TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
February 5, 2007

The Tippecanoe County Commissioners met on Tuesday, February 5, 2007 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President KD Benson, Vice President John L. Knochel, and Member Ruth E. Shedd. Also present were: Auditor Jennifer Weston, Commissioners' Assistant Frank Cederquist, County Attorney David W. Luhman, and Secretary Jennifer Prange.

President Benson called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

- Commissioner Knochel made a motion to approve minutes of the January 16, 2007 meeting and the minutes from the Special Meeting on January 31, 2007 as written, seconded by Commissioner Shedd; motion carried.

ACCOUNTS PAYABLE

Frank Cederquist presented the accounts payable vouchers. Approval is requested for vouchers filed January 16 through February 5, 2007 without exception.

- Commissioner Shedd moved to approve claims as presented, seconded by Commissioner Knochel; motion carried.

HIGHWAY – Opal Kuhl

Highway Traffic Supervisor Mike Parks presented an ordinance amending the Tippecanoe County Code for Traffic Schedules III & IV with stop and yield signs. Streets presented were existing and accepted into subdivisions in 2005 and 2006. Attorney Luhman has reviewed the ordinance and recommends approval.

- Commissioner Knochel moved to approve Ordinance 2007-10-CM amending the Tippecanoe county code to update the traffic schedules, seconded by Commissioner Shedd; motion carried.

Auditor Weston recorded the vote:

Knochel – Yes
Benson – Yes
Shedd – Yes

Ordinance 2007-10-CM passes 3-0.

Commissioner Benson noted that this ordinance has not had any changes made and has been in progress for a couple of years.

- Commissioner Knochel moved to suspend the rules for second readings, seconded by Commissioner Shedd; motion carried.

- Commissioner Knochel moved to hear Ordinance 2007-10-CM on second reading, seconded by Commissioner Shedd.

Ordinance 2007-10-CM was heard on second reading.

Auditor Weston recorded the vote:

Knochel – Yes
Benson – Yes
Shedd – Yes

Ordinance 2007-10-CM passes on second reading 3-0.

Director Kuhl presented a request from Benjamin Crossing Homeowner's Association. The association would like to post parking and traffic signs in their neighborhood in an effort to enforce the covenants and restrictions of the property. Fredrick Cocker, president of Benjamin Crossing Homeowner's Association spoke on behalf of the association. He mentioned that the association has contracted with a local towing company to remove vehicles in violation. Mr. Cocker stressed that members of the association will enforce the violations and provide information to homeowners in the event a vehicle is towed. Area Plan Director Sallie Fahey mentioned that the streets in Benjamin Crossing are narrow and understands how this would pose a problem for the neighborhood. Director Fahey stated that most associations expect government officials to assist in parking violations and she applauds this association and encourages the county to support them.

- Commissioner Knochel moved to grant permission to the association to post signs in county highway right-of-way; seconded by Commissioner Shedd; motion carried.

Director Kuhl presented a permit for road closure in West Lafayette. The closure is for a United Way 5K/10K race in West Lafayette on April 14, 2007 from 7 a.m. to 12 p.m. This request has been approved by Purdue and INDOT. Sheriff Tracy Brown stated that the Sheriff's department will provide oversight and traffic direction.

- Commissioner Knochel moved to approve the permit to close roads for the race as requested; seconded by Commissioner Shedd; motion carried.

Director Kuhl is asking for Street Acceptance for Lindberg Village PD, Phase 2, Part 1, Fleming Drive and Maxwell Drive for a length of 844.72 ft. This street acceptance also has a maintenance bond from Fairfield for $10,741.

- Commissioner Knochel moved the acceptance of Lindberg Village, Fleming Drive and Maxwell Drive with the accompanying maintenance bond into the county system, seconded by Commissioner Shedd; motion carried.

Director Kuhl asked for approval on four Maintenance Construction Bonds: Eden Enterprises' bond is for a driveway approach for the Wabash Fire Department Building. Robert L. Kelly's bond is for work in the right-of-way on Old 350S for an entrance. High Tech Trucking's bond is for work in the right-of-way, amount for each bond is $5,000. Best Way of Indiana located at 5287 E. 350 S. is requesting a bond for a driveway entrance.

- Commissioner Knochel moved to approve these four bonds as presented; seconded by Commissioner Shedd; motion carried.

Consent for encroachment was presented by Director Kuhl for 7016 Walnut Street in West Point. The request is for 10 feet into the right-of-way which runs on a diagonal with an encroachment for the sidewalk, steps, and part of the building. The request does provide that if the building moves or collapses the encroachment will be returned to the county.

