TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
May 4, 2009

The Tippecanoe County Commissioners met on Monday, May 4, 2009 at 10:00 a. m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President David S. Byers, and Member Thomas P. Murtaugh. Also present were: Attorney David W. Luhman, Auditor Jennifer Weston, Commissioner's Assistant Frank Cederquist, and Secretary Jennifer Prange.

Commissioner Knochel called the meeting to order and led the pledge of allegiance.

APPROVAL OF MINUTES

- Commissioner Byers moved to approve minutes from the April 20 and 29, 2009 meetings, second by Commissioner Murtaugh; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

Commissioner's Assistant Frank Cederquist recommended approval of accounts payable vouchers for April 23, 24, 28, May 1, 4, 2009 with one exception for AssessCo LLC, $15,000; Generation of Form 2011 General Reassessment Questionnaire.

County Assessor Samantha Steele stated the claim for AssessCo is for a one-page questionnaire to obtain required information the system does not track. Also, the claim includes additional work which was not included on the invoice for $15,000. She confirmed the additional work includes data management related to the return of forms by taxpayers. Assessor Steele said four additional staff members would be needed to perform the services she is requesting from AssessCo. She explained AssessCo would distribute the form, the forms would be returned to the Assessor from taxpayers, an excel spreadsheet would be created by the Assessor to be sent to AssessCo, and then AssessCo would send back information for data entry by the Assessor's Office. Commissioner Murtaugh stated he was concerned by the fact that the claim didn't include these additional services which would be provided for the $15,000. Commissioner Byers said he does not believe work is being managed properly with the current staff. He asked if this amount was included in the spreadsheet to the County Council for General Reassessment. Assessor Steele explained it was not included and there will be other items that were not included. Commissioner Murtaugh moved to approve the accounts payable vouchers with the exception of the claim for Assess Co for $15,000, second by Commissioner Byers; motion carried.

HIGHWAY - Opal Kuhl

Director Kuhl recommended approval of Change Order # 3 for the 2008 Bridge Rehabilitation from Wirtz & Yates, Inc. to add additional soil for guardrail stabilization in the amount of $450.

- Commissioner Murtaugh moved to approve Change Order #3 for the 2008 Bridge Rehabilitation, second by Commissioner Byers; motion carried.

Approval was recommended for Bridge #151 Supplemental Agreement #1 for PE Services from H. Stewart Kline & Associates, Inc. The agreement includes design services for $23,448 in order to be

compliant with the Phase II Stormwater regulations, right-of-way and buying services for $66,000 and staking fees for $22,700.

- Commissioner Byers moved to approve the Supplemental Agreement #1 for Bridge #151, second by Commissioner Murtaugh; motion carried.

Director Kuhl recommended approval of the following easements and warranty deeds for the South River Road project:

Temporary Easement Grant and Warranty Deed for Parcel 4 – Estate of Daniel Frazer
Temporary Easement Grant and Warranty Deed for Parcel 33 – John Luther Larson
Temporary Easement Grant and Warranty Deed for Parcel 36 – Elizabeth F & Ora E. Livengood
Temporary Easement Grant and Warranty Deed for Parcel 57 – Bonita J. Norris

- Commissioner Murtaugh moved to approve the Temporary Easement Grants and Warranty Deeds for the South River Road Project as stated, second by Commissioner Byers; motion carried.

Director Kuhl recommended approval for a Permit to Close a Road in West Point for a car show. The car show will take place on May 16th from 6 a.m. to 5 p.m. on Washington Street.

- Commissioner Byers moved to approve the application for a Permit to Close a Road, second by Commissioner Murtaugh; motion carried.

A Continuation Certificate was recommended for approval for $5,000.00 from Mulberry Cooperative Telephone Co., Inc. Director Kuhl explained these certificates are renewed annually for companies performing work in the right-of-way.

- Commissioner Murtaugh moved to approve the continuation certificate for $5,000 from Mulberry Cooperative Telephone Co., Inc., second by Commissioner Byers; motion carried.

Street Acceptance was recommended for Orchard Subdivision, Phase 3, Section One to include the following streets, Scarlett Drive - 699.94', Fuji Court - 569.33', Melrose Court - 520', Jonagold Court - 387.02' for a total of .412 miles with accompanying 3-Year Subdivision Maintenance Bonds from Milestone Contractors, L.P. for concrete curbs and asphalt streets for $23,562 and from Atlas Excavating, Inc. for Orchard Subdivision, Phase 3, Section One (Storm Sewer, Earthwork & Erosion Control within the County Right-of-Way) in the amount of $17,777.00.

