TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
May 18, 2009

The Tippecanoe County Commissioners met on Monday, May 18, 2009 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 Jennifer Prange.

Commissioner Knochel called the meeting to order and led the pledge of allegiance.

APPROVAL OF MINUTES

- Commissioner Byers moved to approve minutes from the May 4, 2009 meeting, second by Commissioner Murtaugh; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

Commissioner's Assistant Frank Cederquist recommended approval of accounts payable vouchers for May 8, 14, 15, and 18, 2009 with an exception for $1,100 to allow for further review.

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

HIGHWAY – Opal Kuhl

Highway Director Opal Kuhl recommended approval of a Supplemental Agreement #6 with DLZ for the McCarty Lane Extension from CR 550 East to SR 26. She explained additional requirements were added after the project started to include a noise analysis, geotechnical work, and a wetlands mitigation plan. The amount of the agreement is $130,900.

- Commissioner Byers moved to approve the Supplemental Agreement #6 for McCarty Lane Extension, second by Commissioner Murtaugh; motion carried.

Approval was also recommended for Supplemental Agreement #1 with DLZ for Professional Engineering Services for Bridge #527 on Old US 231 over Wea Creek. Director Kuhl explained after several options were discussed to repair the bridge, it was decided the bridge should be replaced. Supplemental Agreement #1 is in the amount of $222,440.

- Commissioner Murtaugh moved to approve Supplemental Agreement #1 with DLZ, second by Commissioner Byers; motion carried.

Traffic Supervisor, Mike Parks gave details regarding Ordinance 2009-07-CM; Amending Tippecanoe County Code Chapter 72, Schedule 1, Traffic Schedule regarding Speed Limits. He explained the speed limit postings will be changed on Taft Road from the existing posting of 30 MPH to 45 MPH.

- Commissioner Byers moved to approve Ordinance 2009-07-CM; Amending Tippecanoe County Code Chapter 74, second by Commissioner Murtaugh; motion carried.

Public Comment

None

Auditor Weston recorded the vote:

Byers	Yes
Murtaugh	Yes
Knochel	Yes

Ordinance 2009-07-CM passes on first reading 3-0.

- Commissioner Byers moved to suspend the rules and hear Ordinance 2009-07-CM; Amending Tippecanoe County Code Chapter 74, on second and final reading, second by Commissioner Murtaugh; motion carried.

- Commissioner Byers moved to approve Ordinance 2009-07-CM; Amending Tippecanoe County Code Chapter 74, second by Commissioner Murtaugh; motion carried.

Public Comment

None

Auditor Weston recorded the vote:

Byers	Yes
Murtaugh	Yes
Knochel	Yes

Ordinance 2009-07-CM passes on final reading 3-0.

Director Kuhl recommended approval of Warranty Deed and Temporary Highway Easement Grant for the South River Road Project.

Parcel 45 & 45A – Amanda Brandt

- Commissioner Murtaugh moved to approve Parcel 45 & 45A as presented, second by Commissioner Byers; motion carried.

Parcel 38 & 38A – Patrick E. & Henrietta Bathe
Parcel 39 & 39A – Patrick E. & Henrietta Bathe

- Commissioner Murtaugh moved to approve Parcel 38 & 38A, second by Commissioner Byers; motion carried.

- Commissioner Murtaugh moved to approve Parcel 39 & 39A, second by Commissioner Byers; motion carried.

REZONES

Z-2396 – ROSELLA JENKINS (AA TO GB); Ordinance 2009-08-CM:

- Commissioner Byers moved to hear Rezone Z-2396 – Rosella Jenkins (AA to GB) Ordinance 2009-08-CM, second by Commissioner Murtaugh; motion carried.

