TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
December 1, 2014

The Tippecanoe County Commissioners met on Monday, December 1, 2014 at 10:00 a.m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President Thomas P. Murtaugh, and Commissioner David S. Byers. Also present were Attorney Dave Luhman, Auditor Jennifer Weston, Commissioners' Assistant Frank Cederquist, and Recording Secretary Dawn Fay.

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

APPROVAL OF MINUTES

- Commissioner Murtaugh moved to approve the minutes of the regular meeting held November 17, 2014, second by Commissioner Byers; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS and PAYROLL CLAIMS

- Commissioner Murtaugh moved to approve the accounts payable vouchers dated November 20, 21, 26, 28, and December 1 and payroll vouchers dated November 21, as submitted without exception, second by Commissioner Byers; motion carried.

***ORDINANCE 2014-24-CM – ANIMAL CONTROL** – 1st Reading*

- Commissioner Murtaugh moved to hear Ordinance 2014-24-CM Animal Control on 1st reading, second by Commissioner Byers.

Attorney Doug Masson said a version of the Ordinance was presented in a prior meeting; however, there were concerns with the mandatory spay/neuter and registration provisions. He has worked with concerned citizens and members of the Sheriff Department to revise the Ordinance; it will be presented as a new Ordinance on 1st reading. The significant changes are designed to fix problems in the existing Ordinance such as deleting reference to dog tax which was eliminated by the General Assembly in 2006 and removes references to the Animal Control Commission which has been defunct for a long time, replacing it with a typical mechanism of paying the fine to the Clerk. It also updates rabies inoculation provisions to track State law, increasing fines, and adds a habitual offender offense.

Attorney Masson continued to say the main issue with the prior version of the Ordinance was a universal sterilization requirement and the structure of the breeder's permit; both items have been replaced. The Ordinance now contains a *point of contact model* where mandatory microchipping and/or sterilization requirements are imposed after the owner is cited for violation of the animal control ordinance such as inhumane treatment. With respect to sterilization, violators must have the animal sterilized or pay a $250 fine. Habitual offenders, those who commit animal cruelty, and those who fail to restrain vicious animals must, in addition to paying the fines imposed, have the subject animal sterilized.

The Ordinance is also updated to specify the Animal Control Officer can seek conjunctive relief and law enforcement can take immediate action to prevent death and serious bodily injury to humans or animals. It sets up an Animal Control Fund where the fines and redemption fees will be deposited for use of population control and to promote humane treatment of animals.

President Knochel invited public comment in favor of or opposed to the Ordinance. There were none.

Commissioner Murtaugh thanked Sandra Dukes and Sharon Dahl for their participation on the committee, Sheriff Brown for leading the effort, and Attorney Masson for the multiple changes to the Ordinance. The end result is a good Ordinance providing law enforcement the tools needed to monitor the ongoing problem. Sheriff Brown said he supports the Ordinance because it provides the opportunity to gear enforcement efforts toward the true problems. He also thanked Sandra, Sharon, and Doug for meeting several times and providing input and effort.

Auditor Weston recorded the vote.

Murtaugh	Aye
Knochel	Aye
Byers	Aye

Ordinance 2014-24-CM passed 3-0 on 1st Reading. The 2nd reading will be on December 20, 2014.

AREA PLAN – Sallie Fahey
Z-2587 Tippecanoe Development II, LLC (I3 to R1B), ORDINANCE 2014-22-CM:
Petitioner is requesting rezoning of 23.869 acres for a proposed 81 lot residential development located on a landlocked piece of property west of Lafayette Venetian Blind and Pemberly Drive and south of Blackthorne Subdivision, Wabash 10 (NE) 23-5

- Commissioner Murtaugh moved to hear Ordinance 2014-22-CM, Z-2587 Tippecanoe Development, LLC, I3 to R1B, second by Commissioner Byers.

Dan Teder, Attorney with Reiling Teder & Schrier stated he represents the petitioner requesting rezoning from I3 to R1B of approximately 24 acres south of Blackthorne Subdivision and west of Lafayette Venetian Blind. A favorable staff recommendation was received. Attorney Teder provided a handout showing a 2007 rezone with a favorable staff approval of approximately 13 acres and 128 semi-attached single family units. At the time, there was no concern for additional access or potential flooding. It was a Gunstra project but never built. An additional handout from 2013 shows a favorable staff approval and a rezone of 11 of the 13 acres for a 44 lot single family subdivision. With the 2013 rezone, there again was no concern for additional access or potential flooding. Originally, there was one access; the proposal adds a second emergency access. The rezoning request reduces the request from 81 to 79 lots as one lot was removed for the emergency access and another to attach to the Blackthorne Subdivision. The emergency access is on the south side of Lafayette Venetian Blind, 15' wide, and paved. Gates, with codes will be installed at the Klondike entrance and also at the rear of the remote subdivision. The Sheriff's Department and the Wabash Fire Department have approved the emergency access and do not have any objections to the proposal.

