

TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
March 4, 2013

The Tippecanoe County Commissioners met on Monday, March 4, 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, Commissioner's Assistant Frank Cederquist, and Recording Secretary Dawn Fay.

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 February 19, 2013, second by Commissioner Murtaugh; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

- Commissioner Knochel moved to approve the accounts payable vouchers for February 19, 20, 22, 25, and March 1 and 4, 2013 as submitted without exception, second by Commissioner Murtaugh; motion carried.

AREA PLAN COMMISSION – Sallie Fahey

Rezone Z-2515 Dianna R. Hilderbrand (R1 to A) Ordinance 2013-08-CM: Petitioner is requesting rezoning of Lot 2 in Rubright Subdivision, in order to operate a dog grooming business (allowed in R1 as a home occupation) and boarding kennel (allowed by special exception in A) from her home, on property located at 4705 N 250 W, Wabash 35 (NE) 24-5.

- Councilmember Knochel moved to hear Rezone Z-2515 Dianna R. Hilderbrand R1 to A, Ordinance 2013-08-CM, second by Councilmember Murtaugh.

February 21, 2013
 Ref. No.: 13-037

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

CERTIFICATION

RE: **Z-2515—DIANNA R. HILDERBRAND (R1 to A)**
 Petitioner is requesting rezoning of Lot 2 in Rubright Subdivision, in order to operate a dog grooming business (allowed in R1 as a home occupation) and a boarding kennel (allowed by special exception in A) from her home, on property located at 4705 N 250 W, Wabash 35 (NE) 24-5. CONTINUED FROM THE JANUARY 16TH MEETING BY INCONCLUSIVE VOTE. SECOND CONTINUANCE.

opposition are the property owners to the north - Ms. Hilderbrand's parents and the property owner to the south - Ms. Hilderbrand's sister.

The properties which have been rezoned from R1 to A are to the west of the property and the rezone to A was very strict, unique, and different from the proposal today. One of the rezones was for an indoor storage unit with strict hours of operation. A second property involved placing a mobile home on the lot. He disagreed with attorney Gutwein regarding the suggestion that the area is a rural, sparsely populated area, saying it is highly residential and densely populated. Directly east there are five houses within a few hundred yards of each other. Mr. Mundon said County Building Commissioner Ken Brown testified at the APC meeting that Ms. Hilderbrand has been (or will be) approved for the dog grooming business out of her home. The purpose of the rezone to A is to expand the business to include kennels, which is inappropriate.

Susan Doster, 4850 N 250 W, West Lafayette provided the Commissioners with copies of the restrictive covenants and 19 letters from neighboring properties. She said her parents sold the property to Dianna's parents; it was R1 when it was sold and has been R1 since 1965, as recognized by the APC staff. The restrictive covenants were secured by her parents and the Albrights. The storage barn that has been discussed is a unique situation with limited use. There is one day per year allowed to put items in storage and one day per year to remove items. The mobile home was added in 1983, it is currently rented and the remainder of the two acres where it is located is utilized to store hay bales. Ms. Doster contacted 40 of the neighbors and 31 of them were opposed immediately.

Patricia Joy, 4601 Haven Court, West Lafayette said she and her family relocated to Indiana six months ago and was thrilled to find a home in a residential area in a central location, yet also peaceful and quiet. A change from the R1 zoning would transform the peaceful and quiet area. With thousands of acres of agriculture areas and numerous commercial properties available around Tippecanoe County, she questioned why a kennel would be allowed in the middle of a quiet residential area. Rezoning Ms. Hilderbrand's property is not the answer and not in the best interest of the neighborhood. Ms. Joy asked for the rezone request to be denied.

Diane Albright, 4750 N 250 W, West Lafayette stated she lives across the road from the Hilderbrand property. As a property owner with family, home, and land directly across from the Hilderbrand property, she believes R1 zoning represents the best and most accurate zoning for the property location and function. When Ms. Hilderbrand opened her grooming business on the 52 bypass last summer, Ms. Albright was enthusiastic about the venture. The request to rezone the residence and property to agriculture has placed her in an awkward position as a neighbor; a role she values. As a dog owner, she has placed dogs in kennel facilities in Lafayette and other areas. From her experience, kennels in residential areas do not make for good neighbor relationships. The proposed commercial business operation situated on a residential home site creates more daily traffic, significant noise, lighting, public activity, parking, commercial building, and additional septic waste and water needs. Ms. Albright stated her well is as deep as it can be; the property sits on shale, prehistoric lake. With the drought, there is a difference in the water quality and feels the area cannot take additional use of the water supply. She is also concerned about the property supporting a septic system to properly handle the waste. She asked the Commissioners to retain the R1 zoning.

