

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**JUNE 4, 2001**

The Tippecanoe County Commissioners met on Monday, June 4, 2001 at 7:00 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 May 21, 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 with no exceptions, seconded by Commissioner Knochel; motion carried.

**HIGHWAY: Commissioners' Assistant Jennifer Weston**

**AWARD BID: Pavement Marking**

Bids for Pavement Marking were opened on May 21, 2001 in the amounts of \$62,477.38 from Mike Madrid Company and \$77,500.13 from Chemi-Trol Chemical Co. Mrs. Weston reported Executive Director Albers recommends accepting the low bid from Mike Madrid Company.

- Commissioner Knochel moved to accept the bid from Mike Madrid Company in the amount of \$62,477.38, seconded by Commissioner Benson; motion carried.

**DETOUR AGREEMENT WITH WEST LAFAYETTE: Lindberg Road**

Mrs. Weston read portions of the Agreement that appears below in its entirety.

(quote)

**DETOUR AGREEMENT**

This agreement is entered into by and between the City of West Lafayette, party of the first part, and Tippecanoe County, party of the second part, for the detour of Lindberg Road In Tippecanoe County.

**WHEREAS:** The City of West Lafayette intends to close Lindberg Road from McCormick Road to Northwestern Avenue for approximately 2½ years for the purpose of complete reconstruction of Lindberg Road, and

**WHEREAS:** This closure necessitates the detouring of Lindberg Road traffic,

**BE IT THEREFORE KNOWN THAT:**

1. Tippecanoe County agrees to permit the City of West Lafayette to detour Lindberg Road traffic onto McCormick Road (C.R. 250 W) between Lindberg Road and Cherry Lane (S.R. 126).
2. The City of West Lafayette agrees to erect and maintain, through its road contractor, all signage for said detour and to keep the detour in a reasonable state of repair while in use as said detour.
3. When the detour is no longer necessary the City of West Lafayette agrees to return the detour road to its condition preceding its use as a detour.

**City of West Lafayette**  
**Board of Public Works and Safety**

\_\_\_\_\_  
/s/Sonya L. Margerum Mayor

\_\_\_\_\_  
/s/Robert L. Bauman, City Attorney

\_\_\_\_\_  
/s/Jan Mills, Member

\_\_\_\_\_  
Date

Attest: \_\_\_\_\_

\_\_\_\_\_  
/s/Judith C. Rhodes, Clerk-Treasurer

**Tippecanoe County**

\_\_\_\_\_  
Ruth E. Shedd, President Board of Commissioners

(unquote)

- Commissioner Knochel moved to approve the Detour Agreement for Lindberg Road with the City of West Lafayette, seconded by Commissioner Benson; motion carried.

**ORDINANCE 2001-15-CM: Rezone Petition Z-2009, Derek & Kathy Byers AW to A**

- Commissioner Knochel moved to hear and approve Ordinance 2001-15-CM, seconded by Commissioner Benson.

(quote)

May 17, 2001  
Ref. No.: 01-280

Tippecanoe County Commissioners  
20 North 3dStreet  
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

RE: **Z-2009-DEREK & KATHY BYERS (AW TO A):**  
Petitioners are requesting the rezoning of two acres located just east of  
the platted lots of West Point, 6915 Jefferson Street, West Point, Wayne  
24 (NE) 22-6. CONTINUED FROM THE APRIL MEETING SO  
PETITIONERS COULD POST AN ADDITIONAL SIGN.

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 May 16, 2001, the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from AW to A. Therefore, the Area Plan Commission of Tippecanoe County recommends to the County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the County Commissioners at their June 4, 2001 meeting at 7:00 p.m.

