TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
February 16, 2010

The Tippecanoe County Commissioners met on Tuesday, February 16, 2010 at 10:00 a. m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel and Vice President David S. Byers. Also present were: Attorney David W. Luhman, Auditor Jennifer Weston, Commissioner's Assistant Frank Cederquist, and Secretary Kay Muse.

Commissioner Knochel called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

- Commissioner Byers moved to approve the minutes of the February 1, 2010 meeting, second by Commissioner Knochel; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

Commissioner's Assistant Frank Cederquist recommended approval of accounts payable vouchers for February 3, 4, 5,10,11,12 and 16, 2010 as submitted with no exceptions.

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

ACCEPTANCE AND AWARD OF BATTLEFIELD MUSEUM ENERGY PROJECT-*Allen Nail*

Parks Director Allen Nail thanked the Commissioners for the opportunity to be a part of the Energy Enhancement and Efficiency Improvement Program. Director Nail also thanked Curt Wahl and Laurie Wilson for their help. Attorney Dave Luhman presented proposed bids for the Battlefield Museum Project as follows:

WINDOW REPLACEMENT

Oak Leaf Construction	$52,639.42
Coors Exterior, Inc.	$71,112.75
Simon Construction	$62,000.00

HVAC REPLACEMENT

Twin City Electric Co., Inc.	$41,870.00
J.L. Anderson Heating & Cooling, Inc.	$36,057.00

Attorney Luhman recommended bids be taken under advisement for review. Director Nail may review the bids during this meeting, recommendations made, and bids awarded at the end of this meeting.

- Commissioner Byers moved to take the bids under advisement, second by Commissioner Knochel; motion carried.

HIGHWAY-*Opal Kuhl*
TRAFFIC ORDINANCE 2010-01-CM- Regarding Speed Limits, Stop, and Yield Intersections

Director Kuhl introduced Traffic Supervisor Mike Parks. Mr. Parks stated ordinance 2010-01-CM will revise the speed limit schedule to replace the 25 mph limit on County Road 200 N, from the I-65 bridge to the intersection with 400 E with a speed limit of 45 mph. The recommended change is based on an engineering study that completed in December 2009. Stop and Yield revisions include intersections in sub-divisions that were accepted in 2009. Commissioner Knochel stated he had received several phone calls about this proposed speed limit change. Director Kuhl stated she had received one phone call opposed, three in favor, and one mention of the guardrail that was hit recently. The new speed limit will be set at the mean speed of 45 mph not the 85th percentile, which would be 50 mph. This will be consistent with what is needed and enforceable in that area. Commissioner Knochel asked Mr. Parks the percentage of vehicles that would be speeding if the limit were set at 40 mph. Mr. Parks said that 66% would be speeding at 40 mph limit. Sheriff Tracy Brown said he felt that 50 mph was too fast, adding that during heavy rain there is pooling in the center of the roadway. Mr. Parks stated 45 mph is under favorable conditions and drivers are expected to adjust speed according to conditions.

- Commissioner Byers moved to approve Ordinance 2010-01-CM on first reading as presented, second by Commissioner Knochel; motion carried.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Absent

Ordinance 2010-01-CM passes 2-0 on first reading.

- Commissioner Byers moved to suspend the rules and hear Ordinance 2010-01-CM on second reading, second by Commissioner Knochel; motion carried.

- Commissioner Byers moved to approve Ordinance 2010-01-CM on second reading, second by Commissioner Knochel; motion carried.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Absent

Ordinance 2010-01-CM passes 2-0 on second and final reading.

Bridge # 151–CE Agreement from H. Stewart Kline & Associates, Inc.

Director Kuhl presented a construction engineering agreement with H. Stewart Kline & Associates for Bridge #151 for approval. This will cover all testing and requirements for the construction of Bridge 151. The amount is not to exceed $375,000.

- Commissioner Byers moved to approve the Construction Engineering Agreement with H. Stewart Kline & Associates Inc. as presented, second by Commissioner Knochel; motion carried.

Project Coordination Contract-American Recovery and Reinvestment Act

Director Kuhl presented a project coordination contract with the Indiana Department of Transportation (INDOT). for resurfacing Eisenhower Road. The contract states we will abide by American Recovery and Reinvestment Act rules and federal guidelines.

