

# Tippecanoe County Board of Commissioners

## Meeting Minutes

Monday, March 21, 2022

10:00 am

Tippecanoe Room, Tippecanoe County Office Building  
20 N 3rd Street, Lafayette, Indiana

Commissioners present President David S. Byers, Vice President Tracy A. Brown and Member Thomas P. Murtaugh.

Also present: Attorney Matthew Salsbery, Commissioners' Assistant Paula Bennett, and Recording Secretary Jennifer Wafford. Absent: Attorney Doug Masson, and Auditor Robert Plantenga.

- I. **PLEDGE OF ALLEGIANCE** – President Byers called the meeting to order and led the Pledge of Allegiance
- II. **APPROVAL OF MINUTES** from Monday, March 07, 2022.
  - Commissioner Brown moved to approve the minutes as presented, second by Commissioner Murtaugh. Motion carried.
- III. **PRESENTATION OF ACCOUNTS PAYABLE** – Paula Bennett presented and recommended:
 

The claims from March 9, 2022, through March 21, 2022, were recommended for approval without exception.

  - Commissioner Brown moved to approve the Accounts Payable as presented, second by Commissioner Murtaugh. Motion carried.
- IV. **PRESENTATION OF PAYROLL** – Paula Bennett presented and recommended:
 

The payroll from March 18, 2022 was recommended for approval without exception.

  - Commissioner Murtaugh moved to approve the Payroll as presented, second by Commissioner Brown. Motion carried.
- V. **APPROVAL OF BID FOR TCOB ROOF PROJECT** – Tracy Brown presented and recommended:
 

Awarding the Bid for the TCOB Roof Project, to Sentry Roofing, based on the recommendation of Tecton. The amount of the awarded bid is \$234,190, with a unit price of \$2.94.

  - Commissioner Brown moved to approve awarding the Bid as presented, second by Commissioner Murtaugh. Motion carried.
- VI. **AREA PLAN** – Thomas Murtaugh presented and recommended:
  - A. **ORDINANCE 2022-02-CM**, UZO Amendment #103
    - Commissioner Murtaugh moved to consider ORDINANCE 2022-02-CM, second by Commissioner Brown.

Commissioner Murtaugh advised that this UZO amendment would change the sections on home occupations to include the currently prohibited state-licensed medical professionals. This amendment went through the Ordinance Committee for APC, and then through APC where it passed unanimously.

President Byers asked if there was any public comment, and then called for the vote:

    - Deputy Auditor Wafford recorded the vote:
 

Commissioner Byers	Y
Commissioner Brown	Y

Commissioner Murtaugh Y  
Ordinance 2022-02-CM passed with a vote of 3-0.

**VII. HIGHWAY** – Stewart Kline presented and recommended:

1. The approval of a Warranty Deed and Temporary Easement Grant, for a right-of-way acquisition for the Yeager Road Project. The Warranty Deed is for the right-of-way purchase for Parcel 1A, 1B, 1C, and the Temporary Easement is for Parcel 1D, and 1E. The Transfer documents are for property owned by Purdue Research Foundation. The Warranty deed is in the amount of \$62,600, and the Temporary Easement is in the amount of \$14,500.
  - Commissioner Brown moved to approve the Warranty Deed and Temporary Easement Grant as presented, second by Commissioner Murtaugh. Motion carried.
2. The approval of a Warranty Deed and Temporary Easement Grant, for a right-of-way donation for the Yeager Road Project. The Warranty Deed is for the right-of-way purchase for Parcel 6 and 6A, and the Temporary Easement is for Parcel 6B and 6C. The Transfer documents are for property owned by the City of West Lafayette. The parcels are being donated to the County by the City of West Lafayette.
  - Commissioner Murtaugh moved to approve the Warranty Deed and Temporary Easement Grant as presented, second by Commissioner Brown. Motion carried.
3. The approval of a Warranty Deed and Temporary Easement Grant, for a right-of-way acquisition for the Old 231 and 500 South Safety Improvement Project. The Warranty Deed is for the right-of-way purchase for Parcel 2, and the Temporary Easement is for Parcel 2A. The Transfer documents are for property owned by Samuel and Chelsi Beaman. The Warranty deed is in the amount of \$7,700, and the Temporary Easement is in the amount of \$3,150.
  - Commissioner Brown moved to approve the Warranty Deed and Temporary Easement Grant as presented, second by Commissioner Murtaugh. Motion carried.
4. The approval of a Warranty Deed and Temporary Easement Grant, for a right-of-way acquisition for the Old 231 and 500 South Safety Improvement Project. The Warranty Deed is for the right-of-way purchase for Parcel 4, and the Temporary Easement is for Parcel 4A. The Transfer documents are for property owned by Ronald and Ingrid Whittle. The Warranty deed is in the amount of \$6,600, and the Temporary Easement is in the amount of \$2,300.
  - Commissioner Murtaugh moved to approve the Warranty Deed and Temporary Easement Grant as presented, second by Commissioner Brown. Motion carried.
5. The approval of a Warranty Deed and Temporary Easement Grant, for a right-of-way acquisition for the Old 231 and 500 South Safety Improvement Project. The Warranty Deed is for the right-of-way purchase for Parcel 11, and the Temporary Easement is for Parcel 11A. The Transfer documents are for property owned by Kimberly Donoho. The Warranty deed is in the amount of \$7,100, and the Temporary Easement is in the amount of \$1,250.
  - Commissioner Murtaugh moved to approve the Warranty Deed and Temporary Easement Grant as presented, second by Commissioner Brown. Motion carried.
6. The approval of a Warranty Deed and Temporary Easement Grant, for a right-of-way acquisition for the Yeager Road Project. The Warranty Deed is for the right-of-way purchase for Parcel 14, and the Temporary Easement is for Parcel 14A. The Transfer documents are for property owned by Brenda Burton. The Warranty deed is in the amount of \$6,350, and the Temporary Easement is in the amount of \$1,250.

