

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
*July 7, 2014*

The Tippecanoe County Commissioners met on Monday, July 7 at 10:00 a.m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel and Vice President Thomas P. Murtaugh. Also present were Attorney Dave Luhman, Auditor Jennifer Weston, Commissioners' Assistant Frank Cederquist, and Recording Secretary Tillie Hennigar. Commissioner David S. Byers was absent.

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

**APPROVAL OF MINUTES**

- Commissioner Murtaugh moved to approve the minutes of the June 10, 2014 Joint Special Meeting with Council and the June 16, 2014 Regular Meeting, second by President Knochel; motion carried.

**PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS and PAYROLL CLAIMS**

- Commissioner Murtaugh moved to approve the accounts payable vouchers for June 20, 25, 26, 27 and July 3, 4, and 7, 2014 and payroll vouchers for June 20 and July 3, 2014 as submitted without exception, second by President Knochel; motion carried.

**ACCEPTANCE OF REQUEST FOR QUOTES FOR REROOF OF VILLA**

Attorney Luhman opened the two submitted bids.

<b>Marchel Roofing, PO Box 4702, Lafayette 47903</b>	<b>\$158,628.00</b>
<b>Sullivan &amp; Fortner, PO Box 6215, Lafayette 47903</b>	<b>\$137,110.00</b>

Attorney Luhman recommended the bids be taken under advisement for review of compliance.

- Commissioner Murtaugh moved to take the quotes under advisement as recommended, second by President Knochel; motion carried.

Following the opening of bids, a sealed bid arrived. The envelope was marked "Roof Bid" but did not indicate who it was from. The late bid will remain unopened.

**AREA PLAN – Sallie Fahey**

**Z-2575 TIPPECANOE DEVELOPMENT, LLC (A to R1), ORDINANCE 2014-09-CM**

Petitioner is requesting rezoning of 3.70 acres located within proposed Section 8 of Winding Creek Subdivision, west of CR 75 E and north of CR 500 N, Tippecanoe 29 (SE) 24-4

- Commissioner Murtaugh moved to hear Ordinance 2014-09-CM, second by President Knochel.

June 19, 2014  
 Ref. No.: 14-167

Tippecanoe County Commissioners  
 20 North 3<sup>rd</sup> Street

Lafayette, IN 47901

**CERTIFICATION**

**RE: Z-2575--TIPPECANOE DEVELOPMENT, LLC (A to R1):**

Petitioner is requesting rezoning of 3.70 acres located within proposed Section 8 of Winding Creek Subdivision, west of CR 75 E and north of CR 500 N, Tippecanoe 29 (SE) 24-4.

Dear Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on June 18, 2015 the Area Plan Commission of Tippecanoe County voted 8 yes - 0 no on the motion to rezone the subject real estate from A to R1. 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 July 7, 2014 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

Sallie Dell Fahey  
Executive Director

Attorney Dan Teder with Reiling, Teder, and Schrier said he represents the petitioner and requests a rezone from A to R1 of the 3.70 acre tract. A favorable staff report and a unanimous Area Plan vote in favor of the rezone has been received. The acreage to the north and west was rezoned to R1 in May, 2013. Winding Creek Subdivision includes 118 lots that were filed earlier this year. Area Plan indicated adding 3.70 acres to the previous rezone to R1 makes for a better subdivision layout.

President Knochel invited public comment in favor of or opposed to the rezone. There were none.

Auditor Weston recorded the vote.

Knochel	Aye
Murtaugh	Aye

Ordinance 2014-09-CM passed 2-0.

***UZO AMENDMENT #82, ORDINANCE 2014-10-CM***

This amendment to the Unified Zoning Ordinance would allow the elevation of certain buildings in the Flood Plain zone and change what structures are permitted within the Flood Plain setback.

- Commissioner Murtaugh moved to hear Ordinance 2014-10-CM, UZO Amendment #82, second by President Knochel.

June 19, 2014  
Ref. No.: 14-158

Tippecanoe County Commissioners  
20 N. 3<sup>rd</sup> Street  
Lafayette IN 47901

**CERTIFICATION**

**RE: UZO AMENDMENT #82:**

This amendment to the Unified Zoning Ordinance would allow the elevation of certain buildings in the FP zone and change what structures are permitted within the FP setback.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on June 18, 2014, the Area Plan Commission of Tippecanoe County voted 9 yes - 0 no on the motion to approve the enclosed amendment to the Unified Zoning Ordinance. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed zoning ordinance amendment be approved.

Sincerely,

Sallie Dell Fahey  
Executive Director

Area Plan Commission Assistant Director Ryan O’Gara said Ordinance 2014-10-CM concerns elevating qualified existing single family homes located within the flood plain zone. The latest extension was approved by APC in November, 2013 and the Commissioners on December 2, 2013. There has been renewed interest in extending the sunset date; the Ordinance Committee unanimously voted to do so. The new sunset date is December 31, 2015, allowing homeowners 18 months to obtain an elevation permit. Section 2 of the amendment clarifies special setbacks. The committee recommends approval of the UZO Amendment #82. Commissioner Murtaugh said Commissioner Byers has worked hard on this issue, commending him and the Ordinance Committee for putting the Ordinance together.

President Knochel invited public comment in favor of or opposed to the Ordinance. There were none.

Auditor Weston recorded the vote.

Knochel	Aye
Murtaugh	Aye

Ordinance 2014-10-CM passed 2-0.

***ORDINANCE 2014-08-CM – second reading***  
***PROHIBITION OF QUARRIES IN RESIDENTIAL AREA***

Commissioner Murtaugh moved to hear Ordinance 2014-08-CM Prohibition of Quarries in Residential Area on second reading, second by President Knochel.

President Knochel said the Ordinance calls for a three minute limit for speakers; however, the rule will be suspended this morning; five minutes will be allowed. He said it would be appreciated if the speakers do not repeat what has been said by a prior speaker.

President Knochel invited public comment from those opposed to the Ordinance.

