

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
DECEMBER 3, 2001**

The Tippecanoe County Commissioners met on Monday, December 3, 2001 at 9:00 A.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 November 19, 2001 Special Meeting and Regular Meeting, as distributed, seconded by Commissioner Benson; motion carried.

APPROVAL OF CLAIMS

- Upon the recommendation of Commissioners' Assistant Weston, Commissioner Benson moved to approve the Claims as submitted for the periods ending November 21, 2001, November 30, 2001, and December 3, 2001, seconded by Commissioner Knochel; motion carried.

ORDINANCE 2001-42-CM: UZO Amendment 25

- Commissioner Knochel moved to hear and approve Ordinance 2001-42-CM, seconded by Commissioner Benson.

(quote)

November 29, 2001
Ref. No.01-741

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

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **UZO AMENDMENT 25:** An ordinance amending Chapter 3, which would allow drive-thru and/or drive-up windows at restaurants in certain zones by right, and in other zones by special exception; and also amending Chapter 4 regarding the time frame temporary signs are permitted.

Dear Tippecanoe County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on November 28, 2001, the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no on the motion to approve the enclosed UZO amendment. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed zoning ordinance amendment be APPROVED.

Sincerely,
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2001-42-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, NO. 97-51-CM**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THAT THE UNIFIED ZONING ORDINANCE, BEING A SEPARATE ORDINANCE AND NOT PART OF A UNIFIED COUNTY CODE IS HEREBY AMENDED AS FOLLOWS:

Section 1: Change Section 3-2 Permitted Use Table by vacating footnote 26 and by changing the "Eating and drinking places" entry to read as follows:

	NB	NBU	OR	MR	GB	HB	CB	CBW
SIC 58 Eating and drinking places (No drive-in or drive-thru service) ²⁷	P	P	P	P	P	P	P	P
SIC 58 Eating and drinking Places (With drive-in or drive-thru service) ²⁷	S		P	S	P	P		

Both with parking groups 19/c

Section 2: Change Section 4-8-12 (b) (2) regarding the time frame temporary signs are permitted, to read as follows:

No more than 4 *temporary sign* permits shall be issued to the same business license holder on the same *sign-lot* in any calendar year.

Section 3: This Ordinance shall be in full force and effect from and after its passage.

(Adopted And Passed) (Denied) by the Board Of Commissioners of Tippecanoe County, Indiana, this 3rd day of December, 2001.

VOTE:

Ruth Shedd, President

John Knochel, Vice President

ATTEST:

KD Benson, Member

Robert A. Plantenga, Auditor

(unquote)

Area Plan Assistant Director Sallie Fahey explained that the first issue this ordinance addresses is permitting drive-thru service at eating establishments in zonings other than GB. This will prevent an inappropriate rezoning to GB simply to allow a drive-thru. Eating establishments with no drive-thru will be permitted in NB, NBU, OR, MR, GB, HB, CB, and CBW zones. An eating establishment with a drive-thru will be allowed in NB or MR by special exception and in OR, GB, and HB by right.

The second issue deals with temporary signs which are currently allowed to be displayed only one time per year except in West Lafayette where they can be displayed four times per year. This amendment will allow temporary signs to be displayed four times per year in all jurisdictions, the same as event oriented signs.

Auditor Plantenga recorded the vote:

KD Benson Yes
Ruth Shedd Yes
John Knochel Yes

- The motion to approve Ordinance 2001-42-CM passed 3 - 0.

ORDINANCE 2001-43-CM: Z-2036, Creekside Development AW to R1

- Commissioner Knochel moved to hear and approve Ordinance 2001-43-CM, seconded by Commissioner Benson.

(quote)

November 29, 2001
Ref. No.: 01-748

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

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **Z-2036-CREEKSIDE DEVELOPMENT (AW TO R1):**
Petitioner is requesting the rezoning of 73.67 acres for a proposed 45-lot subdivision located on the south side of CR 100 N, 1/4 mile west of CR 675 E, Perry 20 (NW) 23-3. CONTINUED FROM THE OCTOBER MEETING BY INCONCLUSIVE VOTE.

Dear County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on November 28, 2001, the Area Plan Commission of Tippecanoe County voted 5 yes - 8 no on the motion to rezone the subject real estate from AW to R1. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be DENIED 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 December 3, 2001 regular meeting.

