

TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
January 22, 2013

The Tippecanoe County Commissioners met on Tuesday, January 22, 2013 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 David W. Luhman, Auditor Chief Deputy Dawn Rivera, Commissioner's Assistant Frank Cederquist, and Recording Secretary Tillie Hennigar.

President Byers 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 January 7, 2013, second by Commissioner Knochel; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

- Commissioner Knochel moved to approve the accounts payable vouchers for December 28, 2012 and January 3, 4, 8, 10, 11, 16, 18, and 22, 2013 as submitted without exception, second by Commissioner Murtaugh; motion carried.

HIGHWAY – Mike Spencer
2013 Motor Grader Contract

Assistant Director Spencer presented the contract with Caterpillar for four motor graders. All quotes have been reviewed and the recommendation is to lease from Caterpillar for the next four years. Attorney Luhman said there are four payments due and also a final pay off balance. Each of the four payments is due on January 17, 2013, 2014, 2015, and 2016 in the amount of \$91,974. The final payment is \$938,000 if the County doesn't buy them at the end of the term. Each grader has an approximate value of \$304,000 at the end of the lease. Commissioner Knochel questioned if the old graders were traded in, to which Assistant Director Spencer replied yes, the old ones are returned to Caterpillar.

- Commissioner Knochel moved to approve the motor grader contract with Caterpillar, second by Commissioner Murtaugh; motion carried.

Resolution 2013-04-CM Equipment Lease – Caterpillar Financial Services Corporation

Attorney Luhman said Resolution 2013-04-CM authorizes the signing of the contract documents.

- Commissioner Knochel moved to approve Resolution 2013-04-CM as presented, second by Commissioner Murtaugh; motion carried.

Continuation Certificate from Eldon Emond dba Emond Drainage for work in R/W

Assistant Director Spencer said the certificate is from Eldon Emond, doing business as Emond Drainage. He will be performing drainage work on a farm in the northern part of the county and cutting a county road, requiring filing of insurance forms.

- Commissioner Knochel moved to approve the Continuation Certificate for Eldon Emond as presented, second by Commissioner Murtaugh; motion carried.

Verification Certificate from Duke Energy Indiana, Inc for work in R/W

Assistant Director Spencer presented a Verification Certificate from Duke Energy in the amount of \$5,000 for work in the county road right-of-ways.

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

2009 Culvert Replacement Project – Supplemental Agreement #5 from Butler, Fairman and Seufert, Inc.

Assistant Director Spencer presented Supplemental Agreement #5 for the 2009 Culvert Replacement Project. As part of the Indiana Department of Environmental Management (IDEM) permit, Highway was required to submit “as built” drawings when the culvert was completed. The collection of the “as-built” data and certification was not part of the original contract. The Supplemental Agreement is an hourly rate, not to exceed \$7,000.

- Commissioner Knochel moved to approve the Supplemental Agreement as presented, second by Commissioner Murtaugh; motion carried.

***MITS* – Mark Ehle**

Geographic Information Services Agreement

GIS Administrator Ehle said the agreement is with the State Chief Information Officer for aerial photography and light detection and ranging (LiDar) flight. The State will pay for the photography portion and MITS will pay to buy the LiDar portion. The data will allow for better resolution elevation data than is currently available. The total agreement is \$56,000. The County’s portion is \$18,760 to buy one point per square meter, providing an elevation value for every meter across the entire county, and \$7,800 to buy up to four points per square meter in the area of the US 231 realignment and the Cumberland to Klondike extension in West Lafayette. Through the County agreement, the City of Lafayette will buy, at the same resolution, the area which was recently annexed, for drainage and utility work. Commissioner Murtaugh questioned if the agreement was being paid from EDIT. GIS Administrator Ehle said the GIS budget has \$25,000 for LiDar which covers most of the \$18,760 countywide buyout and the \$7,800 for the 231 and Cumberland areas. The excess of \$1,560 will be taken from the aerial photography budget. The County is paying for 231 from Lindberg Road to US 52; Purdue is buying the southern portion, the campus area, and part of West Lafayette.