(quote)

April 16, 2009
Ref. No.: 09-107

CERTIFICATION

RE: **Z-2396--ROSELLA JENKINS (AA to GB):**
Petitioner is requesting rezoning of an existing nursery and landscaping business on 3.24 acres located between US 52 W, CR 500 N and Old US 52 just east of the Town of Otterbein, 8721 Old US 52, Shelby 35 (NW) 24-6. *CONTINUED FROM THE MARCH APC MEETING DUE TO AN INCONCLUSIVE VOTE.*

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on April 15, 2009 the Tippecanoe County Area Plan Commission voted 7 yes - 4 no, representing its second inconclusive vote on this petition. Per APC Bylaws, a motion was subsequently made and approved to send this petition on to the Tippecanoe County Commissioners with "no recommendation."

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their May 4, 2009 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,
Sallie Dell Fahey
Executive Director

(unquote)

Attorney for the petitioner, Mary Russell, on the proposed rezone stated Ms. Jenkins is requesting approval for future planning. With the increasing amount of businesses in this area, the petitioner anticipates a future change in zoning. The location of the current business is ideal for future growth with three main roads surrounding the parcel. Ms. Russell noted neighbors of adjoining properties have not commented either way on the rezone. The Town of Otterbein has adopted a resolution in favor of the proposed rezone. Town of Otterbein Resolution 2008-10; A Resolution Supporting the Rezone Request for the Garden Connection was presented and entered into the record.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2009-08-CM passes 3-0.

Z-2401 – NORMAN J. & SONDRA K. OBRYAN (RE TO A) ORDINANCE 2009-05-CM

- Commissioner Byers moved to hear Rezone Z-2401 – Norman J. & Sondra K. O'Bryan (RE to A) Ordinance 2009-05-CM and Rezone Z-2402 – Norman J. & Sondra K. O'Bryan (A & RE to RE) Ordinance 2009-06-CM, second by Commissioner Murtaugh; motion carried.

(quote)

April 16, 2009
Ref. No.: 09-111

CERTIFICATION

RE: **Z-2401—NORMAN J. & SONDRA K. O'BRYAN (RE to A):** Petitioners are requesting rezoning of 11.803 acres for property located on the east side of CR 500 W approximately 1 mile south of SR 26 West, Wabash 16 (SW) 23-5.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on April 15, 2009 the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to rezone the subject real estate from RE 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 May 4, 2009 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,
Sallie Dell Fahey
Executive Director

(unquote)

Z-2402 – NORMAN J. & SONDRA K. O'BRYAN (A & RE to RE) ORDINANCE 2009-06-CM

April 16, 2009
Ref. No.: 09-111

CERTIFICATION

RE: **Z-2402-- NORMAN J. & SONDRA K. O'BRYAN (A & RE to RE):** Petitioners are requesting rezoning of 36.014 acres for a proposed rural estate development of 11 lots located on the east side of CR 500 W, approximately 1 mile south of SR 26 W, Wabash 21 (NW) 23-5.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on April 15, 2009 the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to rezone the subject real estate from A & RE to RE. 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 May 4, 2009 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,
Sallie Dell Fahey
Executive Director

(unquote)

Surveyor Bob Gross spoke on behalf of the petitioner and stated the proposed rezone represents a change in the plans for the area. A portion of the original lots were chosen for rural estate zoning and the owner later decided to extend a drive located in the rural estate area. In order to accommodate the new plans for the parcel, a portion of the property needs to be zoned agriculture and the other rural estate.

Public Comment

None

Ordinance 2009-05-CM

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 009-05-CM passes 3-0.

Ordinance 2009-06-CM

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2009-06-CM passes 3-0.

RESOLUTION ESTABLISHING METROPOLITAN PLANNING ORGANIZATION (MPO) CONFERENCE FUND – Sallie Fahey

APC Director Sallie Fahey reported the Area Plan Commission will host a state-wide conference for transportation planning in October. Federal planning funds will fund a portion of the conference with a match provided by the registration fees and vendor sponsorships. She added the fund will be set-up for receipts and disbursement of funds. Any additional funds remaining from the conference will be sent the conference host in 2010 and the fund will be closed.

