TIPPECANOE COUNTY BOARD OF COMMISSIONERS REGULAR MEETING AUGUST 20, 2001

The Tippecanoe County Commissioners met on Monday, August 20, 2001 at 5:00 P.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President Ruth E. Shedd, Vice President John L. Knochel, and Member KD Benson; Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney Thomas H. Busch, and Secretary Pauline E. Rohr.

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

APPROVAL OF MINUTES

Commissioner Knochel moved to approve the minutes of the August 6, 2001 Regular Meeting and August 9, 2001 Special Meeting as distributed, seconded by Commissioner Benson; motion carried.

APPROVAL OF CLAIMS

Commissioners' Assistant Weston recommended approval of the Claims for the periods ending August 10, 2001, August 17, 2001, and August 20, 2001 as submitted with the exception of #01-09742 to Advantage Embroidery in the amount of \$224.57 because it was submitted for payment from the General Fund rather than grant funds.

Upon the recommendation of Commissioners' Assistant Weston, Commissioner Benson moved to approve the Claims as submitted with the exception of #01-09742 to Advantage Embroidery in the amount of \$224.57, seconded by Commissioner Knochel; motion carried.

HIGHWAY: Executive Director Mark Albers

OPEN SALT QUOTES

Attorney Busch opened and read the following Salt Quotes for 2002:

IMC Salt Morton Salt Declined to bid

Cargill Salt

\$41.48/ton \$45.73/ton

Upon Mr. Albers' recommendation, Commissioner Knochel moved to take the quotes under advisement, seconded by Commissioner Benson; motion carried.

STREET ACCEPTANCE: Hadley Moors SD, Part 4 MAINTENANCE BOND: 3443204, Fairfield Contractors, Inc.

Mr. Albers recommended the following streets located within Hadley Moors SD, Part 4 for acceptance into the County Highway System.

Locksley Lane Shining Armor Lane

125'

955.54'

North Shining Armor Lane

118.54

He also presented 3 year Maintenance Bond #3443204 for Fairfield Contractors, Inc. in the amount of \$21,839.00 for earthwork, erosion control, streets and storm sewers of Hadley Moors SD, Part 4 located on Morehouse Road.

Upon Mr. Albers' recommendation, Commissioner Knochel moved to accept Locksley Lane, Shining Armor Lane, and North Shining Armor Lane located in Hadley Moors SD, Part 4 into the County Highway System and the Maintenance Bond for Fairfield Contractors in the amount of \$21,839.00, seconded by Commissioner Benson; motion carried.

CONSTRUCTION MAINTENANCE BOND: Lauramie Excavating #5855775

Commissioner Knochel moved to approve three (3) year Construction Maintenance Bond #5855775 for Lauramie Excavating, Inc. in the amount of \$5,000.00 for Brindon Commercial Lot 2, seconded by Commissioner Benson; motion carried.

CONSTRUCTION MAINTENANCE BONDS: A & K Construction #5855777 & #5855778

Commissioner Knochel moved to approve three (3) year Construction Maintenance Bond #5855778 in the amount of \$5,000.00 for A & K Construction, Inc. for work on the right-of-way of Milestone Industrial SD Lot 4 and three (3) year Construction Maintenance Bond #5855777 in the amount of \$5,000.00 for A & K Construction, Inc. for work within any and all County right of ways, seconded by Commissioner Benson; motion carried.

GRANT RIGHT-OF-WAY: Kerkhoff

Key #120-04500-0064::

CR 750 W; a part of the SW ¼ of the NE ¼ of Sec. 12, Twp. 24 N, R 6 W, Shelby Twp. from Philip

J. & Nancy J. Kerkhoff.

Commissioner Knochel moved to approve the Grant of Right-of-Way as presented, seconded by Commissioner Benson; motion carried.

CONTINUATION CERTIFICATE: Indiana Bell dba Ameritech

Commissioner Knochel moved to approve the Continuation Certificate for Bond #124227944 for Indiana Bell Telephone Company d/b/a Ameritech in the amount of \$5,000.00 beginning July 13, 2001 and ending upon cancellation, seconded by Commissioner Benson; motion carried.

