TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
June 6, 2011

The Tippecanoe County Commissioners met on Monday, June 6, 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 Secretary Kay Muse.

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 May 16, 2011 regular meeting as presented, second by Commissioner Knochel; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

Commissioner's Assistant Frank Cederquist recommended approval of accounts payable vouchers for May 19, 20, 25, 26, 27, and June 1, 2, 3, and 6, 2011 as submitted without exception.

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

ORDINANCE 2011-13-CM – *Rezone Z-2455, R. Gregg Sutter (NB-GB)*

- Commissioner Murtaugh moved to hear rezone Z-2455, Ordinance 2011-13-CM, second by Commissioner Knochel; motion carried.

(quote)

May 19, 2011
Ref. No.: 11-161

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

CERTIFICATION

RE: **Z-2455--R. GREGG SUTTER (NB to GB):** Petitioner is requesting rezoning of 1.127 acres located at the northeast corner of Sagamore Parkway West and Hadley Lane, Wabash 2 (NE) 23-5.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on May 18, 2011 the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no on the motion to rezone the subject real estate from NB to GB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their June 6, 2011 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

Sallie Dell Fahey
Executive Director

(unquote)

Gregg Sutter stated that property owned by him for the past 25 years has had multiple uses in the past. However, it is vacant as this time and a tire business would like to lease the site. It is located on US 52 South. Commission Murtaugh asked for clarification on the location. Mr. Sutter stated that is in front of 52 Mobile Home Estates and Maples trailer park.

Commissioner Byers asked for public comment against the rezone. There was none.

Commissioner Byers asked for public comment in favor of the rezone. There was none.

- Commissioner Murtaugh moved to approve Ordinance 2011-13-CM as presented, second by Commissioner Knochel; motion carried.

AREA PLAN COMMISSION–*Sallie Fahey*
Carroll County Traffic Count Contract

Director Sallie Fahey said there are three parts to this agenda item. Al Levy has informed Director Fahey that his health will not allow him to fulfill the contract and has requested to be relieved of the Traffic Count Contract as permitted in section 10-C of the contract. Attorney Luhman stated that the Commissioners would need to make a motion to terminate the contract by mutual consent.

- Commissioner Murtaugh moved to terminate the Traffic Count Contract with Al Levy as presented, second by Commissioner Knochel; motion carried.

Director Fahey said that in an effort to finish the traffic counts on schedule a replacement has been sought. However, a replacement has not been found and in order to complete the contract with the Indiana Department of Transportation (INDOT) by June 30, 2011 she has asked Brian Fahey, her husband, to complete the task. He is willing to do the traffic counts in order to fulfill the contract. Mr. Fahey's contract will run through June 30, 2011. At the end of Mr. Fahey's contract a permanent replacement will be found. She added that a "conflict of interest statement" will be filed by her with the State. Director Fahey stated that she does not have any direct involvement in determining whether the traffic count is usable for payment purposes. Commissioner Murtaugh asked "what is the deadline" for the traffic counts. Director Fahey replied that 60 traffic counts must be completed by June 30, 2011. Attorney Luhman recommended that the Commissioners accept the "conflict of interest statement" and accept the contract with Brian Fahey for the Carroll County Traffic Count Contract.

- Commissioner Murtaugh moved to accept the Conflict of Interest Statement as presented by Director Fahey, second by Commissioner Knochel; motion carried.

- Commissioner Murtaugh moved to approve the contract with Brian Fahey for the Carroll County Traffic Count as presented, second by Commissioner Knochel; motion carried.

HIGHWAY – Opal Kuhl
Summer Hours for the Highway Maintenance Division

Director Kuhl presented the Highway Maintenance Division summer schedule for approval. Summer hours are Monday through Thursday from 6:00 a.m. to 4:30 p.m. and run through September 30, 2011. The extended work day allows for more efficiency in the paving of roads since less time is spent cleaning up and putting equipment away.

- Commissioner Murtaugh moved to approve the Summer Hours Schedule for the Highway Maintenance Division as presented, second by Commissioner Knochel; motion carried.

Contract Modification # 4 for the Lindberg Bridge Project – Jack Isom Construction Company, Inc.

Director Kuhl presented Contract Modification No. 4 for the Lindberg Bridge Project. It is for additional pile driving and is in the amount of $26,245 bringing the total for the project to $4,285,931.71.

- Commissioner Murtaugh moved to approve Contract Modification #4 as presented, second by Commissioner Knochel; motion carried.

