TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
August 6, 2012

The Tippecanoe County Commissioners met on Monday, August 6, 2012 at 10:00 a.m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President Thomas P. Murtaugh, Vice President John L. Knochel, and Commissioner David S. Byers. Also present were: Attorney Doug Masson, Auditor Chief Deputy Dawn Rivera, Commissioner's Assistant Frank Cederquist, and Secretary Tillie Hennigar.

President Murtaugh 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 July 16, 2012, second by Commissioner Byers; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

- Commissioner Knochel moved to approve the accounts payable vouchers for July 18, 19, 20, 26, 27 and August 2, 3, and 6, 2012 as submitted without exception, second by Commissioner Byers; motion carried.

AREA PLAN COMMISSION – Sallie Fahey
Rezone Z-2493 – Crosswalk Project, Inc (Crosswalk Commons PD) (A to PDRS), **Ordinance 2012-23-CM:** Petitioner is requesting rezoning of approximately 1.35 acres for a three-story apartment building containing 32 units with up to 88 bedrooms and a 50-space parking lot. The property is located at 925 Hilltop Drive, Wabash 18 (SW) 23-4.

- Commissioner Knochel moved to hear Rezone Z-2493 – Crosswalk Project, Inc., Ordinance 2012-23-CM, second by Commissioner Byers.

(quote)

July 19, 2012
Ref. No.: 12-214

Tippecanoe County Commissioners
2- North 3rd Street
Lafayette, IN 47901

CERTIFICATION

RE: **Z-2493--CROSSWALK PROJECT, INC. (Crosswalk Commons PD) (A to PDRS):**

Petitioner is requesting rezoning of approximately 1.35 acres for a three-story apartment building containing 32 units with up to 88 bedrooms and a 50-space parking lot. The property is located at 925 Hilltop Drive, Wabash 18 (SW) 23-4. *CONTINUED FROM THE JUNE APC MEETING DUE TO A FAILURE TO FILE REQUIRED PUBLIC NOTICE AFFIDAVITS AND PROOFS OF PUBLICATION.*

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on July 18, 2012 the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from A to PDRS. 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, contingent on meeting all requirements of UZO 2-28-10 for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. All sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. PD construction plans per UZO Appendix B-2-2;
3. Appropriate surety submitted with final detailed plans;
4. The project's Hilltop Drive driveway curb cut is subject to approval by the Tippecanoe County Highway Department;
5. Prior to Final Detailed Plan approval, the Drainage Board shall approve any required drainage plans in compliance with the Comprehensive Stormwater Management Ordinance of Tippecanoe County 2011-27-CM.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their August 6, 2012 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

Sallie Dell Fahey
Executive Director

(unquote)

Andy Gutwein, Attorney with Bennett, Boehning, & Clary, 415 Columbia St, Lafayette, said he is representing the Crosswalk Project, Inc. He presented the Commissioners with pictures and drawings of the proposed project. The project is unique in that it sits inside Tower Acres, which is in the County, but surrounded by Purdue University and West Lafayette. It is the last lot in the subdivision which is full of sororities, fraternities, and co-operative houses. Technically, the building is classified as an apartment; however, it fits into the co-op housing atmosphere. It was designed to be the outreach growth of the Salt and Light Christian Fellowship which has been on the Purdue campus since 1987. Each unit will have a small kitchen and the building will have over 4,000 square feet of public space for gatherings and

studying. Great effort has been taken to position the building and parking area to take advantage of the natural topography and preserve as many trees as possible.

President Murtaugh asked for public input in favor of the Ordinance.

