

**TIPPECANOE COUNTY COUNCIL
REGULAR MEETING
MAY 11, 2004**

The Tippecanoe County Council held its Regular Meeting on Tuesday, May 11, 2004 at 2:00 P.M. in the Tippecanoe Room in the County Office Building. Council members present were: Vice President Ronald L. Fruitt, Connie Basham, David S. Byers, Jeffrey A. Kemper, Jeffrey Kessler, and Betty J. Michael. Others present were: Auditor Robert A. Plantenga, Attorney David W. Luhman, and Secretary Pauline E. Rohr. (Councilmember and President Kathy Vernon was absent.)

Vice President Fruitt called the meeting to order and led the Pledge of Allegiance. He then called upon Joe Whitchurch, Intervarsity College Minister through Intervarsity Fellowship, to offer a prayer.

APPROVAL OF MINUTES

- Councilmember Michael moved to approve the minutes of the April 13, 2004 Special Joint Meeting with the Commissioners and Consultant Bobbie Huskey, seconded by Councilmember Byers; motion carried.
- Councilmember Basham moved to approve the minutes of the April 13, 2004 Regular Meeting, seconded by Councilmember Kemper; motion carried.

COURT ADMINISTRATOR UPDATE: Judge Don Daniel

Judge Daniel reported he contacted the National Center for State Courts, a not-for-profit organization in Denver, CO, regarding our County's interest in a Court Administrator's position. He said the NCSC budgeted \$10,000 to fund a study of our courts and a gentleman will be here on Wednesday, Thursday, and Friday of this week to talk to all the judges. After determining our needs, he will present a plan for the judges' approval.

CONFIRMATORY RESOLUTION 2004-20-CL: ERA Designation for McKinney Corp.: President Murf McKinney and Greater Lafayette & West Lafayette Progress, Inc. President Mike Brooks.

Resolution 2004-20-CL will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Mr. McKinney thanked the Council for its support.

- Councilmember Kessler moved to approve Resolution 2004-20-CL, seconded by Councilmember Kemper; motion carried.

MIKE MADRID: Compliance with Statement of Benefits (CF-1): Mike Madrid, Owner, and John Budzynski, Owner of Sagamore Services Group

Mr. Madrid explained National Equipment Services (NES) entered into a long term lease with him for the property but broke the lease after they filed for Chapter 11 bankruptcy protection. Fortunately for the County, they emerged from bankruptcy and relocated their business on the south end of town so those employees are still in the County's tax base. Mr. Madrid said John Budzynski, owner of Sagamore Services Group, has signed a lease for the property. Sagamore Services employs approximately ten (10) independent contractors who are not included on the CF-1 and pays a per employee wage that is approximately \$3,000 higher than Madrid's. Mr. Budzynski noted he has added two (2) employees since Mr. Madrid submitted the CF-1. Councilmember Kessler applauded Mr. Madrid for scrambling to get a new tenant after the previous tenant filed for Chapter 11 and broke the lease.

Mr. Budzynski said he now has twenty two (22) employees plus ten (10) contractors and expects to experience an annual growth of 25% to 30%. He said their transportation work is steady throughout the year.

Attorney Luhman reported Mr. Madrid asked how he should file the CF-1 since he has a new tenant, and he advised him to file and attach a letter of explanation. Attorney Luhman explained that the abatement goes to the owner of the real estate, not the business.

- Councilmember Kessler moved to find Mike Madrid is in substantial compliance with the Statement of Benefits, seconded by Councilmember Michael; motion carried.

***ATLAS EXCAVATING, INC.: Compliance with Statement of Benefits (CF-1):
Secretary/Treasurer Tina Dillon***

Councilmember Byers commented the Council has not received quarterly employment reports as requested last year, but Auditor Plantenga responded the Auditor's Office received them. Mrs. Dillon supplied those numbers:

2003	1 st quarter	113
	2 nd quarter	140
	3 rd quarter	154
	4 th quarter	156
2004	1 st quarter	133

Mrs. Dillon said they have begun sub-contracting some of their work locally and formed a new company, Atlas Day Lighting that is separate from Atlas Excavating but operates out of the same facility. Atlas Day Lighting uses hydro vacuum trucks to pot hole into the ground with high pressure water to remove dirt when locating or installing utilities.

