TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
January 21, 2014

The Tippecanoe County Commissioners met on Tuesday, January 21 at 10:00 a.m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President David S. Byers, Vice President John L. Knochel, and Commissioner Thomas P. Murtaugh. Also present were: Attorney Dave Luhman, Auditor Jennifer Weston, Commissioners' Assistant Frank Cederquist, and Recording Secretary Tillie Hennigar.

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

ELECTION OF OFFICERS

Attorney Luhman stated the Offices of President and Vice President for 2014 need to be filled by election and opened the floor for the nomination of the Office of President of the Board of Commissioners.

- Commissioner Murtaugh nominated John Knochel for the office of President, second by President Byers; motion carried.

Attorney Luhman asked for nominations for the Office of Vice President.

- Commissioner Byers nominated Tom Murtaugh for the office of Vice President, second by President Knochel; motion carried.

RESOLUTION 2014-01-CM – ESTABLISHING REGULAR MEETING DATES

Commissioner Murtaugh said the meetings will be the first and third Monday of each month with the exception of the meeting today, the second meeting in February, and the first meeting in September. Those meetings will be on the Tuesday following the holiday.

Board of Commissioners' Meetings 2014

Day of Week	Month	Date	Time
Monday	January	6	10:00 AM
Tuesday	January	21	10:00 AM
Monday	February	3	10:00 AM
Tuesday	February	18	10:00 AM
Monday	March	3	10:00 AM
Monday	March	17	10:00 AM
Monday	April	7	10:00 AM
Monday	April	21	10:00 AM
Monday	May	5	10:00 AM
Monday	May	19	10:00 AM
Monday	June	2	10:00 AM
Monday	June	16	10:00 AM

Monday	July	7	10:00 AM
Monday	July	21	10:00 AM
Monday	August	4	10:00 AM
Monday	August	18	10:00 AM
Tuesday	September	2	10:00 AM
Monday	September	15	10:00 AM
Monday	October	6	10:00 AM
Monday	October	20	10:00 AM
Monday	November	3	10:00 AM
Monday	November	17	10:00 AM
Monday	December	1	10:00 AM
Monday	December	15	10:00 AM
Monday	December	30	10:00 AM

Other meetings scheduled as needed.

- Commissioner Murtaugh moved to approve Resolution 2014-01-CM establishing regular meeting dates, second by Commissioner Byers; motion carried.

RESOLUTION 2014-02-CM – DEPARTMENT HEAD APPOINTMENTS

President Knochel read the Department Head Appointments.

Appointments to Positions

Name	Position/Tile
Kenneth Brown	Building Commissioner
Rebecca Humphrey	Youth Services Director
Frank Cederquist	Commissioners' Assistant
Shirley Mennen	Human Resources Coordinator
Jeff Johnson	Fairgrounds Property Manager
Opal Kuhl	Highway Executive Director
Michael Spencer	Assistant Highway Executive Director
Ed Ward	Highway Supervisor
David Sturgeon	Chief Information Officer
DeAnna Sieber	Tippecanoe Villa Director
Randall Fairchild	Veteran Services Officer
Patrick Scowden	Weights & Measures Director
Michael Haan	Maintenance Executive Director
David Heath	Community Corrections Executive Director
William "Smokey" Anderson	Emergency Management Executive Director

- Commissioner Murtaugh moved to approve Resolution 2014-02-CM Department Head Appointments as presented, second by Commissioner Byers; motion carried.

RESOLUTION 2014-03-CM - APPOINTMENTS TO VARIOUS BOARDS, COUNCILS, COMMISSIONS, and OTHER BODIES

Commissioner Murtaugh read the appointments.