Sincerely,
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2001-43-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA,
TO REZONE CERTAIN REAL ESTATE FROM AW TO R1**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF TIPPECANOE, INDIANA:

SECTION I:

The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code, is hereby amended to rezone the following described real estate situated in Wabash Township, Tippecanoe County, Indiana, to wit:

A part of the northwest quarter of Section Twenty (20), Township Twenty-three (23) North, Range Three (3) West, Perry Township, Tippecanoe County, Indiana, being a part of the Stephen K. LeMaster property as described in Document Nos. 94-05243, 96-16024, & 99-29963, recorded in the office of the Tippecanoe County Recorder, being more completely described as follows to-wit:

Beginning at the northeast corner of the northwest quarter of Section 20-23-3, thence along the east line of said northwest quarter, South 01°08'59" East, 2334.08 feet to the northerly boundary of the "FP" zoning boundary as depicted on the Official Zoning Map of Perry Township, Ordinance No. 97-51-CM, thence along said zoning boundary for the following Twenty-six (26) courses: (1) South 62°45'54" West, 106.82 feet; (2) South 58°21'12" West, 381.21 feet; (3) South 71°54'45" West, 99.27 feet; (4) North 78°21'12" West, 92.35 feet; (5) North 29°37'39" West, 64.20 feet; (6) North 16°10'39" East, 96.81 feet; (7) North 06°02'00" East, 168.46 feet; (8) North 27°40'57" West, 431.25 feet; (9) North 10°51'33" West, 104.19 feet; (10) North 44°29'44" West, 134.33 feet; (11) North 58°06'58" West, 195.01 feet; (12) North 61°30'48" West, 241.34 feet; (13) North 53°50'24" West, 231.41 feet; (14) North 84°54'46" West, 295.25 feet; (15) North 68°02'16" West, 273.59 feet; (16) North 38°28'14" West, 129.00 feet; (17) North 02°35'30" East, 126.64 feet; (18) North 24°24'17" East, 140.60 feet; (19) North 38°28'23" East, 127.73 feet; (20) North 60°59'49" East, 223.35 feet; (21) North 46°21'24" East, 128.48 feet; (22) North 06°00'14" East, 110.37 feet; (23) North 62°26'22" East, 107.86 feet; (24) North 31°24'06" East, 105.93 feet; (25) North 52°45'10" East, 142.67 feet; (26) North 41°52'11" East, 51.53 feet to the south line of the William A. and Marion E. Barclay property as described in Deed Book 300, page 138, recorded June 16, 1966 in said Recorder's office; thence along the bounds of said Barclay property for the following two courses: (1) South 89°06'56" East, 468.51 feet; (2) North 01°08'59" West, 208.18 feet to the north line of said quarter section; thence along said north line, South 89°06'56" East, 845.20 feet to the point of beginning, containing 73.6769 acres.

SECTION II:

The real estate described above should be and the same is hereby rezoned from AW to R1

SECTION III:

This ordinance shall be in full force and effect from and after its passage.

(Adopted and passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana, this 3rd day of November, 2001.

VOTE:

Ruth Shedd - President

John Knochel - Vice. Pres.

K.D. Benson - Member

Attest: _____
Robert A. Plantenga - Auditor

(unquote)

Attorney Dan Teder said the petitioner wants to develop 73 of his 109 acres into a subdivision with 43 lots ranging in size from 1.3 to 6 acres. The roads will be built to County specifications and a homeowners' association will enforce the recorded restrictions and covenants that will require an annual septic system clean out. A memorandum of understanding entered into with the Lafayette Wildcat Creek Foundation will ensure an environmental easement that will buffer the subdivision from the scenic Wildcat Creek. The developer plans to install a sand filter drip septic system that is subject to annual inspection by a qualified inspector. Compared to a "normal" septic system that puts approximately 43 milligrams per liter of nitrogen into the soil, the sand drip system puts in approximately 10 milligrams per liter. Mr. Teder said this latter amount is comparable to municipal waste treatment plants. These 73 acres of farm ground that have a marginal production rate have soils that meet the County Health Department's standard for septic systems. If this becomes a planned development or is parcelized, 19 lots can be created with each alternative. A Rural Residential Development will allow only 12 lots with a large unused area in the middle of the 73 acres. Mr. Teder said if the developer waits until water and sewer are installed in this area, the development will likely have 210 lots rather than the proposed 45. In his opinion, creating the 45 lots is not urban sprawl as some have suggested nor will it have a substantial impact on the amount of traffic on SR 26 E.