Attorney Andy Gutwein, Gutwein Law said he is working with the Rogers Group and will respect the time limit that has been placed. Attorney Gutwein said the Ordinance is geared toward the Rogers Group but goes far beyond this particular site and the Rogers Group. The specifics of the Rogers Group proposal on this particular site will not be discussed due to the fact it is a general Ordinance applying to the entire county, also the Rogers Group data is not yet complete. The Rogers Group has invested, and continues to invest hundreds of thousands of dollars into the site with engineering and hydrology studies. The studies will determine what impact the site may have and how to address the potential impact. The current timeline is not adequate to complete those studies and tests.

The Ordinance being considered negates an established practice. The Board of Zoning Appeals (BZA), which has existed for decades, reviews the policy reason on every application received. The policy

reasons recited in the Ordinance passed on first reading and being considered today are the same policy reasons the BZA takes into account on every application it considers. Taking the discretion away from the BZA is a short-sided decision and not in the best long term interest of the county.

In order to open and operate any quarry of the nature being discussed, there are several permits required. The Rogers Group officially began the process over a year ago, with the County's knowledge and understanding. The State permit was obtained from the Department of Natural Resources to construct in a floodway. Locally, Drainage Board approval was received when the Rogers Group conformed with the drainage ordinance. Based on statutory law and case law that interprets and supplements, Rogers have vested rights allowing them to complete the process under the laws that existed at the time they began the process. While the Ordinance may accomplish prohibition on other mines in Tippecanoe County, Attorney Gutwein said it will not be binding on this particular project.

Attorney **Christopher Shelmon**, Gutwein Law on behalf of Rogers Group, Inc. said one of the items addressed at the first reading of the Ordinance was the Commissioners specifically stated they did not want to prohibit mining within the county; however, that is what the Ordinance does. There are very few areas allowing mining that do not have the required less than 100 homes in a two mile radius. Mining isn't done on a theoretical point in a theoretical location; it has to be done where the stone is located. As a result, there are only a few areas that have solid consolidated limestone. There are very few areas in the county allowing mining and those that show up on the map that may or may not apply to the Ordinance, are not accessible in any type of conventional mining methods. Attorney Shelmon asked the Commissioners to hold to their word and not prohibit mining in Tippecanoe County. Other than the actual mining Ordinance, it's inappropriate. Mining takes place around the United States and specifically in Indiana every single day within residential areas as defined by the Ordinance.

Attorney Shelmon provided a Power Point presentation and discussed the various maps of quarries within the state. Several areas, including Geist Reservoir in Indianapolis with hundreds of homes, thousands of people, and millions of dollars of property in one of the most upscale areas of Indianapolis; all within a two mile radius. The Martin Marietta project, a crushed limestone facility is located 1 ½ miles from Keystone Mall. The Kokomo Martin Marietta has hundreds of homes within the two mile radius. In addition, Fort Wayne has a facility, Salem includes almost the entire town, the Rogers Group own location in Spencer, and Delphi which also includes almost the entire city. Others are located in Francesville and Kentland; the Kentland facility only meets the Ordinance by ¼ of a mile. The Purdy mine located on the south side of Lafayette has a history with the county with many homes, over the 100 in a two mile radius. They also have a state permit to dewater over two million gallons a day – in a residential area with wells. Mining can be done safely and can be done to limit the impact on neighbors in a residential area. The Rogers Group quarry in Siebolt, near Bedford had immediate growth directly next to the quarry in four out of a fifteen year period. Siebolt quarry was built in the early 1960's with vacant land planned for subdivisions surrounding the quarry. By 2004, there was a development north of the quarry and a development to the southeast was growing. In 2008, the growth continued; by 2013, the neighborhoods are almost completely full. If the quarry was so detrimental, these residents would not be seeking these locations to live near a Rogers Group site.

Attorney Shelmon continued to say the Ordinance will prohibit Tippecanoe County to have reliable and inexpensive convenient stone. The Americus site is proposed to save the County approximately \$150,000 in trucking costs each year and \$1 - \$2 per ton in savings that added competition to the community will provide. Most importantly, stone is already coming to the county; this will provide the stone the county needs to be a growing, vibrant area at a cheaper, more cost effective, and environmentally friendly way.

**Andy Williams** – 2944 E Covenanter Dr., Bloomington, IN - stated he is with the Rogers Group and plans to talk about the aggregate demand in the Lafayette area and the proposed Ordinance. Mr.

Williams said every home that is constructed, every road that is built, every farm field that needs ag lime, and every new business or existing business that comes to Tippecanoe County and invest in infrastructure needs stone. The greater Lafayette market area consumes a million plus tons of stone annually, equaling approximately 45,000 truckloads. If the Ordinance is passed, it effectively prohibits the mining of limestone in Tippecanoe County, ensuring the 45,000 loads of stone will travel a minimum of an additional 18 miles per load; over 800,000 truck miles per year. Mr. Williams presented a map prepared by the Plan Commission saying it is an overlay of areas that meet the proposed Ordinance in terms of residential area versus quarry and also a geology overlay. He explained the red area of the map is siltstone which has no commercial value, doesn't meet any soundness requirements, and is not suitable for use in construction. The upper part of the map shows the area at the north end of the county has limestone; unfortunately, there is 250 feet of sand, gravel, and clay on top of the limestone, making it uneconomical to access and mine. Mr. Williams stated he recommends the Ordinance not be passed. He asked the Commissioners to consider the full cost of the Ordinance and the effect of economic development growth and the general spending in years to come.

**Henry Bosma** stated he is one of the property owners. Last week, he went to Americus and found 14 neighbors opposed to the Ordinance. He read several letters; the first was from the property owner owning approximately 300 acres across the river from Mr. Bosma. A second letter indicated people are over reacting against the stone quarry. The third letter said the Ordinance is anti-business and anti-competitive; the County should be looking for ways to expand industry, not limit it. He read a fourth letter in opposition to the Ordinance. The letters were given to the Commissioners.