- Commissioner Knochel moved to approve the GIS agreement as presented, second by Commissioner Murtaugh; motion carried.

***HEALTH* – Ron Cripe**

Health Executive Director Cripe said WIC Director Colleen Batt has been working with him, Frank Cederquist, and the Purdue Research Foundation (PRF) to locate a lease space. Director Batt said the WIC office has had a presence on the Purdue campus for the past 23 years. Last summer, WIC received notification from Purdue University that they would no longer be able to provide space. The office was

closed in September, 2012. Space has been located in Purdue West, which is owned by PRF. The space is 1,089 square feet, modifications have been discussed, and a lease has been prepared.

Approximately 450 clients were served at the Purdue office; those clients are being served at the current location on Tippecanoe Street but there is not adequate space to have all the health professionals' work at one time. Director Batt said the hope is to shift some of the clients from the Tippecanoe Street location to the Purdue site. The Purdue site has more parking and will be more visible than the former Purdue site.

A petition with fifty taxpayer signatures has been obtained and verified to start the lease process. Attorney Luhman stated he reviewed the lease and it is in an acceptable form. The agreement covers leasing 1,089 square feet from PRF for one year at \$1,361.25 per month. There are options for renewal of the one year lease for four additional years. which was requested by WIC to justify the renovation investment. The first term extends through September 30, 2013 which Director Batt explained coincides with their grant fiscal year. The funds for the lease would come from the WIC grant. She has a letter of approval for renting the space which will include the cost of renovations to make it appropriate for their needs. Given the history in the Purdue location and the size of the current office, Director Batt stated the new location will serve as a good space and also allow expansion.

Commissioner Murtaugh asked for clarification of his understanding that there is a one-time grant for the renovation and also an increase to the County grant to cover the rent. Director Batt said the current budget contains monies that will be reallocated to the space modification. She further explained that WIC is a grant funded program and the reason behind the one year lease and renewal options is as a safeguard if there is no future funding. She anticipates there will be continued funding.

Commissioner Knochel asked Auditor Chief Deputy Fay if the signatures on the petition have been verified to which she replied, yes, the signatures have been verified and certified by Auditor Weston. Director Batt thanked Auditor Weston for verifying the signatures over the past weekend. Attorney Luhman verified there are at least fifty taxpayer signatures on the petition. With the petition and the proposed lease, the next step is to adopt Resolution 2013-05-CM. The resolution states there is a petition of fifty or more taxpayers, requesting a lease with the PRF for 1,089 square feet for use by WIC; PRF has drafted and submitted the proposed lease for the office space; and it appears to the Commissioners the lease is for fair and reasonable rent. Attorney Luhman said a notice of intention to lease should be published giving the public a minimum of ten days notice. The hearing for public comment can then be scheduled for the Commissioner's meeting on February 19 at 10:00. After the public hearing, to proceed, a second resolution will be needed to formally approve the lease on behalf of the Commissioners, followed by approval by the Council.

- Commissioner Knochel moved to approve Resolution 2013-05-CM and set a public hearing on February 19 at 10:00 am, second by Commissioner Murtaugh; motion carried.

SHERIFF – Tracy Brown

2013 Contract

Attorney Luhman said a contract with the Sheriff for compensation is entered into each year. For 2013, as in prior years, the contract states in lieu of receiving compensation from other sources, Sheriff Brown will be paid from the County General Fund; receiving a flat salary of \$106,676. The salary is the same as the past two years. Any monies received for the collection of cash warrants or monies leftover from other sources will be deposited to the county General Fund or used to support the various programs provided from the Sheriff's department.

- Commissioner Murtaugh moved to approve the 2013 Sheriff contract as presented, second by Commissioner Knochel; motion carried.

