TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
February 7, 2011

The Tippecanoe County Commissioners met on Monday, February 7, 2011 at 10:00 a. m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President David S. Byers, Vice President Thomas P. Murtaugh, and Commissioner John L. Knochel. Also present were: Attorney David W. Luhman, Auditor Jennifer Weston, Commissioner's Assistant Frank Cederquist, and Deputy Auditor Dawn Rivera.

President Byers called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

- Commissioner Murtaugh moved to approve the minutes of the January 18, 2011 regular meeting, second by Commissioner Knochel; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

Commissioner's Assistant Frank Cederquist recommended approval of accounts payable vouchers for January 19, 20, 21, 26, 27, 28, and February 2, 3, 4, and 7, 2011 as submitted without exception.

- Commissioner Murtaugh moved to approve the accounts payable vouchers as presented, second by Commissioner Knochel; motion carried.

HIGHWAY *– Opal Kuhl*
Change Order #3 – Bridge U209

Director Kuhl presented Change Order No. 3 for Bridge U209 from the Indiana Department of Transportation. It is in the amount of $1,771.62. It would allow for changes in the Global Positioning System (GPS) navigation files.

- Commissioner Murtaugh moved to approve Change Order No. 3 as presented, second by Commissioner Knochel; motion carried.

Permit to Close a Road – Bethel Drive

Director Kuhl presented a permit for the closure of Bethel Drive. Bethel Christian Life Center is making the request and they have done this in the past without incident. It is for the Saturday before Easter, April 23, 2011. The closing would be between the hours of 11:00 a.m. and 3:00 p.m.; residents can still access Bethel Drive from US 52.

- Commissioner Murtaugh moved to approve the Permit to Close a Road as presented, second by Commissioner Knochel; motion carried.

Duke Energy$5,000 Bond for work in Right -of-Way

Director Kuhl presented a Bond from Duke Energy in the amount of $5,000. It will allow Duke Energy to work in all of the County's right-of-ways.

- Commissioner Murtaugh moved to approve the Bond as presented, second by Commissioner Knochel; motion carried.

Supplemental Agreement #1 – DLZ Construction Engineering Services

Director Kuhl presented Supplemental Agreement No. 1 for the McCarty Lane Contract with DLZ Construction Engineering Services. Bids were lower than expected and after discussion with DLZ Construction Engineering Services, it was agreed that it would not require as much time as initially expected. The original contract for $1,220,000 is being reduced to $784,400.

- Commissioner Murtaugh moved to approve Supplemental Agreement No. 1 as presented, second by Commissioner Knochel; motion carried.

Commissioner Knochel thanked Director Kuhl for taking the initiative and contacting DLZ Construction Engineering Services and re-negotiating the amount of the contact.

RESOLUTION 2011-04-CM
Deposit of interest earned on Cumulative Bridge Fund into the Local Road and Street Fund in the year 2011

Director Kuhl said that each year the interest earned on the Cumulative Bridge Fund is deposited into the Local Road and Street Fund. Attorney Luhman stated that Resolution 2011-04-CM provides for the deposit of up to $300,000 of interest earned from investment of the County's Cumulative Bridge Fund during the calendar year 2011 to the County's Local Road and Street Fund for the purpose of funding said construction, reconstruction and maintenance. It would be effective as of January 1, 2011 for the year 2011 only. It would transfer earned interest to the Local Road and Street Fund and reflects actions taken by the County Council during budget hearings in August 2010.

- Commissioner Murtaugh moved to approve Resolution 2011-02-CM as presented, second by Commissioner Knochel; motion carried.

ORDINANCE 2011-07-CM
Allow live music in the NB and NBU zones by special exception

- Commissioner Murtaugh moved to hear Ordinance 2011-07-CM, second by Commissioner Knochel; motion carried.

Area Plan Director Sallie Fahey said that this ordinance would allow, under certain circumstances, live entertainment in areas previously not allowed. A request from a local business owner prompted research into the issue and it was discovered that there is wider appeal than just the one incident. By amending footnote 27, it would allow live entertainment in NB and NBU zones by special exception. However, it would not allow live entertainment in MR or MRU zones. The requirement of special exception allows for public involvement and due process does allow for notification to adjoining property owners. The special exception would apply to any future owners. It would expand the ability for eating and drinking establishments to have live entertainment. Special exception would allow the restriction of the number of events per year and the hours of the event. All requests within Tippecanoe County would come before the Area Plan Commission including establishments within the City of Lafayette.

Commissioner Byers asked for public comment.

Gail Brock, *President of the Ellsworth Neighborhood Association* – said that the concern with allowing live entertainment are the many variables that can be deviated by it, such as noise control, traffic flow and the proximity to residents. Sound is very difficult to control and putting it in a building in a neighborhood adds to the problem. Special Exception is a broad term and does not specify hours or days. Ms. Brock asked the Commissioners to take a second look at the ordinance before approving.