Pat Cunningham, Vester & Associates, spoke in favor of the rezone for the development of 45 lots with a sand drip filter septic system because of the low impact to the area. Due to the added cost of water and sewer installation, he said the developer will create approximately 210 lots if he waits for these utilities. Using a map to illustrate existing subdivisions and planned development in the immediate area, Mr. Cunningham said this development is not "leap frogging" into a county rural area. Addressing the rate of run-off into the Wildcat Creek, Mr. Cunningham said the developer will be decreasing the rate and referred to a chart that compared the coefficient of run-off of .17 for lawns-sandy-steep to .52 for cultivated-sandy-steep. He said the current sandy cultivated land has a run-off three times greater than sandy lawns will. Although they will be adding streets, drives, and roofs, the low number of lots will create a lot of lawn space that will have less run-off than the cultivated fields there now.

Matt Byers Ph.D., On-Site Research and Development Manager for Zoeller Co., explained the distinctions between the conventional septic system with tank and drain field and the sand filter drip septic system that is produced by Zoeller and other companies. This filter system treats the waste prior to disposal of the water for no measurable impact.

Persis Newman, 1100 Hillcrest, W. Laf. and member of Wildcat Creek Foundation asked the following questions:

- ♦ In addition to the Memorandum of Understanding between the developer and the Wildcat Creek Foundation, what other protection will be put in place to preserve the natural and scenic character of the stream? She said the Foundation wants to prevent visual distractions such as roofs, decks, and patios.
- ♦ Does the Memorandum of Understanding have legal value?
- ♦ Who will enforce the environmental easement between the development and the Creek?

Doug Paprocki, 1240 Sunset Dr., Laf., opposed the rezone. He said the Area Plan Staff recommended denial and the Area Plan Commission voted to deny this rezone request. Mr. Paprocki said R1 zoning and this development proposal are not consistent with the recommendation of the Smart Growth and Land Use component of the Vision 2020 Plan. If this land is rezoned to R1 and the proposed project falls through, he said the landowner can sell to another developer who might have a completely different development idea. In Mr. Paprocki's judgment, the Memorandum of Understanding is not binding on anyone. He thinks this rezone should be denied and a model developed for Creek associated policy.

Joe Sullivan, 2306 Dakota Dr., Laf., opposed the rezone. As a participant in the development of the Vision 2020 Plan, he said, if the Plan is studied, it is hard to recommend constructing upscale housing by "leap frogging" into a rural agriculture sector beyond water and sewer utilities along one of the most important natural features in the County.

Attorney Dan Teder summarized the petitioner's position:

- ◆ This development will not create more congestion on SR 26 E.
- ◆ This is not urban sprawl.
- ◆ The Memorandum of Understanding between the landowner and the Wildcat Creek Foundation will be recorded.
- ◆ Have to rely on the word of the developer to do what he says he will do.
- ◆ Concurs with the Vision 2020 Plan even though this development won't have water and sewer utilities.

Commissioner Benson asked Dr. Byers if the drip septic system will require special plantings. He responded that Blue Grass turf is very good. He said the nitrogen is taken mainly by the turf roots.

Commissioner Knochel asked about the annual check of the system. Dr. Byers said maintenance required and monitored by the State will occur twice a year. Items that will be checked are sludge level, electronics (pumps), cycle counts, event hours, and clogs in pipes.

Commissioner Benson asked Attorney Busch if a recorded Memorandum of Understanding is enforceable by the courts. Attorney Busch responded affirmatively.

Commissioner Knochel pointed out that the County is in the process of extending McCarty Lane east over I-65 and will be upgrading CR 550 E south of SR 26 E to connect with McCarty Lane at the new bridge. In his opinion, these two factors should help alleviate more congestion on SR 26 E.

Commissioner Benson commended the developer on the planned conservation easement between the proposed development and Wildcat Creek.

Auditor Plantenga recorded the vote:

Ruth Shedd	No
John Knochel	Yes
KD Benson	Yes

- The motion to approve Ordinance 2001-43-CM passed 2 - 1.

HEALTH: Executive Assistant Ron Cripe

Mr. Cripe requested the creation of a Food Education Specialist position because the new food ordinance requires the training of restaurant employees. He said the number of food establishments increased in 2001 to 598 from 475 in 1997. The three (3) Inspectors are responsible for approximately 200 establishments each. The new Specialist needs technical and personal skills and bi-lingual ability is preferred to overcome communication barriers. This position will help with on-site training and education at eating establishments at the convenience of their personnel. Wagner, Irwin, and Scheele recommended this position at a PAT Level V.

- Commissioner Knochel moved to approve the creation of the Food Education Specialist PAT Level V position, seconded by Commissioner Benson; motion carried.

