

TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
MAY 21, 2001

The Tippecanoe County Commissioners met on Monday, May 21, 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 Attorneys Thomas H. Busch and David W. Luhman, 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 May 3, 2001 and the May 7, 2001 minutes 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 May 11, 2001, May 15, 2001, and May 21, 2001 with the exception of #01-05990 to the West Lafayette Clerk Treasurer in the amount of \$10,000.00 because it is a duplicate, seconded by Commissioner Knochel; motion carried.

HIGHWAY: Executive Director Mark Albers

BIDS OPENED: Pavement Marking

The Mike Madrid Company	Bid Bond	\$62,477.38
Chemi-Trol Chemical Co.	Bid Bond	77,500.13

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

QUOTES AWARDED: Roller, Widener, & Trailer

Roller

Executive Director Albers recommended awarding the Roller quote to MacAllister Machinery Corp. the second lowest bidder, with a quote of \$73,062.50. He said MacAllister satisfied all the specifications and included a \$5,000 warranty. The lowest bidder, Rudd Equipment Co. provided only a \$1,500 warranty and required transportation costs from Indianapolis.

- Commissioner Knochel moved to award the Roller quote to MacAllister Machinery Corp., seconded by Commissioner Benson; motion carried.

Widener

- Upon Mr. Albers' recommendation, Commissioner Knochel moved to award the Widener quote to Deeds Equipment Co., Inc. in the amount of \$37,425.00, seconded by Commissioner Benson; motion carried.

Trailer

- Upon Mr. Albers' recommendation, Commissioner Knochel moved to award the Trailer quote to MacAllister Machinery Corp. in the amount of \$18,683.33, seconded by Commissioner Benson; motion carried.

GRANTS OF SITE LINE EASEMENTS

Executive Director Albers presented the following Grants of Site Line Easements for approval:

Key #118-00800-0430: A part of the SW ¼ of Sec. 8, Twp. 22 N, R 3 W in Sheffield Twp. from Harold L. & Helen M. Witz.

Key #118-00800-0242: A part of the SW ¼ of Sec. 8, Twp. 22 N, R 3 W in Sheffield Twp. from Ronald P. & Rebecca A. Worthington.

- Commissioner Knochel moved to approve the Grants of Site Line Easements as presented, seconded by Commissioner Benson; motion carried.

GRANTS OF RIGHT-OF-WAY

Executive Director Albers presented the following Grants of Right-of-Way for approval:

Key #116-00500-0089: C.R. 100 E; A part of 7½ acres off of the North end of the East ½ of the

Key #116-00500-0056: Southeast ¼ of both being in Twp. 21 N, R 4 W, Randolph Twp. from Gary W. Schroeder.

Key #140-04200-0175: C.R. 510 S; A part of the East ½ of Sec. 5 in Burnett's Reserve, Twp. 22 N, R 6 W in Wayne Twp. from James E & Marianne C. Bowyer.

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

CONSTRUCTION MAINTENANCE BONDS

Executive Director Albers presented 3 Year \$5,000 Construction Maintenance Bonds from the following companies for approval:

Titan Contracting, Inc.	Bond #B-817818	Project 250 W Morehouse Intercept Project 300 W Meijer Intercept Project Klondike Road Intercept
Tecton Construction Management, Inc.	Bond #5855767	3457 Bethal Dr., Brindon Plaza-Brindon Comm. Phase 2, Lot 1
	Bond #5855764	Bethal Drive, Service Entrance

- Commissioner Knochel moved to approve the Construction Maintenance Bonds as presented, seconded by Commissioner Benson; motion carried.

CERTIFICATES OF INSURANCE

- ◆ Erie Insurance Group for Byers Construction, Dennis L Byers D/B/A
- ◆ Farm Bureau Insurance for James & Juanita A Hubertz
- ◆ Carolina Casualty Insurance Co for Acme Transportation, Inc.
- ◆ Indiana Insurance Company for Jim Kiracofe Enterprises Inc
- ◆ Transcontinental, Fireman's Fund, Gulf Insurance Co. for Coachmen Industries, Inc. Et Al
- ◆ Allied Group Insurance for Home Construction
- ◆ Cincinnati Insurance Co for Helen Richards
- ◆ American States a Safeco Co., Indiana State Poll Program for Cement Construction Company, Inc.
- ◆ Western Reserve Group for David Kesler
- ◆ Cincinnati Ins Co, Cincinnati Casualty for Titan Contracting Inc.
- ◆ Cincinnati Insurance Company, Cincinnati Casualty Co for On Trac Inc & Blitz Builders
- ◆ Heritage Insurance Company for Tecton Construction Management

HUMAN RESOURCES: Coordinator Frank Cederquist

Mr. Cederquist's cost estimates for 3%, 4%, or 5% employees' salary increases for 2002 were taken under advisement at the May 7th meeting. Mr. Cederquist requested the Commissioners' recommendation to the County Council for the 2002 Budget.

