TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
June 3, 2013

The Tippecanoe County Commissioners met on Monday, June 3, 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 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 March 12, 2013 Joint Special Meeting with Council, the April 9, 2013 Joint Special Meeting with Council, and the regular meeting held May 20, 2013, second by Commissioner Murtaugh; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

- Commissioner Knochel moved to approve the accounts payable vouchers for May 22, 23, 24, 29, 30, 31 and June 3, 2013 as submitted without exception, second by Commissioner Murtaugh; motion carried.

AREA PLAN COMMISSION – Sallie Fahey
Z-2531 – Jeffrey C. Florian (A to GB), ORDINANCE 2013-22-CM: Petitioner is requesting the rezoning of the two lots in Florian Minor Subdivision totaling 5.335 acres, located on the east side of Klondike Road, north of the future Cumberland Road extension at CR 250 N, Wabash 11 (NW) 23-5.

- Commissioner Murtaugh moved to hear Ordinance 2013-22-CM, Z-2531, Jeffrey C. Florian, A to GB, second by Commissioner Knochel.

May 16, 2013
Ref. No.: 13-147

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

CERTIFICATION

RE: **Z-2531--JEFFREY C. FLORIAN (A to GB):**
Petitioner is requesting rezoning of the two lots in Florian Minor Subdivision totaling 5.335 acres, located on the east side of Klondike Road, north of the future Cumberland Road extension at CR 250 N, Wabash 11 (NW) 23-5.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on May 15, 2013 the Area Plan Commission of Tippecanoe County voted 9 yes - 0 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 June 3, 2013 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

Sallie Dell Fahey
Executive Director

Kevin Riley, Attorney with Reiling Teder & Schrier stated he represents the petitioner Jeffrey Florian, who is present. Attorney Reiling provided a map to the Commissioners of the area included in the rezone request. Jeffrey Florian is the owner of two properties and the request for rezoning is from *A to GB*. Lafayette Limo business is operated on the property to the north; the Florian's live on the property to the south. The Lafayette Limo business has been in Lafayette for over 25 years; operating from the current site since 1992. When the business moved to the site, it was rezoned to *A* as recommended by the Area Plan Commission.

The site is located at the corner of Klondike Road and the future Cumberland Road extension. In 1998, the Ordinance was amended and Lafayette Limo use was no longer allowed in *A* zoning; only in *GB* and *I*. Through the years, the business became more successful and expanded, resulting in the client being no longer in compliance with the Ordinance. In connection with the rezone, a petition has been filed to sub-divide the property into two lots – one is two acres; the other is approximately three acres. The two acre lot is the Lafayette Limo lot, which is the allowed size for *GB* zoning.

Preliminary approval has been received for the sub-division; final approval will be pursued when the rezone is complete. The staff report and the addendum has been reviewed and Attorney Reiling said they respectfully disagree with the recommendation that the zoning should be *I1* instead of *GB*. They do agree with the Area Plan Commission unanimous recommendation made at the May meeting of a rezone from *A to GB*. *GB* is the most appropriate zone as there are currently six *GB* sites in the area and none zoned *I1*. The area will take on more of a business feel with the construction of 231 to the east, the Cumberland extension along the southern boundary, and Klondike Road will be expanded to the west of the client's property. Recent business development, with *GB* zoning has occurred in the area, making the request of Mr. Florian more appropriate. With the exception of Venetian Blind, the *I* zoning doesn't seem appropriate for the area.

As part of the recommendation for *I1* versus *GB,* staff expressed concern for the protection of neighbors. Attorney Reiling said all the adjoining properties were purchased while Lafayette Limo was in operation at the site. As an example, the Copper Beach Townhomes, zoned *R3*, surrounds the petitioners property to the north and east; Copper Beach purchased the property from the Florian's/Lafayette Limo in 2001 when Lafayette Limo was in business. Subdivisions such as Wake Robin and Lindberg Village, located in the vicinity were also concerns in the staff report. None of the properties are adjacent to the Lafayette Limo site; however, they are near or adjacent to *GB, NB, I3* and other zones.

The Building Commissioner indicated he prefers *GB* instead of *I1* for the site. There have not been any objections to the request for rezoning to *GB* and Attorney Reiling requested the Commissioner's approval of the request for rezoning from *A to GB*.

President Byers said it appears there is an excessive amount of old equipment in the back of the property. He stated that Lafayette Limo is a great company but complaints have been received regarding the excessive "stuff" and he is concerned if everything can fit on two acres. Attorney Reiling said the petitioner has taken steps within the past few months to remove vehicles as requested by the County. Further steps to clean up items such as motors and tires have been taken and will continue. The business can be maintained within the two acres. If the zoning is approved for *I1* as recommended by staff, the business could expand to the five acre tract.

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

Auditor Weston recorded the vote.

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2013-22-CM passed 3-0.

HIGHWAY – Opal Kuhl
Payment Bond and Performance Bond from Rieth-Riley Construction Co., Inc. for Bridge #63 Project

Highway Director Kuhl presented the Payment Bond and Performance Bond for Bridge #63. The bid from Rieth-Riley was accepted at the past meeting and the project is ready to begin.