- Commissioner Murtaugh moved to approve Resolution 2009-16-CM, second by Commissioner Byers; motion carried.

BUILDING COMMISSION – Ron Highland & Ken Brown

Barbara Marvin property

Assistant Building Inspector Ken Brown provided a report on an unsafe structure for Barbara Marvin. He reported one house is demolished and the other property does need quite a bit of work to become compliant with the recommendation of the building commission. Mr. Brown confirmed Ms. Marvin is making good progress and he would recommend additional time be allotted for the job.

Barbara Marvin stated she is borrowing equipment to finish the demolition of the remaining home. She added neighbors are dumping furniture and other items on her property which may delay the process.

- Commissioner Murtaugh moved to continue the Barbara Marvin hearing until the July 6, 2009 Commissioner's meeting, second by Commissioner Byers; motion carried.

Mr. Brown confirmed the third property in this area, formally owned by Barbara Marvin, has been sold at a tax sale. The property is still in Ms. Marvin's name until the required amount of time has passed as stated in the tax sale guidelines.

Robert Wallace property

Mr. Brown reported the Robert Wallace property has made some progress. As required by the commissioners at the previous hearing, Mr. Wallace was to provide an engineer's report at today's hearing. Per Mr. Brown, the building commission has not received a report.

Ray Lueke, contractor for the owner, stated he has not received the engineering report due to a lack of funds to pay for the report. He intends to pay for the report this week and reported a new roof has been installed, the interior has been framed, and windows are on order. Mr. Lueke added the interior has been stripped of all mechanicals and the heating and cooling will be replaced. One window is not sealed which allows for possible access.

- Commissioner Murtaugh moved to continue the hearing until the June 1, 2009 Commissioner's meeting at which time the structure should be completely sealed, an engineer's report would be provided, and the yard mowed, second by Commissioner Byers; motion carried.

TREASURER – Bob Plantenga

Treasurer Bob Plantenga requested approval of an agreement with First Financial Bank to accept property tax payments at their CR 350 South and Concord location. Taxpayers could pay their property tax at the branch at which time they would receive a receipt. The bank will provide an electronic report to the Treasurer, and the payments will be deposited into an account at First Federal. He added taxpayers do not have to have an account at First Federal to make a payment at the bank. The bank will be open on Saturday mornings allowing taxpayers to pay taxes in person.

- Commissioner Byers moved to approve the agreement between First Financial Bank and the Treasurer, second by Commissioner Murtaugh; motion carried.

VILLA – DeAnna Sieber

Attorney Dave Luhman explained the Villa has an agreement with the Family & Social Services Administration (FSSA) to provide reimbursements to the Villa for qualified residents. The agreement will be effective from July 1, 2009 through June 30, 2011. Changes were made to the agreement regarding the county's insurance policy to comply with FSSA.

- Commissioner Murtaugh moved to approve the contract with Indiana Family & Social Services Administration with the Villa, second by Commissioner Byers; motion carried.

CARY HOME FOR CHILDREN – Rebecca Humphrey

ORDINANCE 2009-09-CM; AMENDING TIPPECANOE COUNTY CODE REPEALING SECTION 31.035, ADDING NEW SECTION 31.035 (CARY HOME ADVISORY BOARD)

Director Rebecca Humphrey requested approval to update the membership for the Cary Home Advisory Board. She reported a change in membership to reflect the request from Superior Court 3 to be removed from the board. Judge Rush believes it is a conflict of interest as she orders placement for children in Cary Home as the judge for Superior Court 3.

- Commissioner Murtaugh moved to approve Ordinance 2009-09-CM, second by Commissioner Byers; motion carried.

Attorney Luhman confirmed the appointment to the board will be made by the Circuit Court.

Public Comment

None

Auditor Weston recorded the vote.

Murtaugh	Yes
Byers	Yes
Knochel	Yes

Ordinance 2009-09-CM passes on first reading 3-0.

- Commissioner Murtaugh moved to suspend the rules and hear Ordinance 2009-09-CM on second and final reading, second by Commissioner Byers; motion carried.

