TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
June 17, 2013

The Tippecanoe County Commissioners met on Monday, June 17, 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.

PROCLAMATION – SMALL BUSINESS WEEK

Lauren Davis, Program Manager for Economic Development from Greater Lafayette Commerce said June 17 through June 21 is National Small Business Week, first proclaimed fifty years ago to recognize the critical contributions of U.S. entrepreneurs and small business owners. Greater Lafayette Commerce has long honored, saluted, and encouraged support of local small businesses; 80% of the member businesses are small businesses, employing fifty or less.

The latest *Small Business of the Year* is *Lafayette PC*; owned by Julie and Jason Rubsam. Ms. Davis introduced Julie Rubsam. Ms. Rubsam said she is happy to represent *Lafayette PC* and Greater Lafayette Commerce as they are well known as a champion for small business. Twenty years ago, in 1993, Greater Lafayette Commerce began giving *Small Business of the Month* awards. The award has been presented 205 times, with a few businesses receiving the award more than once. In 2000, the *Small Business of the Year* award debuted, chosen from an earlier monthly winner. As the winner of both awards, *Lafayette PC* has benefited from recognition, giving them confirmation of their contribution to the community, while encouraging them to continue their hard work. On behalf of all small business in the Lafayette community, Ms. Rubsam expressed her appreciation of Greater Lafayette Commerce and Government leaders for recognizing the value of small businesses.

Lafayette Mayor Tony Roswarski, West Lafayette Mayor John Dennis, and President Byers read the Proclamation:

Whereas, small businesses in Lafayette, West Lafayette and Tippecanoe County are major contributors to our employment, economic vitality and quality of life;

Whereas, the U.S. Small Business Administration reports that more than half of all Americans either own or work for a small business and that small businesses create two out of every three new jobs in the U.S. each year;

Whereas, 2013 marks the 50th anniversary of the annual national celebration known as Small Business Week, established in 1963 by the U.S. Small Business Administration;

Whereas, 2013 marks the 20th anniversary of Greater Lafayette Commerce and its predecessor organizations bestowing Small Business of the Month awards to outstanding local businesses;

Now, therefore, the City of Lafayette, City of West Lafayette and County of Tippecanoe hereby proclaim that June 17 to 21, 2013, is Small Business Week in our community and that all of our small businesses deserve recognition and patronage during this week and throughout the year. Proclaimed this 17th day of June, 2013.

APPROVAL OF MINUTES

- Commissioner Murtaugh moved to approve the minutes of the regular meeting held June 3, 2013, second by Commissioner Knochel; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

- Commissioner Murtaugh moved to approve the accounts payable vouchers for June 4, 5, 6, 7, 11, 12, 13, 14, and 17, 2013 as submitted without exception, second by Commissioner Knochel; motion carried.

HIGHWAY – Opal Kuhl
LPA Consulting Contract from Strand Associates, Inc. for the Design of a Roundabout Intersection at Klondike Road and Lindberg Road

Highway Director Kuhl presented a contract from Strand Associates for the design of a roundabout at Klondike and Lindberg Roads. The contract is in addition to the design already in progress for the intersection. It is a Federal aid project; the Federal government will pay 80% and the County will pay 20%. The contract is $72,400 including the cost of the study, the survey, and the design.

- Commissioner Knochel moved to approve the contract with Strand Associates as presented, second by Commissioner Murtaugh; motion carried.

Director Kuhl said the Federal funds won't be available for construction until 2016 – 2017.

Change Order #3 from DJ McQuestion & Sons – Cumberland Road Project

Director Kuhl presented Change Order #3 from DJ McQuestion & Sons for the Cumberland Road project in the amount of $7,326. The change order is for anchors for hand rails located by existing apartments on Cumberland Avenue.

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

Change Order #4 from DJ McQuestion & Sons – Cumberland Road

Director Kuhl presented Change Order #4 from DJ McQuestion & Sons in the amount of $5,104.50 is for pavement removal on Cumberland Road where it crosses US 231.