PROSECUTOR - Pat Harrington
Request for New Position

Prosecutor Harrington requested an additional Deputy Prosecuting Attorney position, due to an increase in paper litigation. More offenders are staying in the county systems versus going to the Department of Corrections. As a result, there are more people on probation and serving in Community Corrections. When those terms are violated, the offender is remanded back to court.

When a defendant is either found or pleads guilty, he or she can appeal the decision which is handled by the Attorney General. When the defendant loses, they are sent back to prison and have the option to file a Post Conviction Relief (PCR). The PCR will normally be one of three types: 1) alleging the defense attorneys are incompetent and they forgot to do something, giving the defendant the right to have the conviction overturned; 2) there has been a change in statutory or case law and they deserve to have their case reheard; and 3) the Court, the Judge, and/or the Prosecutor did something and they are entitled to relief. The Prosecutor's office represents the County in all the PCRs.

In the last two years, over 90 PCRs have been filed in Tippecanoe County; normally the number would be around 30. PCRs are generally filed 5 – 15 years after conviction, and more than likely the attorney and the staff reviewing the case are not the original trial attorney. They have to read the entire case, which is all written. As an example, Kristen McVey recently took the hearing for a case from 2005, with the conviction in 2006. In order for her to prepare, she had to read over 4,000 pages. PCRs are currently being handled for murder convictions from the 1990's; they don't go away.

With the increase in Community Corrections and Probation violations, Motion for Executions, and PCRs, Prosecutor Harrington said one deputy prosecuting attorney position is needed just to handle all of those, taking the responsibilities from the trial attorneys. Research and preparation for a PCR can take them offline for four to six weeks, which is too long to have a trial attorney unassigned to new or pending cases.

To create less of an impact on the General Fund, he has an open Witness Supervisor position he is willing to eliminate. By doing away with that position, he is not increasing the number of staff or benefits costs to the budget with this request. Prosecutor Harrington said it will add a strain to the two remaining Victim Witness Advocates but he has explained it to them and they understand he has to make the budget more efficient. President Byers is on the Community Corrections Advisory Board and understands the issues of paper litigation.

Commissioner Murtaugh asked if those two positions and the new position would be paid from the General Fund and questioned the email request of \$20,000. Prosecutor Harrington said both positions are paid from the General Fund and the \$20,000 is the salary difference between the eliminated and new position; the benefits would remain the same.

- Commissioner Knochel moved to approve the elimination of the Victim Witness Supervisor position and the addition of a Deputy Prosecuting Attorney as presented, second by Commissioner Murtaugh; motion carried.

UNFINISHED/NEW BUSINESS

- Commissioner Knochel moved to appoint Randall Fairchild as the Veteran Service Officer, second by Commissioner Murtaugh; motion carried.

REPORTS ON FILE

The following reports are on file in the Commissioner's office.

Central Mail and Duplicating Annual Report
Crystal Creek Boarding Kennel

PUBLIC COMMENT

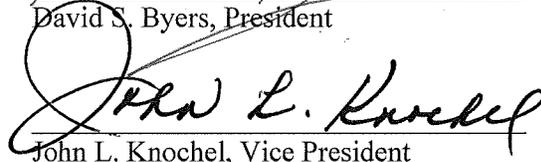
As there were no public comments, Commissioner Knochel moved to adjourn.

Meeting adjourned at 10:28 am.

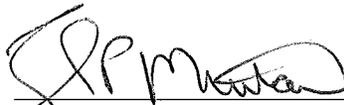
BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE



David S. Byers, President

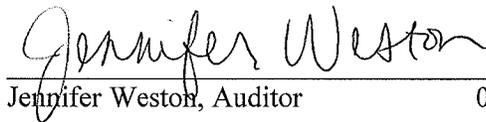


John L. Knochel, Vice President



Thomas P. Murtaugh, Member

ATTEST:



Jennifer Weston, Auditor

02/04/2013

