

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
*August 1, 2011*

The Tippecanoe County Commissioners met on Monday, August 1, 2011 at 10:00 a. m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President David S. Byers, Vice President Thomas P. Murtaugh, and Commissioner John L. Knochel. Also present were: Attorney Doug Masson, Auditor Jennifer Weston, and Secretary Kay Muse. Absent was: Commissioner's Assistant Frank Cederquist.

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 July 12, 2011 poor relief hearing and the July 18, 2011 regular meeting, second by Commissioner Knochel; motion carried.

***PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS***

- Commissioner Murtaugh moved to approve the accounts payable vouchers for July 21, 22, 27, 28, 29 and August 1, 2011 with no exceptions, second by Commissioner Knochel; motion carried.

***AREA PLAN COMMISSION—Sallie Fahey***

**Ordinance 2011-18-CM – Rezone Z-2459 Milica Frank (R1B to NB)**

- Commissioner Murtaugh moved to hear Ordinance 2011-18-CM, Rezone Z-2459 Milica Frank (R1B to NB), second by Commissioner Knochel; motion carried.

(quote)

July 21, 2011  
 Ref. No.: 11-223

Tippecanoe County Commissioners  
 20 North 3rd Street  
 Lafayette, IN 47902

**CERTIFICATION**

**RE: Z-2459—MILICA FRANK (R1B to ~~GB~~ NB):**

Petitioner is requesting rezoning of 0.75 acres of land located at the southern tip of the intersection of SR 25 South and Washington Street, more specifically, 4904 Washington Street in the unincorporated town of West Point, Wayne 13 (SE) 22-6.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on July 20, 2011 the Area Plan Commission of Tippecanoe County voted 10 yes - 0 no on

the motion to rezone the subject real estate from R1B to NB. 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 August 1, 2011 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

Sallie Dell Fahey  
Executive Director

(unquote)

Petitioner Milica Frank said approval of this rezone would allow her to open a spa and antique/gift store. It is located in West Point, IN and the site was previously a church. The rezone did receive unanimous approval from the Area Plan Commission.

Commissioner Byers asked for public comments on the rezone. There were none.

Auditor Weston recorded the vote:

|          |     |
|----------|-----|
| Byers    | Yes |
| Knochel  | Yes |
| Murtaugh | Yes |

Ordinance 2011-18-CM passed 3-0.

**Resolution 2011-21-CM – Comprehensive Plan Amendment – Housing Plan**

- Commissioner Murtaugh moved to hear Resolution 2011-21-CM, second by Commissioner Knochel; motion carried.

(quote)

July 21, 2011  
Ref. No.: 11-232

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

**CERTIFICATION**

**RE: COMPREHENSIVE PLAN AMENDMENT – HOUSING PLAN**

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held July 20, 2011, the Area Plan Commission of Tippecanoe County, by a vote of 10 yes – 0 no,

approved Resolution 11-01, adopting the new Housing Plan as an amendment to the Comprehensive Plan for Tippecanoe County, and thus recommended it for APPROVAL by the Tippecanoe County Commissioners.

Enclosed is a copy of the Housing Plan with our staff report as certified by me to the Tippecanoe County Commissioners, and copies, with a staff report for each Commissioner.

For the Commissioners to adopt this Comprehensive Plan amendment, they will need to pass the enclosed Resolution and return it to me. At that time I will file the signed Resolution and the plan amendment with the County Recorder as per statute.

If there are questions concerning the above, please contact me.

Sincerely,

Sallie Dell Fahey  
Executive Director

(unquote)

Director Fahey stated that this is the first update of the Housing Plan since 1981 when it was initially adopted as part of the overall Comprehensive Plan. A work session for plan commission members and all of the legislative elected officials took place in January with the idea that it would be heard by the Area Plan Commission (APC) in March. However, public comments prompted the plan commission to further review the document. A working group was created to meet with Assistant Director Ryan O’Gara and Director Fahey to review public comments that were received and to discuss the policies that were of concern to some people. The amendment was rewritten and went before the APC in July and received unanimous approval. It was certified to all six legislative bodies. Once the resolution is adopted by every jurisdiction, under state law it must be recorded as part of the comprehensive plan. The signed resolution would then become part of the document and places it officially on public notice as a recorded document. It is expected that legislative bodies would use the plan to provide guidance for land use such as zoning, planned developments, subdivisions etc.