**Amanda Wilson** – 4140 Langler Dr., Lafayette – Ms. Wilson said Larry Bosma is her father and the quarry was a dream of her grandfather's. When the Rogers Group started to work with her father and uncle it became very exciting to think about them having time to go fishing instead of maintaining the farm. The quarry would bring peace of mind to the entire family by supporting her father and uncle as they grow older. She is excited about the opportunity for the community. She recognizes many people in the audience and understands as a homeowner they are very cautious and conservative. Ms. Wilson said the Rogers Group has completed a lot of work behind the scenes and she would like to encourage the audience to rethink their decision.

President Knochel invited public comment from those in favor of the Ordinance.

**Kay Miller** – 8143 Old State Road 25 N., Lafayette – Mrs. Miller stated she is the co-president of the Americus Area Community Coalition, a non-profit environmental group centered in Washington Township. Her family and other Americus residents support the Commissioners in the creation of an Ordinance requiring space between residences and any industrial mining complex. The coalition has been educating people about the dangers of placing quarries next to neighborhoods and requesting their support. A survey was provided and currently over 1,200 signatures have been obtained from those who oppose the development of a quarry near Americus. The proposed Ordinance will not prohibit quarrying; it will ensure adequate space between homes and mining operations and promote healthier communities in the county.

Mrs. Miller continued to say there are 369 residences within a two mile radius of the quarry property which would be subjected to noise, traffic, fugitive dust emissions, blasting, possible loss of potable water, and a reduction in property value if the quarry is permitted to operate. Within those homes, approximately 1,000 people would be affected. Mrs. Miller said the top three concerns of the residents are 1) loss of property values, 2) increased noise pollution, and 3) increased truck traffic.

**Bill Miller** – 8143 Old State Road 25, Lafayette – Mr. Miller stated he is the co-president of the Americus Area Community Coalition and will continue to cover the resident's survey concerns. The next

four main concerns are 4) hours of operation, 5) dewatering, 6) degradation of Old 25, and 7) fugitive dust emissions. Other concerns presented were: loss of wildlife, compliance issues, river corridor integrity, and child safety. When asking the individuals if they wanted the Rogers Group to build a stone quarry in Americus, 99.3% said no.

State Senator **Brandt Hershman** said it is the first time in fourteen years he has appeared before the Commissioners. He continued to say there is little he can add that the Commissioners aren't already aware of or haven't considered. He represents the affected area and also lives in Washington Township. He has met with the Rogers Group and the Coalition. He congratulated the Coalition for their organization and professionalism of their presentation and the thoughtful way they have approached the subject. He complimented the Rogers Group, saying he has toured the facility in Kentland and feels they are a good company. His comments are not reflective of the Rogers Group as an organization but rather the location of the proposed quarry and the impact on the surrounding area. "Strong ordinances make for good neighbors in so far as increasing areas of population density, the impact of mixed use – industrial, commercial, and residential activities have the potential of creating a variety of issues both in terms of public nuisance and environmental impacts." The State has authorized permits but those permits reflect review in relatively narrow areas; it does not reflect the growth of the community and what you want Tippecanoe County to look like in the future. Some development is temporary and the impact is small; a quarry is literally forever. Senator Hershman said he has a number of quarries in his district and based upon his own experience and observation, the Ordinance represents a reasonable way to help control the development of the county in a respectful way that allows for industrial and residential development to continue in a measured way to keep adequate separation to minimize the potential negative impacts. For that reason, Senator Hershman stated he supports the adoption of the Ordinance.

**Dr. Terry R. West** – 5 Tall Oak Lane, W. Lafayette – Dr. West stated he is a professional Geologist and Consultant on the quarry issue. He is a Geological Engineer, a Civil Engineer, a Professor of Earth and Atmospheric Science at Purdue, and a Consultant for more than 30 years. He currently is doing research with 82 graduate students. He is very familiar with the area of ground water and construction materials. He presented information from a ground water report that was completed by an Indiana University Hydro Geologist who was unable to join the meeting. He discussed the drawdown of water and the effects of installing a slurry wall. He said the Delphi quarry pumps eight million gallons of water a day. If more water is pumped than rainfall puts into the ground, the net effect is a decrease in water in the surrounding area. The thickness of the black shale is unknown; it could be up to 40 feet. The black shale is an undesirable material containing pyrite which produces acid. In an area of Tennessee, a picture was displayed showing a screen placed over the black shale to maintain the acid. He stated that a stone quarry is similar to a sanitary landfill in that they are disruptive; a need for the special project should be established before granting approval. Dr. West concluded by talking about the safety issue and the installation of the slurry wall.

**Sue Deno** – 8400 Old State Road 25 N, Lafayette – Ms. Deno stated she will show that quarry blasting creates fissures in limestone; those fissures increase levels of radon in residential homes. The Indiana Department of Environmental Management defines radon as a cancer-causing, radioactive gas. Radon migrates from the bedrock through the soil and water towards your home then enters the home through openings below ground level through cracked foundations and sump pumps. A report on BBC news indicates there is a radon connection to slate and granite deposits, but ties radon to limestone deposits. The expressed purpose of the Rogers Group is to mine limestone. Displaying a map of radon concentrations in Indiana, Ms. Deno said Tippecanoe County has the potential for the highest radon readings. Indiana Environmental Management states that nearly 1 of 4 homes tested has unacceptable high values of radon. According to the EPA, over 20,000 people die from radon gas annually and over 3.5% exposed to extremely high levels of radon will develop lung cancer. Reducing the radon level to an

acceptable level, the risk of getting lung cancer is reduced by 90%. Quarries bring negative impact to homeowners who live in proximity to the blast site, especially in terms of radon.

**Merrill Cree** – 7800 Tall Timber Dr., Lafayette - Mr. Cree presented information on what the proposed quarry might cost the people in the Americus area in relation to property values. The average value of a home within one mile of the quarry property is \$178,680; approximately \$27,000,000 total residential property value. The tax on the average home in the area is \$1,342 per year. By creating a loss of value table and reducing the average home value by 25%, a 33% reduction in property taxes is generated. If property values reduce by 25%, the increase from the Rogers Group will be wiped out by the loss in property tax revenue. During the survey of the Americus residents, 72% said they would consider moving from their home if the quarry were approved for operation.