ADVERTISEMENT FOR BIDS: 2001 Culvert Replacement Program & McCarty Lane Extension

Mr. Albers submitted Legal Notices for bidding for the 2001 Culvert Replacement Program and McCarty Lane Extension (CR 100 S from CR 500 E to CR 500E). The 2001 Culvert Replacement Program will be advertised on August 17, 2001 and August 24, 2001. The McCarty Lane Extension will be advertised on August 24, 2001 and August 31, 2001.

CERTIFICATES OF INSURANCE

- Pacific Employers Ins Co, ACE American Insurance Company for James H. Drew Corporation
- Indiana 0000011 for Grogan Construction Co., Terrance Grogan DBA

CITIZEN: Chuck Hardesty: re: Reconstruction of CR 950 E

Speakers:

Chuck Hardesty, 600 S. 29th St., Laf., landowner on CR 950 E

Nellie King, Realtor with Century 21 and seller of the properties on CR 950 E

Fred Reichart, 9551 Newcastle Rd., Laf. and owner of two (2) forty (40) acre plots on CR 950 E

Daniel Fitzgerald, 9504 E 900 S and CR 950 E

Mr. Hardesty said he purchased property on CR 950 E and requests the County to rebuild the road for access by the property owners (approximately 7) and emergency vehicles. His property is located approximately half way on CR 950 E between CR 800 S and CR 900S.

Ms King said they are asking the County to restore CR 950 E or give permission to the landowners to install a road. As taxpayers, she thinks the property owners have the right to expect at least a gravel road to their properties because, without a road, they can't get building permits.

Mr. Hardesty said it is confusing to the landowners because, when the Commissioners chose not to vacate the road last year, they thought the County had a plan. Commissioner Knochel responded that the Commissioners did not vacate the road because of anticipated development in the area, but there was no discussion at that time regarding the reconstruction of the road. He said Mr. Fitzgerald, the property owner on the south end of CR 950 E, was asked to remove the obstruction on that portion of the road.

Mr. Reichart said the road has become overgrown and is now only a path. He admitted that his woods have encroached onto CR 950 E and is willing to give up what is needed for a right-of-way.

Highway Executive Director Albers said his department conducted a site investigation to determine the physical condition of CR 950 E and what it will take to build an acceptable gravel road to the County's standard. He said the South end of CR 950 E, .125 miles, is now gravel, but the remaining road north to CR 800 S is a path. Mr. Albers estimates it will cost between \$270,000 and \$275,000 for a contractor to build the road. He said a contractor will be necessary because the County Highway Department can only spend a maximum \$125,000 on a project without bidding it. This estimated cost will include a 20' wide gravel road, minimum 8' depth aggregate, and 10' either side for roadside ditches including culverts and swales. It will cost a large portion of the estimate to clear the woods from the right-of-way and replace any unsuitable materials in the roadway. He said the County might be able to build a portion of the road but it cannot do the entire project. Mr. Albers said, because a 60' wide corridor for proper drainage will be needed, the landowners on the west side of CR 950 E will need to dedicate right-of-way. He noted that the County cannot ask the landowners on the east side to dedicate right-of-way since they are not affected.

Commissioner Benson asked the landowners present their understanding for gaining access when they purchased their properties. Ms King said she was told by Area Plan that 950 E has been a County road since 1850. From that time until today, Ms King said she found no vacation of the road.

Commissioner Knochel said he would like to move forward with rebuilding the road from CR 800 S in segments after working with landowners for the necessary right-of-way.

Commissioner Benson commented that the landowners' property values are less due to the lack of a road.

Mr. Hardesty interjected that he is not asking for an expensive paved road but will be satisfied with a gravel road. He is agreeable to having it built in segments.

Mr. Albers said development of approximately three eights of a mile from CR 800 S to these parcels will cut the estimated cost approximately two thirds. He said it is possible the County could then do the construction.

Mr. Fitzgerald said the road doesn't look like a road because it is overgrown and will require a lot of work to reconstruct. He thought it was a good idea to start at CR 800 S and build the road in segments.