Sincerely,  
/s/James D. Hawley  
Executive Director

**ORDINANCE NO. 2001-15-CM**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATEI FROM AW TO A.**

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

Section 1. 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 Wayne Township, Tippecanoe County, Indiana, to wit:

**EXHIBIT "A"  
LEGAL DESCRIPTION**

**Tract I**

A part of the northeast quarter of section twenty four (24) township twenty two (22) north, range six (6) west, Wayne Township, Tippecanoe County, Indiana being more completely described as follows, to-wit:

Commencing at the northeast corner of the northeast quarter of said section 24-22-6, said corner being marked by a boat spike; thence south 89 degrees 55 minutes 00 seconds west along the north line of said quarter section and the approximate centerline of County Road 500 South a distance of 466.62 feet to the point of beginning of the herein described tract; thence south 1 degree 38 minutes 44 seconds west a distance of 307.00 feet to a re-bar; thence south 89 degrees 55 minutes 00 seconds West a distance of 162.41 feet to the southeast corner of Lot #9 in Sam Kiser's 2nd Addition to West Point, said corner being marked by a re-bar; thence north 1 degree 43 minutes 38 seconds east along the east line of said addition a distance of 307.00 feet to a point on tile north line of said quarter section and the approximate centerline of County Road 500 South, said point being marked by a PK nail, thence north 89 degrees 55 minutes 00 seconds east along said north line and approximate centerline a distance of 161.97 feet to the point of beginning, containing 1.142 acres.

**TRACT 2**

A part of the northeast quarter of section twenty four (24) township twenty two (22) north, range six (6) west, Wayne Township, Tippecanoe County, Indiana, being more completely described as follows, to-wit:

Commencing at the northeast corner of the northeast quarter of said section 24-22-6, said corner being marked by a boat spike; thence south 89 degrees 55 minutes 00 seconds west along the north line of said quarter section and the approximate centerline of County Road 500 South a distance of 400.62,feet to the point of beginning of the herein described tract; thence south 1 degree 38 minutes 44 seconds west a distance of 353.00 feet; thence south 89 degrees 55 minutes 00 seconds west a distance of 66.00 feet to a re-bar; thence north 1 degree 38 minutes 44 seconds east a distance of 353.00 feet to a point on said north line and approximate centerline; thence north 89 degrees 55 minutes 00 seconds east along said north line and approximate centerline a distance of 66.00 feet to the point of beginning.

**TRACT 3**

A part of the northeast quarter of section twenty four (24) township twenty two (22) range six (6) west, Wayne Township, Tippecanoe County, Indiana, being more completely described as follows, to-wit:

Commencing at the northeast corner of the northeast quarter of said section 24-22-6, said corner bring marked by a boat spike; thence south 89 degrees 55 minutes 00 seconds west along the north line of said quarter section and the approximate centerline of County Road 500 South a distance of 334.62 feet to the point of beginning of the herein described tract, said point being marked by a PK nail; thence south 1degree 38 minutes 44 seconds west a distance of 353.00 feet to a re-bar; thence, south 89 degrees 55 minutes 00 Seconds west a distance of 66.00 feet; thence north 1 degree 38 minutes 44 seconds east a distance of 353.00 feet to a point on said north line and approximate centerline; thence north 89 degrees 55 minutes 00 seconds east along said north line and approximate centerline a distance of 66.00 feet to the point of beginning, containing 0.535 acres.

Section 2. The real estate described above should be and the same is hereby rezoned from AW to A.

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 4<sup>th</sup> day of June, 2001.

**VOTE:**

\_\_\_\_\_  
 President

\_\_\_\_\_  
 Vice President

\_\_\_\_\_  
 Member

Attest: \_\_\_\_\_  
Auditor

(unquote)

The petitioner and owner Derek Brown request approval of his request to rezone property located at 6915 Jefferson St. in West Point from AW to A.

Commissioner Knochel commented there was no opposition to this proposed rezone request from the Area Plan Commission.

With no further comments, Auditor Plantenga recorded the following roll call vote:

Ruth Shedd	Yes
John Knochel	Yes
KD Benson	Yes

- The motion to approve Ordinance 2001-15-CM passed 3 – 0.

