***TIPPECANOE COUNTY BOARD OF COMMISSIONERS***
***REGULAR MEETING***
***November 18, 2013***

The Tippecanoe County Commissioners met on Monday, November 18, 2013 at 10:00 a.m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President David S. Byers, Vice President John L. Knochel, and Commissioner Thomas P. Murtaugh. Also present were: Attorney David W. Luhman, Auditor Jennifer Weston, Commissioners' Assistant Frank Cederquist, and Recording Secretary Tillie Hennigar.

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

***APPROVAL OF MINUTES***

- Commissioner Knochel moved to approve the minutes of the regular meeting held November 4, 2013, second by Commissioner Murtaugh; motion carried.

***PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS***

- Commissioner Knochel moved to approve the accounts payable vouchers for November 5, 7, 8, 13, 14, 15, and 18, 2013 as submitted without exception, second by Commissioner Murtaugh; motion carried.

***HIGHWAY*** *– Opal Kuhl*
**Cumberland Road Project – Change Order #6**

Highway Director Kuhl presented a change order for the Cumberland Road project from contractor DJ McQuestion. Milling was necessary at the transitions where Cumberland Road ties into Klondike Road and US 231. The Change Order is #6 in the amount of $3997.50; the total project is $4,642,070.24.

- Commissioner Knochel moved to approve change order #6 for the Cumberland Road project as presented, second by Commissioner Murtaugh; motion carried.

**Bridge #141 Project – Awarding of Bid**

Director Kuhl recommended acceptance of the low bid from Jack Isom Construction Company, Inc. for replacement of Bridge #141. Bridge #141 is located on CR 100 N and was damaged by the log jam. The bid is $1,936,774.62. The project will be started immediately.

- Commissioner Knochel moved to approve acceptance of the Jack Isom Construction bid as presented, second by Commissioner Murtaugh; motion carried.

**RESOLUTION 2013-31-CM – Equipment Lease/Purchase Agreement**

Director Kuhl said the equipment lease/purchase agreement is with Regions Equipment Finance Corporation for the purchase of four tandem dump trucks. The trucks will arrive by the end of the week or early next week. The down payment was $129,700; $580,000 will be financed.

Attorney Luhman referenced Resolution 2013-31-CM, saying the proposal from Regions Bank for financing of the lease of equipment was previously accepted. The Resolution approves the lease agreement and authorizes the Commissioners to sign said agreement. The agreement is with Regions Equipment Finance Corporation for the purchase of four 2014 Freightliner trucks. $580,000 is financed over three payments at 1.49% interest.

Angela from Regions Bank was available for any questions.

- Commissioner Knochel moved to approve Resolution 2013-31-CM as presented, second by Commissioner Murtaugh; motion carried.

**Bridge #33 Replacement Project, Supplemental No. 2 – HWC Engineering**

Director Kuhl said Bridge #33 is on CR 200 S, just east of the county line. The bridge is currently in the right-of-way process and is one of bridges planned for replacement in 2014. A drainage problem was discovered that needs corrected. The buyers are in negotiation with the right-of-way parcels on the four corners and some lines have been moved to accommodate concerns regarding driveways for several residents. In making the right-of-way adjustments, additional survey work and rewriting of right-of-way documents was necessary. The Supplement is in the amount of $33,100.

- Commissioner Knochel moved to approve the Bridge #33 Supplemental No. 2 as presented, second by Commissioner Murtaugh; motion carried.

**Klondike Road Roundabout Project, Supplemental Contract No. 1 PE – Strand Associates**

Director Kuhl presented a Supplemental Contract with Strand Associates for the Klondike Road project. The contract is a Federal Aid project with an 80/20 split in the amount of $72,400. Construction will not take place until approximately 2017; however, review of the project is necessary to decide if it should be traffic signals or a roundabout.

- Commissioner Knochel moved to approve the Supplemental Contract No. 1 for the Klondike Road project as presented, second by Commissioner Murtaugh; motion carried.

***BUILDING COMMISSION** – Ken Brown*
**Unsafe Structure: 10111 Strong Avenue, Colburn**

Building Commissioner Brown stated that following the last Commissioner's meeting, Attorney Luhman drafted a notice of findings and facts for the owner of 10111 Strong Avenue, Colburn, T&H Investments. A letter was sent by regular and certified mail and signed for. There were no property representatives present. Three bids for demolition of the property were obtained. Attorney Luhman opened the bids.

| DEMOLITON BIDS | |
|---|---|
| 10111 Strong Avenue, Colburn, IN | |
| | |
| POISEL CONSTRUCTION, 5845 Poinsettia Dr, Lafayette 47905 | $ 7,200.00 |
| HEARTLAND EXCAVATING INC., 40 Aretz, Lafayette 47905 | $ 9,400.00 |
| AMERICAN ENTERPRISES, PO Box 2337, W Lafayette 47906 | $10,000.00 |

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

***MITS** – Dave Sturgeon*
**Service Management Agreement**

MITS Department CIO Sturgeon presented an agreement with Van Ausdall and Farrar for all County non-copier printer units. The agreement covers consumables and maintenance of units; the County will pay a per click cost per page. The agreement will free up the MITS staff from maintaining the units, offering better support. The per click cost is more expensive than copiers; however, the goal is to remove those costing more and send more of the printing to the cheaper units. The fees are 0.12 for black and white and .08 for color for the costlier units; approximately double of the cheaper units.