- Commissioner Knochel moved to accept the Payment Bond and Performance Bond for Bridge #63 from Rieth-Riley Construction as presented, second by Commissioner Murtaugh; motion carried.

Declaration of Emergency – Request for Quotes – Dayton Road Culvert Replacement

Director Kuhl said the Declaration of Emergency is for the culvert that washed away on Dayton Road. The Highway Department would like to replace the culvert before school starts. Normal bid procedure requires advertising one week apart, waiting ten days to approve, and acceptance at the next Commissioner's meeting. Following normal bid procedures will delay completion before school starts; several school buses travel Dayton Road. Director Kuhl said by following "quoting" procedures, plans could go to contractors for bidding on Friday, June 7, quotes could be turned in by Friday, June 14, reviewed and accepted at the June 17 Commissioner's meeting.

Attorney Luhman said Dayton Road normally handles approximately 586 vehicles per day and is included as a route for Tippecanoe County School buses, fire, and police traffic. In order to complete repairs and have the road operational prior to the start of school for buses to resume their normal route, it is necessary to contract the work to begin in July. Indiana law allows declaring an emergency and using the quoting procedure instead of publishing requests for bids. Attorney Luhman restated the June dates and deadlines as previously mentioned by Director Kuhl.

Director Kuhl said six to eight bids are normally received for culvert work. The information will be sent to the companies who usually bid; giving all bidders an opportunity to bid.

- Commissioner Knochel moved to approve the Declaration of Emergency for the Dayton Road Culvert project as presented, second by Commissioner Murtaugh; motion carried.

GRANTS – Laurie Wilson
Permission to apply for grant

Grant Facilitator Wilson requested permission to apply for a grant for the Sheriff's Department in the amount of $4,000 from the Indiana Department of Homeland Security (IDHS) Foundation Grant. The grant will be used to replace an outboard motor which is beyond repair.

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

Grant Facilitator Wilson requested permission to apply for a grant for TEMA in the amount of $60,000 from IDHS. The grant is for the District 4 Administrative Coordinator salary September, 2014 through August, 2015.

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

Grant Facilitator Wilson requested permission to apply for a grant for the Health Department from the Indiana State Department of Health Local Health Department Trust Account. The application will be two separate grants; $65,427.73 for July, 2013 through June, 2014 and $32,713.87 for July, 2014 through December, 2014, providing the same schedule as the Local Health Maintenance Account. The grant covers the environmentalist, health records, a public nurse, vaccine refrigerator management, and other maintenance items. The program is the same as the previous year.

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

COURT SERVICES – Cindy Houseman
Professional Services Agreement with Theft Talks Consultant

Court Services Coordinator Lisa Smith presented an updated contract for Theft Talks Consultant. The contractor is Pat Foerg who provides the Theft Talk Workshop at a cost of $50 per student.

- Commissioner Knochel moved to approve the agreement with Theft Talks Consultant as presented, second by Commissioner Murtaugh; motion carried.

2014 SALARY RECOMMENDATION

Auditor Weston provided a recap of the discussion from the May 20 Commissioner's meeting regarding the salary increase cost estimate to the 2014 budget. For each 1% of increase, there would be an increase in wages, Social Security, and PERF, totaling $293,549. PERF will increase from 10.0% to 11.2% at a cost of $283,980. Considering the General Fund makes up approximately 83% of the personnel costs, the cost to the General Fund would be approximately $480,000.

Commissioner Murtaugh asked if PERF would ever go down. Treasurer Plantenga said PERF has gone down in the past; it fluctuates based on the market and the number of retirees. Auditor Weston said, since 2011 PERF has the authority to pool similar entities.

Auditor Weston responded to a question from Commissioner Knochel regarding revenue, stating some of the major sources of revenue for the General Fund are down. At five months into the year, they are tracking less than expected.

President Byers asked Clerk Coffey to comment on the Clerk's office revenue for the year as it currently is running at 29%. Clerk Coffey said case filings have gone down approximately 5% per year the past two years.

President Byers said instead of giving an actual percentage raise, he suggested a bonus for every employee. Next year, the funds may not be available for increased salaries; the bonus will not be added to the grid and could be spread over the twelve month period. The Probation Department's salary scale is set by the State; Probation would be eliminated from the bonus.

President Byers recommended a $1,000 bonus per eligible employee (full time and regular part-time). Commissioner Knochel recommended limiting the bonus to those with a salary under $60,000. Commissioner Murtaugh was not in favor of excluding the employees with a salary over $60,000 as it isn't a significant number of employees. President Byers said there are only eight employees with salaries above $70,000. Auditor Weston said there are 28 – 29 employees with a salary over $60,000. The total employees' eligible for a raise is approximately 600. Commissioner Murtaugh said with the addition of PERF, the total would be approximately $800,000; he is concerned with that number and said $750 per employee was a more acceptable number. President Byers said final approval would be up to the Council.

- Commissioner Knochel moved to approve the recommendation by President Byers of a $1,000 bonus per employee and also his own recommendation of excluding the employees with a salary over $60,000. There was no second; motion died.