- Commissioner Murtaugh moved to approve Ordinance 2009-09-CM, second by Commissioner Byers; motion carried.

Public Comment

None

Auditor Weston recorded the vote:

Murtaugh	Yes
Byers	Yes
Knochel	Yes

Ordinance 2009-09-CM passes on second and final reading.

Director Humphrey also requested approval for the Cary Home Advisory Board Handbook which was revised to reflect the changes as discussed in Ordinance 2009-09-CM.

- Commissioner Murtaugh moved to approve the Updated Advisory Board Handbook with the changes as discussed, second by Commissioner Byers; motion carried.

GRANTS – Laurie Wilson

Grant Coordinator Laurie Wilson requested approval to accept grant funds from the Department of Homeland Security for Web GIS. The funds will be used to purchase a server and software in the amount of $14,894.

- Commissioner Byers moved to approve the grant from the Department of Homeland Security, second by Commissioner Murtaugh; motion carried.

APPOINTMENT THE ROMNEY REGIONAL SEWER DISTRICT

- Commissioner Murtaugh moved to appoint William "Smokey" Anderson to the Romney Regional Sewer District Board, second by Commissioner Byers; motion carried.

APPOINTMENTS TO THE COMMON WAGE BOARD

- Commissioner Byers moved to appoint Dave Lahr to the Purdue University Common Wage Board for various projects, second by Commissioner Murtaugh; motion carried.

UNFINISHED/NEW BUSINESS

None

APPIONTMENTS TO THE TIPPECANOE VILLA

- Commissioner Byers moved to approve the application for Ruth Ann Wetli to the Tippecanoe Villa, second by Commissioner Murtaugh; motion carried.

REPORTS ON FILE

Tippecanoe Villa
Family & Social Services
Clerk of the Circuit Court

PUBLIC COMMENT

Lynn Flint – shared her concern for the previous hearing on the unsafe structure for Barbara Marvin. She questioned whether or not the demolition will be supervised so the owners don't bury items which will affect the environment.

Ron Highland stated the only items allowed to be buried will be solid fill. No trash and furniture is allowed to be buried.

Paul Wright – asked about the goal of the Wabash River Hydrology Study. Commissioner Knochel stated the Corp of Engineers will perform a study to provide information regarding the development of the land along the corridor. Commissioner Murtaugh said the development will increase the quality of the water and use of the river for recreational services. Attorney Luhman explained the commissioners are not funding the study; grant funds were received from North Central Health Services to perform the study and Tippecanoe County was just a pass-through for funding. Mr. Wright asked about the annual cost to operate the fairgrounds. Commissioner Byers stated the revenue is around $70,000 and it cost approximately $130,000 to operate each year. He asked if the commissioners could sell property owned by Tippecanoe County. Commissioner Knochel confirmed the commissioners have the authority to sell property owned by the county. Mr. Wright asked if they could sell the amphitheater. Commissioner Knochel stated the commissioners cannot sell the amphitheater because it belongs to the Park Board and they would have the authority to sell the property. Mr. Wright asked about the projected shortfall for the county due to the recession? Auditor Weston said information is not yet available from the state regarding declines in income tax; the county will make their projections and adjust the budget as the information is received. Commissioner Murtaugh explained the financial consultant for the county created a budget scenario based on a worst-case unemployment record in the county.

Sadie Harper – Scott – shared her concern regarding the recent decision to create an intake/assessment area for juveniles at the jail. She explained there is still a need in this county for a juvenile center. She asked the commissioners to keep the juvenile center in mind and remember the families and children we are still serving which continue to be sent out-of-town. Commissioner Knochel thanked her for her comments and he agreed the county should continue their efforts on the juvenile center.

- Commissioner Byers moved to adjourn.

BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE

John L. Knochel, President

David S. Byers, Vice President

Thomas P. Murtaugh, Member

ATTEST:

Jennifer Weston, Auditor