President Shedd asked Mr. Albers to research this project further and, since not all affected landowners are present, to contact the landowners for obtaining the right-of-way before proceeding. Mr. Albers expressed concern about the landowners' timeframe for building. He said engineering work takes time and the road could not be built before next year. He suggested that landowners wanting to proceed with construction of their homes can put down a minimal amount of gravel to serve as a roadway to their properties. Mrs. Hardesty responded that she and her husband are one to two years away from building.

Commissioner Benson expressed her continuing surprise that the individuals were willing to purchase property with the knowledge that there was no road and without checking to determine the County's plan for the road. Mrs. Hardesty responded that they did and were told the road would be maintained when building started. She said they did not speak with the Highway Executive Director, but a lady took them into the back room, showed them a map, discussed the history of the area, and instructed them on the procedure for getting a Building Permit. Mrs. Hardesty said the lady told them, by the time the building started, the road would be there. Mr. Hardesty said he didn't rush into this land purchase but didn't think he would have to build a County road.

Mr. Albers stated he will contact the affected individuals regarding the right-of-ways. Commissioner Knochel interjected that this work is not in the Highway Department's work plan for this year nor is it in the Budget for 2002 even though the road will be constructed in phases.

PUBLIC HEARING: ORDINANCE 2001-21-CM: Amended Food Ordinance Second Reading

This Ordinance, regulating the sale and distribution of food, passed 3-0 on first reading on July 16, 2001.

Dr. Wendell Riggs, Tippecanoe County Health Officer, asked the Commissioners to approve Ordinance 2001-21-CM to reflect recent changes in the State Regulations.

Each restaurant has to have an individual who is in charge.

- The lowering of the temperature from 45° to 41° to prevent food-borne illness from contamination requires different cooling equipment.
- There is a need to educate the food service staff.

No others spoke in favor or in opposition to the Ordinance.

Commissioner Knochel moved to approve Ordinance 2001-21-CM on second reading, seconded by Commissioner Benson.

Auditor Plantenga recorded the following roll call vote:

Ruth Shedd Yes
John Knochel Yes
KD Benson Yes

The motion to approve Ordinance 2001-21-CM passed 3 – 0 on second reading.

Attorney Busch pointed out that, because the Ordinance imposes penalties, it must be advertised twice after it is approved on second reading before it becomes effective.

PUBLIC HEARING: ORDINANCE 2001-23-CM: Petition to Vacate a Portion of a Public Way

 Since the petitioner was not present, Commissioner Knochel moved to table the Petition to Vacate a Portion of a Public Way, seconded by Commissioner Benson; motion carried.

Commissioner Knochel moved to table Ordinance 2001-23-CM, seconded by Commissioner Benson; motion carried.

TIPPECANOE VILLA: Director Terri Hively

COOPERATIVE AGREEMENT

Mrs. Hively requested approval of a Cooperative Agreement between Tippecanoe County Council on Aging, Inc. and Tippecanoe Villa for transporting Villa residents to medical appointments.

• Commissioner Knochel moved to approve the Cooperative Agreement with the Tippecanoe County Council on Aging, Inc., seconded by Commissioner Benson; motion carried.

RIGHT OF ENTRY AGREEMENT: Insight Communications Midwest, LLC

Mrs. Hively presented this Right of Entry Agreement with Insight Communications for approval so that residents may have a TV cable connection. Those who don't want cable will still have access to an antenna connection. Mrs. Hively said Insight Communications has agreed to this Agreement verbally.

 Commissioner Knochel moved to approve the Right of Entry, Installation and License Agreement with Insight communications Midwest, LLC, seconded by Commissioner Benson; motion carried.

APPLICATION

 Commissioner Knochel moved to approve the application of John Joseph Cummings to the Tippecanoe Villa, seconded by Commissioner Benson; motion carried.

APPROVAL/DENIAL OF NEW POSITIONS FOR 2002

The following proposed new positions for 2002 were presented to the Commissioners for approval or denial:

(1) Grant Administrator (Commissioners): to seek grants for all County offices

(6) 4D Child Support Caseworkers (Prosecutor) (Salaries and benefits reimbursed by State at the rate of 66%)

(1) Investigator/Drugs (Prosecutor): paid from County General. Primarily involved in drug cases.

(1) Felony Intake Deputy (Prosecutor): paid from County General. Primarily designed to help Norris Wang.