The total contract with Change Order #3 and #4 is $4,617,190.12.

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

Continuation Certificate from Indiana Gas Company, Inc. dba Vectren Energy of Indiana, Inc. to work in right-of-way

Director Kuhl presented a Continuation Certificate from Vectren Energy for right-of-way work in the amount of $5,000, saying it is normal procedure.

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

Opening of Quotes for Emergency Dayton Road Culvert Project

Director Kuhl said the quotes are for the emergency culvert repair on Dayton Road. Once quotes are opened, they will be reviewed immediately. In order to begin work on the project as soon as possible, one quote will be presented for acceptance at the end of the meeting today.

Attorney Luhman opened the submitted quotes:

Yates Construction Inc., PO Box 41, Kentland, IN 47951	$323.081.53
Rieth-Riley, 3425 O'Farrel Rd, Lafayette, IN 47905	$290,781.81
George R Harvey & Son, Inc. 964 N SR 39, Danville, In 46122	$194,813.25
Pioneer Associates Inc., 728 E 400 N, Albion, IN 46701	$329,222.35
Milestone Contractors, LP, 3301 S 460 E, Lafayette, IN 47905	$261,793.10

Attorney Luhman recommended the quotes be taken under advisement for review and compliance.

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

ORDINANCE 2013-21-CM – *First Reading*
Vacating County Road 800 North

- Commissioner Murtaugh moved to hear Ordinance 2013-21-CM on first reading, vacating County Road 800 North, second by Commissioner Knochel.

Director Kuhl said County Road 800 North is one of the roads made into a cul-de-sac as part of the Hoosier Heartland project. There are no houses on the section of the road; only access to farm property. Director Kuhl recommended the road be vacated.

Attorney Luhman said the vacation ordinance vacates the part of County Road 800 North located between the east right-of-way line of County Road 1000 East and the west right-of-way line of State Road 25.

President Byers invited public comments in favor of or opposed to Ordinance 2013-21-CM. There were none.

Auditor Weston recorded the vote.

Byers	Aye
Knochel	Aye
Murtaugh	Aye

Ordinance 2013-21-CM passed 3-0 on first reading.

- Commissioner Knochel moved to suspend the rules and hear Ordinance 2013-21-CM on second reading, second by Commissioner Murtaugh, motion carried.

- Commissioner Knochel moved to hear Ordinance 2013-21-CM on second reading, second by Commissioner Murtaugh.

President Byers invited public comment in favor of or opposed to Ordinance 2013-21-CM. There were none.

Auditor Weston recorded the vote.

Byers	Aye
Knochel	Aye
Murtaugh	Aye

Ordinance 2013-21-CM passed 3-0 on second and final reading.

ORDINANCE 2013-20-CM – *First Reading*
Vacating Streets and Alleys in the Unincorporated Town of Americus

- Commissioner Murtaugh moved to hear Ordinance 2013-20-CM on first reading, vacating streets and alleys in the Unincorporated Town of Americus, second by Commissioner Knochel.

Director Kuhl said several streets and alleys in the town of Americus have been vacated through the years when property is sold or transferred. None of the streets or alleys are improved and there are no plans to add streets or alleys.

Attorney Luhman said Ordinance 2013-20-CM includes a description of each portion of the right-of-way or platted streets and alleys to be vacated. The map is highlighted to indicate the location of each street or alley. By referencing the map, none of the vacations result in the lack of access by property owners. A number of the platted streets and alleys have been ignored over the history of the town of Americus; lot lines have been laid over the platted streets and structures have been constructed in the platted rights-of-way. None of the streets and alleys, as determined by the Highway Department, are used and useful for public access, nor will they be improved by the Highway Department in the future. The effect of adopting the Ordinance is to remove the easement or platted right-of-way for a street or alley as a restriction from the underlying real estate. The ownership of the underlying real estate goes to the center line of a platted alley or street and if the easement is vacated, the adjacent owners still own to the center but are not restricted by the easement.

