, Auditor