Councilmember Basham inquired about salary amounts. Mrs. Dillon said they just signed a contract that will increase wages approximately 5% over the next 3 to 5 years. The union base for 130 to 140 employees is \$20 per hour plus \$7 for benefits for laborers and \$37 to \$40 per hour plus benefits for operators. Office staff, approximately 8 workers, earn \$15 per hour plus benefits.

- Councilmember Kemper moved to find Atlas Excavating, Inc. is in substantial compliance with the Statement of Benefits, seconded by Councilmember Kessler; motion carried.

VISION 2020 UPDATE: John Corey and Kathy Dale

Mr. Corey thanked the Council for their continued support. He distributed their plan that he said is a consensus based action. He discussed the continuum of involvement level by various organizations. Mrs. Dale said it is important to know this is a non-member organization where people can become involved and effect change quickly.

Councilmember Kessler said he was involved in the early phase of Vision 2020, and he believes people will appreciate this organization fifty years from now.

RESOLUTION 2004-21-CL: Preliminary Approval of Issuance of Bonds for Lafayette Venetian Blind, Inc.: Lafayette Venetian Blind: Attorney Tom McCully and Controller Mark Trowbridge

Resolution 2004-21-CL will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Attorney Luhman explained the County received a request from Lafayette Venetian Blind, Inc. to issue tax exempt bonds totaling \$3.2 million. Yesterday, the Tippecanoe County Economic Development Commission met and approved a resolution recommending the County adopt a resolution giving preliminary approval to a proposed issuance of economic development revenue and revenue refunding bonds for financing and refinancing Lafayette Venetian Blind's project. He said Lafayette Venetian Blind is adding 48,000 square feet to their current facility at a cost of \$2.1 million and have current outstanding economic development bonds of \$1.1 million from 1990 when the current facility was built. He said the County will be obligated to help finance the project but not repay the bonds; repayment will come from Lafayette Venetian Blind revenue. If approved today, Lafayette Venetian Blind has to apply for State approval before they can issue bonds. He noted the State has an annual volume cap for issuance of Economic Development Bonds.

Mr. McCully reported that Lafayette Venetian Blind issued \$5 million of Economic Development Bonds in 1990 to build the current facility. They currently employ 757 and plan to add another 50 employees when the addition is complete in early September and 10 each year for the next two years. He estimated the payroll will exceed \$20 million when the project is completed. He explained they are requesting the County's approval because a tax exempt entity has to issue Economic Development Bonds.

- Councilmember Kessler moved to approve Resolution 2004-21-CL, seconded by Councilmember Michael; motion carried.

INTEREST STATEMENT: Chief Deputy Treasurer Shannon Withers

Mrs. Withers distributed the Interest Report showing the average interest rate for March 2004 was 1.14%. She said tax bills will be mailed by the end of the week and payments are due May 28, 2004.

FINANCIAL STATEMENT: Auditor Robert Plantenga

Auditor Plantenga reported the 2004 uncommitted County General Funds through April 30, 2004 are \$496,338.66.

SUPERIOR COURT V: Judge Les Meade**ADDITIONAL APPROPRIATION: \$3,000.00**

3,000.00 Part-time

Judge Meade explained he has a full time employee who will be out ten weeks due to surgery. He said he will need additional funds to pay a part-time employee to work in her place.

- Councilmember Byers moved to approve an additional \$3,000 for Part-time, seconded by Councilmember Michael; motion carried.

SUPERIOR COURT: Judge Don Johnson**ADDITIONAL APPROPRIATION: \$44,500.00**

29,000.00 Pauper Attorney

500.00 Office Supplies

15,000.00 Jury Expenses

Judge Johnson requested additional funds he expects will carry these line items through three (3) months. He has \$18,000 in outstanding Pauper Attorney bills and thinks the shortfall in Jury Expense is due to the mileage rate increase. Judge Johnson said Pauper Attorney costs will be reduced when we receive funds from the Public Defender Reimbursement Program that began April 1, 2004.

Auditor Plantenga noted Superior Court has a \$9,000 balance in the Jury Pay Fund.

- Councilmember Kemper moved to approve \$29,000 for Pauper Attorney, \$500 for Office Supplies, and \$6,000 for Jury Expense, seconded by Councilmember Michael; motion carried.