**Roger Circle** – 7551 Ridgeview Ln., Lafayette – Mr. Circle stated he will discuss information regarding safety violations issued to the Rogers Group, discuss the fines assessed, and illustrate a record of low regard the company has for the safety of their site employees and for the communities. The information he presented comes from the US Department of Labor through the Mine Safety and Health Administration. The Rogers Group operates ten aggregate dealerships, quarries, or underground mines in Indiana producing material as fine as sand and as large as dimensional-cut limestone. The facilities are located in seven Indiana counties including Newton, Owen, Morgan, Monroe, Lawrence, Warren, and Knox County – all are more sparsely populated than Tippecanoe County. The Rogers Group has been formerly cited 392 times for safety violations in the past six years in Indiana. They have been fined \$100,981 in the last six years. In May, 2009 the Bloomington facility was fined \$5,503 for a Federal Regulation violation related to vehicle maintenance and safety procedures. In May, 2012 the Newton County facility was fined \$2,678 for violating a Federal Regulation concerning the proper handling and storage of explosives.

The Rogers Group has six quarry facilities and four sand and gravel operations in Indiana. Quarries like the one they want to build in Americus accounted for 342 of the 392 safety violations; quarries are more prone to safety violations. The quarry fines account for 94% of fines assessed. At the national level, the Rogers Group facilities have 1,997 safety violations in the last six years – 333 citations per year/1.33 citations per workday. Over the six year period, the Rogers Group paid \$711,746 for violations, an average of \$475 per day. Safety is NOT a priority with the Rogers Group.

**Michael Taylor** – 8505 Timber Ln, Lafayette - Mr. Taylor discussed fugitive dust emission compliance, saying blasting is not specifically regulated by Indiana Air Pollution Control rules. The law states that *blasting dust should not cross the property line at or near ground level*. Fugitive dust is generated on a property and then leaves that property in some form. He discussed what determines a violation and the criteria for identifying a violation using monitoring equipment and various devices – making it impossible for a homeowner to determine. If a homeowner files a complaint, there is not a local contact; there is one person in Indianapolis. Residential homeowners have no means to file an adequately-backed complaint to IDEM. There is no one on-site able to deal with this issue and the lag time makes any data gathering pointless.

**Bethany Chapman** – 8316 Timber Ln, Lafayette, IN – Ms. Chapman stated she is an NBRC Certified Respiratory Therapist and will share information on the effect of dust on the respiratory system. The adult respiratory tract is an intricate structure which provides for the exchange of air into carbon dioxide. Air enters through the nose and mouth and travels down the airway and into the lungs and into the alveoli. The alveoli are tiny air sacs where gas exchange occurs. Particulate matter in the air may be breathed into the lungs. Smaller particles may be unseen by the human eye but have the potential to cause the greatest damage. Dust particles can travel beyond the nose and upper airways and settle into the lower respiratory tract and alveoli. Small particles are more dangerous because they travel further into the respiratory tract

and may enter the bloodstream and/or cause fibrosis or scarring of the lung tissue. The respiratory tract can process and eliminate dust of great quantities; coal miner's lung, or pneumoconiosis is not acquired by everyone working in a coal mine.

The exposure to silica dust, such as the dust resulting from blasting, can result in a disease called Silicosis. The only known, effective cure for Silicosis is a lung transplant. The inhalation of crystalline silica dust may also lead to pulmonary tuberculosis; another irreversible airway disorder with poor outcomes. Dust can aggravate the heart and cause heart attacks and irregular heartbeats. It can induce asthma and other chronic respiratory disorders, cause bronchospasm, coughing, shortness of breath, clubbing of the fingers due to hypoxia, and cyanosis. The effects of breathing silica dust and other free radicals caused by blasting and quarry work are irreversible. During the survey conducted by the Americus Area Community Coalition in May and June of 2014, 37 of the area homes indicated pre-existing respiratory conditions; almost four times the US average of 10%. Further exposure to particulate matter has the potential to aggravate each and every one of these pre-existing condition.

**Michael Deno** – 1804 Morton St, Lafayette – Mr. Deno further explained the link between the quarry industry and silica dust and how silica dust can cause a fatal lung disease – silicosis. The number one industry for silica dust exposure is quarrying. Silicosis may not appear until up to 20 years after exposure to the silica dust. There is no treatment for Silicosis and it has many terrible complications. For barren surfaces, like quarries, 97% of the airborne particles will transport off of the property.

The greatest death total in recent history from Silicosis can be found in *Morbidity and Mortality Weekly Report*. Seven years after West Virginia workers excavated a tunnel for a hydroelectric plant, 1/3 of the 2500 workers were dead from Silicosis. A UK consultant group reports 1/3 of Silicosis deaths are from mining and quarrying. There are 80 new cases annually in the mining and quarrying industry. In order to protect the people of the Americus area from exposure to the silica dust, they must keep a barrier between them and the dust, keep doors and windows closed, don't let the dust accumulate anywhere, change air filters regularly, and water down all open areas to reduce dust. Why subject the people of the Americus area to living under a cloud of silica dust?

**Jason McCoy** – 7701 Summit Ln, Lafayette – Mr. McCoy presented pollutant data for Rogers Group facilities currently in operation, showing that the Rogers Group is the number one polluter in Indiana. The information he presented comes from the Federal Government. Every three years, the US EPA collects pollutant data then compiles the data into the Emissions Inventory System (EIS). *PlanetHazard.com* tracks the data which provides pollutant data and mapping of over 86,000 companies across America. The Rogers Group facility in Spencer, Owen County was number one on the list of the top ten polluters; topping the results of the Owen County landfill. The Rogers Group facility in Newton County was the number one air polluter for the county. In Lawrence County, the Rogers Group appears twice on the top ten list as they have an aggregate dealership and a stone quarry in the county. The Rogers Group facility in Bloomington, Monroe County also appears twice on the top ten list.