Commissioner Knochel said he realizes, as a result of recent personnel interviews, that the County is not keeping up with competitive wages. Noting that the County's salaries are lagging behind the salaries paid by the two Cities, he suggested recommending a 5% increase for 2002.

Commissioner Benson asked the amount of salary increases over the last five (5) years. Mr. Cederquist responded that the increases have been 3% to 4% historically. Commissioner Benson commented that 3% to 4% is not out of line with increases in the private sector.

President Shedd pointed out that the employees' Health Insurance contribution is going to increase beginning June 1, 2001. Commissioner Benson acknowledged that the County has lost several employees to the City of Lafayette.

- Commissioner Knochel moved to recommend to the County Council a 5% salary increase for all employees for 2002, seconded by Commissioner Shedd; motion carried with 1 no vote by Commissioner Benson.

RESOLUTION 2001-25-CM: Formation of Building Corporation for Jail Expansion

Attorney Dave Luhman explained that the Auditor received petitions and certified 57 signatures of owners of taxable real estate in the County requesting the County to enter into negotiations with the Building Corporation to lease the addition to the Jail Facility. The Articles of Incorporation for the Tippecanoe County Governmental Building Corporation were filed on May 18th for the purpose of constructing and leasing the facility to the County and the Commissioners have approved the design by Schenkel Shultz, the Architect. Attorney Luhman read the Resolution:

(quote)

TIPPECANOE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2001-25-CM

RECEIVING TAXPAYER PETITION, APPROVING FORMATION OF BUILDING CORPORATION, AND APPROVING PLANS AND SPECIFICATIONS

WHEREAS, a petition of 50 or more taxpayers of Tippecanoe County ("County") was heretofore filed requesting the lease of the expansion of the Tippecanoe County Law Enforcement Jail Facility (the "Project") from the Tippecanoe County Governmental Building Corporation (the "Corporation"), which Corporation was organized pursuant to the provisions of the Indiana Nonprofit Corporation Act of 1991 for the purpose of constructing and leasing the Project as authorized by the Indiana Code, Title 36, Article 1, Chapter 10; and

WHEREAS, the Corporation has been organized pursuant to the above-mentioned act for the purpose of the completion of the acquisition and expansion of the Project for the use of the County; and

WHEREAS, preliminary drawings, plans, specifications and estimates for the cost of the completion of the construction of the Project have been prepared and must be approved by the Corporation; and

WHEREAS, said preliminary drawings, plans, specifications and estimates were submitted to the County Board of Commissioners ("County Commissioners") and approved by the County Commissioners on April 20, 2001 and

WHEREAS, such plans will be marked to indicate the work covered by the proposed lease; and

WHEREAS, it now appears to the County Commissioners that said preliminary drawings, plans, specifications and estimates provide the necessary facilities for the citizens of the County.

NOW THEREFORE BE IT RESOLVED, that the taxpayer petition requesting the lease of the Project is hereby approved and the preliminary plans, specifications and estimates are approved and agreed to as the basis for a hearing, as required by law.

PASSED AND ADOPTED THIS 21st day of May, 2001.

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

Ruth Shedd, President

John Knochel, Vice President

KD Benson, Member

ATTEST:

Robert Plantenga, Auditor of
Tippecanoe County

(unquote)

- Commissioner Knochel moved to approve Resolution 2001-25-CM, seconded by Commissioner Benson; motion carried.
- Attorney Luhman left the meeting.

ORDINANCE 2001-08-CM: Establishing a Human Relations Commission

Ordinance 2001-08-CM passed on first reading appears in the April 2, 2001 minutes. Amendments to the Ordinance are now being offered.

- Commissioner Benson moved to amend Ordinance 2001-08-CM as read by Attorney Busch.

(quote)

FROM:

"Familial status" means one or more persons under eighteen (18) who live with a parent, legal custodian, or designee; pregnant women; or people in the process of obtaining legal custody of a child.

