***TIPPECANOE COUNTY BOARD OF COMMISSIONERS***
***REGULAR MEETING***
***February 1, 2010***

The Tippecanoe County Commissioners met on Tuesday, February 1, 2010 at 10:00 a. m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel and Vice President David S. Byers. Absent was Commissioner Thomas P. Murtaugh. Also present were: Attorney David W. Luhman, Auditor Jennifer Weston, Commissioner's Assistant Frank Cederquist, and Secretary Kay Muse.

Commissioner Knochel called the meeting to order and led the Pledge of Allegiance

***APPROVAL OF MINUTES***

- Commissioner Byers moved to approve the minutes of the January 19, 2010 meeting, second by Commissioner Knochel; motion carried.

***PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS***

Commissioner's Assistant Frank Cederquist recommended approval of accounts payable vouchers for January 21, 22, 27, 28, 29, and February 1, 2010 as submitted with no exceptions.

- Commissioner Byers moved to accept the accounts payable vouchers as presented with no exceptions, second by Commissioner Knochel; motion carried.

***SPONSORSHIP AGREEMENT FOR 'ROUND THE FOUNTAIN ART FAIR***–*Janie Peters*

Round the Fountain Art Fair Committee Member Janie Peters requested approval for the sponsorship agreement. A change in the agreement prohibiting the pruning of trees or vegetation was made in response to the pruning of a tree to accommodate an artist tent.

- Commissioner Byers moved to approve the sponsorship agreement with the Round the Fountain Art Fair as presented, second by Commissioner Knochel; motion carried.

***AREA PLAN COMMISSION***–*Sallie Fahey*
**Subdivision Variance–S-4155 Monitor Subdivision (Major-Preliminary Plat): A variance to waive the required half-width pavement improvement for the CR 50 S frontage.**

Executive Director Sallie Fahey deferred to the petitioners representatives for presentation.

Attorney Dan Teder with Reiling Teder & Schrier LLC requested approval of a subdivision variance to waive the required half-width pavement improvement for CR 50 S frontage. Attorney Teder has spoke with Highway Director Opal Kuhl and she is satisfied with proposed improvements. Ms. Kuhl stated this is an agreement between the developer and the school corporation who would be doing the improvements from CR 550 to just past the Wyandotte School property. Tippecanoe County is responsible for improvements from the school on east.

- Commissioner Byers moved to approve Variance S-4155 as presented, second by Commissioner Knochel; motion carried.

***HIGHWAY***-*Opal Kuhl*

**Awarding of Bridge 151 Project**

Director Kuhl recommended the approval of a contract and bid bond for Bridge 151 with Jack Isom Construction.

Commissioner Knochel stated that Jack Isom Construction currently has a contract with the state for the construction of an overpass in Washington Township. One of the county roads is closed and is inaccessible. Commissioner Knochel added that Jack Isom Construction has been contacted many times in reference to the condition of the county roads at this overpass and Jack Isom has not been responsive. He feels it is unacceptable and disappointing.

- Commissioner Byers moved to accept the bid and contract from Jack Isom Construction for work on Bridge 151, second by Commissioner Knochel; motion carried.

**Certification Letter for Indiana Department of Transportation for Bridge U-209 Project**

Ms. Kuhl presented a Certification Letter for Indiana Department of Transportation for Bridge U-209 Project. She added this is acknowledging that the right-of-ways have been cleared. Ms. Kuhl added that Eli Lilly did donate all of the right-of-ways for this project.

**Warranty Deed and Temporary Easement Grants for South River Road Project**

Ms. Kuhl presented a Warranty Deed and Temporary Easements for Parcel 17, 17a, 17b, and 17c in the amounts of $12,650 for the Warranty Deed and $900 for the Temporary Easements in the name of The Trustees of Purdue University.

- Commissioner Byers moved to approve the Warranty Deed and Temporary Easements as presented, second by Commissioner Knochel; motion carried.

Ms. Kuhl presented a Warranty Deed and Temporary Easements for Parcels 18, 18a, and 18b in the amounts of $19,310 for the Warranty Deed and $1,200 for the Temporary Easements in the name of Purdue Research Foundation.

- Commissioner Byers moved to approve the Warranty Deed and Temporary Easements as presented, second by Commissioner Knochel; motion carried.

Ms. Kuhl presented a Warranty Deed and Temporary Easements for Parcel 19 and 19a in the amounts of $9,450 for the Warranty Deed and $1,000 for the Temporary Easement in the name of Purdue Research Foundation.

- Commissioner Byers moved to approve the Warranty Deed and Temporary Easement as presented, second by Commissioner Knochel; motion carried.

Ms. Kuhl presented a Warranty Deed and Temporary Easement for Parcel 20 and 20a in the amounts of $10,650 for the Warranty Deed and $1,700 for the Temporary Easement in the name of Purdue Research Foundation.

- Commissioner Byers moved to approve the Warranty Deed and Temporary Easement as presented, second by Commissioner Knochel; motion carried.

Ms. Kuhl presented a Warranty Deed and Temporary Easement for Parcel 21 and 21a in the amounts of $3,500 for the Warranty Deed and $500 for the Temporary Easement in the name of Purdue Research Foundation.