- Commissioner Byers moved to approve Project Coordination Contract for the American Recovery and Reinvestment Act as presented, second by Commissioner Knochel; motion carried.

2010 Fee Schedule-H. Stewart Kline and Associates, Inc.

Director Kuhl presented the 2010 fee schedule from H. Stewart Kline and Associates, Inc. The County Highway Department does a lot of on call, small projects, and consultations with them. Most of the rates are the same although they did adjust the rate for registered engineers and engineers in training. The rate for engineers is from $100 to $160 per hour; for engineers in training it is from, $60 to $90 per hour.

- Commissioner Byers moved to accept the 2010 Fee Schedule from H. Stewart and Kline Associates, Inc., second by Commissioner Knochel; motion carried.

Warranty Deed and Temporary Easements for Bridge U-209

Director Kuhl presented the Warranty Deeds and Temporary Easements from Evonik Degussa Corporation formerly known as Eli Lilly. Evonik is granting all of the Warranty Deeds and Temporary Easements for the Bridge U-209 project as follows. Parcel 1n perpetual easement, Parcel 1p temporary easement. Warranty Deeds for Parcel 1, 1a, 1b, 1c,1d, 1e, 1f, 1g and 1h. Temporary Easements for 1j, 1k, 1l, and 1m. Ms. Kuhl went on to say that Evonik has been very cooperative and the transition from Eli Lilly to Evonik has been very smooth.

- Commissioner Byers moved to accept all the Warranty Deeds Temporary Easements and Perpetual Easements for Parcel 1 as presented, second by Commissioner Knochel; motion carried.

Warranty Deed and Temporary Easements for Tyler Road Project

Ms. Kuhl presented a Warranty Deed and Temporary Easement for Parcel 10 in the amounts of $735 for the Warranty Deed and $75 for the Temporary Easement in the name of James M and Julia Whitehouse.

- Commissioner Byers moved to accept Warranty Deed and Temporary Easement for Parcel 10 as presented, second by Commissioner Knochel; motion carried.

Payment and Performance Bond for Bridge #151-Jack Isom Construction Co.

Director Kuhl presented a Payment and Performance Bond for Bridge #151 from Jack Isom Construction Co. the amount is $2,373,684.72.

- Commissioner Byers moved to accept the Payment and Performance Bond as presented, second by Commissioner Knochel; motion carried.

Deed of Easement for Bridge U-209 Project

Director Kuhl presented a Deed of Easement for Parcel 2 in the name Norfolk Southern Railroad in the amount of $5,950 for the Bridge U-209 project.

- Commissioner Byers moved to accept the Deed of Easement as presented, second by Commissioner Knochel; motion carried.

***ASSESSOR**-Samantha Steele-Coles*
Tax Management Systems

Assessor Steele-Coles requested approval of the use of Tax Management Associates (TMA) for personal property auditing. TMA currently audits personal property for nineteen counties in Indiana and would only audit businesses with over $50,000 in personal property. The assessor's office does not have the work force or the resources to audit personal property for businesses. Regional Sales Director Larry Brandon and Area Manager John Shelton of TMA stated that by statute, they are able to do this service at no charge to the county; TMA is paid from the funds generated from their audits. TMA has a presence in twelve states nationwide. Mr. Brandon stated that by law, the assessor is required to review and examine every return. Mr. Shelton stated that farmers would not be audited. Commissioner Byers asked about the process if an audit was incorrect. Mr. Brandon stated that TMA stands behind their audits. Commissioner Knochel asked Attorney Luhman if there had ever been a lawsuit in Tippecanoe County pertaining to this issue. Attorney Luhman stated that in 2002 there was a lawsuit questioning the county assessor's authority to hire an outside company like TMA to do personal property audits. The Indiana Supreme Court found that the County does have that right to contract for this service. The legislature made a change in the statute to insure payment for this service can only be from recovered funds due to their audit. Thirty-day notice is required to cancel this contract with TMA.

- Commissioner Byers moved to approve the use of Tax Management Associates as presented, second by Commissioner Knochel; motion carried.

***GRANTS**–Laurie Wilson*

Grant Facilitator Laurie Wilson requested permission to apply for an Emergency Management Performance Grant from the Indiana Department of Homeland Security. This will reimburse the county for up to one-half the salary and benefits for three employees of TEMA. The county is applying for $82,339, and should be granted between $62,000 and $68,000. Commissioner Byers asked if that would cover half of the salaries of those three employees. Ms. Wilson stated that it should cover the full half of the salary but only about 13% of benefits.