Mr. McCoy continued to discuss the air pollution dispersed from the Mitchell Crushed Stone operation and the Sieboldt quarry in Springville. Another pollutant concern comes from the asphalt plants; these facilities bring their own health hazards – everything from headaches to cancer. The Rogers Group asphalt plant near Washington, Indiana emits carbon monoxide and volatile organic compounds, in addition to the particulate matter. The Bloomington facility emits an array of toxins and carcinogens with particulate matter. The Rogers Group emits 7,184,900 pounds of air pollution to the state of Indiana each year – one pound of air pollution for every citizen in Indiana.

**Teresa Maxwell** – 10357 W US Hwy 421, Delphi – Mrs. Maxwell said that she and her husband farm the land across the river from the proposed quarry site. She presented the results of a study from a research

team from the University of Puerto Rico. The study was entitled *Clinical Conditions Associated with Environmental Exposures: an Epidemiologic Study in Two Communities in Juana Diaz, Puerto Rico*, published in the June 2009 Puerto Rico Health Science Journal. The research team was composed of 15 graduate students and 2 Ph.D.'s from the University of Puerto Rico, Medical Sciences Campus, Graduate School of Public Health, Biostatistics and Epidemiology Department. The study was conducted in two cities – one exposed to particulate matter from quarries and diesel exhaust; the other had no exposures. The research studied 19 variables – everything from general symptoms and respiratory symptoms to respiratory diseases and chronic diseases. The city exposed to particulate matter had a higher prevalence of general and respiratory symptoms and diseases when compared to the city with no exposures. The results for the exposed city reflected: bronchitis (7.5% vs. 1.5%), nasal allergies (16.8% vs. 4.5%), nasal congestion (29.7% vs. 12.8%), nausea, and vomiting. Quarries can make you sick and cause health problems for the people living near a large-scale mineral extraction operation.

**Nate Hofmann** – 7701 Rolling Hill Dr., Lafayette – Mr. Hofmann summarized the arguments made by previous presenters and explained why an Ordinance is needed to protect residential homeowners from large-scale mineral extraction operation. There are many different issues of concern when a quarry moves into a neighborhood; people are resistant to the idea in general. Quarries put residential wells at risk. Quarries can put residents at risk of exposure to increased levels of radon. Blasting creates fissures in limestone, allowing the toxic element to enter home foundations in increased amounts. Quarries can harm the value of a person's home. Quarries are a safety hazard to people living in proximity to mining operations. Both employees and local residents die in quarries, both active and inactive. Quarries are not adequately monitored. Quarries create vast amounts of airborne dust, affecting the respiratory health of those exposed to it. Quarries create silica dust, possibly causing Silicosis in both employees and those breathing the silica dust repeatedly over time. Quarries produce vast amounts of particulate matter air pollution. The Rogers Group is a number one county polluter in Indiana. Quarries create fugitive dust that leaves the property and affects the respiratory health of people living nearby.

The only actual contributions to the community from the Rogers Group is the promise to make some local charity donations, the production of building materials, and the creation of 6 jobs. There are already many companies who donate much more to charities than the Rogers Group without the negative impacts to homeowners that a quarry company would. Current mineral extraction operations in the county are more than adequate to handle the demand for aggregate material. Tippecanoe County has IMI, Purdy, Vulcan, US Aggregates, and Prairie Material currently in operation. There is an existing stone quarry six miles away from the proposed site; there is no need for this operation.

Mr. Hofmann addressed some points made by Gutwein Law. They mentioned “vested rights”- they do not have a building permit and there are many more steps that have not been met so vested rights are not an issue to consider. The GIS map and a State map were blown up and then condensed which indicates there is no limestone in Americus. Per Director Fahey, merging the two systems is difficult and therefore, the GIS maps are not completely accurate. Also, referring to the sand and aggregate dealers being in close proximity as presented by Gutwein Law, some homes sprung up before but many of them sprung up afterwards. The Purdy Quarry is not a stone quarry, it is an aggregate dealership and the two are very different industries.

The operation will bring 6 jobs to the county. What are six jobs worth? Are they worth our health, safety, money, and our lives? He does not believe it is worth the risk, the fellow speakers do not believe it is worth the risk, the people who live near the proposed quarry property do not believe it is worth the risk. There is a need for space between large-scale mineral extraction operations and neighborhoods.

- *Most speakers utilized a Power Point presentation. Those presentations are on file in the Auditor's Office.*

**Karen Griggs** - 100 Thornbush Dr., West Lafayette – Ms. Griggs said she is the chair of the Indiana Division of the Izaak Walton League of America Water Quality Committee. In the interest of time, she submitted her original statement to the Commissioners, asking that they please vote in favor of the Ordinance. Her statement is as follows: “The Isaak Walton League of America is a non-profit, non-partisan environmental organization. Our pledge is to preserve and protect soil, woods, water, wildlife, and air quality. I rise in support of the proposal to establish a groundwater protection zone in densely populated areas. At the time that the Rogers Group applied to the Indiana Department of Natural Resources for a floodway construction permit, they did not have any application pending or granted for a Section 401 water quality certification as required under the federal Clean Water Act. The public interest requires protection of the well water in the county, especially when shallow and discontinuous aquifers are the sole source of drinking water for hundreds of local voters in the Americus area. If these wells were disturbed, sulphur deposits and dry wells would result. Without water, there is no life. Furthermore, the continuous pumping of groundwater and the discharge of milky wash water from the large proposed quarry would negatively impact the Wabash River and our Prophetstown State Park. In addition, this rural area has water dependent businesses such as the Leisure Time Campground, the Americus Union Church, the restaurants, and others. They would suffer permanent environmental, economic and social impacts.”

**Commissioner Murtaugh** asked about the water table draw down, specifically if a someone had a 60 foot deep well, does that mean they could lose up to a third of the capacity. Dr. West said it means the elevation of the water level in the well would drop 50-60 feet. The pump is normally placed just below the water surface; if the water level in the well is lowered, it could be dried up easily. If the water table is lowered more than 25 feet, the well would need replaced with a different input type. Without knowing the pumping rate, the nature of the soil, or the height of the water level, it is hard to determine the draw down. Many wells in the flood plain area would be affected.

