

TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JANUARY 3, 2001

The Tippecanoe County Commissioners met on Wednesday, January 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.

ELECTION OF OFFICERS: 2001

Attorney Busch conducted the election of officers for 2001.

- Commissioner Benson moved to continue with Commissioner Ruth Shedd as President and Commissioner John Knochel as Vice President for 2001, seconded by Commissioner Knochel.

Commissioner Knochel praised Commissioner Shedd for her performance as President in 2000. He said she followed the agenda and moved the meetings forward. Commissioner Knochel then welcomed new Commissioner KD Benson and said he looks forward to working with her in upcoming years.

- The motion carried.

CERTIFICATES OF APPRECIATION

President Shedd presented Ruth Davidson and Carolyn Fisher with Certificates of Appreciation for their years of service to Tippecanoe County Government. Mrs. Davidson served as County Treasurer from 1991-2000 but began her service in County Government in August 1985. Mrs. Fisher began her service in County Government in June 1986 and retired from the Treasurer's Office in December 2000. President Shedd commended them for their work for the County and wished them well in their retirements.

APPROVAL OF MINUTES

- Commissioner Knochel moved to approve the minutes of December 18, 2000 Regular Meeting and December 27, 2000 Special Meeting as distributed, seconded by Commissioner Benson; motion carried.

APPROVAL OF CLAIMS

- Upon the recommendation of Commissioners' Assistant Jennifer Weston, Commissioner Benson moved to approve the claims for the period ending December 29, 2000 with no exceptions, seconded by Commissioner Knochel; motion carried.

ORDINANCE 2001-01-CM: Z-1994, DF Properties, LLC R1 to R1B

ORDINANCE 2001-02-CM: Z-1995, DF Properties, LLC R1 to R2

Commissioner Knochel moved to hear and approve Ordinance 2001-01-CM and Ordinance 2001-02-CM, seconded by Commissioner Benson.

(quote)

December 21, 2000
Ref. No.: 00-852

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

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: Z-1994-DF PROPERTIES, LLC (R1 TO R1B):

Petitioner is requesting a rezoning of 48.06 acres located on the west side of Concord Road, one half mile south of CR 350 S, Wea 15 (NW) and 10 (SW) 22-4.

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 December 20, 2000, the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to rezone the subject real estate from R1 to R1 B. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe 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 Tippecanoe County Commissioner at their January 3, 2000 regular meeting.

Sincerely,
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2001-01-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN
REAL ESTATE FROM R1 TO R1B**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS 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 Wea Township, Tippecanoe County, Indiana, to-wit:

A part of the southwest quarter of Section 10, together with a part of the northwest quarter of Section 15, both in Township 22 North, Range 4 West, Wea Township, Tippecanoe County, Indiana, more particularly described as follows:

Commencing at a Berntsen monument marking the northeast corner of the southwest quarter of said Section 10; thence South 00°46'23" East, along the eastern line of said southwest quarter section, a distance of 2102.77 feet to the point of beginning of this description; thence South 00°46'23" East, continuing along said quarter section line, a distance of 569.98 feet to the northeast corner of the northwest quarter of said Section 15; thence South 00°57'17" East, along the eastern line of the northwest quarter of said Section 15 a distance of 958.30 feet; thence South 89°33'12" West a distance of 1314.73 feet; thence North 01°03'47" West, crossing into the southwest quarter of said Section 10, a distance of 1284.26 feet; thence South 89°35'39" West a distance of 330.03 feet; thence North 00°58'01" West a distance of 244.98 feet; thence North 89°35'39" East a distance of 1649.06 feet to the point of beginning, containing 28.96 acres, more or less, in said Section 15, containing 19.10 acres, more or less in said Section 10, and containing a total of 48.06 acres, more or less.

Section 2. The above described real estate should be and the same is hereby rezoned from the R1 District to the R1B District.

Section 3. This ordinance shall be in full force and effect from and after its adoption.