Samuel Childs, 659 Winslow Rd, West Lafayette said he is part of the Purdue Student Leadership of Crosswalk Commons and also a member of Salt and Light Christian Fellowship which is the Purdue organization associated with the building. He provided a student's prospective of the Crosswalk Project, saying it is a unique venture and there is currently nothing like it at Purdue. The purpose of Crosswalk is to unite people from every culture, language, and country and have them live together under one roof. Purdue has repeatedly been at the top of the list when it comes to the international student population with roughly 8,000 students from other countries. Unfortunately, many domestic students fail to take note of these students and consequently miss out on learning about new cultures. The international students stick together in classes, housing, and social activities. Domestic students often stay together and don't interact with international students because of language barrier issues and negative stereotypes. Crosswalk Commons exists to demolish the stereotypes and embrace international students and visiting scholars by placing them in a housing environment with Americans who are committed to making them feel welcome in a foreign land. The hope is for Crosswalk Commons to be a beacon for the international students, encouraging them to share their culture and experiences. Unlike the dorms, where the activities are sparsely attended, Crosswalk will maintain an intentional approach to engage students in activities and daily conversations. As Crosswalk is the ministry home of Salt and Light, he is very excited about possible participation in weekly worship by the international students. He encouraged the Commissioners to support the project and the unique opportunities it entails.

President Murtaugh asked for additional public input in favor of or against the Ordinance. There were no additional comments.

Chief Deputy Rivera recorded the vote.

Byers	Aye
Knochel	Aye
Murtaugh	Aye

Ordinance 2012-23-CM passed 3-0.

HIGHWAY – Opal Kuhl
9th Street and Burnett's Road Project – LPA Supplement Number 1 Contract

Highway Director Kuhl said the Supplemental Agreement is to INDOT for the Federal Aid project at 9th Street and Burnett's Road. It is Highway Safety Improvement Program (HSIP) fund so the construction is a 90%/10% split; the County portion is 10%. The Supplement adds $100,000 to the available amount for construction engineering, bringing the total to $945,658.42.

- Commissioner Knochel moved to approve the Supplement Agreement for 9th Street and Burnett's Road as presented, second by Commissioner Byers; motion carried.

Acceptance of Motor Grader Proposals

Director Kuhl said three proposals were received for four new motor graders. The request for proposals requested two criteria: total cost of service (financial package) and technical merits (grader specifications). Requesting proposals instead of bids provided the opportunity for interviews with the three companies. All proposals were reviewed and met the criteria for grader specifications. Only two of the proposals met the funding options and MacAllister Machinery Company was determined to be a substantially better financial package. The annual cost from MacAllister is $19,799 per year, per grader for four years with a guaranteed buy-back; the annual cost from West Side Tractor Sales is $29,214 per year, per grader for four years. $40,000 per year, $160,000 for the four year period will be saved with the MacAllister proposal. Director Kuhl recommended acceptance of the proposal from MacAllister Machinery Company for four motor graders, Model 140M2 AWD.

- Commissioner Knochel moved to accept the proposal from MacAllister Machinery Company for four motor graders as presented, second by Commissioner Byers; motion carried.

Director Kuhl said the entire analysis and the original proposals are available in the Highway office for review.

Street Acceptance – Lindberg Village PD, Phase Two, Part Two – Fleming Drive – 676.41, Maxwell Drive – 376.55, and Cushing Drive – 873.51

Director Kuhl requested acceptance of streets and a street maintenance bond for Lindberg Village PD, Phase Two, Part Two.

- Commissioner Knochel moved to accept the streets into Lindberg Village PD, Phase Two, Part Two as presented, second by Commissioner Byers; motion carried.

3 Year Sub-Division Street Maintenance Bond for Lindberg Village PD, Phase 2, Part 2 in the amount of $25,720.00

- Commissioner Knochel moved to accept the street maintenance bond for Lindberg Village PD as presented, second by Commissioner Byers; motion carried.

Bond Rider #027S103350590-07 from Indiana Gas Company, Inc, d/b/a Vectren Energy

Director Kuhl said the bond rider from Vectren Energy is a renewal to continue with work in the right-of-way.

- Commissioner Knochel moved to accept the bond rider for Vectren, second by Commissioner Byers; motion carried.

Lindberg Road Project – INDOT/LPA Contract for Right-of-Way

Director Kuhl said the Lindberg Road project is from new 231 west to Klondike Road. Although it is a future project, applying for federal funding is necessary to get started on the right-of-way. By making it a federal aid project, the project qualifies for federal funding. $144,000 in federal funds will be received through INDOT; the County will supply $36,000.