**Commissioner Murtaugh** commended both sides for the professionalism portrayed when presenting their arguments. Everyone has conducted themselves in a rational manner in regard to the issue.

**President Knochel** also commended everyone for being thoughtful to each speaker, saying everyone acted in a very admiral way today and all presentations were very good. He continued to day he has a hard time understanding how two neighbors can do this to other neighbors who have lived there for so many years. The devastation the quarry would bring to the area was much more than he could handle in proceeding and he has not changed his mind.

Auditor Weston recorded the vote.

Knochel	Aye
Murtaugh	Aye

Ordinance 2014-08-CM passed 2-0 on second and final reading.

President Knochel called a five minute recess.

President Knochel reconvened the meeting at 11:56 a.m.

***HIGHWAY – Opal Kuhl***  
**Awarding of Bid – Bridge #42 Replacement Project**

Highway Director Kuhl said the Bridge #42 project is on 500 East. The low bid is with Milestone Contractors in the amount of \$145,540.15.

- Commissioner Murtaugh moved to approve the bid for the Bridge #42 project with Milestone Contractors in the amount of \$145,540.15 as presented, second by President Knochel; motion carried.

#### **Change Order #1 – Culvert TIP010 Replacement Project from Reith-Riley Construction**

Director Kuhl presented Change Order #1 on Culvert TIP010, a replacement with Reith-Riley in the amount of \$5,313. The total contract is \$194,946. Initially, there was an error in the reading of the culvert size; this change order corrects the error.

- Commissioner Murtaugh moved to approve Change Order #1 for the culvert Tip010 replacement project in the amount of \$5, 313 as presented, second by President Knochel; motion carried.

#### **Change Order #1 – Concord Road Project from Reith-Riley Construction**

Director Kuhl presented Change Order #1 with Reith-Riley for the Concord Road pedestrian trail and signal project. The County is paying for the signal; the change order is for Reith-Riley to coordinate the signal with the rest of the construction. The amount is \$3,628, bringing the total amount to \$129,240.

- Commissioner Murtaugh moved to approve Change Order #1 for the Concord Road project in the amount of \$3,628 as presented, second by President Knochel; motion carried.

Director Kuhl stated the two previous projects with change orders are coming from the TIF district funds.

#### **Change Order #9 – Cumberland Project from DJ McQuestion & Sons**

Director Kuhl presented Change Order #9 for the Cumberland project with DJ McQuestion & Sons, saying it is the final change order. All paperwork has been finished and quantities have been balanced resulting in a decrease of \$254,915.53. The total amount of the project is \$4,395,542.76.

- Commissioner Murtaugh moved to approve Change Order #9 for the Cumberland project in the amount of a -\$254,915.53 as presented, second by President Knochel; motion carried.

#### **Street Acceptance – Harrison Highlands, Phase Two, Section One, Chattan Drive–149.70’, Macbeth Drive–471.92’, Mackenzie Court–219.20’, Macleod Court–189.50’**

#### **3 Year Subdivision Street Maintenance Bond – Harrison Highlands, Phase Two, Section One from Milestone Contractors, L.P. in the amount of Nineteen Thousand Four Hundred Dollars (\$19,400)**

Director Kuhl presented street acceptance in Harrison Highlands, Phase Two, Section One, totaling 1030.32 feet of roadway. It has been inspected and passed all inspections. Along with the street acceptance is the Maintenance Bond in the amount of \$19,400.

- Commissioner Murtaugh moved to accept the streets in Harrison Highlands as presented along with the three year Subdivision Maintenance Bond in the amount of \$19,400, second by President Knochel; motion carried.

***BUILDING COMMISSION – Ken Brown*****Unsafe Structure Public Hearing: 9028 Yorktown St., Stockwell, IN**

Building Commissioner Brown said there are two projects, the first one at 9028 Yorktown Street in Stockwell, owned by Joe Wilbur. The last time the property was discussed, a progress report was requested. Pictures were presented and Building Commissioner Brown said the first picture shows the metal on the roof is nearly completed and siding has been started on the front of the building. The second and third pictures show the gable ends still open. The picture from the rear of the building shows the soffit area is incomplete. The remainder of the pictures is from around the building. Mr. Wilbur is here today for any questions. Commissioner Murtaugh said it is obvious some progress has been made in the past month and asked what time frame Mr. Wilbur was looking at to finish and clean up the project. Mr. Wilbur said he would be done in two to three weeks, he has access to a dumpster and clean-up is part of the process.

- Commissioner Murtaugh moved to continue the hearing to the August 4, 2014, second by President Knochel; motion carried.

**Unsafe Structure Public Hearing: 6973 Main St., West Point, IN**

Building Inspector Mike Wolf said the property at 6973 Main Street in West Point consists of two unsafe structures, a house and garage, at the intersection of 700 West and Main Street. The property is listed in the name of the deceased parents with Ms. Candice Sims as a close relative to the owners. There is a tax lien on the property and it is scheduled to go to the Tax Sale in September. The first investigation of the property was on July 6, 2011 at which time the house was found borderline unsafe and Ms. Sims was sent a letter. On April 10, 2014 another complaint was received; the property was investigated and found to be in worse condition and declared unsafe. Ms. Sims was sent another letter explaining she would need to obtain a building permit and fix the structure or obtain a demolition permit and tear down the structure. At this time Ms. Sims said she is financially unable to afford either. Since the property is in an area exposed to children, a letter was drafted by Attorney Luhman inviting Ms. Sims to the meeting today. Ms. Sims is not present. Considering the condition of the house and garage has not changed and the house is located in the middle of town where children can enter and get injured, he recommends the County move forward to demolish the house and garage.

Commissioner Murtaugh asked Attorney Luhman what happens with the property going to the Tax Sale. Attorney Luhman said if the County is ordered to demolish the building, they provide the owner notice and demand reimbursement for the cost of demolition. If the owner fails to pay, the lien can be recorded in the Auditor's office. If the lien is recorded prior to the tax sale, the property will be subject to the taxes and the lien to the buyer at the Tax Sale.