TO:

In the term "Familial status," family means one or more persons under eighteen (18) who live with a parent, legal custodian, or designee; pregnant women; or people in the process of obtaining legal custody of a child.

FROM:

"Housing" means any building or structure that is occupied as, or designed or intended for occupancy as a residency by one or more families.

TO:

"Housing". means any building or structure that is occupied as, or designed or intended for occupancy as a residence by one or more families but does not apply to the following:

- (1) The sale or rental of a single-family house sold or rented by an owner if
 - (A) the owner does not:
 - (i) own more than three (3) single-family houses at any one (1) time; or
 - (ii) own any interest in, nor is there owned or reserved on the owner's behalf, under any express or voluntary agreement, title to, or any right to any part of the proceeds from the sale or rental of more than three (3) single-family houses at any one (1) time; and
 - (B) the house was sold or rented without
 - (i) the use of the sales or rental facilities or services of a real estate broker, an agent, or a salesman licensed under IC 25-34.1, or of an employee or agent of a licensed broker, an agent, or a salesman, or the facilities or services of the owner of a dwelling designed or intended for occupancy by five (5) or more families, or
 - (ii) the publication, posting or mailing of a notice, a statement or an advertisement that indicates any preference or limitation that would constitute discrimination as defined herein.
- (2) The sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other if the owner maintains and occupies one (1) of the living quarters as the owner's residence.
- (3) The selection of the other occupants of one's own unit.
- (4) With respect to discrimination on the basis of age and familial status only, housing for older persons as defined in IC 22-9.5-3-4.

2. Purpose

- B. ~~This chapter is for the purpose of seeking to end discrimination.~~

ADDED:

- C. This ordinance shall not be construed in a manner that violates the First Amendment of the Constitution of the United States or Article 1, §§ 2 and 3 of the Constitution of the State of Indiana, with respect to the free exercise of religion.

5. Exclusions

FROM:

The ordinance governing the Tippecanoe County Commission on Human relations shall not apply to churches, church schools or church affiliated day care centers in the area of employment.

TO:

The ordinance governing the Tippecanoe County Commission on Human relations shall not apply to churches, church schools, church affiliated day care centers, religious organizations, associations or societies or non-profit institutions or organizations

operated, supervised or controlled by or in conjunction with religious organizations, associations or societies, in the area of employment or non-commercial activities.

(unquote)

- Commissioner Knochel seconded the motion.

Attorney Busch informed the audience that the comments will be limited to only Tippecanoe County residents who will be allowed three (3) minutes each to speak about the Ordinance. There will be no further comments after the vote on the amendment. He explained that the original version of this Ordinance was modeled after the ordinance passed by the City of Lafayette. During discussion on first reading, speakers expressed the need for additional limitations. The Commissioners requested a meeting between Reverend Viars and the Citizens of Civil Rights to try to reach a compromise. Reverend David Schmidt convened a meeting for this purpose and invited Attorney Busch to act as moderator. The proposed amendments offered tonight are a result of those efforts.

SPEAKERS

Samuel Weingart, 3721 Canada Ct., W. Laf.
Kathleen Hudson, Laf.
Jack Ruckel, 2302 Pueblo Dr., Laf.
James Ausban, 1723 Underwood, Laf.
William Sebald, 1916 W 850 N, W. Laf.
Mike Hudson, 4239 W 660 S, Laf.
Brad Berry, 2352 Powderhouse, Laf.
James Conner, 10404 E 700 S, Laf.
Ariane Koehler, 131 Dehart St., W. Laf.
George Stine, 3604 Donna Dr., Laf.
Mark Grudberg, 303 W. Oak St., W. Laf.
Eric Buscher, 716 Brown St. #3, Laf.
Rick Miller, 234 Stacey Hollow Dr., Laf.
Travis Brown, 824 Sussex Ct., Laf.
Clifford Racz, 211-10 Airport Rd., W. Laf.
Jeremy Remo, 1230 S. River Rd., W. Laf.
Dale Mikels, 8700 Tenskwatawa Dr., B. G.
Evelyn Blackwood, 5349 E 200 N, Laf.
Jamie Hickner, 105 Sylvia St., W. Laf.
Roger Bennett, 913 Lazy Lane, Laf.
Rick Deere, 1824 Klondike Rd., W. Laf.
Jacque Hartman, 2443 Derbyshire Ct., Laf.
David Long, 401 Brookfield Dr., Laf.
Samantha Harkness, 1305 Palmer Dr., W. Laf.
Josh Thomas (not allowed to speak because does not reside in County)

