

TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
March 15, 2010

The Tippecanoe County Commissioners met on Monday March 15, 2010 at 10:00 a. m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President David S. Byers, and Member Thomas P. Murtaugh. Also present were: Attorney David W. Luhman, Auditor Jennifer Weston, Commissioner's Assistant Frank Cederquist, and Secretary Kay Muse.

APPROVAL OF MINUTES

- Commissioner Byers moved to approve the minutes of the March 1, 2010 meeting, second by Commissioner Murtaugh; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

Commissioner's Assistant Frank Cederquist recommended approval of accounts payable vouchers for March 3, 4, 5, 9, 10, 11, 12, 15, 2010 as submitted with no exceptions.

- Commissioner Murtaugh moved to approve the accounts payable vouchers as presented, second by Commissioner Byers; motion carried.

HIGHWAY-Opal Kuhl

Letter of Understanding from Indiana Department of Transportation

Director Kuhl presented a Letter of Understanding from the Indiana Department of Transportation for approval. This is in reference to the detour route for the US 52-bridge project. The detour route will use County Roads 350 South and 475 East. This Letter of Understanding states that any damage to the roads due to detoured traffic will be repaired by INDOT. This road is scheduled to be re-surfaced as part of the ARRA project; the county will video tape these sections of the road after the re-surfacing is complete.

- Commissioner Byers moved to approve the Letter of Understanding with INDOT as presented, second by Commissioner Murtaugh; motion carried.

Professional Services Agreements from Christopher Burke Engineering, LTD

Director Kuhl presented a Professional Services Agreement from Christopher Burke Engineering, LTD for dam inspections. Tippecanoe County has two locations where the roadway serves as a dam for a small pond, Marsh Lake located on 900 East, and Pretty Prairie Road. Christopher Burke Engineering, LTD will be surveying, doing fieldwork, an environmental investigation, geo technical analysis, and hydro-logic modeling. This agreement is for a preliminary engineering report of their findings. Each contract is for \$44,400; they are identical except for the names of the dams. Indiana Department of Natural Resources is studying these locations and the county needs to do an inspection.

- Commissioner Murtaugh moved to approve the Professional Services Agreement with Christopher Burke Engineering, LTD as presented, second by Commissioner Byers; motion carried.

Change Order #5 from Myers Construction

Director Kuhl presented Change Order #5 from Myers Construction Management, Inc., for the highway garage site improvements project. It is in the amount of \$8,604 and includes the cost for additional lighting, GFI's, interior work on the mezzanine, and the relocation of infrared heaters. The project is currently below the projected cost by approximately \$150,000.

- Commissioner Byers moved to approve Change Order #5 as presented, second by Commissioner Murtaugh; motion carried.

Warranty Deed and Temporary Easement Grant for South River Road Project

Director Kuhl presented a Warranty Deed and Temporary Easement Grant for Parcels 3 and 3a in the amount of \$6,410 for the Warranty Deed and \$190 for the Temporary Easement Grant, in the names of Robert D. Willis and Cynthia Willis.

- Commissioner Murtaugh moved to approve the Warranty Deed and Temporary Easement Grant as presented, second by Commissioner Byers; motion carried.

COMMISSIONERS—SRI

Live Certificate Sale Services Addendum

SRI Client Service Director Glen Luedtke presented statistics from the March 11, 2010 tax sale. Of the 827 delinquent properties, 121 sold and 522 properties were paid to date. Tippecanoe County acquires the tax liens of the 69 properties that did not sell. The county has three options available to manage the unsold properties.

Option 1	Do nothing
Option 2	Reduce the amount of the original certificate and offer it to the public again
Option 3	Take deed of the properties

SRI recommends lowering the amount to a minimum of 10% of the taxes due, normally the county does not collect on properties that do not sell. This will put these properties back on the tax rolls. Properties cannot be sold over the counter and must go through the process of public sale, being advertised for three consecutive weeks and waiting 30 days prior to offering it to the sale. If the Commissioners choose to reduce the price and have another tax sale the county is responsible for the advertisement cost. SRI will adjust the recovery amount for advertisement and work with the newspapers to re-format the ad to reduce cost. Attorney Dave Luhman stated that if the Commissioners do nothing the properties will be eligible for the tax sale next year with another year of taxes added. If the county takes deed of the properties, the county will be responsible for any storm water fees. By passing a resolution, the county may also pass the certificates to another municipality, such as the City of Lafayette. Attorney Luhman

recommended reviewing the unsold properties and consider if any should be transferred to any non-profit organizations such as Habitat for Humanity.

- Commissioner Murtaugh moved to approve the addendum to the SRI contract as presented, second by Commissioner Byers; motion carried.

BOARD OF ELECTION–Heather Maddox & Debbie Ingersoll
Election Training Agreement with IVY Tech

Chairpersons Heather Maddox and Debbie Ingersoll recommended approval of the Election Training Agreement with IVY Tech. The agreement is for a three-hour training class for election workers.

- Commissioner Murtaugh moved to approve the Election Training Agreement with IVY Tech as presented, second by Commissioner Byers; motion carried.