Renee Congdon, an attorney with Stuart and Branigin stated she represents Christine Albright who is the co-owner, with Diane Albright, of the house across the road. This is a residential neighborhood and it is obvious by the letters and the neighbors in the room, the neighborhood works together. As a neighborhood, they have tried to retain the use and enjoyment, along with a quiet, peaceful area. By rezoning to agriculture, it will be opened to all types of uses. The petitioner is requesting a dog grooming business which is allowed under R1, with a special exception by the County Building Commissioner. He

Rezone Z-2518 Bradley Miller (A to GB) Ordinance 2013-09-CM: Petitioner is requesting rezoning of four tracts (the four corners of the new CR 450 N/Hoosier Heartland intersection) totaling 52.9 acres, located approximately $\frac{3}{4}$ of a mile west of the unincorporated town of Buck Creek, Washington 32 (NE) 24-3.

Commissioner Knochel moved to hear rezone Z-2518 Bradley Miller A to GB, Ordinance 2013-09-CM, second by Commissioner Murtaugh.

February 21, 2013
Ref. No.: 13-039

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

CERTIFICATION

RE: Z-2518--BRADLEY MILLER (A to GB):
Petitioner is requesting rezoning of four tracts (the four corners of the new CR 450 N/Hoosier Heartland intersection) totaling ~~101.9~~ 52.9 acres, located approximately $\frac{3}{4}$ of a mile west of the unincorporated town of Buck Creek, Washington 32 (NE) 24-3.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on February 20, 2013 the Area Plan Commission of Tippecanoe County voted 8 yes - 6 no on the motion to rezone the subject real estate from A to GB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their March 4, 2013 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, who is present. The request is for rezoning from A to GB of four tracts totaling approximately 53 acres. The property is located about $\frac{3}{4}$ of a mile west of Buck Creek. A vote of eight (8) yes - six (6) no was received from APC. Recently, he met with the Washington Township Trustee and 15-20 citizens to discuss the rezoning request. There was no opposition at the meeting; however, the Trustee did indicate she did not want to see a commercial building at CR 750 as APC indicated in the staff report. The Trustee wants to expand the land to the north of the Community Center and with the cemetery across from the Community Center, feels that intersection is inappropriate. Most citizens were supportive, some were excited, and three that were supportive have now changed their mind and are on a petition filed in APC. Buck Creek has a population of 500 - 1,000 people and the silent majority is not opposed to the request.

There are a couple of issues: 1) a class B buffer yard where property abuts an agriculture zone and 2) a setback requirement of 60 feet from Hoosier Heartland and 40 feet from CR 450, which will reduce the size of the three smaller tracts, allowing one user on those tracts. The larger tract will need a service road

Attorney Luhman said by using the request for proposal procedure, a dollar amount will not be read. The proposals will be opened, acknowledged, and submitted to the review staff. After review, a vendor recommendation will be presented to the Commissioners. Upon approval, a final agreement can be negotiated.

Attorney Luhman opened the submitted proposals:

Stoops Freightliner – 6105 Columbus Ave., Anderson, IN 46013
Kenworth of Indianapolis – 2929 S. Holt Rd., Indianapolis, IN 46241
Indy Truck Sales – 1325 W. Thompson Rd., Indianapolis, IN 46217
Wiers International Trucks – 430 Meijer Dr., Lafayette, IN 47905
Hill Truck Sales, Inc. – 1011 W. Sample St., PO Box 598, South Bend, IN 46624
McCallister Machinery Co., Inc. – 7515 E. 30 th St., Indianapolis, IN 46219

Attorney Luhman recommended the proposals be taken under advisement for review and further processing.

- Commissioner Knochel moved the proposals be taken under advisement for review, second by Commissioner Murtaugh; motion carried.

President Byers thanked all those submitting proposals.

Owner Consultant Agreement for PE – from H. Stewart Kline & Associates, Inc. for Culvert LAU 302, Culvert TIPP 0004, and Culvert WAB 002

Director Kuhl presented a contract for H. Stewart Kline & Associates for culvert design. It includes the survey, design, and permits for three culverts needing replaced. Rather than repair, the culverts need upsized and a hydraulic analysis. The total of \$63,000 is for Laramie 302 on 700 E, north of 1200 S; TIPP 0004 on 900 N, west of 75 E; and Wabash 002 on 300 W, west of 750 N.