HIGHWAY: Executive Director Mark Albers

BIB OPENING: Aggregates, Fuel, & Rental

Crushed Limestone Aggregates

Material Service Corp.	Bid Bond	Various Prices
U. S. Aggregates, Inc.	Bid Bond	Various Prices
Vulcan Materials Co.	Bid Bond	Various Prices

Gravel & Fine Aggregates

Purdy Materials, Inc.	Official Check	Various Prices
Vulcan Materials Co.	Bid Bond	Various Prices

Gasoline & Diesel Fuel

Westland	Bid Bond	Various Prices
Petroleum Traders	No Check or Bond	Various Prices

Rental Equipment

Rieth-Riley Construction Co., Inc.	Bid Bond	Various Prices
R. W. Davis Contracting, Inc.	Bid Bond	Various Prices
American Paving and Asphalt	Cashiers Check	Various Prices
Milestone	Bid Bond	Various Prices

- Commissioner Knochel moved to take the bids under advisement, seconded by Commissioner Benson; motion carried.

STREET ACCEPTANCE: Winding Creek Subdivision, Sec. 1

SUBDIVISION STREET MAINTENANCE BOND: #400SL8474, Atlas Excavating, Inc.

Mr. Albers recommended acceptance of the following streets in Section 1 of Winding Creek SD:

Grapevine Boulevard	1,419.73'
Grapevine Drive	1,139.15'
Gardenia Court	126.73'
Flowermound Drive	763.04'
Flowermound Court	407.08'
Grapevine Court	274.10'
Grapevine Place	456.40'

- Commissioner Knochel moved to accept the Streets in Section 1 of Winding Creek SD as presented and three (3) year SD Street Maintenance Bond #400SL8474 in the amount of \$66,944.00 for Atlas Excavating, Inc., seconded by Commissioner Benson; motion carried.

CONSTRUCTION MAINTENANCE BONDS: Dirtworks & Tri Esco

- Commissioner Knochel moved to approve 3 year Construction Maintenance Bond #MSJA000172MN for Dirtworks Excavating in the amount of \$5,000 for work on the right-of-way at 3420 Klondike Rd. and 3 year Construction Maintenance Bond #5855784 for Tri Esco, Inc. in the amount of \$5,000 for the entry way into China Grove SD on CR 300 E, seconded by Commissioner Benson; motion carried.

JAIL EXPANSION UPDATE: Kettelhut Project Manager Steve Habben

Mr. Habben reported that, due to good weather, construction is on schedule. They are pouring concrete daily for the new holding cell foundation and will start the foundation for the cell pod addition when the storm and sanitary system installation is completed later this week. Installation of the new fire alarm system is proceeding. Staff is parking in the new permanent parking lot in front of the Jail although the final coat of asphalt will not be applied until the end of the expansion project.

AGREEMENT: Humane Society for Animal Sheltering & Disposal

Commissioner Knochel explained that this agreement between the County and the Humane Society is for sheltering and disposing of animals from unincorporated Tippecanoe County in the amount of \$56,067.68 for December 2001 through December 31, 2002. The amount is based on the number of animals picked up during the prior year.

(quote)

THIS AGREEMENT, entered into between Tippecanoe County, Indiana ("County") and the Tippecanoe County Humane Society, Inc. ("Society") is made on this 19TH Day of November, 2001 and the parties hereto agree to the following.

This agreement is subject to ratification by the Tippecanoe County Council. The execution hereof by the Society has been previously approved by its Board of Directors.

The parties hereto acknowledge the need to organize animal shelter and disposal services within the unincorporated areas of the County and to that end, agree that this arrangement between the two of them is to be conducted in the spirit of providing service to the citizens of the County through the joint efforts of both parties hereto.

PART ONE: ANIMAL SHELTERING AGREEMENT

The Society will accept animals from the County pursuant to the Society's rules, regulations, procedures and all applicable Local, State and Federal laws.

The Society will accept animals from the County as "Impounded", "Owner Surrendered", or "Bite Cases".

"**Impounded**" animals are those taken-up by the County's sheriff department or authorized agents in connection with a violation of County, State or Federal law. "Impounded" animals will be held for a maximum of five (5) days, counted from the first day of possession as recorded by the County, unless otherwise ordered, in writing, by a Prosecuting Attorney, County Attorney or Court.

"**Owner Surrendered**" animals are those whose owners have formally transferred legal ownership of the animal to the Society, the County or its authorized agent. A written statement verifying the transfer must be given to the Society when the animal is delivered to the animal shelter. "Owner Surrendered" animals become the property of the Society immediately upon completion of the in-take paperwork, and will be disposed of in a humane manner at the discretion of the Society.