Attorney Teder continued to say there was a major flood event that occurred in Capilano some time ago; however, Kerfoot Drive (the sole entry/exit into Blackthorne) was not affected. Commissioner Murtaugh asked about the proposed alternate access shown on the map. Attorney Teder said the proposed alternative access was to show it could be an access in the future. Currently, the property is owned by a third party and there is no intent of development at this time. Commissioner Byers said he spoke with Captain Francis because he had several reservations about the entrance being an emergency only; a second full access is needed. Commissioner Murtaugh agreed.

President Knochel invited public comment in favor of or opposed to the Ordinance. There were none.

Auditor Weston recorded the vote.

Byers	Aye
Knochel	Aye
Murtaugh	Aye

Ordinance 2014-22-CM passed 3-0.

Z-2590 Mike Gascho (A to GB), ORDINANCE 2014-23-CM:
Petitioner is requesting rezoning of lot 1 of Stolz Minor Subdivision plus 0.097 acres adjacent, located on the south side of US 52, west of CR 400 W, at 4111 US 52 West, Wabash 4 (SE) 23-5

Commissioner Murtaugh moved to hear Ordinance 2014-23-CM Z-2590, Z-2590 Mike Gascho, A to GB, second by Commissioner Byers; motion carried.

John McBride, Attorney with Ball Eggleston stated he represents the petitioner Mike Gascho requesting rezoning from A to GB of approximately 1.12 acres located on the south side of US 52 and the intersection of County Road 400 W. Mr. Gascho is a small businessman making custom cabinets. He has been in business for several years and is well respected by his customers for the quality of his work. Currently, he is leasing in Lafayette but prefers to own a piece of property to stabilize his business for the future. The property includes a house and the issues involving the future use of the house as described in the staff report is understood by the petitioner. Few, if any, customers come to the site; all work will be done inside at his site or within the customer's home. Mr. Gascho has three employees. The intersection of 52 and 400 W has businesses on three corners; one is zoned GB and extends from the intersection adjacent to the subject property. Continuing additional commercial businesses are being established west of the boundary lines of West Lafayette. The Area Plan Commission voted 13 yes, 0 no; Attorney McBride requested approval of the rezone.

Commissioner Murtaugh commented that the rezone would make the house nonconforming and that the petitioner understood the ramifications as presented at the Area Plan Commission meeting.

President Knochel invited public comment in favor of or opposed to the Ordinance. There were none.

Auditor Weston recorded the vote.

Byers	Aye
Knochel	Aye
Murtaugh	Aye

Ordinance 2014-23-CM passed 3-0.

***HIGHWAY** – Opal Kuhl*
Road Maintenance Agreement - Tippecanoe County and City of Lafayette

Highway Director Kuhl presented a Road Maintenance Agreement with the City of Lafayette saying there are three small segments on Veterans Memorial Parkway between SR 26 and old 231 still in the county; the rest is in the City. Maintenance is due on one of the segments and the City has agreed to take over the maintenance of the three sections.

- Commissioner Murtaugh moved to approve the Road Maintenance Agreement between Tippecanoe County and the City of Lafayette for the section of Veterans Memorial Parkway as presented, second by Commissioner Byers; motion carried.

Utility Reimbursement Agreement - Tippecanoe County and Tipmont REMC for Tippecanoe County Bridge #17 Project

Director Kuhl presented a Utility Reimbursement Agreement with Tipmont for Bridge #17 which will be replaced in 2015 on CR 800 S. The agreement is in the amount of $105,909.11.

- Commissioner Murtaugh moved to approve the Utility Reimbursement Agreement with Tipmont REMC for Bridge #17 project in the amount of $105,909.11 as presented, second by Commissioner Byers; motion carried.

Consultant's Agreement – Tippecanoe County Bridge 4001 from H. Stewart Kline and Associates.