- Commissioner Byers moved to accept the streets into the county system with two accompanying maintenance bonds as presented, second by Commissioner Murtaugh; motion carried.

Director Kuhl requested approval for Change Order #2 for 2008 Culvert Replacement Project from Wirtz & Yates, Inc. in the amount of $14,084.42.

- Commissioner Murtaugh moved to approve Change Order #2 for 2008 Culvert Replacement Project, second by Commissioner Byers; motion carried.

Approval was recommended for the 2009 Tippecanoe County Culvert Replacement Contract with Butler, Fairman, and Seufert to include work to be performed in the next 2-3 years. The work includes design on four culverts and the hydraulic analysis and sizing for 12 culverts. Director Kuhl added design work for 8

of the culverts will be performed in-house. The survey work is $19,800, design work $107,700, and sizing is $21,500.

- Commissioner Byers moved to approve the 2009 contract with Butler, Fairman, and Seufert, second by Commissioner Murtaugh; motion carried.

REZONES

Continued from the Commissioner's April 20, 2009.

- Commissioner Murtaugh moved to hear Rezone Z-2393 – Cherry Creek Ventures, LLC (A & R1 to RE), second by Commissioner Byers; motion carried.

Z-2393--CHERRY CREEK VENTURES, LLC (A & R1 to RE) Ordinance 2009-04-CM: Petitioner is requesting rezoning to develop a rural estate subdivision on 29.56 acres with a total of 11 lots located on the south side of CR 650 N, Tippecanoe 19 (SE) 24-4. *CONTINUED FROM THE FEBRUARY APC MEETING BECAUSE OF QUESTIONS REGARDING SEWER AVAILABILITY. FINAL CONTINUANCE.*

Dan Teder from Reiling, Teder, Schrier, LLC spoke on behalf of the petitioner. Mr. Teder thanked the commissioners for the opportunity to reconsider the rezone. The request for Rural Estate (RE) includes a plan for 11 lots on a wooded site surrounded by flood plain. A requirement of the RE zoning states any portion of rural estate subdivisions should not be located closer than ½ mile from the nearest sanitary sewer having unused capacity or closer if impeded physically by a stream or a ravine or similar barrier. An easement has been prepared by the petitioner and American Suburban Utilities has approved of the easement. Mr. Teder added in his opinion, American Suburban Utility has no objections to the zoning and no immediate plan to extend their sewer line at this time. He reported the anticipated cost of the sewer line was around $300,000 which would cost around $30,000 per lot.

Commissioner Byers thanked Mr. Teder for the additional information received regarding the sewer.

APC Director Sallie Fahey questioned the process of a previously denied rezone. She added Indiana Planning Law says an additional hearing is only allowed when missing or erroneous information was not presented. In this case, she received a copy of the ordinance for the rezone signed by the commissioners stating it has been denied. She requested supporting documentation to attach with the rezone which reflects the most recent decision made by the commissioners.

Attorney Luhman stated the rezone was eligible for reconsideration due to a recess of the Commissioner's meeting instead of adjourning. The petitioner had the opportunity to request the rezone be postponed until the next meeting to allow for additional information to be presented. Attorney Luhman offered to prepare supporting documentation for Director Fahey's request.

Auditor Weston recorded the vote:

Murtaugh	Yes
Byers	Yes
Knochel	Yes

Ordinance 2009-04-CM passed 3-0.

Z-2396 – ROSELLA JENKINS (AA to GB); ***continued to May 18, 2009***

- Commissioner Murtaugh moved to postpone rezone Z-2396 – Rosella Jenkins (AA to GB) to the May 18, 2009 Commissioner Meeting, second by Commissioner Byers; motion carried.

Z-2401 – NORMAN J. & SONDRA K. O'BRYAN (RE TO A); Ordinance 2009-05-CM: Petitioners are requesting rezoning of 11.803 acres for property located on the east side of CR 500 W approximately 1 mile south of SR West, Wabash 16 (SW) 23-5.

Z-2402-- NORMAN J. & SONDRA K. O'BRYAN (A & RE to RE); Ordinance 2009-06-CM: Petitioners are requesting rezoning of 36.014 acres for a proposed rural estate development of 11 lots located on the east side of CR 500 W, approximately 1 mile south of SR 26 W, Wabash 21 (NW) 23-5.