Change Order #8 for Bridge U208 Project – Milestone Contractors

Director Kuhl presented Change Order No. 8 for the U208 Bridge Project. The change order is due to delays in completing the cross sections. The U208 Bridge is a federal aid project and 80% is paid by the federal government, the remaining 20% is the responsibility of the County. It is in the amount of $1,727 bringing the total for the project to $2,128,062.

- Commissioner Murtaugh moved to approve Change Order No. 8 as presented, second by Commissioner Knochel; motion carried.

Continuation Certificate from Indiana Gas Company, Inc. d/b/a/ Vectren Energy of Indiana, Inc.

Director Kuhl presented a $5,000 Continuation Certificate from Indiana Gas Company, Inc. d/b/a/ Vectren Energy of Indiana, Inc. for doing work in the right-of-way.

- Commissioner Murtaugh moved to accept the Continuation Certificate from Indiana Gas Company, Inc. d/b/a/ Vectren Energy of Indiana, Inc. as presented, second by Commissioner Knochel; motion carried.

Amend Waiver of Mortgage Release Policy

Director Kuhl stated that before continuing the Waiver of Mortgage Release Policy needs to be amended.

Attorney Luhman stated that the Commissioners had previously authorized the Highway Director to approve Mortgage Waivers of $5,000 or less. Mortgage Waiver's of $5,000 to $10,000 required approval of the Commissioners. Since some amounts paid for the right-of-way acquisitions are more than $10,000 the Commissioners may wish to allow the Highway Director to approve waivers up to and including $10,000. The Commissioners would need to approve anything above $10,000. The Commissioners must decide how much authority they would like to delegate to the Highway Director and how much they wish to retain for the Board of Commissioners. Commissioner Murtaugh asked how the County is certifying

that the equity is sufficient. Attorney Luhman stated that the Right-of-Way Acquisition Specialist is responsible for collecting that information including the amount of the mortgage.

- Commissioner Murtaugh moved to amend the Mortgage Release Policy to give the Highway Director the authority to approve mortgage waivers of $10,000 or less, and the Board of Commissioners authority to approve mortgage waivers greater than $10,000, second by Commissioner Knochel; motion carried.

North 9th Street and Burnett's Road Project – Warranty Deeds, Temporary Easement Grants, and Partial Mortgage Releases

Director Kuhl said the following five parcels are part of the Highway Safety Improvement Program (HSIP), a federally funded program that pays 90% of the cost.

Parcel 10 in the name of Florence M. Layton includes a warranty deed in the amount of $19,840, a temporary easement in the amount of $20, and the waiver of partial mortgage release.

- Commissioner Murtaugh moved to approve the Warranty Deed, Temporary Easement and Waiver of Partial Mortgage Release in the name of Florence M. Layton as presented, second by Commissioner Knochel; motion carried.

Parcel's 11, 11a, 11b, and 11c, in the name of Van's Catering includes the warranty deed for Parcel's 11 and 11b in the amount of $51,645, temporary easements for Parcel's 11a and 11c in the amount of $4,430, and a partial mortgage release.

- Commissioner Murtaugh moved to approve the Warranty Deeds, Temporary Easements and Waiver of Partial Mortgage Release in the name of Van's Catering as presented, second by Commissioner Knochel; motion carried.

Parcel 14 in the name of That R. Drew & Company includes a warranty deed in the amount of $31,000 and a waiver of partial mortgage release.

- Commissioner Murtaugh moved to approve the Warranty Deed and Waiver of Partial Mortgage Release in the name of That R. Drew and Company as presented, second by Commissioner Knochel; motion carried.

Parcel 15 in the name of the Billingsley Family Trust includes a warranty deed in the amount of $32,200, and a temporary easement in the amount of $60.

- Commissioner Murtaugh moved to approve the Warranty Deed and Temporary Easement in the name of The Billingsley Family Trust as presented, second by Commissioner Knochel; motion carried.

Parcel 16 in the name of Joey D. Roberts n/k/a Joey D. Hall is a warranty deed in the amount of $4,900.

- Commissioner Murtaugh moved to approve the Warranty Deed in the name of Joey D. Roberts n/k/a Joey D. Hall as presented; motion carried.

Cumberland Avenue Project – Warranty Deed and Partial Release of Mortgage for Parcel 3

Director Kuhl said that this project is a Surface Transportation Project (STP) and federal funds pay 80% of the cost; the County is responsible for the remaining 20%. It is for Parcel 3 in the name of Riverside Covenant Church, Inc., in the amount of $55,998 for the warranty deed and includes a partial release of mortgage.