SUPERIOR COURT II/IV-D COURT: Judge Tom Busch**ADDITIONAL APPROPRIATION: \$48,284.00**

16,800.00 Appointed Official/IV-D Magistrate

16,654.00 Full Time Employee/Court Reporter

1,167.00 Overtime

2,651.00 Social Security

981.00 Retirement

3,607.00 Health Insurance

84.00 Long Term Disability

58.00 Life Insurance

70.00 Flex Benefits

1,212.00 Worker's Comp

1,800.00 Office Supplies

250.00 Travel & Training

2,950.00 Liability Insurance

SALARY ORDINANCE	Position	<u>Rate</u>	<u>Salary</u>
	Magistrate		16,800
	Court Reporter		16,654

Judge Busch explained the Federal IV-D Program will reimburse 67% of the cost to operate a IV-D Court to collect Child Support payments. On April 5, 2004, the Commissioners approved a part-time Magistrate (Court Commissioner) to work two days per week and a full time Court Reporter. Because the Court Reporter will work solely in the IV-D Court, he said this will mitigate Overtime cost. A IV-D Court will free up time spent on IV-D cases in other courts and allow 67% reimbursement for costs the County is currently paying 100%. Time spent by the Clerk's employees in the IV-D Court will be tracked and that cost will be reimbursed.

- Councilmember Kessler commented a IV-D Court will allow four other courts to work more efficiently and moved to approve the appropriation effective July 1, 2004 through December 31, 2004, seconded by Councilmember Byers; motion carried.
- Councilmember Kessler moved to approve the salary ordinance, seconded by Councilmember Michael; motion carried.

SUPERIOR COURT III: Judge Loretta Rush

ADDITIONAL APPROPRIATION: \$400,250.00

400,000.00 Institutional Care
250.00 Judge Pro Tem

Judge Rush said approval of her request for \$400,000 for Institutional Care will keep her bill current for 2004. She expects to receive a bill of \$380,00 to \$410,000 from the DOC (Department of Corrections) for the first six months of 2004. She has a \$255,000 balance in this line item, but said she will need that to pay private detention facilities for short term detention of 1 to 10 days.

Auditor Plantenga distributed a printout showing billings and payments for Boys School and Girls School for from 7/1/2002 through 4/19/2004. The numbers show the County's debt decreased from \$1.4 million at the end of 2002 to \$1.2 million at the end of 2003. In an effort to pay down the DOC debt, the Council's 2004 Budget includes a line item of \$100,000.

Auditor Plantenga's numbers also show Judge Rush accelerated her 2004 payments:

	<u>Boys School</u>	<u>Girls School</u>
Billed	\$253,595.05	\$99,519.85
Paid	\$500,000.00	\$125,000.00

Councilmember Kemper said he thinks the Council can only appropriate \$100,000 today and Councilmember Kessler agreed.

- Councilmember Kemper moved to approve \$100,000 for Institutional Care, seconded by Councilmember Byers; motion carried.
- Councilmember Kemper moved to approve \$250 for Judge Pro Tem, seconded by Councilmember Michael; motion carried.

TREASURER

ADDITIONAL APPROPRIATION: \$10,000.00

2,000.00 Printed Forms
8,000.00 Other Professional Services

Action on these requests will be delayed until the June meeting due to an advertising error.

MTS: Secretary Lisa Johnson

Electronic Data Submission Fund 458

ADDITIONAL APPROPRIATION: \$6,725.00

6,725.00 Capital Outlay - Equip

Mrs. Johnson explained this is an appropriation of funds derived from the sale of maps to be used toward the purchase of the server for Courtview.

- Councilmember Kessler moved to approve the appropriation of \$6,725 in Fund 458, seconded by Councilmember Michael; motion carried.

EDIT Fund 301

ADDITIONAL APPROPRIATION: \$25,802.00

12,901.00 Contracts - Misc
12,901.00 Capital Outlay

This request appropriates funds received from the City of Lafayette to apply toward the web site update.

- Councilmember Kessler moved to approve the appropriation of \$25,802 in Fund 301, seconded by Councilmember Michael; motion carried.

TRANSFER: \$3,230.00

From:	301-1420-413-43-90	Contracts Misc	3,230.00
To:	301-1420-411-12-20	Part-time - Other	3,000.00
	301-1420-411-15-10	Social Security	230.00

- Councilmember Kessler moved to approve the transfer, seconded by Councilmember Michael; motion carried.

COUNTY ASSESSOR: Reassessment Fund 281**TRANSFER: \$400.00**

From:	281-0510-412-20-10	Supplies	400.00
To:	281-0510-414-62-90	Capital Outlay	400.00

This transfer is to complete the computer purchase for use with GIS.

- Councilmember Kemper moved to approve the transfer, seconded by Councilmember Basham; motion carried.