- Commissioner Knochel moved to approve the contract for the Lindberg Road project, second by Commissioner Byers; motion carried.

Klondike Road Project – INDOT/LPA Contract for Right-of-Way

Director Kuhl said the Klondike Road Project is from US 52 south to Lindberg Road. It also is a future federal aid project which qualifies for federal funding. $888,000 in federal funds will be received through INDOT; the County will supply $222,000.

- Commissioner Knochel moved to approve the contract for Klondike Road project, second by Commissioner Byers; motion carried.

Director Kuhl presented a projected picture of Hog Point Bridge. Two decorative hog statues have been added as part of the finished structure. She encouraged everyone to drive out to see the bridge.

GRANTS – Laurie Wilson

Grant Facilitator Wilson requested permission to accept a grant for the Local Health Department Trust Account from the Indiana State Department of Health in the amount of $65,427.73. It is a continuation grant.

- Commissioner Knochel moved to approve permission to accept the grant for the Health department as presented, second by Commissioner Byers; motion carried.

Grant Facilitator Wilson requested permission to accept a grant for Superior Court 3 in the amount of $6,000 for substance abuse assessments. It is a continuation grant.

- Commissioner Knochel moved to approve permission to accept the grant for Superior Court 3 as presented, second by Commissioner Byers; motion carried.

Grant Facilitator Wilson requested permission to accept a grant for Juvenile Probation in the amount of $1,500 for the Intensive Substance Abuse Program (ISAP). It is a continuation grant.

- Commissioner Knochel moved to approve permission to accept the grant for Juvenile Probation as presented, second by Commissioner Byers; motion carried.

Grant Facilitator Wilson requested permission to accept a grant for Court Services from the Drug Free Coalition in the amount of $10,000. The grant will be used for Prime workbooks and a contractor.

- Commissioner Knochel moved to approve permission to accept the grant for Court Services as presented, second by Commissioner Byers; motion carried.

Grant Facilitator Wilson requested permission to apply for a grant for Youth Services in the amount of $30,500. It is a continuation grant from the Indiana Criminal Justice Institute Byrne Grant for Juvenile Detention Alternatives Initiative (JDAI). It is the third year for the grant.

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

Grant Facilitator Wilson requested permission to apply for a grant for the Public Defender. It is the first time grant funds have been available for the Public Defender. The grant request is up to $50,000 from the Indiana Criminal Justice Institute Byrne Grant and will be used for an evaluation program to evaluate the public defender attorneys. In conjunction with a Purdue University professor and a research student, research will be completed and results will be compiled. The original request was $25,000 to $30,000 but the software was more expensive than anticipated. The judges, clients, and the attorneys themselves will evaluate the public defender attorneys.

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

CLERK – Christa Coffey
New Position

Clerk Coffey requested permission to fund a new position in the IV-D Court office with money from IV-D reimbursements. The fund has been building as it has only been used for part-time staff in the IV-D Court office. In meeting with Auditor Weston, the balance is over $60,000 which is more than enough for the annual salary. The 66% share from the federal government for the IV-D project averages $15,000 per month for the Clerk's office. With approval from the Commissioners and the Council in September, the job would be posted following the Council meeting.

- Commissioner Knochel moved to approve the new position for Upper Court Clerk in the IV-D Court office as presented, second by Commissioner Byers; motion carried.

BUILDING COMMISSION – Ken Brown
2 Unsafe Structures:

Building Commissioner Brown presented pictures and information on two unsafe structures, both located in Colburn, Indiana. The first property at 10111 Strong Avenue was purchased at a tax sale by Jana Hageman of Indianapolis. There were some issues obtaining a warranty deed and Ms. Hageman was unable to resell it. The house has been sitting in the present condition for three to four months. The

pictures were taken this morning following an email from the owner stating the property's openings would be boarded up by today. The pictures indicate nothing has been boarded up, the windows are still open with broken glass, the front door is open, and the inside litter is two to three feet deep. Contact was made this morning with the gentleman who was to take care of the clean up and he has it on his schedule for today. At this point, Commissioner Brown suggested giving the property another week or two before proceeding.