- Commissioner Murtaugh moved to approve the Warranty Deed and Partial Release of Mortgage as presented, second by Commissioner Knochel; motion carried.

Highway Resurface List

Director Kuhl presented a list of roads to be resurfaced this year and a report of money spent the last 6 years on roadway improvements. Director Kuhl said that this year is unique because there is no additional funding from ARRA or other special funding. As presented in last year's budget the County will resurface less than 20 miles of roadway in 2011 and it will cost approximately $900,000. Funding will come from the Local Option Income Tax (LOIT) fund. Since the gas tax is decreasing each year, funds from the Local Road & Street are no longer available. If there are any surplus funds they will be used to resurface roads in subdivisions. Commissioner Murtaugh asked why the wheel tax was higher in 2009. Director Kuhl stated it was due to surplus funding from previous years that had not been used.

WILDCAT CREEK SOLID WASTE DISTRICT *– Proposal for Architectural and Engineering Services*

Commissioner Murtaugh said this is a proposal for the Wildcat Creek Solid Waste District (WCSWD) storage facility from American Structure Point. The storage barn will be built on County property and that is why it must come before the Commissioners. The project does have full WCSWD Board approval. The County will fund the project and then be reimbursed by WCSWD. The proposal is in the amount of $40,960 and includes the survey, site development, mechanical, architectural, electrical and plumbing design. Auditor Weston asked which fund the County would be funding the project from. Commissioner Murtaugh stated that it would be funded through the Economic Development Income Tax (EDIT) fund.

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

COURTHOUSE WINDOWS PROJECT *– Addendum to Keystone Architecture Contract*

Commissioner Byers stated that this item has been removed from the agenda.

MITS *– Dave Sturgeon*
Sound System Proposal for Superior Court 4

Director Sturgeon said this is a proposal from Sound Advice for the replacement of the audio sound mixer in Superior Court 4. The current mixer is one of the older ones, this item was budgeted for 2011. However, the proposal is significantly less than the $14,000 budgeted for the project. It is in the amount of $5,737 and does include a not to exceed $6,600.

- Commissioner Murtaugh moved to approve the proposal from Sound Advice as presented, second by Commissioner Knochel; motion carried.

JUVENILE ALTERNATIVE *– Tammy Patrick*
MOA's for Truancy Mediation

Clinical Services Director Tammy Patrick presented Memorandum of Agreement's (MOA's) with Greater Lafayette Special Services (GLASS) in the amount of $$4,080, Tippecanoe School Corporation

(TSC) in the amount of $8,160, Lafayette School Corporation (LSC) in the amount of $12,240, and West Lafayette School Corporation (WLSC) in the amount of $2,040. The resources from the MOA's will be used to fund one position. Commissioner Murtaugh asked if this is an annual agreement. Director Patrick replied that it is renewed annually and is an ongoing agreement.

- Commissioner Murtaugh moved to approve the Memorandum's of Agreement as presented, second by Commissioner Knochel; motion carried.

CLERK *– Christa Coffey*
IV-D Billing Contract with Malinowski Consulting

Clerk Christa Coffey presented a contract with Malinowski Consulting to provide IV-D billing services to the Clerk's office. Clerk Coffey said IV-D billing for the Clerk is slightly more difficult than it is for the IV-D Court. Charles Malinowski, president of Malinowski Consulting, said that Malinowski Consulting is located in Hamilton County and all three employees are Indiana residents. Commissioner Murtaugh asked how this would be changing from previous billing practices. Clerk Coffey stated that she previously asked permission to cancel a contract with Maximus in January intending that the Clerk's office would do the billing. However, that has not happened due to time limits of the staff. Mr. Malinowski added that the Department of Child Services has received urging from the State Board of Accounts to hold counties accountable on a higher level on the Title IV-D program.

- Commissioner Murtaugh moved to approve the contract with Malinowski Consulting as presented, second by Commissioner Knochel; motion carried.

RESOLUTION 2011-14-CM *– Establishing Juvenile Probation Donation Fund,* ***and***
RESOLUTION 2011-15-CM *– Establishing Juvenile Alternative Donation Fund*

Director Humphrey requested that new Funds be created for Juvenile Probation and Juvenile Alternatives for donations. Director Humphrey stated that since "Friends of Cary Home" changed their name and mission to reflect their sense of responsibility for all youth in the Juvenile Justice system they have been able to provide funding for Juvenile Probation and Juvenile Alternatives. These resolutions will allow funds from "Jesse's Kids" to go into those accounts. Director Humphrey stated that she had worked with Attorney Luhman and Auditor Weston on this project.