- Commissioner Knochel moved to approve the consent to encroach and accompanying agreement, seconded by Commissioner Shedd; motion carried.

REZONES

- Commissioner Knochel moved to hear Rezone Z-2314 Norman J. and Sondra K. O'Bryan, A to RE, Ordinance 2007-07-CM.

(quote)

January 18, 2007
Ref. No.: 07-013

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

CERTIFICATION

RE: **Z-2314—NORMAN J. & SONDRA K. O'BRYAN (A to RE):** Petitioners are requesting rezoning of 27.166 acres to create 9 rural estate lots on property located on the east side of CR 500 W approximately 1 mile south of SR 26, Wabash 21 (NW) and 16 (SW) 23-5. *CONTINUED FROM THE DECEMBER 20th APC MEETING. SECOND CONTINUANCE.*

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on January 17, 2007, the Area Plan Commission of Tippecanoe County voted 15 yes - 0 no on the motion to rezone the subject real estate from A 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 February 5, 2007 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

/s/Sallie Dell Fahey

Executive Director
(unquote)

Bob Gross from R.W. Gross and Associates presented information regarding the rezone. Mr. Gross mentioned that this rezone is part of the owner's farm and is conducive to development of residential lots.

Auditor Weston recorded the vote:

Knochel – Yes
Benson – Yes
Shedd – Yes

Ordinance 2007-07-CM passes 3-0.

- Commissioner Knochel moved to hear Rezone Z-2321 Richard G. Black, R1 to A, Ordinance 2007-08-CM.

(quote)

January 18, 2007
Ref. No.: 07-016

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

CERTIFICATION

RE: Z-2321- Richard G. Black (R1 to A):
Petitioner, with consent of owner Derek J. Loverich, is requesting A zoning for a 1.68 acre tract located at the southeast corner of CR 200 N and I-65, more specifically, 3233 E CR 200 N, Fairfield 14 (NW) 23-4.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on January 17, 2007, the Area Plan Commission of Tippecanoe County voted 14 yes - 1 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 February 5, 2007 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

/s/Sallie Dell Fahey

Executive Director
(unquote)

Richard Black spoke on his own behalf regarding the rezone. Mr. Black mentioned that the property is located on E. 200 N. and is 1.688 acres. Mr. Black intends to plant a vineyard and build a winery on the property if the rezone is approved. He noted that the parcel faces I-65 and has 550 feet of frontage with agricultural property west of the parcel. Mr. Black also noted that the entrance will be located on the backside of property, therefore unseen by the rest of neighborhood. He feels he has been very considerate of the neighbors and states that any future building on the parcel would only maximize the esthetic improvement of property.

Auditor Weston recorded the vote:

Benson – Yes
Knochel – Yes
Shedd – Yes

Ordinance 2007-08-CM passes 3-0.

- Commissioner Knochel moved to hear rezone Z-2316 William L. and Andrea D. Brunson, R1 to A, Ordinance 2007-09-CM.

(quote)

December 21, 2006
Ref. No.: 06-629

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

CERTIFICATION

RE: Z-2316--WILLIAM L. & ANDREA D. BRUNSON (R1 to A): Petitioners are requesting rezoning of a 4.0 acre tract located west of CR 225 W and south of CR 600 N, more specifically known as 2294 Ranch Road, in Wabash 26 (NE) 24-5.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on December 20, 2006, the Area Plan Commission of Tippecanoe County voted 2 yes - 10 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 DENIED 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 2, 2007 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

/s/Sallie Dell Fahey
Executive Director

(unquote)

Kevin Riley, an attorney from Reiling Teder & Schrier LLC, represented the petitioners. Mr. Riley provided detailed information concerning this request to the commissioners. He noted that a portion of the properties in the surrounding area are zoned agricultural and property owners against this rezone live on agricultural zoned land themselves. Mr. Riley mentioned that rezoning this property will not change the character of the home or neighborhood. The petitioners currently have sow on the property and have not received any complaints in the past from neighbors. Mr. Riley stated that this parcel is a 4 acre tract and includes a home with two pole barns. The amount of open land is approximately two acres and the petitioners feel that this is a sufficient amount of land for the animals.

Greg McKinney, a neighbor of Andrea and William Brunson commented on the rezone. Mr. McKinney claims that the agricultural zoning and introductions of animals to the neighborhood will deplete the quality of neighborhood and surrounding areas. He feels strongly that this is a poor use of the land and asked the Commissioners to consider the issues in this area. Mr. McKinney stated that the presence of manure and questionable plans for the property are bothersome to the neighbors.