Mr. Wolf presented pictures and described them as the inside of the house; the foundation which has eroded away with animals crawling in and out; several holes in the roof; an open door shows signs that people have been in and out; the walls, ceiling joists, and rafters are rotted and beginning to fall in. The detached garage is standing open with several windows knocked out and the walls and roof are beginning to collapse.

Commissioner Murtaugh asked if we proceed and the County incurs the cost to demolish, what if it can't be done prior to the Tax Sale. What if it is purchased at Tax Sale prior to the lien being attached? Attorney Luhman said the purchaser would buy it subject to the ongoing action. If purchased, the buyer would be responsible for making sure there was no unsafe structure on the property. At the very worst case scenario, the County would have to go through the process again because there is a new owner.

Mr. Wolf advised the properties be demolished at this time and put a lien on the property. Attorney Luhman requested the date for the certified mail receipt. Mr. Wolf said the receipt for notice of today's hearing was dated June 7, 2014.

- Commissioner Murtaugh moved to authorize the Building Commissioner to demolish the structures after receipt of bids, second by President Knochel; motion carried.

Attorney Luhman said he will prepare an order to ratify the action today, authorizing the receipt of bids and demolition.

***SHERIFF – Tracy Brown***

**Overtime Compensation for the Tippecanoe County 4-H Fair**

Sheriff Brown said the County 4-H Fair is July 19 – 26. The Sheriff's Department activities begin on July 15 with providing security at the site. Since 1987, or earlier, the men and women who work overtime at the Fair providing security have been automatically compensated time and a half without regard to actual hours worked on the pay period. As Time Force and other practices were adopted, Sheriff Brown and Human Resources Coordinator Shirley Mennen discussed having the practice formalized into a policy. Over 300 hours are worked during the Fair on a volunteer basis. Due to normal responsibilities, there are no assignments from normal shifts. If the volunteers were paid straight time, or lower than what it has been in the past, the department would have a hard time providing security during the event. President Knochel asked if the Fair Board reimburses the County for the expense. Sheriff Brown said they never have; however, they do reimburse the Correction Officers who provide traffic control at the main intersection.

- Commissioner Murtaugh moved to approve the overtime compensation policy for the Sheriff's Department at the Tippecanoe County 4-H Fair as presented, second by President Knochel; motion carried.

**Approval of Community Resource Officer for TSC**

Sheriff Brown said since 1997, police officers have been assigned to the County High Schools – Harrison and McCutcheon. In 2010, a School Resource Officer program was initiated where a Deputy was assigned to the Corporation permanently to address issues within the Corporation dealing with safety and security. The current officer, Aaron Gilman provides a valuable resource and handles issues that arise on the campuses which eliminate sending a Deputy to handle the investigations and minor issues that crop up. The Tippecanoe School Corporation (TSC) is rapidly growing and the second largest geographically in the State, following Benton Community Schools. It is the 13<sup>th</sup> largest of the 303 Corporations in terms of school population/student count with over 12,000 students and 1,700 staff. In 2013, Senate Bill 1 allowed for a funding mechanism to give money back to area school corporations for physical plants, security improvements, or to hire personnel. In this particular case, TSC applied for and was awarded a grant to pay for a percentage of the task of adding an additional School Resource Officer. TSC has agreed to fund the remainder of the position from their annual budget. Currently, a Memorandum of Understanding is in the draft process, designating the County, through the Sheriff's Office, will fund one position and TSC, through grants or their budget, will fund the other position. Applicants have been screened and if approved, an announcement of the elected officer will be made later this week. The position will be a four year Deputy position, paid at the 48 month or above level by the grant and the TSC. Sheriff Brown requested consideration in creating the new School Resource Officer position.

- Commissioner Murtaugh moved to approve the new School Resource Officer position for TSC through the Sheriff's Department as presented, second by President Knochel; motion carried.

**AUDITOR – Jennifer Weston**  
**Presentation of Salary Ordinances**

Auditor Weston received the reviewed and signed Salary Statements for 2015 from the departments based on the Commissioner's recommendation of a 3% increase. Other schedules such as Probation, Public Defender, Prosecutor, and Sheriff Deputies were also received. There were 27 vacant positions noted, the new School Resource Officer and two new Deputies are included. Everything is in order and they have been scanned and sent to Frank Cederquist.

**GRANTS – Laurie Wilson**  
**Permission to Accept Grant**

Grant Facilitator Wilson requested permission to accept a grant for the Clerk from the Indiana Commission of Public Records and the State Historic Records Advisory Board in the amount of \$5,000. The grant will be used for microfilm assessment and preservation. There is a \$5,000 match which will be from the Clerk's Office.

- Commissioner Murtaugh moved to accept the grant for the Clerk from the Indiana Commission of Public Records in the amount of \$5,000 as presented, second by President Knochel; motion carried.

Grant Facilitator Wilson requested permission to accept a grant for TEMA in the amount of \$62,559.02 from the Indiana Department of Homeland Security for a 50% reimbursement of the 2013 TEMA salaries.

- Commissioner Murtaugh moved to accept the grant for TEMA in the amount of \$62,559.02 as presented, second by President Knochel; motion carried.

Grant Facilitator Wilson requested permission to accept a grant for the Health Department in the amount of \$22,425 from the Indiana State Department of Health for Public Health Emergency Preparedness Grant to pay for personnel and supplies.

- Commissioner Murtaugh moved to accept the grant for the Health Department in the amount of \$22,425 from the Indiana State Department of Health as presented, second by President Knochel; motion carried.

**MOU/Contract**

Grant Facilitator Wilson presented a contract extension for the Health Department for Pauline Shen as the Epidemiologist. The contract extension runs June 1 – December 31, 2014 in the amount of \$2,000 per month. The contract is funded through the Local Health Grant.

- Commissioner Murtaugh moved to approve the contract extension for Pauline Shen as the Epidemiologist as presented, second by President Knochel; motion carried.

