

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD Tuesday June 23,
2025**

Comes now the hour of 8:30 am. on the 23rd day of June, 2025 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
Zack Smith, Highway Engineer
Dennis Graft, Noble County Attorney

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

HOLIDAYS

Judge Steven Clouse was present to discuss the possibility of adding July 3rd to the holiday calendar. He referred to SB 1 with the cutting of revenue there may not be a lot of flexibility in the upcoming years as far as raises etc. and the fact that we have two less holidays this year as there was no election, that possibly the commissioners would be willing to add July 3 as an additional holiday. Gary Timmerman voiced his option about this, stating that the employees get several holidays as it is and that he was opposed to the extra day. Anita Hess said that she was wondering about another day since the July 4th holiday was coming up within the next couple of weeks – suggesting possibly the Friday before Labor Day. This would give employees a bit more time to make plans. Gary Leatherman suggested that the commissioners consider a floating holiday. This would give all employees the time off at their choosing and would not add to the burden of “holiday pay” that is given to the 24/7 employees. After more discussion, Anita Hess moved to add one floating holiday for 2025 only. Gary Leatherman seconded and the motion carried 2-1 with Gary Timmerman voting against the motion. Notification will be made to the employees.

CORRESPONDENCE

- Indiana Opioid Settlement Newsletter
- Health First Indiana Updates
- IDEM – Air permits update for Milestone contractors
- Town of Albion – concerning Wellhead protection areas

MINUTES

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

CLAIMS

Claims in the amount of \$1,205,348.27 and dated 6/23/25 were approve with a motion from Gary Timmerman. Anita Hess seconded and the motion carried 3-0. This was a 15-page report that was reviewed.

MISC CLAIMS

Misc claims for the month of May were reviewed and approved with a motion from Gary Timmerman. Anita Hess seconded the motion. The motion carried 3-0. This was a 4-page report that totaled \$811,547.45.

PAYROLL

Gary Timmerman made the motion to approve the payroll dated 6/26/25. This was a 3-page report that totaled \$548,020.00. Anita Hess seconded and the motion carried 3-0.

NEW BUSINESS

The employee contract with Jay Cheshier, 911 Director, has been signed by Jay and is before the commissioners for final signatures. Anita Hess moved to sign the contract. Gary Timmerman seconded and the motion carried 3-0.

HIGHWAY

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

- Storm Damage – Zack reported on the storm damage – and has not heard back from the company since supplying the added repair and labor costs. Zack indicated that work needs to begin on getting the new roof on the old shop. He has secured 3 quotes for the roof:
 1. PCR Commercial Roofing \$86,611.00
 2. Five Star Roofing 3 ply 30 years \$86,000.00
 3. Five Star Roofing 2 ply 20 years \$69,000.00Zack is recommending that we go with the 2 ply at \$69,000.00. Gary Timmerman moved to approve the Five Star Roofing 2 ply 20-year quote of \$69,000.00. Anita Hess seconded and the motion carried 3-0.
- The public hearing was held for the ADA and Title VI resolutions that are before the commissioners today. The USI representative that had helped with the resolutions to make them compliant with INDOT requirements was present along with Zack Smith. There being no public opposition to either resolution, a motion was made by Gary Timmerman to adopt the 2025 -27 ADA resolution, naming Zack Smith the ADA Coordinator as well as the 2025-28 Title VI resolution, naming Jackie Knafel as the Title Vi Coordinator. Anita Hess seconded and the motion carried 3-0
- CCMG 2024 – Zack reported that this project is complete.
- CCMG 2025 – Bridge 33 will have a pre-construction meeting tomorrow and the overlay projects are hoping to get underway in the fall.
- Bridge Inspection – There is an LPA voucher in the amount of \$8,699.85 for preliminary engineering for this project. Gary Timmerman moved to approve. Anita Hess seconded and the motion carried 3-0.
- Bridge 136 – there is an LPA voucher for construction engineering in the amount of \$242.05. There have been requests for guardrails for the area and the inspection was to define the guardrails as an eligible expense for the project. Gary Timmerman moved to approve the LPA voucher. Anita Hess seconded. Motion carried 3-0.
- Bridge 44 – the LPA voucher for this project was in the amount of \$141.06 for construction engineering and was approved with a motion from Gary Timmerman and a second from Anita Hess. Motion carries 3-0.
- Ball Road – this realignment project has begun and travel in the area is very limited.
- Zack reported that there is only one parcel remaining in the right of way work for Bridge 134 and Bridge 69 so the projects are getting closer.
- OLD STATE ROAD 3 – there is an LPA voucher in the amount of \$3,259.00 for Preliminary engineering. Gary Timmerman moved to approve. Anita Hess seconded and the motion carried 3-0.
- Bridge 59 - Letters of interest are due for review at the next Commissioners meeting.
- Bridge 61 – the LPA voucher for this project is in the amount of \$7,490.00 and is approved with a motion from Gary Timmerman and a second from Anita Hess. Motion carried 3-0.
- Bridge 56 – there is an LPA voucher for preliminary engineering in the amount of \$19,929.00 which is approved by a motion from Gary Timmerman and a second from Anita Hess. Motion carries 3-0.
- Zack reminded the commissioners that the Ordinance to make 200 N at 800 E a stop rather than a yield and the increase to buggy plate fees will hold the public hearings at the July 14, 2025 meeting.
- 525 W - Zack has done the traffic investigation on this road due to concern of residents in the area about the new gravel pit location. Zack indicated that this is low volume road and he feels that the speed set is appropriate for the area however he did recommend that signs be erected that would prohibit truck traffic from the new gravel pit going south to 625 N. All truck traffic from the gravel pit would need to go north out to US 6. Gary Timmerman moved to approve this action to be taken. Anita Hess seconded and the motion carried 3-0.
- A letter was received from INDOT concerning a local detour route using 200 N and 1150 E. There will be a small structure pipe lining installed on St Rd 8 east of Avilla in the