Alcohol & Tobacco Commission	William Bogan
Area Plan Commission	Gary Schroeder Vicki Pearl
Convention & Visitors Bureau	Christy Kuntz Becky Barnes
Local Environmental Response Fund	Zach Beasley
Tippecanoe County Animal Disease Control Coordinator	Marianne Ash
Tippecanoe County Board of Health	John Thomas, MD
Community Corrections Advisory Board	Del Bartlett David Hullinger Ellen Phelps Mike Frances Tom Gilliom Trish Maxwell Nora Ashcraft
Emergency Management Advisory Council	Dan Duncan John Withers Mike Frances Ronnie Wright Perry Martin Garry Smith Jeff Butz David Reagan
Tippecanoe County Governmental Building Corporation	James Gross
Tippecanoe County Human Relations Commission	Mike Piggott Meredith Richman Andrew Antonio Susan DeLong
Board of the Operating Company for Battleground Golf Course	Mike Piggott
Greater Wabash River Resource Conservation & Development	Monica Christopher
Wabash River Heritage Corridor Commission	James Andrew Rick Parsons
Property Tax Assessment Board of Appeals	Cheryl Butcher Eleanor Mlynarik

- Commissioner Murtaugh moved to approve Resolution 2014-03-CM Appointments as presented, second by Commissioner Byers; motion carried.

COMMISSIONERS' ASSIGNMENTS TO VARIOUS BOARDS, COUNCILS, AND COMMISSIONS

President Knochel read the Commissioners' assignments.

Commissioners Assignments to Various Boards, Councils and Commissions
For Calendar Year 2014

David Byers	Tom Murtaugh	John Knochel
Area Plan Commission	Area Plan Commission	Drainage Board
LEPC	Drainage Board	Hoosier Heartland Corridor
Convention & Visitors Bureau	Cary Home Advisory Board	T C Solid Waste District
Drainage Board	MITS Advisory Board	Redevelopment Commission
Human Resource Committee	Joint Purchasing Committee	TERF Board
Emergency Management Advisory Council	Wabash River Enhancement Corp	Solid Waste Advisory Board
T C Solid Waste District	T C Solid Waste District	Lafayette Housing Consortium
Community Corrections Advisory Board	Child Protective Team	

- Commissioner Murtaugh moved to approve the Commissioners' Assignments as presented, second by Commissioner Byers; motion carried.

CONTRACT FOR ATTORNEY

Attorney Luhman said the contract is the essentially the same as the past several years, providing representation to the Board of Commissioners and the County departments as requested by the Commissioners. The contract reflects a change in rates; the first change since 2008. The hourly rate for Attorneys Luhman and Masson will be $185 per hour; the hourly rate for Attorney Salsbery will be $165. In the event the firm represents the County in regard to collection of accounts receivable, the Attorney shall be paid a contingent fee of 25% of net sums collected after assignment of the Account to Attorney.

- Commissioner Murtaugh moved to approve the contract for Hoffman, Luhman & Masson as presented, second by Commissioner Byers; motion carried.

APPROVAL OF MINUTES

- Commissioner Murtaugh moved to approve the minutes of the regular meeting held December 30, 2013, second by Commissioner Byers; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS and PAYROLL CLAIMS

- Commissioner Murtaugh moved to approve the accounts payable vouchers for January 1, 2, 3, 9, 10, 16, 17, and 21, 2014 with one exception of a claim for $39.00 to Awards Unlimited and payroll claims for January 3 and 17, 2014 as presented, second by Commissioner Byers; motion carried.

HIGHWAY *- Mike Spencer*
Awarding Quote- Culvert Replacement Project SHF309

Highway Assistant Director Spencer presented a contract from Fairfield Contractors for replacement of Culvert SHF309 located on 550 South in the amount of $52,862.

- Commissioner Byers moved to approve the contract for Fairfield Contractors as presented, second by Commissioner Murtaugh; motion carried.

Bid Bond- Fairfield Contractors, Inc. in the amount of 5% of the Bid for Culvert SHF309
Payment Bond- Fairfield Contractors, Inc. in the amount of $52,862 for Culvert SHF309
Performance Bond- Fairfield Contractors, Inc. in the amount of $52,862 for Culvert SHF309
Maintenance Bond- Fairfield Contractors, Inc. in the amount of $52,862 for Culvert SHF309

Assistant Director Spencer presented the Bid Bond, Payment Bond, Performance Bond, and Maintenance Bond from Fairfield Contractors for Culvert SHF309.