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

**RESOLUTION 2013-32-CM – Interlocal Agreement for Exchange of Computer Storage Space between Tippecanoe County and Montgomery County**

CIO Sturgeon said the Interlocal Agreement will exchange computer storage space between Tippecanoe County and Montgomery County. Montgomery County will house a rack of equipment in the Tippecanoe County data center; Tippecanoe County will house a rack of equipment in the Montgomery County data center. Utilizing this plan, there is no cost for storing disaster recovery equipment; saving both Counties a significant amount of money. Approximately $60,000 of hardware equipment will be needed to light up the circuit and approximately $1,200 per year for maintenance. Off-site storage with another company would cost approximate $4,200 per month. A positive aspect is that Montgomery County is far enough away to be ideal for disaster recovery and close enough if there is a need to swap hardware.

- Commissioner Knochel moved to approve Resolution 2013-32-CM, second by Commissioner Murtaugh; motion carried.

***PUBLIC DEFENDER** – Amy Hutchison*
**Professional Services Agreement**

Public Defender Hutchinson presented five Service Agreements for approval, stating that four of them are Professional Services Agreements and one is a Representation Agreement. The Professional Services

Agreements are for John Hunter who provides accounting assistance for financial statements and forgeries; Blackbird Clinical Services, providing drug screening; Dr. Wendt, the Forensic Psychologist; and International Investigators who assists with distant investigations. The Representation Agreement is for Maria Baldini-Potermin who is the immigration consultant in Chicago.

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

***YOUTH SERVICES/CARY HOME FOR CHILDREN*** *– Rebecca Humphrey*
**Relias Learning Contract**

Cary Home Director Humphrey requested approval of a contract for Relias Learning. Cary Home has a significant amount of turnover. According to past employees' comments upon exit surveys, up front training is too short and ongoing training is too sporadic. Relias Learning will help build a system offering web-based and Power Point training with tracking and follow-up for all employees. The contract is for five years with a 7% increase cap. Attorney Luhman's office has reviewed and approved the contract. The funds will come from Professional Services which is already allocated for training.

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

**Comcast**

Director Humphrey said an Addendum to the Comcast contract was approved at a last meeting. The Director of Comcast refused to sign the Addendum. Attorney Luhman will proceed with contacting Comcast. Cary Home currently has no cable.

***ORDINANCE 2013-42-CM – ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES*** *– first reading*

- Commissioner Knochel moved to hear Ordinance 2013-42-CM, second by Commissioner Murtaugh.

Attorney Luhman said the Ordinance adopts the latest Supplement to the County Code of Ordinances. There is a contract with American Legal Publishing Corporation to compile the Code of Ordinances, publish it, and make it available online. There is a link on the County homepage to the American Legal Publishing website. Periodically, an Ordinance is needed to adopt the most recent codification as the official Ordinances in the Tippecanoe County Code.

President Byers invited public input in favor of or opposed to the Ordinance. There were none.

Auditor Weston recorded the vote:

| | |
|---|---|
| Byers | Aye |
| Knochel | Aye |
| Murtaugh | Aye |

Ordinance 2013-42-CM passed 3-0 on first reading.

- Commissioner Knochel moved to suspend the rules and hear Ordinance 2013-42-CM on second reading, second by Commissioner Murtaugh.

- Commissioner Knochel moved to hear Ordinance 2013-42-CM on second reading, second by Commissioner Murtaugh

President Byers invited public input in favor of or opposed to the Ordinance. There were none.

Auditor Weston recorded the vote.

| | |
|---|---|
| Byers | Aye |
| Knochel | Aye |
| Murtaugh | Aye |

Ordinance 2013-42-CM passed 3-0 on second and final reading.

***RFP AND SPECIFICATIONS FOR PARKING GARAGE MANAGEMENT***

Attorney Luhman stated a Request for Proposals (RFP) for management of the parking garage has been prepared and published in the newspaper. Today, the issuance of the RFP requires ratification in order to accept the RFPs on the published deadline of December 2, 2013. Following review, a contract could be awarded on December 16, 2013.

- Commissioner Knochel moved to ratify the issuance of the Request for Proposal and Specifications, second by Commissioner Murtaugh; motion carried.