**ORDINANCE 2001-16-CM: Rezone Petition Z-2010, Richard L. Fidler, LS, A to R1**

Commissioner Knochel moved to hear and approve Ordinance 2001-16-CM, seconded by Commissioner Benson.

(quote)

May 17, 2001  
Ref. No.: 01-281

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

Attn: Tippecanoe County Auditor

**RE: Z-2010-RICHARD L. FIDLER, LS (A TO R1):**  
 Petitioner is requesting the rezoning of 16.6 acres located at 4000 SR 25 North, Fairfield 2 (NE) 23-4. CONTINUED FROM THE APRIL MEETING BECAUSE NO SUBDIVISION DEVELOPMENT PLAN WAS SUBMITTED WITH THE FILING, OR MAILED TO THE CHECKPOINT AGENCIES.

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 May 16, 2001, the Area Plan Commission of Tippecanoe County voted 8 yes - 4 no on the motion to rezone the subject real estate from A to R1. Therefore, the Area Plan Commission of Tippecanoe County recommends to the County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the County Commissioners at their June 4, 2001 meeting at 7:00 p.m.

Sincerely,  
/s/James D. Hawley  
Executive Director

**ORDINANCENO. 2001-16-CM**

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

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

Section 1. 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 Fairfield Township, Tippecanoe County, Indiana, to wit:

Part of the Northeast Fractional Quarter of Section 2, Township 23 North, Range 4 West in Fairfield Township, Tippecanoe County, Indiana described as follows:

Beginning at the Northwest corner of said Quarter Section and running thence South 00 degrees 34 minutes 54 seconds East (assumed bearing) along the West line thereof 648.04 feet to a point 500.00 feet North of the Northwest corner of Northbrook Subdivision, Part 1, the plat of which is recorded in Plat Book 7, Page 40 in the Office of the Recorder of Tippecanoe County; thence North 89 degrees 20 minutes 00 seconds East being parallel with the North line of said Subdivision 1078.72 feet to the West right-of-way line of State Road 25; thence North 00 degrees 52 minutes 48 seconds West (this and the next 1 call being along said right-of-way line) 90.47 feet to the P. C. of a curve to the right, having a radius of 1462.395 feet and being subtended by a long chord of 553.83 feet bearing North 11 degrees 51 minutes 46 seconds East; thence in a Northeasterly direction along said curve 557.27 feet to the North line of the aforementioned Quarter Section; thence South 89 degrees 54 minutes 13 seconds West along said North line 1198.71 feet to the point of beginning and containing 16.6 acres, more or less.

Section 2. The real estate described above should be and the same is hereby rezoned from A to R1.

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 4th day of June, 2001.

Vote:

Ruth Shedd    President

John Knochel    Vice President

KD Benson    Member

Attest: \_\_\_\_\_  
Robert Plantenga    Auditor

(unquote)

No one was present to speak in favor or in opposition to the requested rezoning.

Noting that this acreage is surrounded by subdivisions, Commissioner Knochel commented that he understands Commissioner Benson's concerns regarding the installation of septic systems, but said it will be subject to the rules of the Health Department.

Auditor Plantenga recorded the following roll call vote:

John Knochel    Yes  
KD Benson    Yes  
Ruth Shedd    Yes

- The motion to approve Ordinance 2001-16-CM passed 3 - 0.

**RESOLUTION 2001-24-CM: Amends Comprehensive Plan to Include Bicycle & Pedestrian Plan**

Commissioner Benson explained that the Area Plan Commission has proposed highway and road changes for Transportation Plan 2025 in order to continue receiving Federal Funds. The Plan includes new US 231, new US 231 Exchange, widening of I-65 and SR 26 as well as other smaller roads. If passed by the Commissioners, it will be presented to all other entities in Area Plan for approval.