Commissioner Murtaugh asked Director Fahey if Ordinance 2011-07-CM is approved would each request have a public hearing. Director Fahey stated that each request would be required to identify how many days a week, how many and what hours per day, whether it would it be outdoors or indoors and would there be an increase in traffic. She added that electronic music is allowed at this time so it would be possible to have an outdoor event with electronic music.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2011-07-CM passes 3-0.

SHERIFF *– Tracy Brown*
2011 Contract

Sheriff Brown presented the annual Compensation Agreement in Lieu of Statutory Fees between Tracy Brown and the County of Tippecanoe, State of Indiana. The Sheriff's annual salary of $106,676 has not changed since 2008.

- Commissioner Murtaugh moved to approve the 2011 Compensation Agreement in Lieu of Statutory Fees between Tracy Brown and the County of Tippecanoe, State of Indiana as presented, second by Commissioner Byers; Commissioner Knochel not present for vote motion carried 2-0.

Ordinance 2011-05-CM; Establishing Sheriff's Sale Program and Fund

Sheriff Brown said the Sheriff's Office is responsible by statute for conducting mortgage foreclosure sales. There are nearly 600 sales filed annually although not all of those are concluded. The average number of filings is about 50 per month and requires a tremendous amount of labor-hours to prepare. Currently 37 counties in Indiana out-source mortgage foreclosures. This request would allow SRI Incorporated to manage the sale of foreclosed properties and allow the Sheriff's staff to attend to many other critical duties. Sales will be available on the web for viewing. Attorney Luhman stated that Ordinance 2011-05-CM would amend Tippecanoe County Code as a new section 34.691 establishing the Sheriff's Sale Program and Fund.

- Commissioner Murtaugh moved to hear Ordinance 2011-05-CM on first reading as presented, second by Commissioner Knochel.

Commissioner Byers asked for public comment. Hearing none, Commissioner Byers ask for a vote.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2011-05-CM passes 3-0 on first reading.

- Commissioner Murtaugh moved to suspend the rules and hear Ordinance 2011-05-CM on second reading, second by Commissioner Knochel.

- Commissioner Murtaugh moved to approve the Sheriff contract as presented on second reading, second by Commissioner Byers.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2011-05-CM passes 3-0 on second reading.

GRANTS *– Laurie Wilson*

Grant Administrator Laurie Wilson requested permission to accept an Indiana State Department of Health Grant on behalf of the Health Department. It is an H1N1 extension grant for equipment such as video conferencing equipment, a badge system to create badges for responders and the tracking of equipment and vaccines, tables and chairs, traffic vests, privacy screens and generators to be used for mass vaccines.

- Commissioner Murtaugh moved to accept the Indiana State Department of Health Extension Grant as presented, second by Commissioner Knochel; motion carried.

Grant Administrator Laurie Wilson requested permission to apply for a 2011 State Homeland Security Program (SHSP) Grant from the Indiana Department of Homeland Security on behalf of District 4. It is the 2011 annual equipment grant and will be between $600,000 and $800,000. The nine counties that make up District 4 share in the decision of the best use for the funding.

- Commissioner Murtaugh moved to grant permission to apply for the 2011 State Homeland Security Program (SHSP) Grant as presented, second by Commissioner Knochel; motion carried.

CLERK *– Christa Coffey*

Clerk Christa Coffey requested termination of a contract with Government Utilities Technology Service. The service provided by them is now available online at no cost to the County.

- Commissioner Murtaugh moved to terminate the contract with Government Utilities Technology Service as presented, second by Commissioner Knochel; motion carried.

Clerk Christa Coffey requested termination of a contract with Maximus Consulting Services. Maximus provides monthly billing of Title IV-D. Clerk Coffey stated that billing would be done in-office.

- Commissioner Murtaugh moved to terminate the contract with Maximus Consulting Services as presented, second by Commissioner Knochel; motion carried.

HUMAN RESOURCES *Shirley Mennen*

Director Shirley Mennen presented four separate agreements for approval. All are related to the change in the County's insurance provider from Cigna to Anthem effective 1-1-2011. Director Mennen added

that the addendum to the Administration Services Agreement would allow the County to share information with the County's Wellness Clinic. Attorney Luhman has reviewed all four contracts.

The agreements are as follows:

Stop Loss Agreement
Group Health Business Associate Agreement
Administration Services
Addendum to Administration Services

- Commissioner Murtaugh moved to approve the four agreements as presented, second by Commissioner Knochel; motion carried.

CARY HOME *– Rebecca Humphrey*

Director Humphrey requested permission to change and update five job descriptions. These job descriptions were last updated in the mid-nineties. It is hopeful that these changes will help with job recruitment, make the job descriptions more cohesive and reflect what is actually expected of employees. They have been through the review process with Waggoner, Irwin, Scheele & Associates (WIS), and the Personnel Committee. All salaries would remain within the approved budget.