Spring of 2026. Gary Timmerman moved to approve the local detour. Anita Hess seconded and the motion carried 3-0.

- Zack has received a request to place a new larger sign at the entrance to Oak Shores Development. This was within the right of way of County Road 150 E so permission was needed. Anita Hess moved to approve the sign placement. Gary Timmerman seconded and the motion carried 3-0.
- Anita Hess asked Zack to pass along the appreciation from the homeowners at Baby Mountain during their recent concrete work that they did for the county.

COURTHOUSE RENOVATION

Zack reported that he was working on closing out the project as the renovation is complete. The signs are up in the courthouse and almost complete with a few corrections to be made. The signs for parking have been taken care of. Zack reported that there have been condensation coming off some of the pipes which are being addressed. Zack complimented Glenn Ryan saying that he has been stepping up to help with these issues.

UNSAFE HOUSING

Mike Klopfenstein, Building Inspector, was present to discuss the Barth unsafe housing issue. Mike indicated that he had not been there for a few days but there was progress being made. Mike sent his assistant building inspector out to take pictures of the property and will report back before the end of the meeting. The commissioners tabled any decisions concerning this property until 11:30 when an update would be available.

REZONING

Sarah Campbell from the Planning department was present in the absence of Teresa Tackett. A rezoning of 40 + acres is being requested by Valerie & Charles Lake from A1 to RE. Ryan Pepler was in attendance representing the Lake Family – indicating a 5-lot split of the property. This would allow building on 3 lots with the other 2 lots being retained by Mrs. Lake. Sarah indicated that the only opposition to this rezoning was concerns of wildlife in the area. The only other issue was that of a driveway for lot 3. This was being addressed with either the pending approval by the state for a driveway onto SR 205 or a shared drive with lot 2 onto CR 450 S. This rezoning has received a favorable recommendation from the plan commission board. Anita Hess moved to approve the rezoning. Gary Timmerman seconded and the motion carried 3-0.