(1) Part-time Deputy/Sex Crimes (Prosecutor): anticipates will be funded by a grant in 2002

(1) Program Assistant (County Extension): paid from County General

- (1) Certified Instructor (Court Services): group teaching on alcohol and drug reduction and all drug testing through the Probation Department. Funded by User Fees.
- (1) Drug Secretary (Prosecutor): not new position but changing funding source from grants to County General.

Auditor Plantenga clarified that the Commissioners have to create a new position before the Council can approve the funding.

Commissioner Benson said, comparing our caseload and amount of paperwork to other counties, three (3) additional Child Support Caseworkers would seem to be a reasonable number.

 Commissioner Benson moved to approve three (3) additional 4D Child Support Caseworkers, an additional Felony Intake Deputy, and an additional Part-time Sex Offender Deputy, seconded by Commissioner Knochel; motion carried.

Prosecutor Jerry Bean presented his case for an additional Drug Investigator. He said in order to manage drug cases, an individual who pleads guilty will give a clean-up statement that may target other individuals so that cases can be made on them. These statements are backed-up by a Polygraph Test that is administered by our only Drug Investigator. Because these Tests are time consuming, Mr. Bean needs an additional Investigator to help with the backlog of drug cases and with trials. This Investigator will also help acquire a certified hard copy of records from other states for habitual offenders.

President Shedd commented that an additional Felony Intake Deputy will help with the backlog and said she prefers to let the Investigator position ride for this year.

• Commissioner Benson moved to create the new Grant Administrator position for the Commissioners' Office, seconded by Commissioner Knochel; motion carried.

- Commissioner Benson moved to create the new Certified Instructor position for Court Services, seconded by Commissioner Knochel; motion carried.
- Commissioner Knochel moved to create the new Program Assistant postion for the County Extension Office, seconded by Commissioner Benson; motion carried.

UPDATE: Farm Progress Show

Keith Ryan, Farm Progress Show Site Manager, reported that all preparations are running smoothly. He said they haven't held meetings recently with community officials, but they are coordinating traffic control with the Sheriff and State Police.

Commissioner Benson asked if advertising and directional signs to the Farm Progress Show are planned. Mr. Ryan asked for an explanation of the rules for the types of signs and their placement.

Zoning Enforcement Officer Al Levy informed Mr. Ryan that signs are prohibited in the County's right-of-way by ordinance. Signs on private property, defined as billboards, are only allowed in certain zoning areas that do not include Agricultural Zones. He read the definition of a billboard:

"A sign with its primary use placed for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the lot on which it is located."

Mr. Levy said moving the sign off premise makes it a billboard.

Commissioner Benson asked if the sign can be in the right-of-way with the Commissioners' permission. Mr. Levy answered not if it is an event oriented sign that is directional. He said permanent free-standing signs can be put in the right-of-way with the Commissioners' approval.

Mr. Ryan asked what text the sign can contain. Mr. Levy said it cannot be directional; meaning no arrows. It can say Farm Progress Show and the date when it is placed on the property of the Show. Mr. Ryan said he has discussed signage with the State Police, but Mr. Levy quickly interjected that they don't enforce the Zoning Ordinance. When Mr. Ryan questioned who he can ask for permission, Mr. Levy said the Ordinance would have to be amended because there is no provision to grant authorization for directional signage at the present time. Since this is not a variable issue, he told Mr. Ryan he cannot apply for a variance.

Mr. Ryan asked if he can place signs saying "Welcome to the Farm Progress Show" on CR 700 S between the show site and US 52.

Mr. Levy responded that would probably be ok as long as that's all they say, the Commissioners approve, and the right permits are obtained.

• Commissioner Benson moved to give the Farm Progress Show permission to place their informational signs in the County's right-of-way, seconded by Commissioner Knochel.

President Shedd asked Attorney Busch if the Commissioners can override the Zoning Ordinance. Attorney Busch responded he thinks it would have to be amended to allow directional signs through the ordinance procedure. It was noted this can be a lengthy process.

Attorney Busch asked if the signs could say "Welcome to the Farm Progress Show, CR 700 S and CR 300 E". Mr. Levy said that is stretching the point, but he would go along with that.