Commissioner Byers asked for public comment on the resolution. There was none.

- Commissioner Murtaugh moved to approve Resolution 2011-21-CM, second by Commissioner Knochel; motion carried.

***HIGHWAY – Opal Kuhl***

**Construction Engineering Agreement – Bridge 151 aka Hog Point Bridge**

Director Kuhl said this is Supplemental Agreement No. 1 for the construction and engineering agreement with H. Stewart Kline & Associates for Bridge #151 or Hog Point Bridge. Due to unforeseen soil problems that involved more work than originally projected, Bridge #151 has taken longer to complete than estimated. The original contract was not to exceed \$375,000 and this amendment will change the not to exceed amount to \$520,000 to complete the project. Director Kuhl said that Hog Point Bridge is a historical bridge and is close to being complete.

- Commissioner Murtaugh moved to approve Supplemental Agreement No. 1 as presented, second by Commissioner Knochel; motion carried.

**Change Order No. 3 from Reith-Riley Construction Co., Inc. for the Tyler Road Project**

Director Kuhl said that Change Order No. 3 with Reith-Riley Construction Co., Inc. for the Tyler Road Project is for detour and road closed signs. The original contract amount was \$1,250,103; this addition brings the total contract amount to \$1,253,623.

- Commissioner Murtaugh moved to approve Change Order No. 3 as presented, second by Commissioner Knochel; motion carried.

**Change Order No. 4 from Reith-Riley Construction Co., Inc. for the Tyler Road Project**

Director Kuhl said that Change Order no. 4 is for full depth patching for the Tyler Road Project. The project was originally set for resurfacing, but there is some full depth patching needed. An amendment has also been submitted to the Highway Safety Improvement Project (HSIP) in order to receive funding from that program. It is in the amount of \$164,459.70 bringing the total contract to \$1,414,562.70

- Commissioner Murtaugh moved to approve Change Order No. 4 as submitted, second by Commissioner Knochel; motion carried.

**3-year Construction Maintenance Bond from Audrey Silvey Enterprises, Inc.**

Director Kuhl presented a \$5,000 maintenance bond from Audrey Silvey Enterprises, Inc. for work in the right-of-way. This company does work for Tipmont at their Wea sub-station.

- Commissioner Murtaugh moved to approve the Maintenance Bond with Audrey Silvey Enterprises, Inc. as presented, second by Commissioner Knochel; motion carried.

**3-year Construction Maintenance Bond from Valenti-Held Contractor/Developer, Inc.**

Director Kuhl presented a \$5,000 maintenance bond from Valenti-Held Contractor/Developer, Inc. for work in the right-of-way. They are doing subdivision work on County Road 550 East.

- Commissioner Murtaugh moved to approve the Maintenance Bond with Valenti-Held Contractor/Developer, Inc. as presented, second by Commissioner Knochel; motion carried.

Director Kuhl announced a ribbon cutting ceremony for Bridge U-209 at 10 a.m. Friday. It is located on Lilly Road just south of Evonik.

***BOARD OF ELECTION & REGISTRATION – Heather Maddox & Jared Bond***

Co-Chairperson Heather Maddox presented the annual election contract for approval. There is one change to that contract. Attorney Maddox said that the e-verify legislation requires all service contracts use e-verify to assure those companies are not employing illegal aliens.

- Commissioner Murtaugh moved to approve the Election Day contract as submitted, second by Commissioner Knochel; motion carried.

Co-Chairperson Heather Maddox presented the annual satellite / absentee contract for approval. It is the same contract as last year, adding that the e-verify legislation also applies to this contract. It is for the people who will be working the satellite election locations.

- Commissioner Murtaugh moved to approve the satellite/absentee contract as presented, second by Commissioner Knochel; motion carried.

