

TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JANUARY 16, 2001

The Tippecanoe County Commissioners met on Monday, January 16, 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 Attorney Thomas H. Busch, and Secretary Pauline E. Rohr.

President Shedd called the meeting to order and led the Pledge of Allegiance. She then asked all to observe a moment of silence for Brad Bushman, a Tippecanoe County Sheriff's Deputy, who passed away suddenly last week.

APPROVAL OF MINUTES

Commissioner Knochel moved to approve the January 3, 2001 minutes as distributed, seconded by Commissioner Benson; motion carried.

APPROVAL OF CLAIMS

Commissioners' Assistant Jennifer Weston recommended approval of the claims for the periods ending January 5, 2001, January 12, 2001, and January 16, 2001 with the exception of claim #01-00394 in the amount of \$134,654.61 to the Treasurer of Tippecanoe County Fund 187 from the EDIT Fund. This transaction should be reversed and in a different amount. It will be resubmitted correctly.

- Commissioner Benson moved to approve the claims as submitted with the exception of #01-00394, seconded by Commissioner Knochel; motion carried.

HIGHWAY: Executive Director Mark Albers

RENEWAL OF PARKING LEASES

Executive Director Albers presented parking leases for nine spaces, 7 Highway and 2 Surveyor, in the lot located at the corner of 3rd and Alabama Streets from January 2, 2001 through January 1, 2002 in the amount of \$40.00 per month per space.

- Commissioner Knochel moved to approve the renewal of the parking leases, seconded by Commissioner Benson; motion carried.

TEMPORARY EASEMENT GRANT: CR 430 S Project

The following Temporary Easement Grant for the CR 430 S Project was presented for approval:

| | | |
|-----------|---------------------|--|
| Parcel 22 | Key #146-05400-0015 | David D. and Lisa G. Kenny, driveway construction in the amount of \$150.00 |
|-----------|---------------------|--|

- Commissioner Knochel moved to approve the Temporary Easement Grant for the CR 430 S Project, seconded by Commissioner Benson; motion carried.

GRANTS RIGHT-OF-WAY: By Parcelization

Executive Director Albers presented the following Grants of Right-of-Way by parcelization for acceptance:

Key #124-03400-0387: CR 650 N; A part of the NE ¼, Sec 21, T 24 N, R 4 W, 2nd P. M., Tippecanoe Twp. from Ted Barnett

Key #118-03300-0162: CR 800 S; A part of the SE ¼, Sec. 34, T 22 N, T 3 W, 2nd P.M., Sheffield Twp. from Ernest D. Garrett POA for Pauline M. Garrett

Key #110-04100-0069: CR 950 S; A part of the W ½ of the SW ¼ of Sec. 11, T 21 N, R 4 W, Lauramie Twp. from Lawrence B. Schmidt

Key #110-0020-0075: CR 950 E; A part of the SE ¼ of the NW ¼ of Sec. 2, T 21 N, R 3 W, Lauramie Twp. from Rita Kay Covely, Nancy Jo Babcock, and David R. Martin

Key #140-04200-0098: A part of Sec. 5 in Burnett's Reserve at the mouth of Flint Creek in Twp 22 N,

Key #140-02700-0047: R 6 W, Wayne Twp. from Patricia Ann Graham

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

PERFORMANCE BOND: Italgrip

- Commissioner Knochel moved to approve Performance Bond #31.920.495-9 in the amount of \$156,166.60 for one (1) year for Italgrip USA, Inc., seconded by Commissioner Benson; motion carried.

BONDS: BID, PERFORMANCE, & PAYMENT: James H. Drew Corp.

The following bonds were submitted by the James H. Drew Corp. for the 2000 Guardrail Rehabilitation Program:

| | |
|-----------------------------|---------------------------|
| Bid Bond | 5% of the total bid price |
| Performance Bond #400SE0075 | \$138,570.53 |
| Payment Bond #400SE0075 | \$138,570.53 |

- Commissioner Knochel moved to approve the bonds from the James H. Drew Corp, seconded by Commissioner Benson; motion carried.

UTILITY MAINTENANCE BOND: Metro Xmit, LLC

- Commissioner Knochel moved to approve the three (3) year Utility Maintenance Bond #1681957 in the amount of \$5,000.00 for Metro Xmit, LLC, seconded by Commissioner Benson; motion carried.