Steve Brewer, 514 Evergreen St. W. Laf.
Dave Nelson, 1850 N Co. Line Rd. E
Hilary Krivchenia, 1111 Eaton St. W. Laf.
Edie Thomas, 134 Ivy Hill Dr.
John Walls, 9900 E 460 S, Laf.
Wayne Applegate, Ferry St., Laf.
Ed Tourangean, 3871 Rome Dr., Laf.
Meredith Richmond, 106 Main St., B. G.
Kathy Arvidson, 106 Country Squire Ct.
Joe Bell, 2528 Potowatomi Dr. Laf.
David Schmidt, 2813 N 400 W, W. Laf.
Carina Atherton, 237 Ingram Dr.
Mary Hall, 2717 Newram Dr., W. Laf.
Lee Stafford, 706 S. 5th St., Laf.
Jan Cortner, 1701 Morton St., W. Laf.
Michele Fuqua, 901 Teal Rd., Laf.
Brian Szyper, 500 Portledge #3, Laf.
Tom Sanders, 324 Ferry St., Laf.
Mark Dutton, 308 Brookfield Dr., Laf.
Larry Kappes, 3342 Gushwa Dr., Laf.
Jon Held, 8494 N 450 W, W. Laf.
Norman Alexander, 1933 Salem #2, Laf.
Tom Birkenholz, 119 Valley St., Laf.
Barry Schreier, 119 Valley St., Laf.

Excerpts of Comments

- Religious organizations are not above the law and should not be exempted in the Ordinance.
- Unlike race and gender, homosexuality is not proven to be biologically determined. Concerned that children will be influenced by teachers to become homosexuals.
- Elevating homosexuality destroys family values.
- The Ordinance should define sexual orientation.
- Elected officials should not endorse immorality.
- Cherish the spirit of justice. Love for all is necessary.
- There is no need for such an ordinance. Freedom gives us the right to make right choices. This Ordinance is an open door to an agenda for a minority.
- Restate and expand the definition of "Familial status".
- If this Ordinance is the best we can do, then approve it. Law abiding citizens will be forced to break the law because of their religious beliefs.
- Exempting religious organizations is discrimination.
- Diversity is needed in a community.
- The City of Lafayette's ordinance has not been used. Opponents of the Ordinance can help defeat Commissioners' bids for re-election.
- This is about what a person is.
- This Ordinance will discriminate against Boy Scouts, Recruiting Officers, business, landlords, etc.
- The County Human Relations Commission will offer a place to be heard when discrimination occurs.
- Never judge a book by its cover. This is a civil law, not a religious law.
- Homosexuality is not a lifestyle choice.
- Laws already protect (i.e. age, gender, ethnic origin).
- Appreciate exclusion of religious organizations.
- Remove 2 C and approve the Ordinance.
- This Ordinance gives affirmation to live here.
- This Ordinance creates victims where none exist.
- Citizens for Civil Rights want to discriminate against others.
- Law will not prevent discrimination. Be proud of who you are.
- The Ordinance is one way to tell people we don't want discrimination.
- There are not many gays who can't find housing.
- Discrimination does exist.
- Oppose the Ordinance because it is the lqving thing to do to help prevent disease.
- If current laws were perfect, this Ordinance wouldn't be needed.
- We don't need more rules; we should make our own decisions.
- Diversity will attract more businesses.
- Gay and lesbian teachers need protection; they are in high risk of losing their jobs.
- This Ordinance is a warning sign. Others outside the norm have had the same fight.
- Compromise is important.
- The amendment to the Ordinance is important because churches need freedom.
- Wording of this Ordinance won't stop discrimination.
- Before passing this Ordinance read the story of Sodom & Gomorrah.
- Jesus had standards of right and wrong. He didn't accept everyone.

- Jesus accepted everyone.
- This community needs to move toward tolerance.
- This is a struggle for equality. We must not approve of discrimination.

Commissioner Benson: This Ordinance will not cause discrimination. Employers will be free to discriminate against employees who don't do their jobs adequately, etc. She urged support of the Ordinance as amended.