Having seen directional signs throughout the State, Lafayette Leader Reporter Ernie Wilkinson asked if our Zoning Ordinance applies to the right-of-way on State highways. Mr. Levy responded that it does and explained that after the State approves the sign and issues a permit, the County can issue a permit if there is no arrow.

• The motion to allow informational signs in the County's right-of-way carried.

Commissioner Knochel said he will ask the Ordinance Committee to open this section of the Zoning Ordinance for discussion and, if need be, to put a moratorium on it. He stated he thinks it is absolutely ridiculous what is happening in the community. He said people are confused and frustrated by this section of the Ordinance.

Mr. Ryan listed some events, in addition to the exhibitors, at the Show that will run from September 25th through September 27th:

The Maze, created in conjunction with Purdue University

Horse Whisperer (breaking never ridden horses to ride in approximately an hour)

Cattle Roping

Cattle Handling

Comedians.

He commented that 400 competitive exhibitors work to create interesting activities to draw people to their exhibits.

APPOINTMENT: Common Wage Board

 Commissioner Knochel moved to appoint Carl Treece to the Common Wage Board for various Tippecanoe School Corporation projects, seconded by Commissioner Benson; motion carried.

JUVENILE ALTERNATIVES

AGREEMENT: Use of McAllister Recreation Center for the BEAMES Program

 Commissioner Knochel moved to approve the renewal of the Agreement for the Use of Facilities for the McAllister Recreation Center with the Lafayette City Department of Parks and Recreation for the BEAMES Program, seconded by Commissioner Benson; motion carried.

MEMORANDUM OF UNDERSTANDING: Tippecanoe School Corporation: JEDIS

This Memorandum of Understanding between the Tippecanoe School Corporation and Juvenile Alternatives is for financial support in the amount of \$6,000.00 of the JEDIS/Truancy Mediation Program from July 1, 2001 through June 30, 2002.

• Commissioner Knochel moved to approve the Memorandum of Understanding between the Tippecanoe School Corporation and Tippecanoe County Juvenile Alternatives Program, seconded by Commissioner Benson; motion carried.

RESOLUTION 2001-35-CM: Human Relations Commission Appointments

The Human Relations Commission was established on May 21, 2001. Attorney Busch read the Resolution:

(quote)

TIPPECANOE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2001-35-CM

Whereas the Board of Commissioners passed and adopted Ordinance 2001-08-CM, an Ordinance Establishing the Tippecanoe County Commission on Human Relations, on May 21, 2001.

Whereas said Ordinance stated that the members of the Commission shall be appointed by the Board of Commissioners within (90) days from July 1, 2001.

Therefore, be it resolved by the Tippecanoe County Board of Commissioners that the following persons are appointed to the Tippecanoe County Commission on Human Relations:

Term

Sandie McCarthy-Brown	One (1) year, ending 12/31/02
Patti Gelzleichter	One (1) year, ending 12/31/02
James Guy	One (1) year, ending 12/31/02
Patricia Howey	Two (2) years, ending 12/31/03
John Lillich	Two (2) years, ending 12/31/03
Edith Pierce-Thomas	Two (2) years, ending 12/31/03
Mike Piggot	Three (3) years, ending 12/31/04

Larry Tipton Three (3) years, ending 12/31/04 Rabbi Samuel Weingart Three (3) years, ending 12/31/04

Effective upon passage. Passed and adopted this 20th day of August, 2001.

TIPPECANOE COUNTY BOARD OF COMMISSIONERS

Ruth E. Shedd, President

KD Benson, Member

John Knochel, Vice Pres.

ATTEST:

Robert A. Plantenga, Auditor of Tippecanoe County

Name

(unquote)

• Commissioner Benson moved to approve Resolution 2001-35-CM, seconded by Commissioner Knochel.

Commissioner Benson explained that the individuals were named to for one, two, or three year terms according to how their names fell alphabetically.

• The motion carried.

UNFINISHED/NEW BUSINESS

PERSONNEL HANDBOOK re: Worker's Compensation

Commissioner Knochel explained that, after the Personnel Policies Handbook was amended, the issue of how an individual should accrue Vacation and Sick Leave while on Worker's Compensation Leave was not addressed. After discussing this issue with the County Attorney, it was determined that the intent was not to change the wordage concerning this policy from the previous Handbook.