- Commissioner Murtaugh moved to approve Resolution 2011-14-CM as presented, second by Commissioner Knochel; motion carried.

- Commissioner Murtaugh moved to approve Resolution 2011-15-CM as presented, second by Commissioner Knochel; motion carried.

TRANSLATOR AGREEMENT

Commissioner Byers said this is an agreement that would make provision for a court translator. Rates are $35 per hour and are measured in half hour increments. Commissioner Murtaugh asked if the contract is ongoing or approved annually. Auditor Weston stated it is an annual contract.

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

APPOINTMENT TO COMMON WAGE BOARD

Commissioner Assistant Frank Cederquist presented the following appointments for approval.

Eleanor Mlynarik	Purdue University Projects
Dave Lahr	Air Handlers / Tippecanoe County Jail
Frank Cederquist	Air Handlers / Tippecanoe County Jail
Al Parker	Air Handlers / Tippecanoe County Jail

- Commissioner Murtaugh moved accept the appointments as presented, second by Commissioner Knochel; motion carried.

REPORTS ON FILE

Mail & Duplicating
Treasurer
Public Library
Parks & Recreation
State Board of Accounts

UNFINISHED BUSINESS

Commissioner Murtaugh congratulated Sheriff Tracy Brown on the success of the annual "Sheriff's Fish Fry" benefiting the American Red Cross.

NEW BUSINESS

Auditor Weston reminded the Commissioners that it is time to look toward next year's budget process. Although normally the Auditor's Office would request a recommendation today, recommendation can wait until the next meeting. Auditor Weston presented a summary of salary cost estimates. Auditor Weston said there are three items associated with increasing salaries: longevity, Public Employees Retirement Fund (PERF), and Social Security. Longevity increases for budget year 2012 will cost the General Fund $53,690. PERF will by increased by 1% for a total of 8.5% of salaries in 2012. Increases of PERF have been only a quarter of a percent each year previously. Adding in the $4,100 for social security on longevity, the total cost to the County will be $259,777.86. Auditor Weston went over several scenarios concerning raises or bonuses. Commissioner Byers confirmed that a 1% increase would add $210,000 to the $259,777.86 for a total of $459, 777.86. Commissioner Murtaugh asked if the PERF number was definite. Auditor Weston replied, yes 8.5% is the percentage for 2012 as determined by the PERF board.

PUBLIC COMMENT

Paul Wright, *West Point,* said he remembered a $30,000 study being done last year concerning the Wildcat Creek Solid Waste District storage facility project. He asked if the Wildcat Creek Solid Waste District needed to be open five days and if they store chemicals. All County departments will soon be coming before the Council and the Commissioners asking for approval of their budgets and if the Commissioners and Council members want to solve their budget problems they need to lead by example and take a 5% salary reduction. Tippecanoe County has had a budget of $37,400,000 for many years.

Commissioner Murtaugh said, in response to Mr. Wright's questions concerning Wildcat Creek Solid Waste District, plans done in 2010 were not within the means of the WCSWD. However, a portion of those plans will be used in the current project. He added that the WCSWD is not currently open five days a week.

Commissioner Knochel said that 20 years ago when the WCSWD was established by mandate of the State their sole purpose was to educate the public about hazardous waste. To his knowledge there was

nothing mandating that hazardous waste must be collected. The WCSWD Director chooses to collect hazardous materials.

- Commissioner Murtaugh moved to recess until 9:00 a. m. Wednesday June 8, 2011 for the purpose of hearing bids for electrical construction at the cattle barn, second by Commissioner Knochel; motion carried.

- The meeting was reconvened at 9:00 a.m. Wednesday, June 8, 2011 by President Byers.

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, and Commissioner's Assistant Frank Cederquist.

Attorney Luhman opened the bids:

Long Electric	$62,500
Twin City Electric	$99,524
Brand Electric Inc.	$55,900

Attorney Luhman stated that each of the quotes appear to address the bid specifications and are in proper form. He added that the Commissioners can accept the lowest quote of Brand Electric Inc. today. Commissioner Knochel asked if the bids need to be taken under advisement. Attorney Luhman replied they have been put in simple form by the architect and each quote proposes that the bidder will complete the scope of work specified so it is not necessary to have the bids reviewed.

- Commissioner Murtaugh moved to accept the quote of Brand Electric Inc. as presented, second by Commissioner Knochel; motion carried.

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 6-20-2011