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

VOTE:

Ruth Shedd	President
John Knochel	Vice President
K.D. Benson	Member

Attest: _____
Robert A. Plantenga - Auditor

December 21, 2000
Ref. No.: 00-853

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

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: Z-1995-DF PROPERTIES, LLC (R1 TO R2):

Petitioner is requesting a rezoning of 30.02 acres located on the west side of Concord Road, one quarter mile south of CR 350 S, Wea 10 (SW) 22-4.

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 December 20, 2000, the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to rezone the subject real estate from R1 to R2. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe 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 Tippecanoe County Commissioners at their January 3, 2001 regular meeting.

Sincerely,
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2001-02-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN
REAL ESTATE FROM R1 TO R2**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS 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 Wea Township, Tippecanoe County, Indiana, to-wit:

A part of the southwest quarter of Section 10, Township 22 North, Range 4 West, Wea Township, Tippecanoe County, Indiana, more particularly described as follows:

Commencing at a Berntsen monument marking the northeast corner of the southwest quarter of said Section 10; thence South 00°46'23" East, along the eastern line of said southwest quarter section, a distance of 1557.61 feet to the point of beginning of this description; thence South 00°46'23" East, continuing along said quarter section line, a distance of 545.16 feet; thence South 89°35'39" West a distance of 1649.06 feet; thence North 00°58'01" West a distance of 984.59 feet; thence North 89°03'59" East a distance of 304.38 feet; thence southeasterly, along a tangent curve to the right having a central angle of 37°14'44", a radius of 500.00 feet and an arc length of 325.03 feet; thence North 36°18'42" East a distance of 75.00 feet; thence South 53°41'18" East a distance of 338.78 feet; thence southeasterly, along a tangent curve to the left having a central angle of 20°08'46", a radius of 425.00 feet and an arc length of 149.44 feet; thence South 73°50'04" East a distance of 456.81 feet; thence easterly, along a tangent curve to the left having a central angle of 17°17'29", a radius of 125.00 feet and an arc length of 37.72 feet; thence North 88°52'28" East a distance of 122.96 feet to the point of beginning, containing 30.02 acres, more or less.

Section 2. The above described real estate should be and the same is hereby rezoned from the R1 District to the R2 District.

Section 3. This ordinance shall be in full force and effect from and after its adoption.

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

VOTE:

Ruth Shedd	President
John Knochel	Vice President
K.D. Benson	Member

Attest: _____
Robert A. Plantenga - Auditor

(unquote)

Attorney Joe Bumbleburg said the petitioner is also the owner of the land that no longer has an industrial or agricultural future. The petitioner has complied with the Area Plan Staff recommendation and will leave a 300' wide R1 zoned buffer between these two requests and the adjacent properties to the south and west. This will reduce the R1B zoning request to 48.06 acres and the R2 zoning request to 30.02 acres. Utilities will be available. Mr. Bumbleburg said Black Cemetery located on the south edge of the property is not included in this rezoning request but is still within the area that will be sub divided. He noted that no one has registered opposition to the petitioner's plan.

Since there were no other speakers regarding this request, Auditor Plantenga conducted the following roll call vote:

Ordinance 2001-01-CM

Ruth Shedd	Yes
John Knochel	Yes
KD Benson	Yes

- Ordinance 2001-01-CM passed 3 - 0.

Ordinance 2001-02-CM

John Knochel	Yes
KD Benson	Yes
Ruth Shedd	Yes

- Ordinance 2001-02-CM passed 3 - 0.

ORDINANCE 2001-03-CM: Z-1997, Charles Drysdale R1 to A

- Commissioner Knochel moved to hear and approve Ordinance 2001-03-CM, seconded by Commissioner Benson.

(quote)

December 21, 2000
Ref. No.: 00-855

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

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: Z-1997-CHARLES DRYSDALE by LAND DEVELOPMENT SERVICES, INC. (R1 TO A):

Petitioner is requesting a rezoning of two parcels totaling 4.001 acres located on the north side of Lilly Road, just west of new US 231, Fairfield 31 (SW) 23-4.

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 December 20, 2000, the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to rezone the subject real estate from R1 to A. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe 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 Tippecanoe County Commissioners at their January 3, 2001 regular meeting.