Steve Kantz, also a neighbor, commented on the rezone. Mr. Kantz provided a petition to the Commissioners with signatures of neighbors against the rezone. These neighbors live within a half-mile radius of Andrea and William Brunson and will be most affected by the rezone. Mr. Kantz is a long-time resident and feels that the property values could drop for this area if the request is approved and perhaps open the door for others to rezone. It was suggested that animal management and containment have been a problem in the past with the petitioner and the animal to land ratio is questionable.

Andrea Brunson, petitioner, spoke on her own behalf. Ms. Brunson noted that her interest in not in raising a large amount of animals, but mainly to have animals for 4-H use. Before requesting a rezone, the Brunson's made an effort to discuss this issue with the neighbors and were unsuccessful. Ms. Brunson stated that her intention is to breed her own prize-winning animal for 4-H exhibition and she regrets that her neighbors are against the rezone.

Commissioner Knochel has visited the site several times and noted that the area is mostly agricultural. Commissioner Benson stated that she is not in favor of the rezone due to the Brunson's animal to land ratio. Commissioner Benson then asked Area Plan Commissioner Sallie Fahey to organize a committee and develop an ordinance with details regarding land use for 4-H or any other small projects on large residential parcels.

Auditor Weston recorded:

Knochel – Yes

Benson – No
Shedd – Yes

Ordinance 2007-09-CM passes 2-1.

- Commissioner Shedd moved that Area Plan file a petition and have a hearing to consider and make recommendations to rezone the remaining acreage Z-10116, R1 back to A, seconded by Commissioner Knochel; motion carried.

Commissioner Benson noted that Rezone Z-2315 has been withdrawn and will not be heard.

ASSESSORS – Samantha Steele

County Assessor Samantha Steele asked that all bids received for Annual Trending Services be rejected due to budget constraints. Assessor Steele noted that there are not enough funds in her budget to award a trending contract. She claims that the shortage is at least $8,000 and that is if she awards the contract to the lowest bidder. Commissioner Benson suggested that funds be requested from the County Council. Assessor Steele suggested changing the bid specifications to reduce the cost for trending. Commissioner Knochel advised Assessor Steele to hold bids and request additional appropriations. He mentioned that these bids were made in good faith and re-bidding this project will only delay the trending process further. Assessor Steele stated that she would like to review the break down of cost and re-evaluate the bids in an effort to reduce costs. Assessor Steele claimed that she would need to request $100,000 from the County Council to cover the appeal contract and the New Construction contract carried over from last year.

- Commissioner Knochel moved to take current bids under advisement and leave them open for 60 days, seconded by Commissioner Shedd; motion carried.

Assessor Steele then discussed the bids for Appellate Services. She debated that the lowest bidders, GnA did not obtain insurance as requested and believes they should be disqualified from the bidding. Commissioner Benson asked Al Jordan and Ginny Whipple of GnA to address the issues brought forth by Assessor Steele. Ms. Whipple noted that the Appeals contract did not request insurance information. Mr. Jordan testified to the fact that insurance had been obtained, but not until the last set of bids specifications were released on the Friday before bids were due. Mr. Jordan mentioned that Professional Liability and Errors and Omissions insurance would not be purchased until they were awarded the contract. Assessor Steele then suggested that Nexus Corporation be awarded the contract due to various DLGF guidelines unmet by GnA. Commissioner Benson then mentioned she was concerned about appeal deadlines and proper representation of professionals at these hearings. Commissioner Benson asked other township assessors for their input on professional representation. Township Assessors Jan Payne and Janet Freels requested representation and confirmed that it was necessary to be successful. They suggested that GnA be awarded the contract for 2006 appeals due to familiarity and time invested by GnA on the county's 2006 trending.

- Commissioner Knochel made a motion to enter into a contract with GnA for Apellate Services for $16,000, seconded by Commissioner Shedd; motion carried.

Paul Post spoke regarding his real estate appeal. Mr. Post mentioned that he is concerned with the status of his appeal. Mr. Post, a taxpayer in the Fairfield Township, stated that his appeal has been on file for four months without any resolution. Mr. Post urged the commissioners to

consider the taxpayers and the time involved with 2006 appeals. He believes the county should work to settle appeals quickly and leave taxpayers out of this political firestorm.

COMMUNITY CORRECTIONS – Pat Scowden

Director Pat Scowden requested approval for a Re-entry Case Manager. This position would provide support and counseling for individuals re-entering the community. Director Scowden noted that the Department of Corrections currently is not providing funding for this position. Commissioner Shedd stated that Waggoner, Irwin & Scheele, the county's classification consultant, and the Community Corrections Board have reviewed this description and given a favorable recommendation.