CERTIFICATES OF INSURANCE

- ◆ Heritage Insurance Company for Clugh Trucking Inc
- ◆ CGU Insurance, National Indemnity Co., Travelers Indemnity Co of IL for Tri-State Service Center, Inc.
- ◆ Auto-Owners Insurance Company for Winco Construction Company, Inc.
- ◆ National Indemnity Company for Max J. Stonebraker DBA Stonebraker Transit
- ◆ United Farm Family Mutual Insurance Company for William Misch
- ◆ American Home Assurance for James H Drew Corp a Div of Southdown, Inc.
- ◆ GRE-Indiana Insurance Group for Baumgartner Trucking Co Inc
- ◆ National Farmers Union Property and Casualty Company, National Farmers Union Standard Insurance Company for West Point Telephone Co., Inc.
- ◆ Allied Group Insurance for Wallace Bobcat Service Inc
- ◆ Monroe Guaranty for Scott Contracting Inc
- ◆ Cincinnati Insurance Co, Cincinnati Casualty Company for Mahan Builders Inc Etal
- ◆ General Accident Insurance Co. (GCU), Firemans Fund Ins. Co. for Kettelhut Construction, Inc.
- ◆ Auto-Owners Insurance, David D. Logue & Associates, Liberty Mutual Ins. Co for Certified Tank Services
- ◆ Travelers Insurance Company for Dillabaugh, Inc.
- ◆ Old Republic Insurance Company, Old Republic Insurance Co for Vulcan Construction Materials, LP

HEARING: Unsafe Building Ordinance Violation: 9001 W 900 S in Odell, IN

Attorney Busch asked if there was anyone present representing Mr. Gellenbeck, Mr. Taylor, or Ocwen Loan Company. Since no one came forward to speak in opposition, he suggested that the Commissioners incorporate by reference the presentation in which Building Commissioner Ron Highland demonstrated the problems with the building necessitating its demolition at the December meeting. He said the reason for the hearing today is because the respondent failed to pick up his certified mail and the County cannot order the demolition without adequate notice. Notice has been published in two newspapers. After notification by certified mail of the County's intent to demolish the building, Ocwen Loan Company did contact the County. Since no one is present to speak in opposition, Attorney Busch informed the Commissioners that they can now take the Building Commissioner's recommendation to demolish the building.

- Commissioner Knochel moved to reference the December 4, 2000 meeting in which a presentation was made by Building Inspector Ron Highland on the unsafe structure, seconded by Commissioner Benson.

Mr. Highland said they advertised for bids to demolish the 2 story brick building located at 9001 W 900 S in Odell. Since the building is a nuisance, he asked the Commissioners to open the bids.

- The motion carried.
- Commissioner Knochel moved to accept the Building Commissioner's recommendation to open bids for demolishing the structure located in Odell, seconded by Commissioner Benson; motion carried.

Attorney Busch reported that , following the December meeting, they advertised for bids and proper notice of this was given to the affected parties. He proceeded to open the bids:

| | |
|----------------------------------|-------------|
| Kreager Brothers Excavating Inc. | \$39,168.00 |
| R. W. Davis Contracting, Inc. | 54,900.00 |
| American Paving & Asphalt, Inc. | 37,160.00 |
| Tri-Esco | 12,015.00 |

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

INTERLOCAL AGREEMENTS: Animal Warden Services

The agreement amount for Animal Warden Services from January 1, 2001 through December 31, 2001 for the Town of Dayton and Purdue University is the same as 2000: \$35.00 per call during the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday, excluding legal holidays, and \$75.00 per call during other hours.

- Commissioner Knochel moved to approve the Interlocal Agreements for Animal Warden Services with the Town of Dayton and Purdue University for 2001, seconded by Commissioner Benson; motion carried.

DISCUSSION: Jail Expansion

Commissioner Benson asked for verification of the need to expand the Jail. Sheriff Murtaugh responded that he has 269 prisoners today and 270 beds. Although built for 168 beds, double bunking increases that number to 270. They averaged 274 prisoners per day in 2000 and are growing by approximately 20 prisoners annually. A second cell block has been added for females. Sheriff Murtaugh said his immediate concern is the lack of room in holding where prisoners can be held up to 72 hours. It has 44 beds but has held over 90 prisoners on more than one occasion. Of the prisoners being held today, 233 are pre-trial detainees, 16 are from the Department of Corrections (DOC), 5 were returned for court hearings, 11 are awaiting transportation to the DOC, and 20 are serving time in the Jail. He said he has not received a bill from Boone County for housing out prisoners in 2000, but he estimates we will owe \$45,000. The Sheriff said the semi-annual inspections by the DOC always report that our Jail is over capacity 100% of the time.