Sincerely
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2001-03-CM

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

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

Section 1. The Unified Zoning Ordinance of Tippecanoe County, Indiana, Being a separate ordinance and not part of the unified county code is hereby amended to rezone the following described real estate situated in Fairfield Township, Tippecanoe County, Indiana, to wit:

LEGAL DESCRIPTION-PARCEL #1

A part of the West Half of the Southwest Quarter of Section Thirty-one (31), Township Twenty-three (23) North, Range Four (4) West, Fairfield Township, Tippecanoe County, Indiana, being more completely described as follows, to wit:

Commencing at the intersection of the West line of the Southwest Quarter of section 31-23-4 with the centerline of the Shadeland-Lilly Road (old Lafayette and Attica State Road), said point being 208.30 feet north of the southwest corner of said quarter section; thence North 2 degrees-14'-00" East along the west line of said quarter section a distance of 42.33 feet to the point of beginning of the herein described tract; thence continuing North 2 degrees-14'-00" East along said west line of a distance 555.80 feet; thence South 89 degrees-18'-02" East a distance of 176.63 feet; thence South 2 degrees-14'-00" West a distance of 243.13 feet; thence North 89 degrees-18'-05" West a distance of 50.12 feet; thence South 2 degrees-14'-00" West a distance of 135.00 feet; thence South 87 degrees 46'-00" East a distance of 20.00 feet; thence South 7 degrees-26'-00" East a distance of 30.01 feet; thence North 58 degrees-00'-00" East and parallel with the centerline of the said Shadeland-Lilly Road a distance of 195.42 feet to a point on the west line of a three acre tract described as an exception in Deed Record MF 74-2383 as recorded in the Tippecanoe County Recorder's Office; thence South 1 degree-54'-00" West along the west line of said three acre tract a distance of 48.19 feet to a point which is 35.00 feet northwesterly of the centerline of said Shadeland-Lilly Road, said distance being measured at right angles with said centerline; thence South 58 degrees-00'-00" West and parallel with said centerline a distance of 379.01 feet to the point of beginning, containing 2.001 acres.

LEGAL DESCRIPTION-PARCEL #2

A part of the West Half of the Southwest Quarter of Section Thirty-one (31), township Twenty-three (23) North, Range Four (4) West, Fairfield Township, Tippecanoe County, Indiana, being more completely described as follows, to wit:

Commencing at the intersection of the West line of the Southwest Quarter of Section 31-23-4 with the centerline of the Shadeland-Lilly Road (old Lafayette and Attica State Road), said point being 208.30 feet north of the southwest corner of said quarter section; thence North 58 degrees-00'-00" East along said centerline a distance of 379.30 feet to the southwest corner of a three acre tract described as an exception in Deed Record MF 7423 83 as recorded in the Tippecanoe County Recorder's Office; thence North 1 degree 54'-00" East along the west line of said three acre tract a distance of 90.36 feet to the point of beginning of the herein described tract; thence South 58 degrees-00'-00" West and parallel with the centerline of said Shadeland-Lilly Road a distance of 195.42 feet; thence North 7 degrees-26'-00" West a distance of 30.01 feet; thence North 87 degrees 46'-00" West a distance of 20.00 feet; thence North 2d degrees-14'-00" East a distance of 135.00 feet; thence South 89 degrees-18'-05" East a distance of 50.12; thence North 2 degrees-14'-00" East a distance of 487.62 feet; thence South 88 degrees-05'-54" East a distance of 133.33 feet to a point on the West line of said three acre tract; thence South 1 degree-54'-00" West along said west line a distance of 544.39 feet to a point of beginning, containing 2.000 acres.

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

Section 3. this ordinance shall be in full force and in effect from and after its passage.

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

VOTE:

President

Vice President

Member

Attest: _____
Auditor

(unquote)

David Gilman, President of Land Development Services, Inc., requested the zoning change of 4.001 acres located at 960 Elston Road from R1 to A so the petitioner can raise shrimp in green houses. Mr. Gilman said A zoning is required because shrimp are considered livestock. No odor will be emitted nor will heavy equipment be required for the business that will be manned by one or two employees. The petitioner will sell live, fresh shrimp to wholesalers. Since this property will be annexed by the City of Lafayette on January 10, 2001, Mr. Gilman said they need to get their building permits before this occurs.