"**Bite Case**" animals are those which have been implicated in a bite or scratch incident involving a human being, and whose owner is unknown or is judged incapable of quarantining the animal by the County's agent. Normal Society procedures and applicable State laws will govern the impoundment of all "bite cases". When an owner can not be identified within five (5) days of impoundment the "bite case" animal will be euthanized and a rabies test will be performed.

The County agrees to reimburse the Society for the costs of providing, a shelter for animals taken into custody within the unincorporated areas of the County and brought to the Society by an authorized agent or the sheriff department of the County or by any resident thereof, for impoundment and care as described above, and the humane disposal of same.

PART TWO: EMPLOYEES

It is the policy of the Society to seek and employ qualified personnel in all positions, to provide equal opportunities for the advancement of employees, including upgrading, promotion and training, and to administer these activities in a manner which will not discriminate against any person because of race, color, creed or religion, national origin, sex, age or physical or mental handicap.

The Society agrees to submit to the County a copy of their annual budget upon request, and gives permission to the State Board of Accounts to examine the Society's account if deemed necessary.

In recompense for the costs of the agreement above the County agrees to reimburse the Society, at a pro-rated fee for service December 2001 through December 2002, for a total of Fifty-Six Thousand Sixty-Seven and sixty-eight cent (\$56,067.68) Dollars to be divided into thirteen equal payments of Four Thousand Three Hundred Twelve and ninty (sic) cent (\$4,312.90) Dollars each, due by the last calendar day of each month during 2002.

Executed this 3rd day of December, 2001

TIPPECANOE COUNTY HUMANE SOCIETY, INC. LAFAYETTE, INDIANA

BY: /s/Edith Doland, President

/s/Max Champion, Executive Director

ATTEST:

/s/Cheri Rawles, Secretary

BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE, INDIANA

BY: _____
Ruth Shedd

John L. Knochel

KD Benson

Robert Plantenga, Auditor of Tippecanoe County, Indiana

ACKNOWLEDGED, this 11th day of December, 2001, by the Tippecanoe County Council and Tippecanoe County Sheriff, Tippecanoe County, Indiana.

TIPPECANOE COUNTY SHERIFF

David Murtaugh

TIPPECANOE COUNTY COUNCIL

Margaret Bell

Connie Basham

Jeff Kemper

Jeff Kessler

David Byers

Kathy Vernon

Ronald Fruitt

ATTEST:

Robert Plantenga, Auditor

(unquote)

- Commissioner Knochel moved to approve the Agreement with the Humane Society for Animal Sheltering and Disposal for December 2001 and calendar year 2002, seconded by commissioner Benson; motion carried.

RESOLUTION 2001-52-CM: Modifies EDIT Plan to Add Project 33

Project 33 provides the County's portion of the funding for the Technology Infrastructure Needs Assessment in the amount of \$7,500.00.

(quote)

TIPPECANOE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO.: 2001-52-CM

***RESOLUTION MODIFYING THE CAPITAL IMPROVEMENT PLAN OF THE
TIPPECANOE COUNTY ECONOMIC DEVELOPMENT INCOME TAX.***

**Funding for Project Thirty-three (33)
Telecommunications Infrastructure Needs Assessment**

AMENDMENT 32

WHEREAS, authority has been granted by IC 6-3.5-7-15 to The Board of Commissioners of the County of Tippecanoe, to adopt a Capital Improvement Plan for the County of Tippecanoe setting forth the uses of the revenues which Tippecanoe County shall receive from the Economic Development Income Tax duly adopted in the year 1989; and