 Commissioner Knochel moved to reinstall the wordage in the Personnel Policies Handbook to "An employee's sick and vacation shall continue to accrue while on Worker's Compensation Leave", seconded by Commissioner Benson; motion carried.

ANNOUNCEMENT

Commissioner Benson announced that Governor Frank O'Bannon will be in Tippecanoe County at 2:00 P.M., Wednesday, August 22, 2001 to dedicate the new US 231 Bridge.

REPORTS

Reports from Tippecanoe Villa and Circuit Court are on file in the Commissioners' Office for review.

PUBLIC HEARING: resumed

ORDINANCE 2001-23-CM: Vacate a Portion of a Public Way: Marcia & Stephen Martin and Patricia McCoy (old Town of Granville)

- Since the petitioner is now present, Commissioner Benson moved to take from the table the Petition to Vacate a Portion of a Public Way and Ordinance 2001-23-CM, seconded by commissioner Knochel; motion carried.
- Commissioner Knochel moved to hear and approve Ordinance 2001-23-CM on first reading, seconded by Commissioner Benson.

(quote)

В.

C.

ORDINANCE NO. 2001-23-CM

AN ORDINANCE TO VACATE A PORTION OF THE PUBLIC WAY IN THE COUNTY OF TIPPECANOE, INDIANA

Be it Ordained by the Board of Commissioners of Tippecanoe County, Indiana:

Section 1. That the public way along and across the following described real estate is hereby vacated:

- 1. Part of the Concannons Addition and Butts Addition to the original Plat of Granville, Indiana as platted in Section 30, Township 23N Range 5W, Wayne Township, Tippecanoe County, Indiana and recorded in Deed Record H, pages 112 and 439 in the Office of the Recorder of Tippecanoe County, Indiana. More particularly as follows;
 - A. South half of Market Street located adjacent to lots 12-11-10 located in Concannons Addition and adjacent to lot 36 of Butts Addition

Alley adjacent to lots 7-8-9-10-11-12 in Concannons Addition and adjacent to lots 19 and 36 located in Butts Addition

The entire width of Cherry Street located adjacent to lots 4 through 9, located in Concannons Addition and located adjacent to lots 18 and 19 located in Butts Addition.

- D. The alley located adjacent to lots 1 through 6 in Concannons Addition and located adjacent to lots 1 and 18 in Butts Addition.
- Section 2. That a plot of said vacation is attached hereto.
- Section 3. This ordinance shall be in full force and effect from and after its passage.

Finally passed and adopted by the Board of Commissioners of Tippecanoe County, Indiana, upon this 20th day of August, 2001.

1st Reading	2nd Reading	
		Ruth E. Shedd, President
		John Knochel, Vice President
ATTEST:		KD Benson, Member
Robert A Plan	tenga Auditor	

(unquote)

Petitioner Marcia Martin, 6808 W 75 S, Laf., asked the Commissioners to vacate a street and an alley that have been unused since approximately 1826. They are building a house that encroaches on Cherry Street. Her sister owns half of Cherry Street they want vacated and an alley. She read Sections A through D of the above Ordinance.

Auditor Plantenga recorded the roll call vote:

John Knochel Yes KD Benson Yes Ruth Shedd Yes

- The motion to approve Ordinance 2001-23-CM on first reading passed 3 0.
- Commissioner Knochel moved to suspend the rules to allow a vote on second reading the same day as presented, seconded by Commissioner Benson; motion carried.
- Commissioner Knochel moved to approve Ordinance 2001-23-CM on second reading, seconded by Commissioner Benson.

Auditor Plantenga recorded the roll call vote:

KD Benson Yes
Ruth Shedd Yes
John Knochel Yes

• The motion to approve Ordinance 2001-23-CM on seconded reading passed 3 – 0.

ADJOURNMENT

• Commissioner Knochel moved to adjourn, seconded by Commissioner Benson; motion carried.

Robert A. Plantenga, Auditor

BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE

Ruth E. Shedd. President

John L. Knochel Vice President

KD Benson, Member

ATTEST:

Robert A. Plantenga, Auditor