Since no one else spoke regarding this request, Auditor Plantenga recorded the following roll call vote:

KD Benson	Yes
Ruth Shedd	Yes
John Knochel	Yes

- Ordinance 2001-03-CM passed 3 - 0.

RESOLUTION 2001-01-CM: Meeting Dates

Attorney Busch read the resolution:

(quote)

TIPPECANOE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2001-01-CM

RESOLUTION TO ESTABLISH REGULAR MEETING DATES

Be it resolved by the Tippecanoe County Board of Commissioners, that the regular meeting dates for 2001 are the first Monday of each month at 9:00 a.m. and the third Monday of each month at 5:00 p.m., except for certain exceptions in January, February, September, and December, in which months the regular meeting dates should be on the first Wednesday and third Tuesday in January, the third Tuesday in February, the first Wednesday in September, and an additional meeting the last Thursday in December.

Additional special meeting dates will be scheduled as necessary.

PASSED AND ADOPTED this 3rd day of January 2001.

Ruth E. Shedd, President

John Knochel, Vice President

KD Benson, Member

ATTEST:

Robert A. Plantenga, Auditor
Tippecanoe County

**Board of Commissioners
2001 Regular Meetings**

Wednesday	January	3	9:00 a.m.
Tuesday	January	16	5:00 p.m.
Monday	February	5	9:00 a.m.
Tuesday	February	20	5:00 p.m.
Monday	March	5	9:00 a.m.
Monday	March	19	5:00 p.m.
Monday	April	2	9:00 a.m.
Monday	April	16	5:00 p.m.
Monday	May	7	9:00 a.m.
Monday	May	21	5:00 p.m.
Monday	June	4	9:00 a.m.
Monday	June	18	5:00 p.m.
Monday	July	2	9:00 a.m.
Monday	July	16	5:00 p.m.
Monday	August	6	9:00 a.m.
Monday	August	20	5:00 p.m.
Wednesday	September	5	9:00 a.m.
Monday	September	17	5:00 p.m.
Monday	October	1	9:00 a.m.
Monday	October	15	5:00 p.m.

Monday	November	5	9:00 a.m.
Monday	November	19	5:00 p.m.
Monday	December	3	9:00 a.m.
Monday	December	17	5:00 p.m.
Thursday	December	27	9:00 a.m. (CLAIMS ONLY)

(unquote)

- Commissioner Knochel moved to approve Resolution 2001-01-CM, seconded by Commissioner Benson; motion carried.

RESOLUTION 2001-02-CM: Commissioners' Appointments to Positions and Boards

Attorney Busch read the resolution:

(quote)

TIPPECANOE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2001-02-CM

BOARD OF COMMISSIONERS APPOINTMENTS TO POSITIONS AND BOARDS

Be it resolved by the Tippecanoe County Board of Commissioners that the following persons are appointed to the following positions:

		Term Ending
Hoffman, Luhman & Busch	County Attorney	12/01
Frank Cederquist	Human Resources Coordinator	12/01
Jennifer Weston	Commissioners' Assistant	12/01
Mark Albers	Highway Executive Director	12/01
Nick Redden	Highway Engineer	12/01
Joseph Buntin	Highway Supervisor	12/01
Rebecca Humphrey	Cary Home Director	12/01
Teri Hively	Tippecanoe Villa Director	12/01
Randall Fairchild	Veteran Services Officer	12/01
David Kuebler	Community Corrections Director	12/01
Steve Wettschurack	Emergency Management Director	12/01
Doug Cripe	Weights/Measures Director	12/01
Thomas Myers	Maintenance Director	12/01
Ben Anderson	Fairgrounds Caretaker	12/01
Amy Hutchison	Public Defender	12/01
Marilyn Byers	Parks & Recreation Board	12/04
Richard Winbun	Area Board of Zoning Appeals	12/04
William Bogan	Alcoholic Beverage Commission	12/01
Roy Meeks	Greater Lafayette Convention & Visitors Bureau	12/01
Steve Elsesser	Greater Lafayette Convention & Visitors Bureau	12/01
William Miller	Tippecanoe County Board of Health	12/04
Gary Prah	Tippecanoe County Board of Health	12/04
Lewis Beeler	Property Tax Assessment Board of Appeals	12/01
Harold Strange	Property Tax Assessment Board of Appeals	12/01
Jennifer Weston	DBC Ex-Officio Member	12/01