- Commissioner Knochel moved to address the unsafe structure on Strong Avenue at the September 4th meeting, second by Commissioner Byers; motion carried.

Building Commissioner Brown said the second unsafe structure is located at 10022 Carney Street. Looking at the house from the street, the house appears to not be too bad. However, looking closer the front porch posts are falling down, the porch roof is severely deteriorated, there are holes completely through the main roof, and the chimney is split in half. In the back, a window is open and people and/or animals have been getting in through the window and also the crawl space. The inside has three to four feet of trash and the back yard looks like a jungle. A copy of the Quit Claim Deed was presented from the owners, William and Lorena Schnepp, attempting to sign the property over to the lien holder, CitiFinancial, Inc. A copy of the response from CitiFinancial was presented stating "they do not intend to assert any interest in the property". Attorney Masson said the Quit Claim Deed is not valid if not accepted. Commissioner Brown confirmed that funds are available to demolish the house, replying to a question from Commissioner Knochel. Attorney Masson said the process for demolition requires an order from the hearing officer notifying the owners. A hearing would need to be set by the Commissioners, similar to a poor relief hearing, allowing the owners to appear and state why the property should not be demolished. The window for the hearing would be more than 10 days after the order but not longer than 60 days. A title search should identify those with a substantial property interest who might be liable.

- Commissioner Knochel moved to approve a notification of intent to demolish order and set the hearing date for September 4, 2012 at 10:00, second by Commissioner Byers; motion carried.

Attorney Masson will send the demolition order.

YOUTH SERVICES/JUVENILE ALTERNATIVES – Rebecca Humphrey
Approval of MOUs between School and the County for Truancy Mediation Services

Cary Home Executive Director Humphrey requested approval for a Memorandum of Understanding (MOU) between the County Truancy Mediation program and four local schools - West Lafayette Community School Corporation, GLASS, Lafayette School Corporation, and Tippecanoe County School Corporation. The MOU has been ongoing for many years. The ultimate goal is to prevent truancy and divert future delinquency, keeping students out of the juvenile justice system. The program is approximately 88% successful due to the truancy mediation services.

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

APPLICATION TO VILLA

- Commissioner Knochel moved to approve an application to the Villa for Katrina Fagerstrom, second by Commissioner Byers; motion carried.

APPOINTMENT TO WABASH RIVER HERITAGE CORRIDOR COMMISSION

- Commissioner Knochel moved to appoint James A. Andrew as the representative for the Wabash River Heritage Corridor Commission and Rae Schnapp as an alternate, second by Commissioner Byers; motion carried.

APPOINTMENT TO COMMON WAGE BOARD

- Commissioner Knochel moved to appoint Dave Lahr as the taxpayer representative to the Common Wage Board for the Aquatic Center at Prophetstown State Park, second by Commissioner Byers; motion carried.

UNFINISHED/NEW BUSINESS

President Murtaugh said a discussion was held this morning with Emergency Management Director Smokey Anderson regarding the Fire Burn Ban. The severe drought conditions continue even with the rainfall over the weekend. Director Anderson's recommendation is for the Burn Ban to remain in place. In conversations with the state, the ban could remain in place through September even with normal rainfall the next few weeks as it is still a very serious situation.

President Murtaugh said due to some miscommunication, the Request for Proposals (RFP) for Parking Garage Management did not get advertised. The bids will be opened at a later date, following advertisement.

REPORTS ON FILE

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

Treasurer
Clerk of the Circuit Court
Parks and Recreation

PUBLIC COMMENT

As there were no Public Comments, Commissioner Byers moved to adjourn.

BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE

Thomas P. Murtaugh, President

John L. Knochel, Vice President

David S. Byers, Member

ATTEST:

Jennifer Weston, Auditor 8-20-2012