Director Humphrey requested permission to update the following job descriptions and name changes:

House Supervisor to Youth Development Supervisor
Adolescent Childcare Worker to Youth Development Worker
Adolescent Childcare Specialist to Youth Development Specialist
Therapist Case Manager to Home Base Clinical Therapist
Focus Director (vacated position) to Home Base Clinical Team leader

Director Humphrey said the job descriptions language would include "engaging youth in a healthy and positive way and working towards healthy youth development".

- Commissioner Murtaugh moved to approve the change in position title and changes to the job descriptions as presented, second by Commissioner Knochel; motion carried.

MITS *– Dave Sturgeon*
Master Services Agreement – SIS

Director Dave Sturgeon presented a Master Services Agreement with Software Information Systems for approval. Software Information Systems is the vendor used to purchase the new AS400 replacement. The cost of the actual services they provide to the County has been included in the initial purchase. This agreement details those services.

- Commissioner Murtaugh moved to approve the Master Services Agreement with Software Information Systems as presented, second by Commissioner Knochel; motion carried.

RESOLUTION 2011-05-CM
2011 Edit Capital Improvement Plan Amendment

Attorney Luhman said that during budget deliberations in August of 2010 the Council provided additional funding for existing projects in 2011. The Council also discussed additional projects at that time. Resolution 2011-05-CM would amend the EDIT Capital Improvement Plan to reflect additional funding for existing projects and amend the description of what is currently project No. 56 to include additional

cost for replacement of two (2) air handlers at the jail at a cost of $300,000. The project may also provide for future repairs and maintenance as may be required. Resolution 2011-05-CM would also adopt two new projects: Project No. 69 Highway Infrastructure Improvements for highway infrastructure improvements along County Road 50 South, including widening, paving and improvement of roadside drainage ditches at a cost of $450,000. Project No. 70 Renovation of the Courthouse Windows would provide funding for the restoration of the windows in the Tippecanoe County Courthouse, including replacing wood, filling voids with epoxy and wood filler, insulating window channels, caulking, and other restoration at a cost of $1,700,000. Resolution 2011-05-CM also includes additional funding for the following 2010 existing projects.

2010 Additional Funding

NAME	PROJECT NUMBER	AMOUNT
Comer Markers	#03	$ 203,980
Graphical Information System	#06	$ 245,448
Warning Sirens	#07	$ 20,000
Information Technology	#10	$1,008,210
L-WL EDC	#19	$ 75,000
General Drain	#20	$ 75,000
Parking Garage	#24	$ 494,400
Hoosier Heartland Corridor	#27	$ 10,000
Grant Coordinator	#38	$ 62,426
Grant Contingency Fund	#40	$ 10,000
Economic Development	#43	$ 90,000
Economic Development	#46	$ 71,500
Wabash River Corridor Enhancement	#49	$ 350,000
Economic Development	#50	$ 13,500
County Employee Training	#51	$ 10,000
Environmental Services Response	#54	$ 11,000
HVAC Repair & Maintenance	#56	$ 300,000
Cary Home Improvements	#58	$ 81,500
Staff Vehicle Maintenance Fund	#64	$ 1,000
2012 General Reassessment	#65	$ 600,000
Emergency Management	#66	$ 100,000
Employee Wellness Center	#68	$ 50,000

Commissioner Byers asked for public comment.

Kurt Wahl, *President of the Lafayette Historical Preservation Commission* – said that the Lafayette Historical Preservation Commission passed a resolution commending the County Commissioners for their decision to restore the 468 original wood windows in Tippecanoe County's nationally recognized and registered Courthouse. This decision shows great leadership and vision on the part of the Commissioners. Mr. Wahl expressed the unanimous gratitude of the Lafayette Historical Preservation Commission.

- Commissioner Murtaugh moved to approve Resolution 2011-05-CM as presented, second by Commissioner Knochel; motion carried.

APPOINTMENTS *– Common Wage Board*

Eleanor Mlynarik	Purdue University
Dave Lahr	Courthouse Window Project
Al Parker	Courthouse Window Project
Jean Hall	Courthouse Window Project
Jean Hall	Ivy Tech Community College Projects

- Commissioner Murtaugh moved to appoint Eleanor Mlynarik, Dave Lahr, Al Parker, and Jean Hall to various Common Wage Boards as presented, second by Commissioner Knochel; motion carried.

UNFINISHED BUSINESS

None

NEW BUSINESS

None

REPORTS ON FILE

Circuit Court
Parks & Recreation Board
Treasurer
Public Library

Reports are on file in the Commissioner's Office for public viewing.

PUBLIC COMMENT

Tracy Brown, *Sheriff Tippecanoe County* – thanked the highway crews for their efforts in plowing the roads last week.

Commissioner Murtaugh moved to adjourn.

BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE

David S. Byers, President

Thomas P. Murtaugh, Vice President

John L. Knochel, Member

ATTEST:

Jennifer Weston, Auditor 2-21-2011