The remaining Board of Commissioners appointments shall temporarily remain in their appointed offices until each are permanently appointed by the Tippecanoe County Board of Commissioners or until their successor is named.

PASSED AND ADOPTED this 3rd day of January 2001.

Ruth E. Shedd, President

John Knochel, Vice President

KD Benson, Member

ATTEST:

Robert A. Plantenga, Auditor
Tippecanoe County

(unquote)

- Commissioner Knochel moved to approve Resolution 2001-02-CM, seconded by Commissioner Benson.

Commissioner Benson explained that appointments to some positions were not named because she felt she needed more time to evaluate job performance before making her recommendations. President Shedd said they may decide to move in a different direction for those departments not on the list but they will meet with the current department heads.

- The motion carried.

RESOLUTION 2001-03-CM: Appointment of Commissioners to Certain Boards

Attorney Busch read the resolution:

(quote)

TIPPECANOE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2001-03-CM

APPOINTMENT OF COMMISSIONERS TO CERTAIN BOARDS

Be it resolved by the Tippecanoe County Board of Commissioners that the following persons are appointed to the following boards:

Ruth E. Shedd

Child Protective Services
Community Corrections Advisory Board
G.I.S. Policy Committee
Local Emergency Planning Council

KD Benson

Area Plan Commission
Cary Home Advisory Board
Greater Lafayette Convention & Visitors Bureau
Emergency Management Advisory Board
Self- Sufficiency Planning Council
Wabash River Parkway Commission

John Knochel

Area Plan Commission
Redevelopment Commission
Fairgrounds
Solid Waste Advisory Board
Security Committee
TERF Board

Board of Commissioners

Elliot Ditch Task Force
Drainage Board
Information Services Advisory Board
Wildcat Creek Solid Waste Management

PASSED AND ADOPTED this 3rd day of January 2001.

Ruth E. Shedd, President

John Knochel, Vice President

KD Benson, Member

ATTEST:

Robert A. Plantenga, Auditor
Tippecanoe County

(unquote)

- Commissioner Knochel moved to approve Resolution 2001-03-CM, seconded by Commissioner Benson; motion carried.

CONTRACT: Legal Services

Attorney Busch said the contract is in the same form and has the same rate of pay as last year's.

(quote)

CONTRACT

THIS AGREEMENT, made and entered into by and between THE BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE, hereinafter sometimes referred to as "COMMISSIONERS", and the firm of HOFFMAN, LUHMAN & BUSCH, a law firm located in the City of Lafayette, Tippecanoe County, Indiana, hereinafter sometimes referred to as "HOFFMAN", this day of

WITNESSETH

The COMMISSIONERS appointed and employed HOFFMAN as Attorney for the County of Tippecanoe, Indiana, for the period from January 1, 2000 to December 31, 2000, and have reappointed and employed HOFFMAN to serve as Attorney for the County of Tippecanoe, Indiana for the period January 1, 2001 to December 31, 2001 to render such legal services as may be required of the Attorney representing the County of Tippecanoe, Indiana and as hereinafter set forth:

Provide legal services in and out of Court for Tippecanoe County as requested, including but not limited to representing the Board of Commissioners of the County of Tippecanoe, the Tippecanoe County Council (when and as requested by said Council), all elected and appointed county officials, their respective staff and/or personnel, commissions as established by the Board of Commissioners or County Council excepting the Tippecanoe County Area Plan Commission, Tippecanoe County Board of Zoning Appeals, Tippecanoe County Park and Recreation Board, Tippecanoe County Health Board, Tippecanoe County Prosecuting Attorney and Tippecanoe County Judges, unless specifically requested to represent such departments.