Co-Chairperson Heather Maddox presented a Notice of Errors with Precinct Boundaries for approval for the redistricting process. The notice will allow the County until January 1, 2012 to make any further changes and allow time for changes to precincts and districts. Commissioner Murtaugh asked if there would be new precincts in 2012. Co-Chairperson Maddox said that was correct. Commissioner Dave Byers asked if changes needed to be complete by the end of December 2011 for those changes to take place in 2012. Commissioner Murtaugh stated that after a census it is the County's option to re-district. Co-Chairperson Maddox said that is correct. Area Plan Director Sallie Fahey said that all figures from the census have not been received yet and that information is needed to move forward with re-districting. Co-Chairperson Maddox said that at this time they are identifying the precincts they know need changed. Director Fahey said that some districts may have grown significantly and some may have decreased significantly. Districts are usually split instead of being aggregated. She added that, beginning with the 1970 census, Purdue students should complete a census in the area in which they are attending school since they spend more time at school than at their parent's residence.

- Commissioner Murtaugh moved to approve the Notice of Errors with Precinct Boundaries for approval as presented, second by Commissioner Knochel; motion carried.

***AMENDMENT TO COURTVIEW JUSTICE SYSTEMS SOFTWARE SUPPORT AGREEMENT –  
Christa Coffey***

Clerk Christa Coffey presented an amendment to the Courtview Software Support Agreement. This will allow Windows 7 to be installed on all County equipment. The County has been out of compliance on the number of licenses for a while and since Courtview is dropping support for the Windows XP products, Windows 7 needs to be in place. Technician Cinde Shockey said that Windows 7 has been installed on many of the County's computers, but because of the way Courtview is used it has not been installed on those computers that use Courtview. This amendment will allow Windows 7 to be installed on those systems that use Courtview. Commissioner Knochel inquired about the cost. Clerk Coffey said that there is a one-time cost for the transition from Windows XP to Windows 7 and the cost of the additional license. Clerk Coffey said that since Tippecanoe County uses a different case management system than the State, new legislation allows the County to retain one dollar of fees the State was previously receiving. The County should be able to retain about \$40,000 per year that will go toward the cost of this software. Commissioner Murtaugh asked if the software is paid through the Clerk's budget or from the MITS department. Technician Cinde Shockey said that the cost is paid from the MITS budget.

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

***GRANTS – Laurie Wilson***

Grant Administrator Laurie Wilson requested permission to accept a grant from the Drug Free Coalition for Juvenile Alternative in the amount of \$3,030 for the cost of drug screens.

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

Grant Administrator Laurie Wilson requested permission to accept a grant from the Drug Free Coalition for Juvenile Probation in the amount of \$2,000 for incentives.

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

Grant Administrator Laurie Wilson requested permission to accept a grant from the Drug Free Coalition for Superior Court 3 in the amount of \$5,750 to provide 29 substance abuse assessments.

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

Grant Administrator Laurie Wilson requested permission to apply for a grant from the Indiana Criminal Justice Institute in the amount of \$66,341 for alternative to secure detention for diagnostic evaluation.

- Commissioner Murtaugh moved to apply for the grant as presented, second by second by Commissioner Knochel; motion carried.

Grant Administrator Laurie Wilson presented a Professional Services Agreement for approval. It is for the IDHS District 4 Administrative Coordinator Janet Buche. Attorney Luhman prepared the contract and this is the fourth contract with Janet Buche. This is a continuous grant and the State will continue to support this item as long as funding is available from congress. It is in the amount of \$55,000.

- Commissioner Murtaugh moved to approve the Memorandum of Understanding/Contract with Janet Buche as presented, second by second by Commissioner Knochel; motion carried.

#### ***CARY HOME FOR CHILDREN – Rebecca Humphrey***

##### **Red Ribbon Week**

Youth Services Director Rebecca Humphrey asked permission to sponsor the Drug Free Coalition “Red Ribbon Week” by decorating the Courthouse the week of October 23-30, 2011. This is an annual event to recognize the community’s efforts to be drug free.

- Commissioner Murtaugh moved to approve the sponsorship of “Red Ribbon Week” as presented, second by second by Commissioner Knochel; motion carried.