***SNOW REMOVAL CONTRACT***

President Byers presented a contract for snow removal services from Kevin Russell. The contract terms for snow removal is $60.00 per hour for one inch and $75.00 per hour for five inches or more. In addition, there will be a 5% fuel surcharge if fuel prices rise above $4.00 per gallon. The snow removal contract applies to the County Extension Office, including sidewalks; 629 N. 6th St.; and 4th and Alabama St. from October 21, 2013 through October 31, 2015. Commissioners' Assistant Cederquist said three quotes were received; Mr. Russell's was the lowest. Attorney Luhman reviewed the contract.

- Commissioner Knochel moved to approve the contract from Kevin Russell Snow Removal Services as presented, second by Commissioner Murtaugh; motion carried.

President Byers presented a contract for snow removal services at Community Corrections from Sean Barnes. The contract is effective from November 15, 2013 to April 1, 2014 at a rate of $72.00 per hour.

- Commissioner Murtaugh moved to approve the contract from Sean Barnes as presented, pending completion of the E-Verify and Investment Activities in Iran forms, second by Commissioner Knochel; motion carried.

***UNFINISHED/NEW BUSINESS***

President Byers said three bids were received for the demolition and clean-up process of the house, barn, and pods at Wildcat Creek Solid Waste facility. Attorney Luhman opened the bids.

| **DEMOLITON BIDS** | |
|---|---|
| Wildcat Creek Solid Waste Facility – 2780 N 9th St, Lafayette, IN 47904 | |
| | |
| POISEL CONSTRUCTION, 5845 Poinsettia Dr, Lafayette 47905 | $ 3,500.00 |
| HEARTLAND EXCAVATING INC., 40 Aretz, Lafayette 47905 | $11,710.00 |
| AMERICAN ENTERPRISES, PO Box 2337, W Lafayette 47906 | $ 8,000.00 |

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

Commissioner Knochel questioned if a contract has been received for Amtrak. Commissioner Murtaugh said the contract is pending; nothing has been provided from INDOT. President Byers said the contract would be voted on, once received.

***REPORTS ON FILE***

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

Crystal Creek Boarding Kennel
Treasurer

***PUBLIC COMMENT***

President Byers reminded the public there is a three minute limit when speaking.

Teresa Maxwell – 10357 W US Hwy 421, Delphi – Ms. Maxwell presented the Commissioners with a handout stating she is with the Deer Creek Prairie Levee Association. She farms acreage in Tippecanoe Township in both Tippecanoe and Carroll County. There is a proposed quarry in Washington Township, Tippecanoe County. Referring to the map handout, Ms. Maxwell said the quarry affects approximately 2,000 tillable acres in Tippecanoe Township on the north side of the Wabash River. She further explained how the proposed quarry will affect the Deer Creek Prairie Levee and the entire area. (At the three minute

signal, Commissioner Knochel granted Ms. Maxwell additional time to finish.) Ms. Maxwell requested support from the Commissioners against the proposed quarry due to the fact that the Deer Creek Prairie Levee Association has been in existence to protect the farm land since 1890. She noted contact information regarding the property owners and invited the Commissioners to contact any of them for additional information or a visit.

Kay Miller – 8143 Old SR 25 N, Lafayette – Ms. Miller said she is located in the corner of the county with a Lafayette address, Buck Creek Fire Department, and Delphi telephones. She is a member of the Americus Area Community Coalition, dedicated to preserving the natural beauty and the future sustainability of the Wabash River Corridor. The interest of the Coalition is to educate the community regarding factors that could potentially affect the health, safety, and well- being of citizens in an adverse manner.

The proposed stone quarry would impact citizens in various negative ways. There are 230 area residences within 1.25 miles of the proposed quarry. The main concern at this point is residential wells as there is no city or central water system; Americus does not have a water system and many wells in the area are only 38 – 68 feet deep. Drilling through the shale will turn the water to sulfur which is considered potable and acceptable by the Department of Natural Resources; however, most people don't want to drink it. Seven businesses in Americus would not survive if the water becomes sulfuric. (At the three minute signal, Commissioner Knochel granted Ms. Miller additional time to finish.) She continued with the following comments: there is concern for safety and pollution; the quarry has stated they would like to operate 24 hours a day, seven days a week, negatively affecting the quality of life of the area residents; there are documented endangered and protected species; and the quarry would sit on top of the Wabash and Erie Canal. In addition, 200 to 2,000 human remains were reburied in the area after being uncovered in the Deer Creek Prairie Levee area.

Sallie Fahey, Area Plan Commission (APC) Director said the case for zoning appeals is scheduled for the January 22, 2014 BZA meeting; however, APC has not heard anything from the Department of Natural Resources (DNR) regarding the permit process. DNR did request additional environmental information and additional engineering information of Rogers Group. There has not been a DNR permit issued or denied at this point, giving it a 50% chance of being heard at the BZA in January.

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

Meeting adjourned at 10:52 a.m.

BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE

David S. Byers, President

John L. Knochel, Vice President

Thomas P. Murtaugh, Member

ATTEST:

Jennifer Weston, Auditor 12/2/2013

/th