- Commissioner Knochel moved to approve the contract with H. Stewart Kline as presented, second by Commissioner Murtaugh; motion carried.

Ordinance 2013-05-CM Amending Tippecanoe County Code, Chapter 72, Schedules, I, III, IV, and V, Traffic Schedule regarding Speed Limits, Stop Intersections, Yield Intersections and Signalize Intersections - Second Reading

Director Kuhl said Ordinance 2013-05-CM amends the traffic schedules to bring them up to date with new signs for Old State Road 25.

President Byers invited public comment in favor of or opposed to the ordinance. There were none.

Auditor Weston recorded the vote.

Byers	Aye
Knochel	Aye
Murtaugh	Aye

Ordinance 2013-05-CM passed 3-0 on second and final reading.

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

MOU/Contract

Grant Facilitator Wilson presented two identical contracts; one for Richard Doyle and one for David Stanley. The contracts are to instruct Incident Command System (ICS) classes for District 4 at a rate of \$25.00 per hour, paid from the Indiana Department of Homeland Security (IDHS) training and exercise grant. Classes normally run for two, eight hour days, totaling \$800.00 per class. Attorney Luhman's office prepared the contracts.

- Commissioner Knochel moved to approve the contract for Richard Doyle as presented, second by Commissioner Murtaugh; motion carried.
- Commissioner Knochel moved to approve the contract for David Stanley as presented, second by Commissioner Murtaugh; motion carried.

ASSESSOR – Linda Phillips

Software as a Service and Training Agreements

Assessor Phillips requested approval of two contracts with ARCvantage services. One is Software-As-A-Service which works with the GIS system. It is housed on the ARCvantage server but allows detailed pictures of properties in Tippecanoe County. Pictures are taken with special cameras having range finders with GIS coordinates built into the picture, avoiding misidentification of a property. The picture will measure the structure, among many other possibilities. It also allows the level 2 and level 3 certified assessors to stay at their desk versus driving. Those taking the pictures will be on a lower pay scale and won't require the degree of training, saving a substantial amount of money over previous reassessments. Once approved, Assessor Phillips will begin testing the software.

Commissioner Murtaugh asked how often a property is visited and if the sales disclosure generates an additional visit. Assessor Phillips said under cyclical reassessment, the requirement is to visit a property every four years. Revisiting a property after a sales disclosure depends on how long it has been since pictures were taken.

The amount of the Software-As-A-Service contract is a one-time charge of \$5,605 and a monthly charge of \$1,825. The funds remaining from the tax and assess software purchases will cover year one. The future cost will be covered in the reassessment budget. The County pays for the cameras as part of the contract at a cost of \$10,000 for three cameras. Auditor Weston clarified the tax and assess funds as the Economic Development fund.

The second contract is for three days of training for use of the cameras.

- Commissioner Knochel moved to approve the two contracts with ARCvantage as presented, second by Commissioner Murtaugh; motion carried.

CARY HOME – Rebecca Humphrey

Contract for Polygraphing Services

Cary Home Executive Director Humphrey requested approval of a contract with Remaklus Polygraph Services, stating there are times when polygraph services are necessary for children with more intensive

Emergency Ambulance Service
Clerk of the Circuit Court
Crystal Creek Boarding Kennel

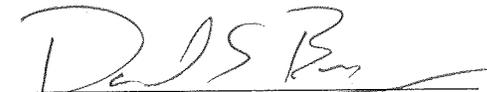
PUBLIC COMMENT

Paul Wright, 4523 S County Line Rd W, Westpoint – Mr. Wright thanked everyone for the improvement to the County Website, saying he appreciates the Auditor Accounts Payable section showing paid expenditures.

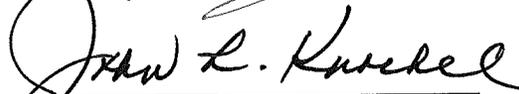
As there were no further comments, Commissioner Murtaugh moved to adjourn.

Meeting adjourned at 11:16 a.m.

BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE



David S. Byers, President

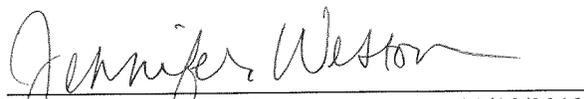


John E. Knochel, Vice President.



Thomas P. Murtaugh, Member

ATTEST:



Jennifer Weston, Auditor 03/18/2013