##### **DCS Service Standards**

Youth Services Director Rebecca Humphrey said Department of Child Services (DCS) has released funding opportunities that can be applied for by the County. Services such as Multisystemic Therapy, Home Based Services, and reporting services. DCS is unable to continue to sustain some of these items through the per diem rate for Cary Home. They have opened up opportunities to make referrals for these alternate programs. Commissioner Murtaugh asked if it is different than the grant that was applied for. Director Humphrey said that it is not a grant, it is a fee based program that would allow the County to recoup some of the costs of the programs.

- Commissioner Murtaugh moved to approve the DCS Service Standards as presented, second by second by Commissioner Knochel; motion carried.

#### ***LEASE AGREEMENT FOR WILDCAT CREEK SOLID WASTE DISTRICT (WCSWD)***

Commissioner Murtaugh said this lease between the County and the WCSWD is for County property located at 2780 North 9th Street and has been signed by the WCSWD Board President. Commissioner Knochel asked the rate of the lease. Commissioner Murtaugh said that it is in the amount of \$400 per month and requires the district to place \$3,000 per year in a spill fund until reaching \$100,000. Commissioner Knochel asked what would happen if the lease is not approved. Attorney Masson stated that it would be on a month to month basis until a decision could be reached. Commissioner Knochel

said that due to circumstances with the current Director of WCSWD he could not support the lease at this time.

- Commissioner Murtaugh moved to approve the lease agreement with WCSWD as presented, second by Commissioner Byers; motion carries 2-1 with Commissioner Knochel voting no.

***AFFIRM FINDINGS & ORDER FOR TIPPECANOE TOWNSHIP POOR RELIEF APPEAL***

In the matter of the appeal filed by Debra C. Viers for denial of poor relief by the Tippecanoe Township Trustee the Commissioners found that the Trustee correctly applied his standards in reaching his decision that the Appellants' combined household income exceeded the Trustee's standards for eligibility for assistance. The appeal filed by Debra C. Viers should be denied.

- Commissioner Murtaugh moved to ratify the decisions of the Poor Relief Hearing of Tippecanoe Township, second by Commissioner Knochel; motion carried.

***APPOINTMENTS TO COMMON WAGE BOARD***

- Commissioner Murtaugh moved to appoint Dave Lahr as a taxpayer representative in the town of Battleground, second by Commissioner Knochel; motion carried.

***REPORTS ON FILE***

Mail & Duplicating  
Public Library  
Parks & Recreation  
Clerk  
Treasurer

***UNFINISHED/NEW BUSINESS***

**Ordinance 2011-19-CM**

Commissioner Dave Byers said this ordinance will combine the GIS committee and the MITS committee into one. Commissioner Knochel asked what departments are involved. Commissioner Murtaugh read the ordinance aloud. Many of the topics overlapped and some of the members were on both boards.

- Commissioner Murtaugh moved to approve Ordinance 2011-19-CM as presented, second by Commissioner Knochel;

Auditor Weston recorded the vote:

|          |     |
|----------|-----|
| Byers    | Yes |
| Knochel  | Yes |
| Murtaugh | Yes |

Ordinance 2011-19-CM passes 3-0 first reading.

***BUSINESS***

None

***PUBLIC COMMENT***

Paul Wright, West Point –asked who owns the building that Wildcat Solid Waste District is building on County property and if the WCSWD owns the building, what will WCSWD be leasing. Commissioner Byers said that WCSWD is providing the funds for the building and the County is paying \$90,000 for site improvements. Mr. Wright suggested that the County expenditures be posted on the County website so taxpayers can see them on a monthly basis. He added that with the County's adequate MITS department that should be an easy task and taxpayers cannot attend most of the monthly meetings. Most taxpayers have no idea what is being spent on the WCSWD. There areis not less tax dollars coming out of Washington, cuts must come from somewhere. Taxpayers are tired of paying.

Commissioner Murtaugh moved to adjourn.

**BOARD OF COMMISSIONERS OF  
THE COUNTY OF TIPPECANOE**

*absent*

David S. Byers, President

*T.P. Murtaugh*

Thomas P. Murtaugh, Vice President

*John L. Knochel*

John L. Knochel, Member

**ATTEST:**

*Jennifer Weston*  
Jennifer Weston, Auditor 9-15-2011