- Commissioner Murtaugh moved to continue Rezones Z-2401 and Z-2402 until the May 18, 2009 meeting, second by Commissioner Byers; motion carried.

GRANTS – Laurie Wilson

Grant Coordinator Laurie Wilson requested permission to accept funds from the Department of Homeland Security Grant for $137,161 for the Sheriff's Department. Funds will be used to purchase a containment vessel for bomb transportation, upgrades to the bomb robot, and bomb suits.

- Commissioner Byers moved to approve the Homeland Security Grant as presented, second by Commissioner Murtaugh; motion carried.

Permission was requested to accept funds from the Department of Homeland Security for $23,000. Funding will allow for additional field exercises to enhance capabilities for Task Force Development Team.

- Commissioner Murtaugh moved to approve the grant from Homeland Security as presented, second by Commissioner Byers; motion carried.

Ms. Wilson requested permission to apply for grants from the Drug Free Coalition of Tippecanoe County to include:

Juvenile Alternatives - $3,760.50 for workbooks for an evidenced based parenting group
Cary Home - $3,600 for video surveillance cameras
Cary Home - $5,000 for a substance abuse intervention program

- Commissioner Murtaugh moved to grant permission to apply for the grants as stated, second by commissioner Byers; motion carried.

COMMUNITY CORRECTIONS – Pat Scowden

Director Pat Scowden requested approval to apply for grant funding for the 2009/2010 fiscal year. He reported the budget for the year is $4,140,301; the amount being requested is $1,282,478 from the state.

- Commissioner Byers moved to approve the community corrections grant as submitted, second by Commissioner Murtaugh; motion carried.

PUBLIC DEFENDER – Amy Hutchison

Public Defender Amy Hutchison reported the Full-Time Public Defender position previously approved by the commissioners has been filled. Ms. Hutchison added once the full-time position was filled she agreed to return and notify the commissioners that two part-time positions could be eliminated.

- Commissioner Byers moved to vacate two part-time positions, second by Commissioner Murtaugh; motion carried.

TIPPECANOE VILLA – DeAnna Sieber

Director DeAnna Sieber requested approval of a purchase agreement with Mulhaupts to upgrade the fire alarm system for the Villa in the amount of $22,731.

- Commissioner Murtaugh moved to approve the purchase agreement with Mulhaupts for the Villa, second by Commissioner Byers; motion carried.

APPOINTMENTS TO THE COMMON WAGE BOARD

- Commissioner Byers moved to appoint David Lahr to the City of Lafayette Streetscape Phase III Common Wage Board, David Lahr for various projects in Tippecanoe County, Karen Shedd for various projects in Tippecanoe County, and Roy Meeks for various projects in Tippecanoe County, second by Commissioner Murtaugh; motion carried.

UNFINISHED/NEW BUSINESS

Appointment

Commissioner Murtaugh reported the Director of Weights and Measures, Doug Cripe has retired. The commissioners held several interviews.

- Commissioner Murtaugh moved to appoint Dave Heath as Director of Weights and Measures, second by Commissioner Byers; motion carried.

REPORTS ON FILE

Mail & Duplicating
Weights & Measures
Treasurer

PUBLIC COMMENT

Sheriff Tracy Brown reported the Governor has designated May 3-9 Corrections Officer week. Sheriff Brown recognized the hard work and dedication of Corrections Officer and the critical role they play in maintaining public safety.

Paul Wright – West Point, stated his involvement in government started in the Assessor's Office. He appealed his assessment and had it resolved by the Assessor. Mr. Wright explained he didn't have a public forum to make his case to the Assessor. He thinks taxpayers should all take the same steps he did to appeal their assessments. He said he is upset about his taxes and frustrated with how the county spends his tax dollars. He believes taxpayers should pay fees on county services instead of miscellaneous taxes which often don't apply to all taxpayers.

Sadie Harper-Scott – stated it would be most beneficial if major issues were discussed with department heads before the public meeting. She suggested issues such as those discussed today with the Assessor seemed to be personal and it would benefit the taxpayers to resolve these issues before the meeting.

Georgia Jones – gave details regarding the discussion on the AssessCo claim for the County Assessor. She stated the current assessing software does not allow for input of all property type information. Ms. Jones said the state has notified Tippecanoe County of non-compliance, and as they move forward the county must include the missing information. Ms. Jones stated positions were requested but not approved therefore the job needs to be outsourced.

- 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