President Byers invited public comment in favor of or opposed to Ordinance 2013-20-CM.

Dale Wolfe – 7414 Old State Road 25, Lafayette – Mr. Wolfe stated he runs Wolfe Leisure Time Campground in the Americus area. He has no problems with vacating the alleys and streets as presented but does have other issues. The streets and alleys were plotted in the 1800's and lots were also plotted and placed on the overlays of the County GIS site. The overlays distort the actual property lines when compared to deeds. Mr. Wolfe asked what is needed to vacate the plots. He presented a map to the Commissioner, referencing a river section marked "unnoted" on the map which occurred when the GIS hand printed overlays were sent in for entry into the GIS system. He further referenced two islands that have been moved to the middle of the river on the map, saying there is no land in the area and no sand bars when the river is low. Mr. Wolfe said he has been trying to get the issues corrected for the past seventeen years and would like to get it cleaned up for future generations.

Area Plan Commission (APC) Director Sallie Fahey said Mr. Wolfe needs to work with the APC staff. There is a process for vacation of plats which requires the property owners to get together and work

through the vacation of plats. It would then go to APC for approval. There are locations in Americus where old 1800's plats overlap; some of the property owners have worked with their own legal counsel to correct those – especially when there have been sales of property. With instances of uncertainty, or where the river has taken a portion or deposited a portion of land, it is a legal issue. In some older deeds, ownership encompassed two banks; when the bank changes, the amount of owned land changes. Other old deeds go to the center of the water body; when the center of the water moves, the property line moves. Some places go to fixed points; if the river has deposited additional land, the past owner may no longer own the land, which then becomes a legal issue. Director Fahey recommended Mr. Wolfe work with Don Lamb in APC.

Attorney Luhman stated the GIS system has no legal significance with respect to ownership; it is only a graphical way to provide a clue to where things are. It is not accurate and will not tell you property lines.

President Byers invited additional public comments in favor of or opposed to Ordinance 2013-20-CM. There were none.

Auditor Weston recorded the vote.

Byers	Aye
Knochel	Aye
Murtaugh	Aye

Ordinance 2013-21-CM passed 3-0 on first reading.

Dayton Road Culvert Project

Director Kuhl said the quotes have been reviewed and the documents are in order. She recommended the acceptance of the low quote for Culvert 218 from George R. Harvey & Son, Inc. in the amount of $194,813.25.

- Commissioner Knochel moved to accept the quote from George R. Harvey & Son as presented, second by Commissioner Murtaugh; motion carried.

President Byers thanked the bidders who submitted quotes.

GRANTS – Laurie Wilson
Permission to Apply for Grant

Grant Facilitator Wilson requested permission to apply for a grant for TEMA from the Indiana Department of Homeland Security (IDHS) in the amount of $10,000. The grant will be used for the Emergency Operation Center (EOC) equipment.

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

Grant Facilitator Wilson requested permission to apply for a grant for TEMA from IDHS in the amount of up to $260,000. The grant will be used for district equipment such as satellite phones for the Mobile Operation Center (MOC) and tires for Tippecanoe County; a boat and dive equipment for White County; and a water rescue boat and also a mortuary trailer for Montgomery County. The District Planning Council (DPC) approves the requested items, and then IDHS will assess and prioritize the items to be funded.

- 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 TEMA from IDHS in the amount of $30,000. The grant is for district training and exercises for the upcoming year.

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

Grant Facilitator Wilson requested permission to apply for a grant for the Local Emergency Planning Committee (LEPC) from IDHS in the amount of $15,000. The grant will be used for a county exercise for HAZ MAT. The exercise would include other companies from Tippecanoe County.

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

Grant Facilitator Wilson requested permission to apply for a grant for the LEPC from IDHS in the amount of $60,000. The grant will be used for training, including classes and conferences of HAZ MAT technicians from TEMA, Lafayette and Purdue University Fire Departments.