WHEREAS, The Board of Commissioners of the County of Tippecanoe adopted Resolution 90-03-CM establishing an Economic Development Income Tax Capital Improvement Plan on the 7th day of May, 1990 and said Capital Improvement Plan was amended on the 11th day of June, 1990, pursuant to Resolution 90-07-CM; subsequently amended on August 5, 1991, pursuant to Resolution 91-12-CM and again amended on November 9, 1994, pursuant to Resolution 94-14-CM, and again amended on April 1, 1996, pursuant to Resolution No. 96-05-CM, again amended on July 26, 1996, pursuant to Resolution No. 96-09-CM, again amended on February 3, 1997, pursuant to Resolution No. 97-6; and again amended on March 31, 1997, pursuant to Resolution No. 97-19-CM; and again amended on January 20, 1998, pursuant to Resolution No. 98-08-CM; and again amended on May 4, 1998 pursuant to Resolution No. 98-22-CM; and modified and ratified on May 18, 1998 pursuant to Resolution No. 98-26-CM; and again amended on July 20, 1998 pursuant to Resolution No. 98-34-CM; and again amended October 5, 1998 pursuant to Resolution No. 98-42-CM, and again amended on November 2, 1998, pursuant to Resolution No. 98-46-CM, and again amended on March 1, 1999 pursuant to Resolution No. 99-13-CM, and again amended on April 8, 1999 pursuant to Resolution No. 99-19-CM as Modified and Ratified on April 19, 1999 pursuant to Resolution No. 99-22-CM; and again amended on May 3rd, 1999, pursuant to Resolution No. 99-18-CM; and again amended on October 4, 1999, pursuant to Resolution No. 99-30-CM; and again amended on February 7, 2000, pursuant to Resolution 2000-08-CM; and again amended on April 3, 2000, pursuant to Resolution 2000-16-CM as Modified and Ratified on April 17, 2000 pursuant to Resolution No. 2000-22-CM; and again amended on May 3, 2000 pursuant to Resolution 2000-25-CM; and again amended on June 5, 2000 pursuant to Resolution No. 2000-29-CM; and again amended and readopted as amended on February 20, 2001 pursuant to Resolution 2001-06-CM; and again amended and re-adopted as amended on April 2, 2001 pursuant to Resolution 2001-15-CM; and again amended and re-adopted as amended on July 16, 2001 pursuant to resolution 2001-32-CM; and again amended and readopted as amended on September 5, 2001 pursuant to Resolution 2001-41-CM; and again amended and readopted as amended on November 7, 2001 pursuant to Resolution 2001-48-CM; and

WHEREAS, said Capital Improvement Plan has, from time to time, been modified, as set forth above, consistent with the Capital Improvement needs of Tippecanoe County; and

WHEREAS, the Greater Lafayette Community, (the Community) including Tippecanoe County, the Cities of Lafayette and West Lafayette, and major educational institutions and business groups within the county, is working toward the common goal of improving the economic environment of the community by encouraging high technology industry and efficient delivery of services to the Community at large, and is considering investing in telecommunications infrastructure, envisioned to be a multi-tenant, buried conduit system that will tie together government, educational, and business elements of the community; and

WHEREAS, the Community desires to retain a consultant to provide a Telecommunications Infrastructure Needs Assessment for the Community containing sufficient information for the Community to proceed with implementation of such an infrastructure; and

WHEREAS, The Board of Commissioners of the County of Tippecanoe finds that the provision of such Telecommunications Infrastructure Needs Assessment for the County and its residents is a project for which economic development income tax revenues may be used pursuant to IC 6-3.5-7-13.1, and

WHEREAS, the Board of Commissioners of Tippecanoe County desire to amend said Capital Improvement Plan to add an additional Project Thirty-three (33) providing partial funding for the provision of such Technology Infrastructure Needs Assessment in the amount of \$7,500.00; and

WHEREAS, the Board of Commissioners of the County of Tippecanoe desires to re-adopt the Capital Improvement Plan, as amended;

NOW, THEREFORE, BE IT RESOLVED, that after due consideration, The Board of Commissioners of the County of Tippecanoe hereby confirms its finding that the provision of a Telecommunications Infrastructure Needs Assessment for the use and benefit of Tippecanoe County and its residents be and the same is hereby approved and identified as a project for which economic development income tax revenues may be used pursuant to IC 6-3.5-7-13.1, and that the following amendment to the Capital Improvement Plan should be adopted:

There is added to the Capital Improvement Plan Project Thirty-three (33).

PROJECT THIRTY-THREE (33)
TECHNOLOGY INFRASTRUCTURE
NEEDS ASSESSMENT

Identification and General Description of Project

The Greater Lafayette Community, including Tippecanoe County and the Cities of Lafayette and West Lafayette, and major educational institutions and business groups will retain a consultant to provide the Community with a comprehensive Technology Infrastructure Needs Assessment analyzing the Community's current status and future needs in a report which would include sufficient information to enable the Community to proceed with implementation of a multi-tenant, buried conduit system that will tie together government, educational and business elements of the Community. The report would also provide the information needed for local governments to evaluate proposals for the construction of such a conduit system.

Estimated Total Project Cost

The estimated total cost of Technology Infrastructure Needs Assessment is \$65,000.00 of which Tippecanoe County will contribute \$7,500.00.

Identification of All Sources of Funds for Project

Tippecanoe County will grant a maximum of \$7,500.00 to the project from EDIT revenues, with the remainder of the cost of the Assessment being contributed by the following entities: City of Lafayette: \$32,500.; City of West Lafayette: \$15,000; Purdue University: \$10,000.