- Commissioner Byers moved to grant permission to apply for the grant as presented, second by Commissioner Knochel; motion carried.

Ms. Wilson requested permission to apply for a Drug Free Coalition Grant from the Department of Health and Human Services. This is a continuation grant to help fund the activities of the Drug Free Coalition. The amount applied for is up to $125,000.

- Commissioner Byers moved to grant permission to apply for the grant as presented, second by Commissioner Knochel; motion carried.

***TIPPECANOE VILLA**-DeAnna Sieber*
Amendment to RCAP Contract

DeAnna Sieber presented an amendment to the Residential Care Assistance Program (RCAP) Contract for approval. This reflects an update in paragraph 30 adding the director's name. An update in paragraph 37 on security and privacy health information and paragraph 37-5 electronic transaction compliance.

These changes are required by the American Recovery and Reinvestment Act of 2009, no changes to funding were made. Attorney Luhman stated HIPPA requirements were also put into the contract.

- Commissioner Byers moved to accept the amendment to the RCAP contract as presented, second by Commissioner Knochel; motion carried.

APPLICATIONS TO THE VILLA

Commissioner Knochel presented two applications to Tippecanoe Villa.

- Commissioner Byers moved to accept the applications of Barbara White and Troy Dolby to the Tippecanoe Villa, second by Commissioner Knochel; motion carried.

SPONSORSHIP AGREEMENT WITH CASA AND TIPPECANOE CHILD ABUSE PREVENTION CHAPTER

A Sponsorship agreement between CASA and Tippecanoe Child Prevention Chapter was presented for approval, proclaiming April as Prevent Child Abuse Month. In addition, approval to put blue ribbons around the square was requested.

- Commissioner Byers moved to accept sponsorship agreement as presented, second by Commissioner Knochel; motion carried.

APPOINTMENTS TO COMMON WAGE BOARD

- Commissioner Byers moved to appoint Dave Lahr to the City of Lafayette under the Orchard Heights sanitary storm sewer project, water main replacement program and to the Purdue University for a list of projects throughout the University, second by Commissioner Knochel; motion carried.

UNFINISHED BUSINESS

Sheriff Tracy Brown stated that in 2003 Tippecanoe County entered into an agreement with Chase Bank for the lease of 800 MHz radio system upgrade. The annual payment of approximately $286,000 was due on December 1. In 2007, this due date did not coincide with the 911 budget and did not fit well with the contract schedule for paying vendors. A meeting with bank officials to amend that payment schedule was completed and they have amended the payment schedule, redistributing the interest charge of $8,000 over the remaining life of the lease.

- Commissioner Byers moved to accept the modification to payment plan for Motorola Project as presented, second by Commissioner Knochel; motion carried.

NEW BUSINESS

Parks Director Allen Nail stated that he had reviewed the bids offered for the Tippecanoe Battlefield Museum, and recommended accepting the low bids for the window replacement and the HVAC replacement.

- Commissioner Byers moved to accept the low bid from Oak Leaf Construction for $52,639.42 for window replacement, second by Commissioner Knochel; motion carried.

- Commissioner Byers moved to accept the low bid from Anderson Heating and Cooling for $36,057.00 for the HVAC upgrades, second by Commissioner Knochel; motion carried.

Auditor Weston reported that the resolution for Cary Home referenced as 2010-06-CM at the last meeting, which was the original resolution number. It should have been 2010-09-CM. This correction is reflected in the minutes of the last meeting.

REPORTS ON FILE

Building Commission
Building Commission 2009 year end report
Mail and Duplicating
Historic Prophets Town Annual Report

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

PUBLIC COMMENTS

Paul Wright; West Point, IN-voiced concern about what happens to emergency equipment when it is no longer functioning and if it possible to share the equipment with the National Guard.

Grant Facilitator Laurie Wilson-stated that if equipment becomes inoperable or outdated that any funds generated through the selling of equipment would be returned to Homeland Security.

Commissioner Byers moved to adjourn

BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE

John L. Knochel, President

David S. Byers, Vice President

Thomas P. Murtaugh, Member

ATTEST:

Jennifer Weston, Auditor