- Commissioner Murtaugh moved to approve the Bid Bond in the amount of 5% of the bid, the Payment Bond, Performance Bond, and Maintenance Bond for Fairfield Contractors in the amount of $52,862.

Verification Certificate- Duke Energy Indiana, Inc. in the amount of $5,000

Assistant Director Spencer presented the Verification Certificate from Duke Energy for work in the right-of-way.

- Commissioner Murtaugh moved to approve the Verification Certificate for Duke Energy as presented, second by Commissioner Byers; motion carried.

HUMAN RESOURCES *- Shirley Mennen*
WeCare Staffing Change Pro Forma

Human Resources Coordinator Mennen presented a staffing change pro forma to increase the hours from 24 to 28 in the Wellness Clinic effective February 3, 2014. Current usage of the clinic runs between 86% - 95%. Tuesday and Wednesday hours will be increased two hours each; Tuesday hours will be 7:00 a.m. to 1:00 p.m. and Wednesday hours will be noon to 6:00 p.m.

- Commissioner Murtaugh moved to approve the WeCare staffing change pro forma as presented, second by Commissioner Byers; motion carried.

RECORDER *- Oneta Tolle*
Laredo Subscription Agreement for Online Access

Recorder Tolle said the Laredo Subscription Agreement revises the charges for customer online access to recorded documents. There are 19 customers using the online access.

- Commissioner Murtaugh moved to approve the Laredo Subscription Agreement as presented, second by Commissioner Byers; motion carried.

GRANTS *- Laurie Wilson*
Permission to Accept Grant

Grant Facilitator Wilson requested permission to accept a grant for Cary Home from the Indiana Criminal Justice Institute in the amount of $68,131.60 for Juvenile Detention Alternative Initiative (JDAI) Coordination. The grant is broken down as: $15,000 for Data Coordinator Scott Angstadt; $15,000 for DMC Assistant Linda Tedder; $25,000 for Policing the Teen Brain Training for Law Enforcement, a Train the Trainer program; $1,931.60 for supplies and lunches; and $11,200 for urine drug screening. The funds are to be used by the end of June and Tippecanoe County will be a pilot project for others in the state.

- Commissioner Murtaugh moved to approve permission to accept the grant as presented, second by Commissioner Byers; motion carried.

Permission to Apply for Grant

Grant Facilitator Wilson requested permission to apply for a grant for TEMA from the Indiana Homeland Security Foundation for HazMat personal protective equipment/turnout gear in the amount of $4,000.

- Commissioner Murtaugh moved to approve permission to apply for a grant for TEMA as presented, second by Commissioner Byers; motion carried.

MOU/Contract

Grant Facilitator Wilson presented a contract in the amount of $15,000 for JDAI Data Coordinator Scott Angstadt.

- Commissioner Murtaugh moved to approve the contract for the JDAI Data Coordinator as presented, second by Commissioner Byers; motion carried.

Grant Facilitator Wilson presented a contract in the amount of $15,000 for DMC Assistant Linda Tedder. The duties are over and above the normal job description duties for Ms. Tedder.

- Commissioner Murtaugh moved to approve the contract for the DMC Assistant as presented, second by Commissioner Byers; motion carried.

SURVEYER *- Zach Beasley*
Agreement with INDOT Concerning Reconstruction of Elliot Legal Drain

Surveyor Beasley presented an agreement between Tippecanoe County and the Indiana Department of Transportation (INDOT) of up to but not to exceed $200,000. The money is reimbursement to the County for the INDOT portion of the Elliot Drain reconstruction project. The amount is INDOT's portion of the State Road 38 road right-of-way.

- Commissioner Murtaugh moved to approve the agreement with INDOT concerning reconstruction of Elliot legal drain as presented, second by Commissioner Byers; motion carried.