- Commissioner Brown moved to approve the Warranty Deed and Temporary Easement Grant as presented, second by Commissioner Murtaugh. Motion carried.
7. A Professional Services Agreement with Christopher B. Burke Engineering LLC., for the schematic design of the Pretty Prairie Dam. This contract is not to exceed \$109,500.
    - Commissioner Murtaugh moved to approve the agreement as presented, second by Commissioner Brown. Motion carried.
  8. An Application for a Permit to Close or Block Road, from Wyandotte Elementary School. This is for their 5K Fundraiser on April 29, 2022. The closure or restriction will apply to 50 S, 550 E and McCarty Lane. The closure will begin at 5:45 P.M. and finish at 7:30 P.M.
    - Commissioner Brown moved to approve the road closure as presented, second by Commissioner Murtaugh. Motion carried.
  9. The acceptance of a proposal from Central Paving, in the amount of \$1.27 a gallon, for calcium chloride dust palliative applications.
    - Commissioner Murtaugh moved to approve the proposal as presented, second by Commissioner Brown. Motion carried.

**VIII. RESOLUTION 2022-09-CM, Opioid Settlement Opt-In – Matthew Salsbery presented:**

Attorney Salsbery advised that there is a package of documents requiring approval along with the Resolution, regarding the Opioid Class Action in which the County is involved. There are two separate class actions, in which the County is involved. Previously, the State had enacted legislation that would have consolidated a statewide settlement. It gave the local counties and political subdivisions the opportunity to opt-in. However, the terms were not favorable, and Counsel had recommended the County not opt-in. However, House Bill 1193 has made some modifications to the terms, such that Counsel is now recommending that Tippecanoe County now opt-in. One of the key term changes is that the attorney fees, per the settlement are going to be reduced significantly from the 30%, which the County had already agreed upon, down to about 8.7%. The settlement will be paid out over seven years in installment payments. There are two separate distributor settlement agreements, along with the Resolution that the County Attorney's office has prepared. They are recommending that the settlement agreements, and the fee agreements also be signed with the Resolution. The first distributor settlement is with McKesson Corporation, Cardinal Health, and AmerisourceBergen, and the expected payout for this settlement would be \$2,022,836.34. The second distributor settlement is with Jansen and Johnson and Johnson defendants, and the expected payout from this settlement would be \$474,353.20. Both of these settlement amounts would be reduced by the 8.7% attorney fee. Because of the favorability of these terms, the County Attorney is recommending that the Commissioners agree to the Opt-In Resolution, and then sign the attached forms.

- Commissioner Murtaugh moved to approve RES 2022-09-CM, second by Commissioner Brown. Motion carried.

**IX. RESOLUTION 2022-10-CM, Expenditures of ARPA Funds – Thomas Murtaugh presented:**

Commissioner Murtaugh noted that this resolution is just adopting what was adopted by the Council at their last meeting, regarding the spending expenditure plan. He stated that the projects listed cover multiple areas within the allowable categories for allowable expenses.

- Commissioner Murtaugh moved to approve RES 2022-10-CM, second by Commissioner Brown. Motion carried.

**X. CONSERVATION LAW CENTER ENGAGEMENT LETTER** – Tracy Brown presented and recommended:

Commissioner Brown noted that the Commissioners have been working with a group of citizens on, what has been referred to as, the Americus, Buck Creek, Colburn Wastewater Project. They have a steering committee and have met with representatives from the Conservation Law Center at Indiana University. Mr. Freitag, who heads up that division at IU, has a class of aspiring attorneys, who will be looking at the differences and the benefits of a regional sewer district versus a conservancy district. They will present the group with a white paper of pros and cons, and part of that is entering into this agreement.