Grant Facilitator Wilson presented a contract for the Health Department with Purdue University for two Environmentalist positions in the amount of \$4,800.

- Commissioner Murtaugh moved to approve the contract with Purdue University for two Environmentalist positions as presented; motion carried.

Grant Facilitator Wilson said she has four contracts for Cary Home from JDAI/Indiana Department of Corrections. The first contract is with Dr. Brandie Oliver of Butler University to provide Restorative Justice Training and on-going consultation to Lafayette School Corporation in the amount of \$10,200. The second contract is with National Runaway Safeline to provide runaway prevention training and follow up consultation to implement the group in the amount of \$1,241. The third contract is with Linda Tedder to provide services as Innovative Programming Associate in the amount of \$12,000. The fourth contract is a Sub-recipient contract for Rebecca Humphrey to consult with other JDAI sites and the State in the amount of \$26,000. The duties for Ms. Humphrey differ from her county position and a Conflict of Interest Statement is included. All the contracts run through June 30, 2015 and were prepared and reviewed by the County Attorney.

- Commissioner Murtaugh moved to approve the four contracts for Cary Home from JDAI/Indiana Department of Corrections for Dr. Brandie Oliver of Butler University, National Runaway Safeline, Linda Tedder, and Rebecca Humphrey as presented, second by President Knochel; motion carried.

Grant Facilitator Wilson presented a contract for TEMA with Charlie Heflin to instruct an Incident Command System (ICS) 400 class at \$25 per hour. The \$25 is the State limit and the amount previously paid.

- Commissioner Murtaugh moved to approve the contract with Charlie Heflin to instruct the ICS 400 class at \$25 per hour as presented, second by President Knochel; motion carried.

#### ***HEALTH – Craig Rich***

##### **GAIA Consulting Professional Services Agreement**

Health Director Rich said he was in a month ago with the software birth/death record confusion between Appendix A and Exhibit A. It has all been sorted out and the GAIA Consulting Professional Services Agreement is ready to sign. The agreement is \$9,000 annually.

- Commissioner Murtaugh moved to approve the GAIA Consulting Professional Services Agreement as presented, second by President Knochel; motion carried.

##### **Sub-Recipient Agreement for Grant-Funded Public Health Projects**

This item was covered by Grant Facilitator Wilson during the Grant portion of the meeting.

#### ***VILLA – DeAnna Sieber***

##### **Paperless Business Solutions, LLC Licensing and Maintenance Services Agreement**

Villa Director Sieber said the Paperless Business Solutions agreement is the financial software for the resident trust program. The agreement will include software for scanning admissions and photos. Currently, they are working off of two different systems. Director Sieber has been working with MITS who also has worked with the company to assure the systems will work together. The cost of the program is \$3,240 with a \$150 per month maintenance fee for support.

- Commissioner Murtaugh moved to approve the Paperless Business Solutions Licensing and Maintenance Service Agreement for the Villa as presented, second by President Knochel; motion carried.

***HUMAN RESOURCES – Shirley Mennen***  
**Castlight Health, Inc. Agreement**

Human Resources Coordinator Mennen said she has been looking at the Castlight program for about three years. Recently, Consultant R.E. Sutton approached the County as they now contract with Castlight Health; allowing the County to obtain Castlight services for approximately half the cost. The cost will be \$4.50 per member, per month or \$3,802.50 per month - \$45,630 per year. There will be some custom communication at the beginning but the implementation fee will be waived. Three documents are included, the Master Subscription Agreement, the Services Order Form, and the Business Associate Agreement. The Business Associate Agreement is necessary because Castlight will have the access to HIPA protected information. All documents have been reviewed by County Attorneys.

The agreement is a software platform to help save money on the County's existing health care plan. It is a cost containment tool incorporating the current plan information with the individual's information. An individual needing medical service will be able to enter the type of service needed into the Castlight system. The system will provide the costs, network providers, and rating for a specified geographic area. The return on investment for other companies using the Castlight Health system is noticeable within the first year. Those currently using Castlight include the State of Indiana, Purdue University, Butler University, and Oerlikon Fairfield. HR Coordinator Mennen said it is a proven product and she anticipates it will save a lot of money with the County's healthcare. The goal is to roll out the program in October, allowing training along with open enrollment.

Commissioner Murtaugh asked about prescriptions. HR Coordinator Mennen said prescription comparisons are not currently available; it will be an addition with an additional cost if the County chooses to add it. Since the current prescription structure has the tiered set rate, it would probably not make a lot of sense to purchase the prescription program.

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

***UNFINISHED/NEW BUSINESS – none***

***REPORTS ON FILE***

The following reports will be on file in the Commissioner's Office:

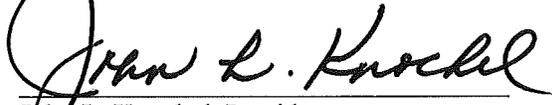
- Clerk
- Building Commission
- Central Mail and Duplicating
- Public Library
- Treasurer
- Wabash River Heritage Commission

***PUBLIC COMMENT***

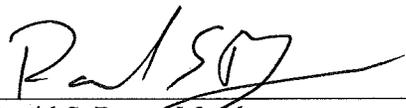
As there were no public comments, Commissioner Murtaugh moved to adjourn.

Meeting adjourned at 12:30 p.m.

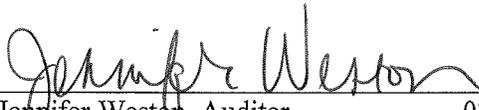
BOARD OF COMMISSIONERS OF  
THE COUNTY OF TIPPECANOE

  
\_\_\_\_\_  
John L. Knochel, President

  
\_\_\_\_\_  
Thomas P. Murtaugh, Vice President

  
\_\_\_\_\_  
David S. Byers, Member

ATTEST:

  
\_\_\_\_\_  
Jennifer Weston, Auditor 07/22/2014

Minutes prepared by Tillie Hennigar, Auditor Administrative Assistant