CARY HOME/YOUTH SERVICES *– Rebecca Humphrey*
Request Part Time Therapist/Case Manager for Residential Services Be Moved to a Full Time Position

Cary Home Director Humphrey requested moving a Therapist/Case Manager from part time to full time. Director Humphrey provided a report reflecting a 50% reduction in Secure Detention admissions from 2010 to 2013. The reduction creates an increase to placements at Cary Home. In 2011 and 2012 placements were reduced and therapeutic staff was also decreased. With the added increase in placements, revenue is above the projections for 2013. Moving into 2014, the census and per diem rate have been increased. The Evidence Based Program Coordinator recently left and Director Humphrey spoke with the Community Corrections Advisory Board and the Cary Home Advisory Board regarding using the money from that position to move the part time Therapist/Case Manager to full time. The Evidence Based Program Coordinator position will be eliminated and no additional funding will be needed.

Commissioner Byers complemented Director Humphrey and her team for the job they do.

- Commissioner Murtaugh moved to approve the request to move the Therapist/Case Manager to a full time position and eliminate the Evidence Based Program Coordinator as presented, second by Commissioner Byers; motion carried.

HEALTH *– Craig Rich*
Creation of Part Time Environmentalist Position

Health Department Environmentalist Craig Rich said with Ron Cripe on medical leave, he is taking over Ron's duties. He requested approval to create a part time Environmentalist position to fill in for his duties. Funds are available and Auditor Weston said Council approved the new part time position at their last meeting. Commissioner Murtaugh thanked Craig for stepping up and filling in during Ron's absence.

- Commissioner Murtaugh moved to approve the creation of a part time Environmentalist position as presented, second by Commissioner Byers; motion carried.

COURT SERVICES *– Cindy Houseman*
Interagency Referral Agreement with Lisa Werth

- As there was no representative from Court Services, Commissioner Murtaugh moved to table the item until the next meeting, second by Commissioner Byers; motion carried.

TREASURER *– Bob Plantenga*
Bond

Treasurer Plantenga presented a one year bond for approval, stating that a bond must be renewed each year for the County Treasurer.

- Commissioner Murtaugh moved to approve the bond for Treasurer Plantenga as presented, second by Commissioner Byers; motion carried.

CLERK – *Christa Coffey*
Bond

Clerk Coffey presented a one year bond for approval, stating that a bond must be renewed each year for the County Clerk.

- Commissioner Murtaugh moved to approve the bond for Clerk Coffey as presented, second by Commissioner Byers; motion carried.

APPOINTMENT TO COMMON WAGE BOARD

- Commissioner Byers moved to approve the appointment of Eleanor Mylarnik to serve on the Purdue University campus Common Construction Wage Committee, second by Commissioner Murtaugh; motion carried.

UNFINISHED/NEW BUSINESS - none

REPORTS ON FILE

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

- Building Commission
- Crystal Creek Boarding Kennel (2)
- Parks and Recreation Board
- Mail and Duplicating
- Public Library
- Wabash Valley Alliance
- Wabash River Heritage Corridor Commission

PUBLIC COMMENT

Jay Jackson – 51 N Baldwin Street, Bargersville – Mr. Jackson said he is the Executive Director for ABATE of Indiana. ABATE stands for American Bikers Aimed Toward Education, a not-for-profit, safety, educational, charitable and advocacy motorcyclist organization. Members in Tippecanoe County have contacted ABATE asking for assistance in regard to off highway vehicle (OHV)/off road vehicle (ORV). The State does allow Counties the authority to provide provisions with restrictions for the vehicles to use public roadways. A number of counties around Tippecanoe do provide those provisions; specifically Carroll, Fountain, and Warren. Approximately 45 additional Indiana counties also allow ORVs on public roadways; those who do not participate are mostly high metropolitan areas. He requested that the Commissioners consider the option and offered ABATE as a resource to assist with facilitation.