- Commissioner Brown moved to approve the engagement letter as presented, second by Commissioner Murtaugh. Motion carried.

**XI. REVISED CONTRACT WITH ARKOR FOR VILLA PROJECT** – Matthew Salsbery presented and recommended:

The approval of a revised contract with Arkor for the ADA project at the Villa. Attorney Salsbery advised that his office had no issue with the form and legality of the proposal as presented. However, Tippecanoe County has its own additional terms and conditions that are required to be attached to the contract. Attorney Salsbery drafted those terms and conditions and have included them in the packet for approval.

- Commissioner Brown moved to approve the revised contract, subject to the execution of the additional terms and conditions as presented, second by Commissioner Murtaugh. Motion carried.

**XII. PROPOSAL FOR WABASH RIVER HYDRAULIC MODELING AT US 231** – Thomas Murtaugh presented and recommended:

A proposal from Christopher B Burke Engineering, in partnership with the City of West Lafayette, to provide hydraulic modeling of the Wabash River near US 231 in West Lafayette.

- Commissioner Murtaugh moved to approve the proposal as presented, second by Commissioner Brown. Motion carried.

**XIII. MAINTENANCE** – Tracy Brown presented and recommended:

A inspection agreement with Brenneco Fire Protection in the amount of \$650, for the 629 Building, to provide inspections and fills on the fire extinguishers.

- Commissioner Brown moved to approve the agreement as presented, second by Commissioner Murtaugh. Motion carried.

**XIV. HEALTH DEPARTMENT** – Amanda Balsler presented and recommended:

A subscriber renewal agreement with Mitchell & McCormick, for insurance billing services. Amanda notes that they have opted to only renew for 1 year at this time, due to some issues they had during COVID with training. They have asked the company to fix those issues and create some training videos to help make in-house billing easier for insurance companies. This allows the health department to bill private insurance for immunizations, and the expense is paid out of the immunization grant.

- Commissioner Brown moved to approve the agreement as presented, second by Commissioner Murtaugh. Motion carried.

**XV. CHANGE IN POLICY- COMPENSATION FOR SNOW AND ICE REMOVAL** – Shirley Mennen presented and recommended:

Shirley notes that this is not a change in policy, but rather an opt-out on the overtime and comp policy. The County has a policy in place that says certain departments may have staffing needs that would require the County to let them opt out of the policy in place. The Maintenance Department is requesting to opt-out of this policy for snow and ice removal. Commissioner Murtaugh asked if any County Department chose to opt out, would the department head need to sign a form? Shirley advised that they need to provide the signed request to opt-out.

- Commissioner Brown moved to approve the policy opt-out as presented, second by Commissioner Murtaugh. Motion carried.

**XVI. ASSESSOR** – David Byers presented and recommended:

**Creation of New Positions:**

The creation of 2 “Full-time Senior Deputy” positions, and 1 “Full-Time Field Staff Specialist” position.

- Commissioner Murtaugh moved to approve the new positions of “Senior Deputy” and “Field Staff Specialist” as presented, second by Commissioner Brown. Motion carried.

**Elimination of Position:**

The eliminating of the “Valuation Manager” position, and 2 “Personal Property Data Specialist” positions.

- Commissioner Murtaugh moved to approve the elimination of the “Valuation Manager” and 2 “Personal Property Data Specialist Positions” as presented, second by Commissioner Brown. Motion carried.

**Title Change:**

The title changes of the “Customer Service” position, to “Personal Property Data Specialist”, and the title of “Field Staff Supervisor” position, to “Field Staff Specialist”.

- Commissioner Murtaugh moved to approve the title changes as presented, second by Commissioner Brown. Motion carried.

HR Director Mennen noted that of the 3 positions being eliminated, 2 are currently occupied. With this type of change, similar to reorganization, the positions being eliminated will need to be eliminated after the new positions are filled. This will result in a slight delay for the elimination of 2 of those 3 positions.

**XVII. GM DEVELOPMENT COMPANIES LLC** – Thomas Murtaugh presented and recommended:

The approval of the March disbursement request, from GM Development Companies, for the projects at the Sheriff’s office and at Community Corrections in the amount of \$237,419.13.

- Commissioner Murtaugh moved to approve the disbursement as presented, second by Commissioner Brown. Motion carried.

**XVIII. GRANTS** – Sharon Hutchison presented and recommended:

**Permission to Apply for Grants:**

A. For the Health Department, from the Division of Nutrition and Physical Activity of the Indiana Department of Health, for funding to host Community Food Systems workshops in partnership with Purdue Extension and the WIC program.

- Commissioner Brown moved to approve applying for the grant as presented, second by Commissioner Murtaugh. Motion carried.