GRANTS–Laurie Wilson

Grant Facilitator Laurie Wilson requested permission to apply for an Indiana Criminal Justice Institute grant in the amount of \$25,959. The grant will support a supervisory position for an additional 24 Court Appointed Special Advocate (CASA) volunteers.

- Commissioner Byers moved to grant the permission to apply as presented, second by Commissioner Murtaugh; motion carried.

BUILDING COMMISSION–Ken Brown
Unsafe Structure/Nina Johnson

Director Ken Brown stated that the property in question has been un-occupied for the past twenty years and is now in a state of collapse. A complaint was received in December and a notice was sent to Nina Johnson, the legal owner, the county did not receive a reply until February. Ms. Kathleen Tandy, her sister, has been taking care of her legal affairs and is here with her today. Director Brown is asking that the house be demolished and the open well covered. Ms. Tandy stated that she has hired a contractor who should have the structure demolished by the end of the week.

- Commissioner Byers moved to delay the decision until the April meeting, second by Commissioner Murtaugh; motion carried.

HUMAN RESOURCES–Shirley Mennen
Business Associate Agreement

Director Shirley Mennen recommended the approval of a Business Associate Agreement with R. E. Sutton, a consultant for the county. This is a result of new HIPPA regulations concerning privacy issues. There is no cost associated with the change. County Attorney Dave Luhman has reviewed the agreement.

- Commissioner Byers moved to approve the Business Associate Agreement with R. E. Sutton as presented, second by Commissioner Murtaugh; motion carried.

ORDINANCE 2010-02-CM-2ND Reading

Attorney Luhman stated that on March 1, 2010 the Commissioners adopted ordinance 2010-02-CM on first reading. The Commissioners have continued to review the ordinance, and received suggestions for technical amendments. Ordinance 2010-02-CM is available for second reading with those amendments. Some of the changes include the removal of the requirements for a commercial engineering certification when applying to construct a Micro Wind Energy Conversion System (WECS). A Micro Wind Energy conversion System is a small system erected on a structure for a personal use. In addition, changes include the clarification that this ordinance has to do with the construction and operation of wind energy systems, and that any applicants still must comply with zoning ordinances. Commissioner Knochel opened the floor for public comment pertaining to Ordinance 2010-02-CM.

Joe Rogers, Buck Creek—Joe Rogers voiced concern about the fees for non-commercial and Micro WECS stating that energy companies will not purchase power from these systems, the owner will use the power made by these systems. The Micro WECS must be mounted on a building and not extend more than 15 feet above it. This is far smaller than the descriptions of Micro WECS for both White and Carroll Counties. In most locations in Tippecanoe County, this would limit you to a ten-foot band or blade and an average output of 2081 watts, this is 6.7 kilowatts per day or 37¢ worth of power purchased from Duke Energy, about \$107 a year. It would take two years of usage to pay for the building permit, and assuming zero maintenance cost, ten years to break even. The cost of a building permit in White County is \$100 with no operating fees, in Carroll County it is \$50 for up to a \$25,000 system with no operating fees. Having been interested in building a wind-powered system that would produce 2 kilowatts of power, the proposed building permit costing \$2,700, and operating permit of \$1,350 per year will make it economically impractical to build a windmill in this county. The cost of the same system in White County is \$300 with no operating permit and in Carroll County; it is \$2 per \$1,000 of cost, with no operating fee.

Julie Poetin, Lafayette—Julie Poetin a native of Tippecanoe County voiced her concerns about commercial wind turbines. Ms. Poetin said that having grown up in rural Tippecanoe County and recently returning to Indiana to raise a family, she has concerns that the peaceful country life she remembers as a child will be disrupted by the development of the industrial wind turbine plans for rural Tippecanoe County. The small sustainable homestead her family intends to create will be disrupted for at least the next twenty-five years. Young families will not be able to enjoy the quiet Indiana county side due to increased noise disturbance from the wind turbines but also from increased traffic that industrial sites require. Ms. Poetin said the wind turbine industry is not yet efficient enough to warrant placement in anyone's yard. Ms. Poetin asked the Commissioners to consider an ordinance that will protect the citizens of rural Tippecanoe County concerning wind turbine farms.

Jim Parrot, Tippecanoe County—Jim Parrot a thirty-year resident of Tippecanoe County and electrical engineer voiced his concern about the AA zone area in southern Tippecanoe County; he is particularly concerned with the ordinance. Mr. Parrot commends the Commissioners for

their efforts in this ordinance and does support it in general. Mr. Parrot said this would affect landowners including non-participating landowners for the next twenty-five years. The noise and vibration that will be generated by the multiple wind turbines that can be over 25 stories in height is apparent, and there is a dramatic visual effect as well. Mr. Parrot said the lighting at night is very dramatic as you drive through and suggested perimeter lighting if possible. Mr. Parrot is concerned about protecting the non-participating landowner. The sound generated with wind energy is substantial and there is evidence that shows this can cause disturbance to sleep. Ordinance 2010-04-CM sets noise levels at 55 dba, which is a very high limit for a rural setting. Five decibels is very noticeable to a person and ten decibels is twice as loud. The World Health Organization and European countries have concluded that 35 decibels at night is acceptable if you do not want to disturb sleep. Ordinances in other areas often do not specify how noise levels are measured; adding there needs to be continuous monitoring of the noise generated by the wind turbines to find the true noise level. A professional sound expert recommends the limit for a non-participating resident at their property line be no higher than 35 dba or 5 dba above the preconstruction ambient level. There are small groups of people who have reported motion sickness. The department of energy in 2008 had a chart that shows wind turbine noise is normally 35-45 decibels measured at 350 meters (1147 feet). Mr. Parrot would like to see the decibel limit reduced.