In providing legal services, where the interests of the County are concerned and where so directed by said Commissioners, HOFFMAN shall render to the officers of the County, for the benefit only of the County, advice upon strictly legal matters pertaining to the operation of county offices, when requested by duly elected county officers or their lawful successors not having by law separate legal representatives; but, such advice shall be given from the standpoint of HOFFMAN representing the County of Tippecanoe, Indiana, and not as attorney for such officials, and only in cases where the County interests are concerned, for the reason that official and non-official actions of public officers of the County may be, and sometimes are, adverse to the County interests both in law and in fact.

In cases where elected County officers, or their lawful successors, are sued in their official capacities, HOFFMAN as Attorney representing the County of Tippecanoe, Indiana, shall, as such attorney, represent them only upon the order of The Commissioners in instances where the County interests are in all things in common with the interest in such lawsuit of such defendant official, and in no instance where the interests of the County and of such defendant officer are, or might be, in any way adverse.

HOFFMAN shall also represent Tippecanoe County for all bond issues or other county indebtedness by or in the name of the County as well as all ECONOMIC DEVELOPMENT BONDS, HOSPITAL AUTHORITY bonds, and bonds issued by the Tippecanoe County: LAFAYETTE COUNTY BUILDING AUTHORITY.

COMMISSIONERS agree to pay HOFFMAN the sum of \$135.00 per hour for all services rendered pursuant to this contract by the partners of the firm, J. Frederick Hoffman, David W. Luhman, or Thomas H. Busch, \$100.00 per hour for associates of the firm and \$50.00 per hour for paralegals. If legal services are rendered by another qualified attorney as provided in this contract, the hourly rate charged shall be the rate paid such attorney by Hoffman, which shall be such attorney's customary rate for such legal services, but shall not exceed One Hundred and Thirty Five Dollars per hour.

The Attorney, in addition to compensation for services upon proper claim and allowance, and upon appropriation by the Tippecanoe County Council, shall be reimbursed for all fair and reasonable necessary traveling and other incidental expenses, paid out and expended by HOFFMAN, in the pursuit of the legal business on behalf of Tippecanoe County.

All legal services pursuant to this contract shall be rendered by J. Frederick Hoffman, David W. Luhman, Thomas H. Busch or other members or associates of HOFFMAN. However, in the event that none of the partners, members or associates of the firm of Hoffman, Luhman & Busch are available because of illness, absence from the county, or work on conflicting legal matters on behalf of the county, HOFFMAN shall procure and provide for the COMMISSIONERS the professional legal services of another experienced attorney practicing law in Tippecanoe County, Indiana, who is acceptable to the COMMISSIONERS to render such services in his place and stead during such absence.

When it is legally and practically possible for Tippecanoe County to be reimbursed for HOFFMAN's services by a third party, HOFFMAN hereby agrees to assist Tippecanoe County in applying for such reimbursement.

BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE

President

Vice President

Member

ATTEST:

Robert A. Plantenga, Auditor of
Tippecanoe County

HOFFMAN, LUHMAN & BUSCH
By: _____
David W. Luhman

(unquote)

- Commissioner Knochel moved to approve the contract with Hoffman, Luhman, & Busch for legal services for 2001, seconded by Commissioner Benson; motion carried.

PROPOSAL: Superior Court 6 Sound & Recording Equipment

Mrs. Weston explained that Sound Advice, Inc. presented a proposal in the amount of \$30,952.50 for sound and recording equipment for Superior Court 6 and the Auxiliary Court. She said sufficient funds are available from Cum Cap and EDIT Funds. The terms of the proposal require a retainer of \$10,318.00 before Sound Advice will place the order. Installation is expected by mid-month.

- Commissioner Knochel moved to approve the proposal of \$30,952.50 from Sound Advice, Inc., seconded by Commissioner Benson; motion carried.
- Commissioner Knochel moved to authorize a claim for the retainer in the amount of \$10,318.00, seconded by Commissioner Benson; motion carried.