(quote)

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

**CERTIFICATE**  
**RE: COMPREHENSIVE PLAN AMENDMENT -**  
**The Transportation Plan for 2025 and to reincorporate**  
**the Tippecanoe County Bicycle and Pedestrian Plan**

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 May 16, 2001, the Plan Commission, by a vote of 12 yes - 0 no, approved Resolution T-01-4, adopting the Transportation Plan for 2025 and reincorporating the Tippecanoe County Bicycle and Pedestrian Plan, as an amendment to the Comprehensive Plan for Tippecanoe County, and thus recommended it for APPROVAL by the County Commissioners.

Enclosed is a copy of the Transportation Plan for 2025 with our staff report as certified by me to the County Commissioners, and copies, with a staff report for each Board Member.

For the County Commissioners to adopt his Comprehensive Plan amendment, they will need to pass the enclosed Resolution and return it to me. At that time I will file the signed Resolution and the plan amendment with County Recorder as per statute.

If there are questions concerning the above, please contact me.

Sincerely;

/s/James D. Hawley  
Executive Director

**RESOLUTION 2001-24-CM**

**WHEREAS**, the AREA PLAN COMMISSION of TIPPECANOE COUNTY pursuant to IC 36-7-4-511 has adopted an amendment to the Comprehensive Plan for Tippecanoe County at a public meeting held on May 16, 2001; and,

**WHEREAS**, hearings and the meeting notices required by IC 36-7-4-507 were held, and complied with; and,

**WHEREAS**, an adopted long range transportation plan is required for continued financial assistance from the Federal Highway Administration, U.S. Dept. of Transportation for projects; and,

**WHEREAS**, the Greater Lafayette Area Transportation and Development Study's TRANSPORTATION PLAN for 2025 reincorporating the TIPPECANOE COUNTY BICYCLE and PEDESTRIAN PLAN was adopted by a vote of a majority of the members of the Tippecanoe County Area Plan Commission replacing the Transportation Plan for 2015, as provided by law; and,

**WHEREAS**, a certified copy of the TRANSPORTATION PLAN for 2025 has been filed with the AUDITOR of Tippecanoe County, and copies distributed to the members of the Board, it is hereby incorporated by reference and made part of this Resolution.

NOW THEREFORE BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA THAT:

The Comprehensive Plan for Tippecanoe County is hereby amended to include the TRANSPORTATION PLAN for 2025 and to reincorporate the TIPPECANOE COUNTY BICYCLE and PEDESTRIAN PLAN.

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

**ADOPTED AND PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THIS 4<sup>th</sup> DAY OF JUNE 2001.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attest:

\_\_\_\_\_

(unquote)

- Commissioner Knochel moved to approve Resolution 2001-24-CM, seconded by Commissioner Benson; motion carried.

***SUPERIOR COURT III: Creation of New Position***

Due to illness, Superior Court III Judge Loretta Rush was unable to appear but her husband, Jim Rush, presented her request for the creation of a combined Juvenile Court Fiscal Officer/Quest Administrator position at pay grade level PAT III. In the role of Fiscal Officer, this person will seek reimbursements estimated at \$250,000 to \$300,000 annually. In the role of Quest Administrator, this person will train personnel to input data and use that data to write grants.

- Commissioner Knochel moved to approve the creation of a combined Juvenile Court Fiscal Officer/Quest Administrator position pay grade level PAT III, seconded by Commissioner Benson; motion carried.

***PROPOSAL AWARDED: Storm Sewer/Asphalt Work at Fairgrounds***

Commissioner Knochel stated that three (3) Proposals for Storm Sewer and Asphalt work at the Fairgrounds were received and Milestone Contractors, L.P. with a bid of \$109,755.00 was the low bidder. The summary of values is as follows:

Storm Sewer	27,705.00
Field Engineering and Grading Work	16,805.00
Asphalt Paving	65,245.00
Total	109,755.00

- Commissioner Knochel moved to award the Proposal for Storm Sewer/Asphalt Work at the Fairgrounds to Milestone Contractors, L.P. with the low bid of \$109,755.00, seconded by Commissioner Benson; motion carried.