Dante Wells – 3016 Henry St, Lafayette – Mr. Wells said he lives in Shadeland on a dead end street with 18 houses. He is the youngest person on his street and stated that half the people on the street

learned how to ride their bikes on Henry Street. Henry Street is being strictly policed day and night by on-duty and off-duty officers, with a substantial increase since May, 2013. Residents are being ticketed, fined, and vehicles have been impounded. The Department of Natural Resources oversees the ATVs and OTVs and he understands there is a state law enacted in 2003 stating they must be registered. In the past, a gentleman's agreement allowed use of the ATVs if they stayed off the road which still applies with most of the officers; however, there seems to be a few officers that have a different agenda. It appears those officers are profiling the ATV riders; they detain them, do a gun check, and don't necessarily treat the residents as members of the community. He appreciates the opportunity to bring it to community awareness.

Matt Tholen with the Department of Natural Resources (DNR), 4112 St Rd 225, West Lafayette presented copies of the laws for *Operation of ATV on Roadway.* Tippecanoe County is currently "closed"; Fountain, Warren, Carroll, and Cass are surrounding counties which are "open". In Tippecanoe County, you cannot ride on the roadway; however, you can ride on the right-of-way if registered through the State. Registration cost is $30 for three years. The law also allows crossing the road at a 90 degree angle, if you are registered. A farmer going from one field to another to check on cattle with an ATV with a hitch on the front doesn't have to be registered; he can actually go down the roadway. An ATV purchased after 2003 must be registered.

Dan Dulin, a lieutenant for Indiana Conservation Officers, 4112 St Rd 225, West Lafayette, said there are several counties where Commissioners have enacted ordinances allowing the operation of off-road vehicles on public roadways. The State provides laws regulating off-road vehicles but leaves it up to the individual counties to enact an ordinance allowing operation on the roadway. Regulation then reverts back to following the laws provided by the State. There are exemptions for operating on the roadway such as farming. The Department of Natural Resources as a group does not have an opinion on whether opening the roadways is a good or bad idea. Some counties enact their own ordinances to further restrict State laws, allowing only the Sheriff Department to enforce the ordinance. As a State law enforcement agency, Mr. Dulin said they recommend if the roadways are opened up for operation, the State laws be followed; don't make them more restrictive. By following the State laws, all police agencies are aware of the law and education is universal. He asked the Commissioners to consider contacting one of the counties who recently enacted open roadway operation, naming Marshall who recently worked with Kosciusko. One requirement of allowing an ATV on the roadway is the operator must be a licensed driver. Mr. Dulin said Title 14 of the Indiana Code regulates off road vehicles and Title 9 is also used because it regulates traffic.

Sheriff Tracy Brown said this is not a new topic at the Sheriff Department, stating that his department becomes involved in a situation with an ATV when there is a complaint. Those usually come in as "reckless driving" or "trespassing". Sheriff Brown suggested it is time to complete an evaluation of ATVs and even golf cart usage on the roadways. His concerns will be safety, who is operating the vehicle, are they properly trained, and if the vehicle is equipped with necessary lighting to be seen by other motorists. Motorists in passenger cars and trucks already have a difficult time seeing motorcycles, resulting in crashes. He asked for that issue to be taken into consideration.

Attorney Luhman said the County Ordinance is effective in the City unless the City has statutory authority to enact an Ordinance with the subject matter.

President Knochel asked Sheriff Brown if he would be willing to meet with the Commissioners to discuss the issue. Sheriff Brown replied "absolutely". Commissioner Byers asked if one of the representatives from DNR and possibly a citizen would be willing to also participate. Both answered

yes. President Knochel expressed his appreciation to all who participated in the discussion and to Mr. Jackson for joining us from southern Indiana.

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

Meeting adjourned at 10:58 a.m.

BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE

John L. Knochel, President

Thomas P. Murtaugh, Vice President

David S. Byers, Member

ATTEST:

Jennifer Weston, Auditor 02/03/2014

Minutes prepared by Tillie Hennigar, Auditor Administrative Assistant