- Commissioner Shedd move to approve the creation of the position as a PAT III, seconded by Commissioner Knochel; motion carried.

SURVEYOR – Steve Murray

Director Murray is requesting approval for a Stormwater Technician. He added that this position is essential for compliance with the Phase II, Clean Water Act. Due to the increase in building permits and new projects, the new position will help relieve the duties of the Stormwater Coordinator. Director Murray noted that the Phase II Stormwater Fund has revenue available for the new position. He added that the new position has been through the appropriate channels and is recommended for approval.

- Commissioner Shedd moved for approval of the Stormwater Technician as a PAT III, seconded by Commissioner Knochel; motion carried.

CARY HOME – Jason Kniola

Director Jason Kniola is requesting approval for an Associate Director at Cary Home. Director Kniola stated that the Associate Director will share duties with the Executive Director and serve as acting Director in his absence. Director Kniola noted that funding will be requested for the entire salary amount.

- Commissioner Shedd moved to approve the request for the Associate Director as a PAT V, Commissioner Knochel; motion carried.

SUB-RECIPIENT FEASIBILITY STUDY

Aimee Jacobson, Lafayette Community Development Director, stated that this study will determine the need for a homeless shelter in Tippecanoe County. Ms. Jacobson noted that the Indiana Coalition on Housing & Homeless Issues (ICHHI) will perform the study and provide results to the county. This study will determine the need, best location and funding sources for items such as a shelter. Ms. Jacobson noted that she supports this study and hopes that these efforts will help Tippecanoe County resolve homelessness issues. Ms. Jacobson added that the Lafayette Housing Consortium will be providing $2,500 in matching funds.

- Commissioner Knochel moved to approve the sub-recipient grant agreement, seconded by Commissioner Shedd; motion carried.

GANG CONFERENCE SUB-GRANT APPLICATION – Sheriff Tracy Brown

Sheriff Tracy Brown presented a grant application for a Gang conference to be held on March 14 & 15 in Tippecanoe County. This grant was submitted through the U.S. Attorney's Office with funding provided by the Indiana Criminal Justice Institute in the amount of $20,500. He also mentioned that the Sheriff's department will handle payment of bills and contract agreements.

- Commissioner Knochel moved to approve the application for the gang conference, seconded by Commissioner Shedd; motion carried.

STATE-LOCAL HAZARD MITIGATION GRANT PROGRAM

- Commissioner Knochel moved to ratify the Hazard and Mitigation Grant as presented, seconded by Commissioner Shedd; motion carried.

PAYMENT OF UTILITIES – Jennifer Weston

Auditor Jennifer Weston presented an agreement for weekly payment of utilities. Auditor Weston noted that this agreement has been used since 1998 and was established under Auditor Betty Michael. She added that paying utilities weekly would avoid incurring any late fees which could range between 1-3%. Auditor Weston requested approval of this agreement through her term as auditor.

- Commissioner Knochel moved to approve the agreement, seconded by Commissioner Shedd; motion carried.

APPOINTMENTS TO THE COMMON WAGE BOARD

- Commissioner Knochel moved to appoint the following individuals to the Common Wage Board:

➢ Betty Michael	Lafayette School Corporation
➢ Roy Meeks	Tippecanoe County Intersection Improvement Projects
➢ Al Parker	Tippecanoe County Intersection Improvement Projects
➢ Dave Lahr	City of West Lafayette Street Resurfacing& Sewer Projects
	Tippecanoe County Intersection Improvement Projects
	City of Lafayette Street Resurfacing and Improvement
	Purdue University for Various Projects

- Seconded by Commissioner Shedd; motion carried.

TIPPECANOE VILLA APPLICATIONS

- Commissioner Knochel move to approve the Tippecanoe Villa applications for Gracie Vernon Smith, Craig A. Stanley, Dwight A. Dommer and Violet R. Walker, seconded by Commissioner Shedd; motion carried.

OTHER BUSINESS

Attorney Luhman is currently working with Commissioners Assistant Frank Cederquist on resolutions for EDIT and Cumulative Capital plans for 2007. It was suggested by Attorney Luhman that the Commissioners present these resolutions at their next meeting.

REPORTS ON FILE

Weights and Measures
Mail and Duplicating
Veterans Services
Tippecanoe County Park and Recreation

PUBLIC COMMENT

None

- Commissioner Knochel moved to adjourn.

BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE

KD Benson

KD Benson, President

John L. Knochel

John L. Knochel, Vice President

Ruth E. Shedd

Ruth E. Shedd, Member

ATTEST:

Jennifer Weston

Jennifer Weston, Auditor