Director Kuhl presented a Consultant's Agreement with H. Stewart Kline and Associates for Bridge 4001. Bridge 4001, the Fowler Wiggins Bridge that crosses N. River Road, was received as part of the 231 trade with INDOT. The bridge needs re-decked and some work underneath which INDOT will pay for in the amount of $400,000. The design contract is in the amount of $43,457.

- Commissioner Murtaugh moved to approve the Consultant's Agreement with H. Stewart Kline and Associates for Bridge 4001 in the amount of $43,457 as presented, second by Commissioner Byers; motion carried.

Opening of Bids – 2015 Gasoline and Diesel Fuel Bid and Rental of Equipment Bid

Attorney Luhman opened the bids stating they include labor; rates for laborers, operators, teamster foreman and superintendent; rental of dump trucks; and rental of various equipment, machinery, and trucks. The bids include rental hours and labor rates for each item. Attorney Luhman said since the bids include numerous amounts and items, he will not read each amount but they will be available for inspection following the meeting. The following bids were submitted:

Rieth-Riley Construction Co., Inc. – 3425 O'Farrel Rd, Lafayette	Equipment Rental and Labor
Milestone Contractors, LP – 3301 S 460 E, Lafayette	Equipment Rental and Labor
Ceres Solutions – P.O. Box 432, Crawfordsville	Gasoline & Diesel Fuel

- Commissioner Murtaugh moved to recommend the bids be taken under advisement for compliance, second by Commissioner Byers; motion carried.

Street Acceptance – Winding Creek, Section 7 for Appaloosa Trail and Petunia Place

3 Year Maintenance Bond – Winding Creek, Section 7 from Fairfield Contractors, Inc. for Streets, Curbs, Storm Sewers, Earthwork & Erosion Control within the Right-of-Way

Director Kuhl presented Acceptance of Streets into Winding Creek for 1,045.56' of Appaloosa Trail and 405.14' of Petunia Place, also the 3 year Maintenance Bond from Fairfield Contractors in the amount of $19,193.

- Commissioner Murtaugh moved to approve the Street Acceptance for Winding Creek Section 7 for Appaloosa Trail and Petunia Place in addition to the 3 year Maintenance Bond in the amount of $19,193 from Fairfield Contractors as presented, second by Commissioner Byers; motion carried.

Irrevocable Stand-By Letter of Credit – Central Indiana Drainage, Inc. in the amount of $5,000 for 3 Years for work on County Road 800 North (Meridian Line to 75 East)

Director Kuhl presented an Irrevocable Stand-By Letter of Credit for Central Indiana Drainage for work on County Road 800 N. Attorney Luhman said "Stand-By" means it is secondary to the primary obligation.

- Commissioner Murtaugh moved to approve the Stand-By Letter of Credit for Central Indiana Drainage, Inc. as presented, second by Commissioner Byers; motion carried.

3 Year Construction Maintenance Bond – F & K Construction in the amount of $5,000 for work in all County Right-of-Way

Director Kuhl presented a 3 year Construction Maintenance Bond for F & K Construction in the amount of $5,000 for work in the County Right-of-Way.

- Commissioner Murtaugh moved to approve the 3 Year Construction Maintenance Bond with F & K Construction in the amount of $5,000 as presented, second by Commissioner Byers; motion carried.

CLERK *– Christa Coffey*
Surety Bond

Clerk Coffey said the Bond is the official bond prepared annually for the Clerk.

- Commissioner Murtaugh moved to approve the Surety Bond for Clerk Coffey, second by Commissioner Byers; motion carried.

PROSECUTOR *– Pat Harrington*
Professional Services Agreement

Prosecutor Harrington presented a Professional Services Agreement for 2015 for Kathryn J. Redd, Independent Contractor for Project Safe Neighborhood. The agreement and the amount is the same as last year; the agreement has been reviewed by Attorney Luhman.

- Commissioner Murtaugh moved to approve the Professional Services Agreement for Project Safe Neighborhood as presented, second by Commissioner Byers; motion carried.

HUMAN RESOURCES *– Shirley Mennen*
Tobacco Free Workplace Policy

Human Resources Director Mennen said the Tobacco Free Workplace Policy will be added to the Handbook and become effective on January 1, 2015. Previously, the policy referred to smoking; the policy now refers to all tobacco products on County properties (including vehicles) and use by County employees when representing the County.

- Commissioner Murtaugh moved to approve the Tobacco Free Workplace Policy as presented, second by Commissioner Byers; motion carried.