Sheriff Murtaugh hopes the Commissioners will hire an architectural firm and determine the funding so the project can be moved along. He said we have a design concept from the Feasibility Study that he likes. Commissioner Knochel said the Commissioners aren't prepared to make a decision until they determine the concerns of our Financial Consultant who has questions regarding the timetable for paying off the current jail lease. They have scheduled a meeting for February 1, 2001.

Responding to a question, Attorney Busch said the County can hire an architect without bidding but the construction has to be bid.

Representatives of the two architectural firms that submitted Feasibility Studies were present to respond: Dave Sholl, Architect at Schenkel Shultz and Rhonda Lease, DLZ.

Mr. Sholl said they worked closely with the Sheriff during the preparation of the Feasibility Study to determine the needs at the Jail. He doesn't think the Commissioners will learn more about their company in further discussions than they already know.

Ms Lease thinks DLZ was judicious in identifying the needs for good security at the Jail. She said they are willing to make adjustments in their design to meet those needs.

Commissioner Shedd said they intend to vote on an architectural firm at the Commissioners' meeting on February 5th.

CARY HOME: Executive Director Rebecca Humphrey

Ms Humphrey requested the creation of two (2) full time House Supervisor positions that will be funded from the currently vacant Clinical Director position. The House Supervisors will supervise the Direct Care staff Monday thru Friday and on week-ends. Persons filling the positions will be promoted from Direct Care staff positions.

- Commissioner Knochel moved to create two House Supervisor positions, seconded by Commissioner Benson; motion carried.

AGREEMENT: Medical Consultation Services for Cary Home

- Commissioner Knochel moved to approve the agreement between Tippecanoe County and Arnett Clinic for the services of Robert Hannemann, M.D. and Gerald Wehr, M.D. as medical consultants for Cary Home for a compensation of \$200.00 per calendar month for 2001, seconded by Commissioner Benson; motion carried.

JUVENILE ALTERNATIVES

The request is for the creation of two (2) positions: a Coordinator (PAT II) and an Assistant Coordinator (PAT I) for the BEAMES (Behavioral Education Adjustment Mediation for Elementary Students) Program that will be funded by a grant.

- Commissioner Knochel moved to approve the creation of a Coordinator position and an Assistant Coordinator position for the BEAMES Program, seconded by Commissioner Benson; motion carried.

AGREEMENT FOR USE OF FACILITIES: Lafayette Parks Department

This agreement is between the Board of Commissioners and the Lafayette Parks and Recreation Department for the use of McAllister Recreation Center by the BEAMES Program from January 1, 2001 thru June 15, 2001.

- Commissioner Knochel moved to approve the Agreement for use of McAllister Recreation Center by the BEAMES Program, seconded by Commissioner Benson; motion carried.

RESOLUTION 2001-04-CM: Appointments to Emergency Management Advisory Council

Attorney Busch read Resolution 2001-04-CM:

(quote)

TIPPECANOE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2001-04-CM

**BOARD OF COMMISSIONERS APPOINTMENTS TO THE TIPPECANOE COUNTY
EMERGENCY MANAGEMENT ADVISORY COUNCIL**

Be it resolved by the Tippecanoe County Board of Commissioners that the following persons are appointed to the Tippecanoe County Emergency Management Advisory Council for a two-year term, expiring January 16, 2003:

| <u>Name</u> | <u>Representation</u> |
|---------------------|------------------------|
| KD Benson | Board of Commissioners |
| Ron Fruitt | County Council |
| Jim Kesterson | Chamber of Commerce |
| Garry Smith | Lafayette Citizen |
| Captain John Walker | West Lafayette Citizen |
| Dennis Probasco | Southeast Quadrant |
| Shawn French | Northeast Quadrant |
| Tom Lehman | Northwest Quadrant |
| Dave Reagan | Southwest Quadrant |

PASSED AND ADOPTED this 16th 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 2001-04-CM, seconded by Commissioner Benson; motion carried.

APPOINTMENT: Common Wage Board

- Commissioner Knochel moved to appoint Margy Deverall, Caren Shedd, and Doug Poad to the Common Wage Board for the reconstruction of Kirkpatrick Regulated Drain and construction of Tippecanoe County Bridges 60, 61, and 62, seconded by Commissioner Benson; motion carried.

HEARING DATE: Vacation of a Public Way

Monday, February 5, 2001 was set as the hearing date for the Petition to Vacate a Public Way in the Town of Stockwell for Dorothy Schriefer.

TRASH TRANSFER STATION

RENEWAL OF CONSTRUCTION AND OPERATING AGREEMENT

Attorney Busch explained that the Solid Waste Advisory Commission recommends renewing this Agreement with Waste Management's for another five (5) years for the following reasons:

- Waste Management's rates were comparable to recent bids taken in Kokomo for the same service.
- The County lost its window of opportunity to purchase the Transfer Station for \$1.00 at the end of the ten (10) year lease.
- If this agreement had been bid and another company had been successful, there would have been down time for the trash haulers and they would have been forced to take their trash elsewhere.
- Waste Management has delivered good service.