Terry Leffeus, Tippecanoe County—Mr. Leffeus said having been approached by industrial wind turbine companies; he fears the implementation of wind farms will stymie economic growth in Tippecanoe County. Local Option Income Tax (LOIT) will then be the future of Tippecanoe County and if property values decline, LOIT will be affected. Mr. Leffeus said he feels that he is in a difficult position, adding that when a landowner signs up for the wind farm, surrounding properties will get the negative effects of the windmills. Landowners who do choose to sign up will not be allowed to build another barn or plant any trees on their property, all land rights are given to the windmill companies. Windmills can be as wide as 400 feet, which is the length of one and a half football fields. The noise from the generators is very loud, and motion sickness is a concern. If a tornado hits a wind farm, what kind of damage is possible? Many other counties with wind turbine farms do not have the population of Tippecanoe County and although there are short-term benefits, long-term affects are many, such as property values will probably decrease, noise, and visual pollution.

Commissioner Byers thanked everyone for their input and suggested delaying the vote so the Commissioners may review concerns.

- Commissioner Byers moved to delay the second reading of Ordinance 2010-02-CM until April, second by Commissioner Murtaugh; motion carried.

ORDINANCE 2010-03-CM–2ND Reading

- Commissioner Byers moved to delay the second reading of Ordinance 2010-03-CM until April, second by Commissioner Murtaugh; motion carried.

ORDINANCE 2010-04-CM**Enacting and Adopting a Supplement to the Code of Ordinances for Tippecanoe County and Declaring an Emergency**

Attorney Dave Luhman stated that American Legal Publishing adds any ordinances that have been adopted in the past year as part of the County's Code of Ordinances. This is published as a single volume and is available on the county website. Ordinance 2010-04-CM will formally bring all ordinances of the past year into the County Code, and will be the current version of all the ordinances in effect for the county. By declaring an emergency the ordinance becomes effective immediately.

- Commissioner Byers moved to hear Ordinance 2010-04-CM as presented on first reading, second by Commissioner Murtaugh; motion carried.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2010-04-CM passes 3-0 on first reading.

- Commissioner Byers moved to suspend the rules and hear Ordinance 2010-04-CM as presented on second reading, second by Commissioner Murtaugh; motion carried.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2010-04-CM passes 3-0 on second and final reading.

Engagement Letter from Barnes & Thornburg LLP

Attorney Dave Luhman requested approval of an Engagement Letter from Barnes & Thornburg, LLP for consulting and negotiating services in reference to wind farms. The wind turbine companies will reimburse any cost.

- Commissioner Byers moved to approve the Engagement Letter from Barnes and Thornburg LLP as presented, second by Commissioner Murtaugh; motion carried.

BOARD OF HEALTH

- Commissioner Murtaugh moved to appoint Dr. Jerry Preuss, DDS to the Tippecanoe Board of Health, second by Commissioner Byers; motion carried.

VILLA

- Commissioner Murtaugh moved to approve the application of Yvonne Ponto to the Tippecanoe Villa, second by Commissioner Byers; motion carried.

UNFINISHED BUSINESS

None

NEW BUSINESS

None

REPORTS ON FILE

Building Commission

Clerk

Wabash River Heritage Corridor

Crystal Creek Kennel

Reports are on file in the Commissioner's office for review

PUBLIC COMMENT

Paul Wright, West Point—Suggested that cost is given when an item is brought before the Commissioners for approval. Mr. Wright referenced the agreement with Ivy Tech to provide training for election workers. Mr. Wright voiced concern about the number and amount of fees for the landowners who are considering constructing a personal windmill on their property.

Commissioner Byers moved to adjourn

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

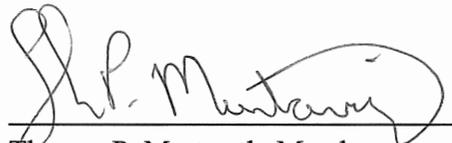


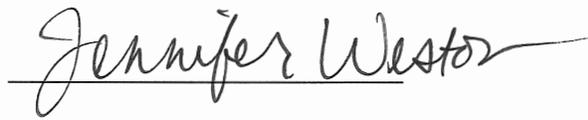
John L. Knochel, President



David S. Byers, Vice President

ATTEST:


Thomas P. Murtaugh, Member


Jennifer Weston, Auditor