Use of Funds from Tippecanoe County

A maximum of \$7,500 of EDIT funds from Tippecanoe County will be used.

BE IT FURTHER RESOLVED, that in all other respects, the Capital Improvement Plan of the Tippecanoe County Economic Income Tax shall be ratified, confirmed and re-adopted to include the following completed and continuing Projects:

SUMMARY

<u>Description</u>	<u>Project</u>	<u>Amendment Number</u>	<u>Status</u>
Jail Lease	#1	#3	Completed
Courthouse Renovation	#2	#3	Completed
Corner Markers	#3	#3	Continuing
Ambulances	#4	#3	Continuing
Sheriff's Radios	#5	#3	
Graphical Information System (GIS)	#6	#3	Continuing
Warning Signs (sic) (Emergency Management)	#7	#3	Continuing
Community Health Clinic	#8	#4	Completed
Jail Computer System	#9	#5	Continuing
Replacement & Upgrade of Tippecanoe County Computer System	#10	#5,27,32	Continuing
Bird Control System	#11	#5	Discontinued
[Omitted]	#12		
Highway Improvements 1997	#13	#10	Completed
Park Board Land Acquisition Grant Funds Transfer -1998	#14	#11	Completed
Highway Improvements 1998	#15	#12	Completed
Tippecanoe County Work Release Facility	#16	#13	Completed

Park Board Land Acquisition	#17	#14	Completed
BENCYN Grant Funding	#18	#15	Completed
Greater Lafayette Progress, Inc.	#19	#16	Continuing
General Drain Improvements/ Stormwater Assessment	#20	#20 (should be #17)	Continuing
Highway Improvements - 1999	#21	#21 (should be #18)	Completed
Treasurer's Accounting Software	#22	#22 (should be #19)	Continuing
Tippecanoe Superior Ct. #6	#23	#23	Continuing
Tippecanoe County Parking Garage	#24	#23	Continuing
Tippecanoe County Morgue	#25	#23	Continuing
County Court I Filing System	#26	#23	Completed
Hoosier Heartland Corridor Project - 2000	#27	#24	Continuing
Add'l funding for Project 24 - Parking Garage	No New Project #	#25	Continuing
Add'l funding for Project 20 - General Drain/Stormwater Assessment	No New Project #	#26	Continuing
VISION 2020 - Greater Lafayette Progress, Inc.	#28	#27	Continuing
Add'l funding for Projects 4, 7, 10, 19, 27	No New Project #	#27	Continuing
Architectural Fees - Jail Expansion	#29	#27	Continuing
Financial/Human Resources Software	#30	#27	Continuing
Construction Management Fees- Jail Expansion	#31	#28	Continuing
Add'l Project 10 Courthouse Computer Funds	No New Project #	#29	Continuing
Construction Funds - Jail Expansion	#32	#30	Continuing
Add'l Project 20 Stormwater Assessment Funds	No New Project #	#31	Continuing
Telecommunications Infrastructure Needs Assessment	#33	#32	Continuing

ADOPTED AND PASSED this 3rd day of December, 2001.

BOARD OF COMMISSIONERS
OF TIPPECANOE COUNTY

Ruth Shedd, President

John Knochel, Vice President

Attest:

KD Benson, Member

Robert A. Plantenga, Auditor of Tippecanoe County

(unquote)

- Commissioner Knochel moved to approve Resolution 2001-52-CM, seconded by Commissioner Benson; motion carried.

SHERIFF'S 2002 COMPENSATION AGREEMENT: Third Amendment: Dave Murtaugh

Sheriff Murtaugh explained this Agreement for 2002, in the amount of \$97,594.00, is the same as 2001 as agreed because the Deputies received a salary increase for 2002.

(quote)

THIRD AMENDMENT TO COMPENSATION AGREEMENT

WHEREAS, the parties hereto entered into a Compensation Agreement for a period of one year, ending December 31, 1999;
and

WHEREAS, Paragraph 5 of said Agreement provides for a continuance of said Agreement for additional one year periods; and

WHEREAS, the parties have previously continued said Agreement for successive one year periods through December 31,
2001, and

WHEREAS, the parties hereto desire to continue said Agreement for a period of one year, commencing January 1, 2002, and
ending December 31, 2002; and

NOW, THEREFORE, in consideration of the mutual covenants, agreements and conditions contained herein;

IT IS AGREED THAT:

1. The Compensation Agreement between the parties for compensation of David R. Murtaugh as Sheriff of Tippecanoe County, Indiana, hereby is extended for the period from January 1, 2002, to December 31, 2002.