- Commissioner Murtaugh moved to approve a $750 bonus per employee for full-time and regular part-time, with the exception of the Probation Department. There was no second; motion died.

- President Byers moved to approve a $1000 bonus per employee for full-time and regular part-time, excluding the Probation Department, second by Commissioner Murtaugh.
  - Commissioner Knochel moved to amend the motion to exclude employees with a salary above $70,000. President Byers and Commissioner Knochel voted yes on the amendment, Commissioner Murtaugh voted no; amendment motion carried.

  President Byers and Commissioner Knochel voted yes on the motion of $1,000 bonus as amended, excluding the employees with a salary above $70,000, Commissioner Murtaugh voted no; motion carried.

PROFESSIONAL SERVICES AGREEMENT with MAXIMUS

Commissioner's Assistant Frank Cederquist said the agreement with Maximus prepares the cost allocation study and determines the direct and indirect costs used for billing by various departments. It is a three year financial commitment at $11,500 per year. A fourth year has been added to the agreement to cover reimbursements, if applicable. The contract has been in effect for several years.

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

APPOINTMENT TO COMMON WAGE BOARD

- Commissioner Knochel moved to appoint David Lahr to the Common Wage Board for the City of Lafayette, second by Commissioner Murtaugh; motion carried.

UNFINISHED/NEW BUSINESS

Dan Teder, Attorney with Reiling Teder & Schrier said he represents the Standifords who are present. Attorney Teder said Mr. Standiford has spoken with the Commissioners and the discussion and presentation today is for informational purposes. The Vulcan pit is approximately 140 acre site on the south side of County Road 510, west of the former Purdy pit, which has been reclaimed. The pit had a 20 year lifespan, dated September, 1989. It expired in 2010 and the reclamation was to be finished by this time. There has been nothing done on the site for the last 12 months. Area Plan and the Surveyor would like to see it graded back to the pre-construction. Vulcan Materials is in the process of selling their operation to Martin Marietta; subject to claims being resolved.

Attorney Teder provided a handout to the Commissioners with pictures of the site, saying part of the issue of the site is the water flows onto the southern portion to the adjoining neighbors. The handout includes the reclamation plan and states "all grading and backfill shall be with non-flammable, non-combustible solids and the grading of the lay of the land shall be done so as to produce an aesthetically appealing surface designed to minimize erosion" and "areas of the bank not backfilled should be graded, sloped, and restored with vegetation. Such vegetation shall include seeding of grass and planting of shrubs and trees and include all parts of the mining area".

Included in the handout is a letter from Surveyor Beasley dated June 7, 2011, stating in part, "according to item 7, not returning the site to its pre-mine ground level is not acceptable. Action must be taken to remedy this issue. The southwest portion of this site and the adjoining landowner to the south is negatively impacted by the additional stormwater runoff". There is also a letter from APC Director Fahey to Vulcan, stating in part, "based upon the site visit and subsequent memos from Zach Beasley, there is limitation given to grade so the ground level will be returned to the natural level as it was before mining." "The overburden must be graded to pre-mining ground levels; there are no other options to comply with the reclamation plans approved by the Area Plan Board of Appeals".

Attorney Teder continued to say there was a meeting in January held with Mr. Standiford, Attorney Joe Bumbleburg, representing Vulcan, and Roger Fine. Mr. Fine presented his recommendations at the meeting. Attorney Teder said when looking at the website of Vulcan, comments include "we take extra care to insure that all of our facilities are maintained to the highest environmental standards. We participate in reclamation plans which transform former quarries into green space, stocked lakes, and wildlife habitat. Part of what we do is conservation of the property back to its native appearance that resembles the property before conversion to recreational use as a lake, park area, and natural trail".

Petitioner Gary Standiford presented a slideshow of various pictures of the mining site, taken from a helicopter; described the pictures to identify the surroundings and concerns. Mr. Standiford said his request is to return the site to the level prior to mining; maintaining the slopes, reducing the water runoff, and rebuilding the island, which has caved in. Attorney Teder concluded by saying, what has been done has been too long, too slow, and has not been done correctly.

Commissioner Knochel asked APC Director Fahey to find out the amount of the bond and said if it is high enough; it could possibly be called in.

REPORTS ON FILE

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

Treasurer
Public Library

PUBLIC COMMENT

Paul Wright - 4523 S. County Line Road W., Westpoint - Mr. Wright said the employee salary recommendations for 2014 may be beneficial; however, the public has no idea of what has been paid on an annual basis, the number of employees, or the cost. The bonus idea is better than increasing the salary base but it is still an added cost to the taxpayer. The current online salary data is from 2010 and Mr. Wright is looking for individual salaries and the total cost. Commissioner Murtaugh said the salary ordinance is posted on the County website each year.

Jim Gibson - 4303 Division Road, West Lafayette – Mr. Gibson said he owns a property in Green Meadows Subdivision and asked what influence the Commissioners have in regard to the West Lafayette annexation proposal. President Byers said the County Commissioners have no authority over the annexation and advised Mr. Gibson to contact the seven members of the West Lafayette Council.

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

Meeting adjourned at 11:05 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 06/17/2013

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