***APPOINTMENTS: Common Wage Board: Jail Expansion***

- Commissioner Knochel moved to appoint Karl Rutherford, Ruth Davidson, and Oscar Gates to the Common Wage Board for the Jail Expansion, seconded by Commissioner Benson; motion carried.

***RESOLUTION 2001-26-CM: Approving Form of Lease for Jail Expansion***

Attorney Busch read the Resolution approving the form of lease for the Jail:

(quote)

**RESOLUTION NO. 2001-26-CM  
RESOLUTION OF BOARD OF COMMISSIONERS  
OF TIPPECANOE COUNTY APPROVING FORM OF LEASE**

**WHEREAS**, a petition of 50 or more taxpayers of Tippecanoe County ("County") was heretofore filed requesting the lease of the acquisition and renovation of the Tippecanoe County Law Enforcement Facility Jail (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 Tippecanoe County Governmental Building Corporation has drafted and submitted a proposed lease for said Projects; and

**WHEREAS**, it now appears to the County Board of Commissioners ("Commissioners") that the proposed lease with the Tippecanoe County Governmental Building Corporation, as Lessor, provides for a fair and reasonable rental for the lease of the Project;

**NOW THEREFORE BE IT RESOLVED**, that the terms and conditions of the proposed form of lease are approved and agreed to as the basis for a hearing, as required by law, and that such hearing should be held by the Commissioners upon the necessity for the execution of such lease and whether the lease rental provided therein is a fair and reasonable rental for the proposed Project, prior to final determination of such questions, so that the Commissioners may determine whether to execute such lease as now written, or as modified, said hearing to be held on June 18, 2001 at 9:00 a.m. at Tippecanoe County Office Building, 20 N. 3rd Street, Lafayette, Indiana.

**BE IT FURTHER RESOLVED**, that the Secretary is authorized and directed to publish notice of such hearing as required by law.

BOARD OF COMMISSIONERS OF  
TIPPECANOE COUNTY, INDIANA

\_\_\_\_\_  
County Commissioner

\_\_\_\_\_  
County Commissioner

County Commissioner

ATTEST:

Auditor

(unquote)

- Commissioner Knochel moved to approve Resolution 2001-26-CM, seconded by Commissioner Benson; motion carried.

**CONTRACT: Schenkel Shultz, Architect: Jail Expansion**

- Commissioner Knochel moved to approve the contract with Schenkel Shultz for the fixed fee of \$702,285.00 for the Jail Expansion Project, seconded by Commissioner Benson.

Commissioner Benson explained that, although the fee is based on a percentage, the State Board of Accounts requires a fixed fee for contracts.

- The motion to approve the contract carried.

**APPOINTMENT: Community Corrections Advisory Board**

President Shedd announced that Wabash Valley Hospital Director Craig Lysinger is resigning from the Community Corrections Advisory Board due to other duties. Mr. Lysinger recommended Vickie DeMoss, Branch Director of Wabash Valley Hospital Outpatient Services, to fill the vacancy.

- Commissioner Knochel moved to appoint Vickie DeMoss to serve on the Tippecanoe County Community Corrections Advisory Board, seconded by Commissioner Benson; motion carried.

**CONTRACTUAL AGREEMENT: Public Defender Amy Hutchison**

Mrs. Hutchison explained that, although she requested an additional part-time contractual attorney position for the new Superior Court VI, it was never filled due to lack of need. She requested approval of Attorney Kirk Freeman to fill this part-time position that will average twenty five to thirty hours a week in all courts and is already funded.

- Commissioner Knochel moved to approve Attorney Kirk Freeman for the part-time contractual position, seconded by Commissioner Benson; motion carried.

**REPORTS**

Reports for Veterans Services and the Treasurer are on file in the Commissioners' Office for review.

**PUBLIC COMMENT**


Commissioner Knochel complimented Attorney Busch for his job in court today and for his work tonight.

**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