2. Paragraph 10 of said Compensation Agreement is amended to state as follows:

“11. The annual salary to be paid Murtaugh shall be Ninety-seven Thousand Five Hundred Ninety-four and no/100 Dollars (\$97,594.00) for fiscal year 2002.”

3. Except as amended by this Agreement, all provisions of the Compensation Agreement shall remain in full force and effect during the year 2002.

4. This Amendment shall be effective as of January 1, 2002.

IN WITNESS WHEREOF, the parties hereto set their respective hands this 11th day of December, 2002.

TIPPECANOE COUNTY SHERIFF

David R. Murtaugh
Sheriff of Tippecanoe County

TIPPECANOE COUNTY COUNCIL

David Byers, President

Connie Basham, Vice President

Margaret K. Bell

Ronald L. Fruitt

Kathy Vernon

Jeffrey Kessler

Jeffrey A. Kemper

BOARD OF COMMISSIONERS
OF TIPPECANOE COUNTY

Ruth Shedd, President

John Knochel, Vice President

ATTEST:

Robert Plantenga, Auditor

APPROVED AS TO FORM:

David W. Luhman,
Tippecanoe County Attorney

KD Benson, Member

(unquote)

- Commissioner Knochel moved to approve the Third Amendment to the Compensation Agreement for the Sheriff for 2002 in the amount of \$97,594.00, seconded by Commissioner Benson; motion carried.

NEW BUSINESS

MERCHANT PROCESSING AGREEMENT: Credit Card Processing for Parking Garage

Commissioners' Assistant Weston said she has been working with Payment Tech, a Bank One company, to implement the use of credit cards in the parking garage following the County Council's approval in November. Based on allowing the use of Master Card and Visa only she thinks the interest rate will be 2.29% but that needs to be verified.

- Commissioner Benson moved to authorize the Commissioners' Assistant and Attorney Busch to negotiate the Merchant Processing Agreement with Payment Tech and to authorize the President to sign the Agreement to implement credit card usage in the parking garage, seconded by Commissioner Knochel; motion carried.

Commissioner Benson mentioned the need for additional signage regarding payment location in the parking garage. Mrs. Weston responded that a sign with an arrow indicating the direction of the pay station has been added.

FUNDING FOR STUDIES: Extension Building, Home Ec Building, & Juvenile Detention Center

President Shedd expressed the need for funds to conduct feasibility studies for projects at the County Extension and Home Ec Buildings and the construction of a Juvenile Detention Center. She wondered if unused County General Funds from the drainage, asphalt, and dust control project at the Fairgrounds could be encumbered to conduct these studies without a contract in place. Attorney Busch said he thought the money could be appropriated without a specific contractor, but Auditor Plantenga interjected that the funds cannot be encumbered if they are not committed by December 31, 2001. He suggested transferring the funds to another appropriate fund by claim as a solution.

LETTER OF INTENT: Voting Equipment

Commissioner Benson asked the Commissioners to sign a Letter of Intent to purchase the new voting equipment because she knows the Board of Election and Registration is eager to begin education and training.

- Commissioner Benson moved to execute a Letter of Intent to purchase voting equipment from Global Election System according to the terms previously agreed upon and authorize the President to sign the Letter when prepared, seconded by Commissioner Knochel; motion carried.

COMMUNITY CORRECTIONS: Deputy Director Ron Perigo

Mr. Perigo requested the new position of Day Reporting Supervisor that will be totally funded by a Department of Corrections (DOC) Grant. As an option to Road Crew, Work Release, and Home Detention, clients will report to the Day Reporting Supervisor on a daily basis.

- Commissioner Knochel moved to approve the new Day Reporting Supervisor position that will be funded by a DOC Grant, seconded by Commissioner Benson; motion carried.

REPORTS

Reports from the Villa, Clerk of the Circuit Court, Zoning Enforcement Officer, Treasurer, and Weights & Measures are on file in the Commissioners' Office for review.

PUBLIC COMMENT

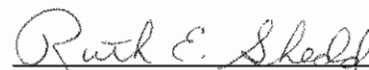
None.


ADJOURNMENT

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

Robert A. Plantenga, Auditor

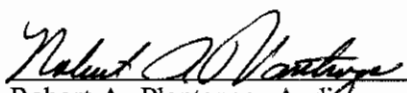
**BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE**


Ruth E. Shedd, President


John L. Knochel, Vice President


KD Benson, Member

ATTEST:


Robert A. Plantenga, Auditor