TEMA – William "Smokey" Anderson
Outdoor Warning Siren Annual Preventative Maintenance Inspection Agreement

TEMA Director Anderson presented an agreement with Federal Field Services to inspect and perform annual preventative maintenance on the outdoor warning sirens. The last inspection was performed in 2008. The agreement is in the amount of $350.00 per site inspected.

- Commissioner Murtaugh moved to approve the Annual Preventative Maintenance Inspection Agreement with Federal Field Services in the amount of $350.00 per site as presented, second by Commissioner Byers; motion carried.

MITS – Dave Sturgeon
Certification Attainment and Reimbursement Policy

MITS Chief Information Officer Sturgeon said the Certification Attainment and Reimbursement policy will provide reimbursement to a MITS employee for the exam fee, up to $150.00, for certifications obtained in their field of operation. The employee cannot accrue more than 3 certifications in the previous consecutive 12 month period. Commissioner Murtaugh asked if the policy included an obligation for employment following the certification. CIO Sturgeon said it does not include any type of obligation. Attorney Luhman said the reimbursement condition could be based on employment of a certain period of time. Commissioner Byers said quite a few have received certification and then leave. Attorney Luhman said the down side is if they don't get certified, they are not as qualified. Commissioner Murtaugh said the policy should be monitored and possibly adjusted at a later time.

- Commissioner Murtaugh moved to approve the Certification Attainment and Reimbursement Policy as presented, second by Commissioner Byers; motion carried.

Quote from Netech for Cisco Maintenance

CIO Sturgeon presented a quote for maintenance from Netech saying it is a three year renewal agreement for the phone system and network equipment support and maintenance. The public safety equipment at the jail and other safety sites are included. The agreement will end on January 31, 2018. The amount of $107,676.72 is less than anticipated; a budget reduction will be presented to Council in 2015.

- Commissioner Murtaugh moved to approve the quote from Netech for Cisco maintenance in the amount of $107,676.72 as presented, second by Commissioner Byers; motion carried.

AMERICAN STRUCTUREPOINT, INC. AGREEMENT – HOOSIER HEARTLAND STRATEGIC ECONOMIC DEVELOPMENT PLAN

Commissioner Murtaugh said the agreement is to review the recent TIF area along the Hoosier Heartland to explore potential strategies and tools for economic development. A steering committee will be identified to lead followed by two public meetings for input; key stakeholder interviews; data analysis based on zoning, economic growth policies, agricultural and rural use, and drainage, among other items. A plan will be drafted to present master infrastructure land use and development standards, including a master infrastructure plan and economic development tools. The cost is $73,600.

Benjamin Bontrager, Economic Development Director with American Structurepoint, Inc. said they are looking forward to the potential opportunity of working with the Tippecanoe County community to develop a strategy for development for the Heartland Corridor. "We think it is a great opportunity for you, as the community, to be proactive about developing a strategy for this area and driving economic development and insuring that the highest and best uses are realized in this area at the same time, protecting the rights and privileges of those that already live in this area as well".

Commissioner Murtaugh said funding would be through EDIT and reimbursed through TIF funds. Attorney Luhman said the Redevelopment Commission would authorize the reimbursement to the County for the study at a later date.

- Commissioner Murtaugh moved to approve the agreement with American Structurepoint for the Hoosier Heartland Strategic Economic Development Plan as presented, second by Commissioner Byers; motion carried.

UNFINISHED BUSINESS/NEW BUSINESS

Commissioner Byers said he has worked with Human Resources Director Mennen to eliminate "Holiday Banks". Director Mennen said the current policy does not include information about "Holiday Banks". Some of the employees in the 24/7 departments use the banked holiday prior to the holiday and then terminate. The policy will be followed to defer the holiday or be paid based on the budget of the department. The proposal is to extend the deferral through March 31 the following year.

Commissioner Byers said one appraisal has been returned on the 111 N 4th building; a second appraisal has not been received to date.

REPORTS ON FILE

The following reports will be on file in the Commissioners' office:

- Building Commission
- Clerk
- Crystal Creek Boarding Kennel (2)
- Treasurer

PUBLIC COMMENT

As there were no public comments, Commissioner Byers moved to adjourn.

Meeting adjourned at 10:48 a.m.

BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE

John L. Knochel

John L. Knochel, President

Thomas P. Murtaugh, Vice President

David S. Byers, Member

ATTEST:

Jennifer Weston, Auditor 12/20/2014

Minutes prepared by Tillie Hennigar, Auditor Administrative Assistant