Attorney Busch read:

(quote)

RENEWAL OF CONSTRUCTION AND OPERATING AGREEMENT

THIS RENEWAL OF CONSTRUCTION AND OPERATING AGREEMENT, dated as of the 16th day of January, 2001, is by and between (a) TIPPECANOE COUNTY, a political subdivision of the State of Indiana by and through its BOARD OF COMMISSIONERS (the "County"), acting on behalf of itself and the City of Lafayette, a political subdivision of the State of Indiana ("Lafayette"), the City of West Lafayette, a political subdivision of the State of Indiana ("West Lafayette"), and Purdue University, a State university of the State of Indiana located in West Lafayette ("Purdue"), and (b) WASTE MANAGEMENT OF INDIANA, L.L.C., f/k/a INDIANA WASTE SYSTEMS, INC., an Indiana corporation, by and through its division WASTE MANAGEMENT OF LAFAYETTE ("WML").

WITNESSETH

WHEREAS, the parties entered into a Construction and Operating Agreement on the 19th day of October, 1989 ("Agreement") regarding the operation of a transfer station for the disposal of solid waste; and

WHEREAS, the Agreement is now scheduled to terminate on January 31, 2001, and

WHEREAS, the parties to the Agreement desire to renew the Agreement through December 31, 2005, pursuant to Section 11.02 thereof; and

WHEREAS, the parties to the Agreement have negotiated rates for the renewal period pursuant to Section 6.04 thereof.

NOW, THEREFORE, the parties agree as follows:

1. The Agreement is hereby extended through December 31, 2005.
2. The per ton rate for disposal during the renewal term shall be as follows-

February 1, 2001 - December 31, 2001: \$34.00/ton
January 1, 2002 - December 31, 2002: \$36.90/ton
January 1, 2003 - December 31, 2003: \$36.90/ton
January 1, 2004 - December 31, 2004: \$36.90/ton
January 1, 2005 - December 31, 2005: \$37.40/ton

Entered into at Lafayette, Indiana, on the day and year first above written.

THE COUNTY OF TIPPECANOE, INDIANA
by and through its
BOARD OF COMMISSIONERS

Ruth Shedd, President

John Knochel, Vice President

K.D. Benson, Member

Attest:

Robert Plantenga, Auditor

WASTE MANAGEMENT OF INDIANA, L.L.C.
f/k/a INDIANA WASTE SYSTEMS, INC.
by and through its Division
WASTE MANAGEMENT OF LAFAYETTE
By: _____
Vice President

Attest:

Assistant Secretary

(unquote)

RENEWAL OF LEASE AGREEMENT

Attorney Busch read:

(quote)

RENEWAL OF LEASE AGREEMENT

THIS RENEWAL OF LEASE AGREEMENT entered into on this 16th day of January, 2001, by and between TIPPECANOE COUNTY, by and through its BOARD OF COMMISSIONERS, hereinafter referred to as "County," and WASTE MANAGEMENT OF INDIANA, L.L.C., f/k/a INDIANA WASTE SYSTEMS, INC., by and through its division WASTE MANAGEMENT OF LAFAYETTE, hereinafter referred to as "WML."

WITNESSETH

WHEREAS, the parties entered into a Lease Agreement on the 19th day of October, 1989 ("Lease") for the lease from the County by WML of certain real estate to be used as a transfer station for the disposal of solid waste; and

WHEREAS, the Lease is intended to terminate upon the termination of the Operating Agreement (as defined in the Lease); and

WHEREAS, the Operating Agreement has been renewed and will not terminate until December 31, 2005; and

WHEREAS, the County and WML desire to confirm the extension of the Lease through December 31, 2005.

NOW, THEREFORE, the parties agree to extend the Lease through December 31, 2005.
Entered into at Lafayette, Indiana, on the day and year first above written.