APPOINTMENT: Common Wage Board

- Commissioner Knochel moved to appoint Brian Fahey to the Common Wage Board for the extension of water service to the Prophetstown State Park, seconded by Commissioner Benson; motion carried.

CONTRACTUAL AGREEMENTS: Public Defender

Public Defender Amy Hutchison requested approval of contracts with independent law firms. They are paid \$998.00 per claim period to provide legal services to persons with insufficient economic means. The following will be employed by the County from and including January 2, 2001 to and including December 31, 2001:

Patrick Harrington
O'Reilly Law Office
Thomas P. O'Connor
Withered, Corrigan, & Service Law Office
O'Brien & Dekker
Helmerick & Smith

- Commissioner Knochel moved to approve the Contractual Agreements with independent law firms for 2001, seconded by Commissioner Benson; motion carried.

IMAGING OF COURT RECORDS

Commissioner Knochel reported that, due to the age of the microfilm camera used to film documents in the Clerk's Office and Archives, the Commissioners are considering a lease with Information & Records Associates, Inc. to install the DocuWare Imaging System. Mrs. Weston said there should be no additional maintenance cost for the first year because it will be approximately the same as the annual maintenance cost for the current microfilming equipment. However, an additional maintenance cost of approximately \$8,000.00 for 2002 will have to be requested at Budget time. She said the company predicts the increased cost will be offset by the savings due to the efficiency when retrieving records.

- Commissioner Knochel moved to enter into a lease agreement with Information & Records Associates, Inc., seconded by Commissioner Benson.

Commissioner Benson commented that putting the information on CDs rather than microfilm will create a more permanent record and the faster retrieval time will increase productivity.

- The motion carried.

President Shedd commented that other departments have expressed interest in using an imaging system.

ROBERTS RULES OF ORDER

- Upon the recommendation of Attorney Busch, Commissioner Knochel moved that Commissioners' Meetings will be governed by Roberts Rules of Order, seconded by Commissioner Benson; motion carried.

DISCUSSION: Mediation re: Mandate Concerning Security at the Courthouse

Attorney Busch explained that, in an effort to resolve the dispute between Judge Melichar and the Commissioners, Raymond Kickbush, Senior Judge of Porter County Superior Court, ordered mediation of Judge Melichar's Special Order regarding the implementation of additional security at the Courthouse. He reported that both parties selected Vincent Grog, Retired Senior Judge of Fountain County Circuit Court, to serve as mediator. Attorney Busch recommended selecting a Commissioners' representative to attend the first session scheduled during the week of January 22, 2001.

- Commissioner Knochel moved to authorize President Ruth Shedd to attend the mediation session on behalf of the Tippecanoe County Board of Commissioners. seconded by Commissioner Benson.

Attorney Busch commented that, because there is no assurance that an agreement will be reached after the initial session, the two sides will continue talking until an agreement is reached. He noted that a pre-trial hearing is scheduled for January 29, 2001 to discuss future scheduling but no legal proceedings will be conducted. He said the mediator will move between the two parties at the place designated for the session that will be held somewhere in Tippecanoe County. Attorney Busch said each side pays half the mediator's fee, but it has not been decided who will pay Judge Melichar's legal expenses.

- The motion carried.

REPORTS

Reports for Weights & Measures, Treasurer, and Veterans Services (monthly & annual) are on file in the Commissioners' Office for review.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

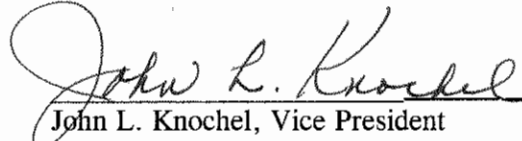
- Commissioner Knochel moved to adjourn, seconded by Commissioner Benson; motion carried.

Robert A. Plantenga, Auditor

BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE



Ruth E. Shedd, President

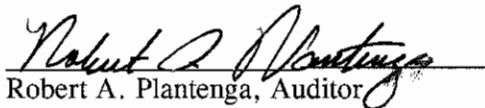


John L. Knochel, Vice President



KD Benson, Member

ATTEST:


Robert A. Plantenga, Auditor