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

COURT SERVICES – Lisa Smith
Amendment to Services Agreement with Sentinel Offender Services, LLC

- Commissioner Murtaugh moved to untable the amendment, second by Commissioner Knochel, motion carried.

Court Services Coordinator Smith said Sentinel Offender Services, LLC is an amendment to the Services Agreement regarding an increase to the amount of rent paid to Court Services. The rate will increase from $15 to $16 for the 12 Panel On-site, Observed Screen. Judge Morrissey and Judge Donat sent emails in support of the amendment.

- Commissioner Murtaugh moved to approve the amendment to the services agreement with Sentinel Offender Services, LLC as presented, second by Commissioner Knochel; motion carried.

WIC – Colleen Batt

President Byers said the Agreement for Lactation Education Consultant(s) has been removed from the agenda.

Assignment & Assumption of Lease

WIC Director Colleen Batt said the building where WIC is housed is being given to Riggs Community Health Clinic by the Sisters of St. Francis Health Services. With the transfer, they are requesting an assignment and assumption of the current lease which expires September 30, 2013. Riggs will work on a new lease for continued occupancy beyond September 30.

- Commissioner Murtaugh moved to approve the assignment and assumption of lease for WIC as presented, second by Commissioner Knochel; motion carried.

TREASURER – Bob Plantenga
Maintenance Agreement with Pitney –Bowes

Treasurer Plantenga said in 2009, the County entered into a lease agreement for the inserter/folding machine. The four year lease has expired and the County now owns the piece of equipment. The maintenance contract was included in the lease at a cost of less than $5,000 per year versus the $20,000 per year total lease. The payment was coming from Cumulative Capital and the maintenance portion will continue from that fund. The life of the machine is expected to be three to five million inserts; at the end of 2012, a third of a million has been processed. The machine is used for tax bills on a regular basis. Other departments use the machine throughout the year such as Jury questionnaires and the Auditor's office for checks.

- Commissioner Knochel moved to approve the maintenance agreement with Pitney-Bowes as presented, second by Commissioner Murtaugh; motion carried.

TREASURER/AUDITOR – Bob Plantenga/Jennifer Weston
Tax Sale Support Services Addendum with SRI, Inc.

Auditor Weston said a notification was received from SRI stating a need to increase fees from $70 to $75 per parcel on the tax sale list. The notification states it is a one year increase due to case law to include a notice to the mortgage companies. Treasurer Plantenga said the hope is the Supreme Court will reverse the decision once it is presented. The fee is passed on to the people with properties on the tax sale; the County does not pay the fee.

- Commissioner Murtaugh moved to approve the addendum to the Tax Sale Support Services with SRI as presented, second by Commissioner Knochel; motion carried.

APPLICATION TO VILLA

- Commissioner Knochel moved to approve applications to the Villa for Melissa M. Gaseor and Imogene S. Jones, second by Commissioner Murtaugh; motion carried.

APPOINTMENT TO TEMA DISTRICT PLANNING HOMELAND SECURITY COMMITTEE

President Byers said Jeff Houston will leave the TEMA District Planning Homeland Security Committee as he takes his new position as the Indiana Department of Homeland Security District 4 Administrative Coordinator. Jim Lewis has accepted an appointment to replace Jeff Houston on the TEMA District Planning Homeland Security Committee.

- Commissioner Murtaugh moved to approve the appointment of Jim Lewis to the TEMA District Planning Homeland Security Committee, second by Commissioner Knochel; motion carried.

UNFINISHED/NEW BUSINESS – none

REPORTS ON FILE

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

Parks and Recreation Board
Crystal Creek Boarding Kennel (2)
Central Mail and Duplicating
Building Commission

PUBLIC COMMENT

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

Meeting adjourned at 10:42 a.m.

BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE

David S. Byers, President

absent
John L. Knochel, Vice President

Thomas P. Murtaugh, Member

ATTEST:

Jennifer Weston, Auditor 07/01/2013

/th