Commissioner Knochel: This is one of the more difficult issues he has had to deal with as a Commissioner. He said he is not sure the County needs this Ordinance, but it will be in place if needed. He doesn't believe the Ordinance will promote immorality and thinks it is time to fall in line with the two Cities and Purdue University.

Commissioner Shedd: She thanked those who worked on the amendment and agreed that it is time to pass the Ordinance so it will be in place if needed.

- Commissioner Benson's motion to amend Ordinance 2001-08-CM as read carried.
- Commissioner Benson moved to approve Ordinance 2001-08-CM on second reading as amended, seconded by Commissioner Knochel.

Auditor Plantenga recorded the following roll call vote:

Ruth Shedd	Yes
John Knochel	Yes
KD Benson	Yes

- The motion to approve Ordinance 2001-08-CM as amended on second reading passed 3 – 0.

APPOINTMENT: Area Board of Zoning Appeals

- Commissioner Knochel moved to appoint Stephen Clevenger to the Tippecanoe County Area Board of Zoning Appeals, seconded by Commissioner Benson; motion carried.

APPOINTMENTS: Common Wage Board

- Commissioner Knochel moved to appoint Tom Murtaugh to the Common Wage Board for the Earth Fill for Riverside Ice Skating Rink Project for the City of West Lafayette, seconded by Commissioner Benson; motion carried.
- Commissioner Knochel moved to ratify the appoints to the Common Wage Board of Tom Nidiffer, Scott Rumble, and Carl Treece for the Resurfacing of CR 700 S Project and Carl Treece for the Kalberer Road Sewer Extension Project, seconded by Commissioner Benson; motion carried.

APPLICATION: Tippecanoe Villa

- Commissioner Knochel moved to approve the application of Kathleen Denise Holst to the Tippecanoe Villa, seconded by Commissioner Benson; motion carried.

PROPOSAL: TCOB & CH Window Cleaning

Proposals for cleaning the inside and outside of windows at the Courthouse and the County Office Building (TCOB) were submitted by Hendersons Service Inc. and S & K Building Services.

Hendersons Service Inc.	\$3,050.00
S & K Building Services	\$4,000.00

- Commissioner Knochel moved to approve the proposal from Hendersons Service Inc. in the amount of \$3,050.00 for cleaning the inside and outside of windows at the Courthouse and TCOB, seconded by Commissioner Benson; motion carried.

CHANGE ORDER: Morgue

- Commissioner Knochel moved to approve Change Order #6 for an additional \$545.00 for the replacement of the existing lockset at the door area, seconded by Commissioner Benson; motion carried.

CERTIFICATE OF SUBSTANTIAL COMPLETION: Morgue

- Commissioner Knochel moved to approve the Certificate of Substantial Completion for the Morgue and authorize the President to sign the document, seconded by Commissioner Benson; motion carried.

NEW BUSINESS

PHONE LINES: TEMA (Emergency Management)

President Shedd announced that TEMA is asking for additional phone lines at the 629 Building and is willing to pay \$202.71 per month for 1 phone line and 2 data lines, but a specific request has not been submitted.

- Commissioner Knochel moved to table the discussion until more information is received, seconded by Commissioner Benson; motion carried.

JUNE MEETINGS RESCHEDULED

Due to the trial regarding Judge Melichar's Mandate, the June 4, 2001 Commissioners' Meeting will be held at 7:00 P.M. The June 18, 2001 meeting will be held at 9:00 A.M.

REPORTS

Reports from Clerk of the Circuit Court, Weights & Measures, and Tippecanoe Ambulance Service are on file in the Commissioners' Office for review.

PUBLIC COMMENTS

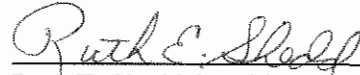
Barry Schreier thanked the Commissioners for treating the discussion of Ordinance 2001-08-CM with dignity and respect.

ADJOURNMENT

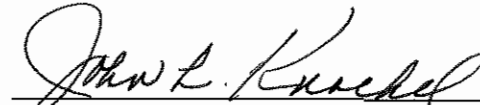
- Commissioner Knochel moved to adjourn, seconded by Commissioner Benson; motion carried.

Robert A. Plantenga, Auditor

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



Ruth E. Shedd, President

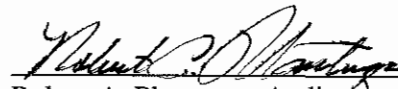


John L. Knochel, Vice President



KD Benson, Member

ATTEST:



Robert A. Plantenga, Auditor