FYI: Commissioner Ruth Shedd

TEC is sponsoring an outing for employees and their families at 7:30 P.M., Thursday, May 20, 2004 at Wolf Park.

NEW YORK TRIP REPORT

- Councilmember Kemper: The group's visit to Fitch, Moody's and FSA, a bond insurance company, was positive.
- Auditor Plantenga: Moody's planned to ask us for an update if we hadn't made the trip. All were impressed with Tippecanoe County. Fitch and Moody's have not seen a Business or Operating Plan from another county.
- Councilmember Fruitt: He was impressed that Fitch and Moody's had studied our materials prior to the visit.
- Auditor Plantenga: The goal of the trip was not to request an upgrade of our rating but to maintain it.

OTHER BUSINESS**Park Board Appointment**

- Due to the death of Paul Finkenbinder, the Council's representative to the County Park Board, Councilmember Basham moved to appoint Scott Rumble to fill the vacant position, and to grant Mr. Finkenbinder posthumous status of Park Board Emeritus member due to his many years of dedicated service, seconded by Councilmember Michael; motion carried.

Councilmember Basham said she will arrange the appropriate paperwork.

State County Council Meeting

Councilmember Basham announced there will be a State called County Council Meeting on Saturday, June 12, 2004.

Public Defender Commission Update

Councilmember Kemper announced he met with Commission members today at Noon. One item of discussion dealt with whether appeal cases should be assigned to a single Public Defender or given to paid attorneys who will charge an hourly rate. He thinks Judge Busch will bring this issue to the Council.

Councilmember Kemper mentioned there is a Forensic Diversion Fund now available for those with mental illness and addictive disorders that will be administered by Community Corrections.

Wheel Tax

Councilmember Byers reported he asked the President to put discussion of the Wheel Tax on today's Agenda, but she denied his request. He thinks the Council needs to find funding to pave gravel roads. Attorney Luhman said if Council wants this issue on the agenda, it will take a

motion and a majority vote of the members. To be in effect in 2005, the Council will have to approve it on two readings by June 30, 2004.

- Councilmember Byers moved to put Wheel Tax on the June 8, 2004 Agenda, seconded by Councilmember Kemper; motion carried with 1 no vote by Councilmember Kessler.

Councilmember Byers volunteered to work on the amounts of tax for various vehicles.

Auditor Plantenga suggested scheduling the date for the second reading now to allow sufficient time for advertising the meeting. He noted the Sheriff would like to meet with the Council and Commissioners and wondered if both meetings could be held on the same day. Sheriff Anderson suggested holding his meeting at 2:00 P.M., Wednesday, June 23, 2004. The second reading of the Wheel Tax was scheduled to follow at 3:00 P.M. contingent on the outcome of the first reading.

Since two Councilmembers will attend the Republican State Convention scheduled for Tuesday, June 8, 2004, the regular Council Meeting was rescheduled to 2:00 P.M., Tuesday, June 1, 2004.

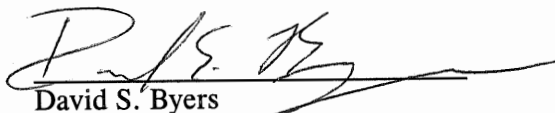
ADJOURNMENT

There being no further business, Vice President Fruitt adjourned the meeting.

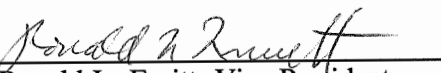
TIPPECANOE COUNTY COUNCIL



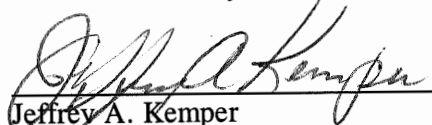
 Kathy Vernon, President




 David S. Byers



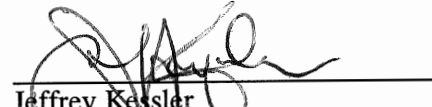
 Ronald L. Fruitt, Vice President



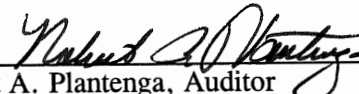
 Jeffrey A. Kemper



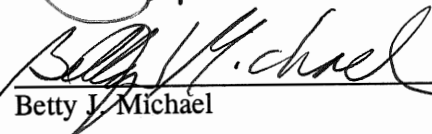
 Connie Basham



 Jeffrey Kessler

Attest: 

 Robert A. Plantenga, Auditor



 Betty J. Michael