THE COUNTY OF TIPPECANOE, INDIANA
by and through its
BOARD OF COMMISSIONERS

Ruth Shedd, President

John Knochel, Vice President

K.D. Benson, Member

Attest:

Robert Plantenga, Auditor

WASTE MANAGEMENT OF INDIANA, L.L.C.
f/k/a INDIANA WASTE SYSTEMS, INC.
by and through its Division
WASTE MANAGEMENT OF LAFAYETTE

By: _____
Vice President

Attest:

Assistant Secretary

(unquote)

LETTER: Exercise of Purchase Option

Attorney Busch read:

(quote)

January 16, 2001

Mr. Steven Fedash
General Manager
Waste Management of Lafayette
2120 Wabash Avenue
P. O. Box 4579
Lafayette, Indiana 47903

Re: Exercise of Purchase Option
Dear Mr. Fedash:

The County hereby provides notice to Waste Management of Indiana, L.L.C. (formerly known as Indiana Waste Systems, Inc.), of its intention to purchase the solid waste transfer and recycling facility operated by Waste Management pursuant to a certain Construction

and Operating Agreement dated as of the 19th day of October 1989, which Agreement has been extended through December 31, 2005. It is the County's intention to purchase the facility on December 31, 2005, the date on which the Construction and Operating Agreement is scheduled to terminate. The County would appreciate your signing and returning a copy of this letter to the undersigned. By doing so, Waste Management is acknowledging its receipt of this notice, pursuant to Section 9.01 of the Construction and Operating Agreement, and is confirming its understanding that the title to the transfer station will be delivered to the County on December 31, 2005, consistent with Section 9.01 of the Construction and Operating Agreement.

Very truly yours,

Acknowledged and Agreed:

WASTE MANAGEMENT OF INDIANA, L.L.C.

By _____
Its: _____
Date: _____

(unquote)

LETTER: Operational Commitments Re: Transfer Station

This letter was not read but is incorporated as information on alterations of day-to-day operation of the Transfer Station by Waste Management.

(quote)

January 16, 2001
Board of Commissioners
County of Tippecanoe
Tippecanoe County Office Building
20 North Third Street
Lafayette, Indiana 47901

Re: Operational Commitments Regarding Tippecanoe Transfer Station

Dear Sirs:

The purpose of this letter is to confirm that Waste Management of Indiana, L.L.C. has agreed to the following alterations of the day-to-day operation of the transfer station operated by Waste Management pursuant to a Construction and Operating Agreement dated as of the 19th day of October 1989, and renewed through December 31, 2005.

1. Operating Hours. Waste Management agrees to operate the transfer station for the receipt of solid waste on Tuesdays and Thursdays (excluding holidays) through 6:00 P. M.
2. Scrap Metal. Waste Management agrees that it will accept scrap metal for recycling.
3. Motor Oil and Filter Drop-Off. Waste Management agrees that it will provide an area at the transfer station to be used as a motor oil and filter drop-off, with the understanding that the Wildcat Solid Waste District will be responsible for the disposal of oil and filters dropped off at this location (pending IDEM approval).
4. Drop Off Sites. Waste Management further agrees to increase the number of rotating drop off sites from two to eight for the collection of mixed paper.

We continue to seek ways to better serve the citizens of Tippecanoe County. If other operational suggestions should be considered, please contact me.

Very truly yours,
/s/Thomas Runkle
General Manager
Waste Management of Lafayette

(unquote)

- Commissioner Knochel moved to approve the Renewal of Construction and Operating Agreement, seconded by Commissioner Benson; motion carried.
- Commissioner Knochel moved to approve the Renewal of Lease Agreement, seconded by Commissioner Benson; motion carried.
- Commissioner Knochel moved to exercise the option to purchase the facility upon expiration of the contract on December 31, 2005, seconded by Commissioner Benson; motion carried.

UNFINISHED BUSINESS

VETERANS SERVICE OFFICER APPOINTMENT

Commissioners' Assistant Weston explained that the Commissioners appointed Randy Fairchild as Veterans Service Officer at the January 3rd meeting but the paperwork was not available. The President needs to sign the paperwork for the Department of Veterans Affairs stating that he was appointed.

ANNOUNCEMENT

Commissioner Benson announced that Teri Hively, Villa Director, was elected president of the County Home Association of Indiana.

REPORTS

Reports for Clerk of the Circuit Court, Mail & Duplicating, Villa, Emergency Management, and Tippecanoe County Library Board are on file in the Commissioners' Office for review.

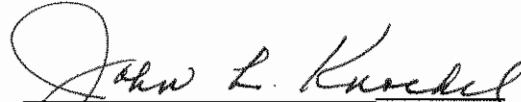
ADJOURNMENT

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

Robert A. Plantenga, Auditor

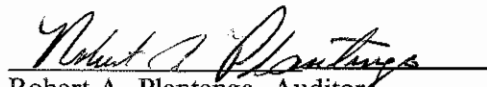
**BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE**


Ruth E. Shedd, President


John L. Knochel, Vice President


KD Benson, Member

ATTEST:


Robert A. Plantenga, Auditor