B. For the Surveyor’s Office, from Wabash National, for the Conservation Field day, where the 4<sup>th</sup> grade classroom steps outdoors in to Martell Forest for a day of environmental ground water flow and tree grafting.

- Commissioner Brown moved to approve applying for the grant as presented, second by Commissioner Murtaugh. Motion carried.

**Permission to Accept Grant Funds:**

A. For the Sheriff’s Department, from the Indiana Criminal Justice Institute, in the amount of \$13,500, for the 2022 Stop Arm Violation Enforcement (SAVE) program. This program

will provide extra duty during the spring and fall months of 2022 in school safety speed zones, and other areas where students are interacting with traffic.

- Commissioner Murtaugh moved to accept the grant as presented, second by Commissioner Brown. Motion carried.

- B. For the Health Department, from the Indiana Department of Health, in the amount of \$123,912, for the annual STD Prevention program: Disease Intervention Specialist / Partner Services Grant, to be used April 1, 2022 thru March 31, 2023.

Amanda Balsler, Health Department Executive Assistant, notes that the supplemental STD grant will be used first to pay for the Disease Intervention Specialist (DIS) and for Marketing. She notes that the previous Part-time DIS has been moved into a full-time position. This grant will allow them to have another part-time DIS position.

- Commissioner Murtaugh moved to accept the grant as presented, second by Commissioner Brown. Motion carried.

- C. For Health Department, from the Indiana Department of Health, in the amount of \$130,714, for the supplemental STD Prevention Program: DIS Workforce Development to support the Health Department increasing capacity. This will help to conduct case investigation and contract tracing, as well as linkage to prevention, treatment, case management, and oversight for other infectious diseases.

- Commissioner Brown moved to accept the grant as presented, second by Commissioner Murtaugh. Motion carried.

### **MOU/Contracts**

The Health Department requested a new position for their approved Workforce Development CoAg Grant. They received a grant in the amount of \$440,000. The new position being requested is a "Full-Time Public Health Education Specialist/ School Liaison (PAT II)".

Amanda Balsler, Health Department Executive Assistant advised that this position went before the HR Committee. The Health Department received the grant during COVID, to work with the schools. Now that they are allowed back in the schools, this Individual will work to get school age kids back on track with vision, dental, and health screenings. The Health Department is considering putting on a student health fair with a portion of the grant funds received.

- Commissioner Murtaugh moved to approve the "Full-Time Public Health Education Specialist/ School Liaison (PAT II)" as presented, second by Commissioner Brown. Motion carried.

### **XIX. CHANGE ORDERS**

#### **Tippecanoe County Central Offices**

1. Change order #5 with Quality Plumbing & Heating, in the amount of \$316, to complete the following:
  - a. Gas Hook Ups T&M Tickets.
  - b. Condensate Drain Heat Trace T&M Tickets.
  - Commissioner Murtaugh moved to approve the change order as presented, second by Commissioner Brown. Motion carried.
2. Change order #2 with Jack Laurie Group, for a deduct in the amount of \$ 1,420, for the following:
  - a. Omit installation of floor coverings and cove base at Balcony 201. Deliver only.

- b. Deduct for the unused remainder of Floor Covering Contract Work Description, Item #14: "Floor Prep Allowance of \$4,000.00 to accommodate unanticipated existing conditions. Charge these items on a time and material basis with daily tickets. The inclusion of this allowance assumes that your base bid marks up \$4,000. Do not add markup to your time and material charges."
- Commissioner Murtaugh moved to approve the change order as presented, second by Commissioner Brown. Motion carried.

**XX. REPORTS ON FILE**

- Central Mail, Accounts Payable, Duplications
- Tippecanoe County Clerk of the Circuit Court
- Tippecanoe County Treasurer
- Tippecanoe County Coroner

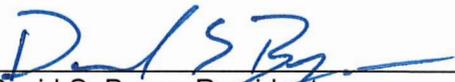
**XXI. UNFINISHED/NEW BUSINESS – None**

**XXII. PUBLIC COMMENT**

Katje Armentrout, Purdue Extension Community Development Educator, wanted to introduce the new Community Wellness Coordinator for the Extension office, Betsy Coffing. She comes to the Extension office from Fulton County. There is a potential for her to work with the Health Department as well as the Extension office, dependent on Grant funding, to discuss food insecurity issues.

Commissioner Brown moved to adjourn. President Byers adjourned the meeting.

BOARD OF COMMISSIONERS OF  
THE COUNTY OF TIPPECANOE

  
\_\_\_\_\_  
David S. Byers, President

  
\_\_\_\_\_  
Tracy A. Brown, Vice-President

  
\_\_\_\_\_  
Thomas Murtaugh, Member

ATTEST:

  
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Robert A. Plantenga, Auditor 04/04/2022

Minutes prepared by Jennifer Wafford, Recording Secretary