BONTRAGER REZONING

Sarah Campbell, plan commission, along with Scott Ziegler, Hand to Plow surveyor, Orvan Bontrager and Mr. Bontrager's attorney were present for this public hearing. There were also a number of others in attendance. Sarah gave the report of the plan commission – stating that the board had given an unfavorable recommendation for this rezoning. She also had received cards from adjacent property owners with concerns of road safety, and semi traffic because of the business. There were comments from different departments such as the highway department would want the loading dock located so that the trucks would NOT be backing into the dock from the road. The surveyor's office had commented that because of the growth of the business it is no longer compliant with the Storm and Erosion ordinance. The building department was concerned that this started out a home-based business and has become much more than that without meeting the compliance issues of the state such as sprinkler systems etc. Mr. Bontrager's attorney explained that Mr. Bontrager wanted to build a warehouse at this location to prevent some of the traffic in the area. Currently he has to take the finished product to a storage facility to hold it until the orders come in and then he picks it up and brings it back to his location for shipment. Having the warehouse to store the finished product would prevent the moving back and forth of the furniture.

John Altimus was present and had a presentation to show the commissioners. He was concerned with safety both on the property as he indicated that burning of the poly furniture material is highly toxic and should be avoided. Road safety was a huge concern with an Amish school in the immediate area there are buggy's, bike traffic as well as foot traffic and this road had 3 90 degree turns on it to get to this facility. It is a rural road and now has a lot of semi traffic.

Jeremy Altimus also spoke. He has 3 young children and certainly traffic is a concern. He is also concerned that the rules for a "home-based business" is not being followed. He stated that Mr. Bontrager is asking to rezone 4.9 acres so feels that there is more expansion to come.

Jeremy Brown was also in the crowd and was concerned of what value a written commitment would make. He indicated that Mr. Bontrager was not following the rules for a home-based business why would he follow the rules of a written commitment.

Gary Timmerman was concerned that this business was allowed to begin and grow in Noble County and now we are stopping the progression. "We gave 4 building permits since 2018" "We allowed the expansions without requiring storm and erosion plans". Surveyor Randy Sexton indicated that because of the size of the buildings in each of those permits, and it not meeting the size requirement for storm and erosion ordinances, it fell under the radar. He indicated that this has now been corrected in his office. Mr. Timmerman would like to see the two sides work together to possibly come up with a solution to allow this business to continue. Mr. Altimus indicated that he had already tried that approach but it was turned down. Mr. Brown indicated that even though the sides come together and a written commitment is made, will it be enforced as Mr. Bontrager agreed to the terms of the "home based business" and has violated that ruling. Shelley Altimus asked the board how a written agreement is enforced. Dennis Graft, County Attorney, responded that it gives this group the opportunity to file complaints when they see the commitment not being followed.

Anita Hess told the group that ^{SHE}her and Teresa Tackett had met with a group of Amish gentlemen and discussed the home-based businesses. They discussed the possibility of moving some of the businesses to an industrial setting which would allow expansions and prevent things like this from happening. Anita then made a motion to deny the rezoning as it is currently written and presented. Mr. Bontrager can reapply. If the application is left as is, he must wait a year to reapply. If rewritten and changes are made to the application, he can apply sooner. Gary Leatherman indicated that in 13 years of looking at these rezonings, he relies very heavily on the recommendation of the plan commission board to make his decisions. Gary seconded the motion. Motion carried 2-1 with Gary Timmerman voting against the motion citing the county's errors in allowing the business to get to this point.

UNSAFE HOUSING

Mike Klopfenstein, Building Inspector, is back with pictures of the Barth property. He is reporting that significant progress has been made. There is still some work to be done, but Mike is recommending that the county give Mr. Barth additional time to complete the work. A review of the property will be done and Mike will report back to the commissioners at their August 11, 2025 meeting at 10:00 AM.

2026 BUDGET

A quick review of the budgets that the commissioners oversee was made. Jackie will continue to update the commissioners of any changes prior to budget hearings in August.

ADJOURNMENT.

This session of the Board of Commissioners of Noble County was at approximately 12:00 noon recessed from day to day until July 14, 2025

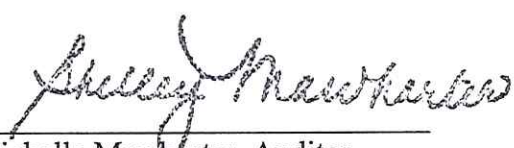
Dated this 15th day of July, 2025


Gary D. Leatherman, President


Anita Hess, Vice President


Gary Timmerman Member

ATTESTED:


Michelle Mawhorter, Auditor