- Commissioner Byers moved to approve the Warranty Deed and Temporary Easement as presented, second by Commissioner Knochel; motion carried.

Ms. Kuhl presented a Warranty Deed and Temporary Easement for Parcel 48 and 48a in the amounts of $2,280 for the Warranty Deed and $610 for the Temporary Easement in the name of Purdue Research Foundation.

- Commissioner Byers moved to approve the Warranty Deed and Temporary Easement as presented, second by Commissioner Knochel; motion carried.

Ms. Kuhl presented a Warranty Deed and Temporary Easement for Parcel 61 and 61a in the amounts of $3,630 for the Warranty Deed and $260 for the Temporary Easement in the name of Purdue Research Foundation.

- Commissioner Byers moved to approve the Warranty Deed and Temporary Easement as presented, second by Commissioner Knochel; motion carried.

**Verification Certificate**

Ms. Kuhl presented a Verification Certificate from Duke Energy Indiana Inc. in the amount of $5,000 for approval.

- Commissioner Byers moved to approve the Verification Certificate as presented, second by Commissioner Knochel; motion carried.

**Change Order #4**

Ms. Kuhl presented Change Order #4 from Myers Construction Management, Inc. for approval. This is for the Tippecanoe County Highway Garage Site Improvements Project in the amount of $14,845 for the addition of dedicated circuits for Hot Box's and to repair the feeder conduit between buildings.

- Commissioner Byers moved to approve Change Order #4 as presented, second by Commissioner Knochel; motion carried.

***TREASURER**–Bob Plantenga*
**Resolution 2010-07-CM Authorizing and Approving the Entry into an Inter-local Agreement for the Investment of Public Funds**

Treasurer Bob Plantenga introduced Curt R. Fritsch, President of CRF Financial Group, Inc., Program Director for Hoosier Fund Indiana Local Investment Pool. Mr. Plantenga stated this agreement would authorize Tippecanoe County to enter into an investment pool for municipalities only. The Attorney General and the State Board of Accounts have approved Hoosier Fund. Mr. Plantenga added that Baker and Daniels has given approval that it does meet all state requirements. The County Council's approval is also required.

- Commissioner Byers moved to approve Resolution 2010-07-CM as presented, second by Commissioner Knochel; motion carried.

***GRANTS**–Laurie Wilson*

**Permission to Apply**

Grant Facilitator Laurie Wilson requested permission to apply for a $31,285 training grant for TEMA and District 4 for the implementation of training exercises to enhance capabilities through out the District.

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

**Permission to Accept**

Ms. Wilson requested permission to accept a $5,000 National Health Organization Grant. This will be for future needs of the Medical Reserve Corp. Ms. Wilson added these funds do not have an expiration date, so they may be set aside for future needs.

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

Ms. Wilson requested permission to accept a $50,000 Indiana Criminal Justice Institute Grant for the Juvenile Detention Alternative Initiative (JDAI) for a one-year project.

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

Ms. Wilson requested permission to accept a $12,344 Indiana Criminal Justice Institute Grant for Court Services to benefit the Forensic Diversion Drug Court. This grant does require a 100% match, adding Court Services can meet this requirement.

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

Ms. Wilson requested permission to accept a $55,162 Indiana Criminal Justice Institute Grant for Superior Court 3, with conditional approval, for continuation of a re-entry project. Approval will be pending a satisfactory audit and site visit of the office of the current contractor.

- Commissioner Byers moved to accept the grant as presented with conditional approval, second by Commissioner Knochel; motion carried.

***CONTRACT FOR LEGAL SERVICES**–Dave Luhman*

Attorney Dave Luhman presented a proposed contract with Hoffman, Luhman & Masson PC for calendar year 2010. Attorney Luhman reported the same fee rate as 2008 and 2009 of $165 per hour is being requested. Commissioner Assistant Frank Cederquist reported he has checked rates with the two cities and this amount is acceptable.

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

*UNFINISHED/NEW BUSINESS*

**Swisher Road Lease**

- Commissioner Byers moved to bring the lease of property located on Swisher Road off the table, second by Commissioner Knochel; motion carried.

Attorney Dave Luhman presented Resolution 2010-08-CM by stating this would authorize the execution of the lease on March 1, 2010 instead of February 1, 2010. The County Council must also approve this Resolution and it is on their agenda for February 9, 2010.

Commissioner Knochel asked for any further public comment on this issue before taking a vote.

Paul Wright–West Point–asked if anything other than the date of the lease had changed. Commissioner Knochel stated there were no other changes. Mr. Wright added he had evaluated the property, and agrees that it is very suitable for the storage of the TEMA equipment. Mr. Wright stated his concerns are with leasing of the property. Mr. Wright feels the lease amount is excessive and purchasing the property should be considered at a negotiated fee less than the purchase option in the lease agreement.

Sadie Harper-Scott–voiced her concerns about spending tax dollars for the leasing of property to house emergency equipment. Her biggest concern is the juvenile detention center that is currently suspended because of the economic downturn. Ms. Harper-Scott added she feels the juvenile center is of more importance than county equipment.

Commissioner Knochel– stated that several taxpayers had contacted him and voiced their concerns and reservations pertaining to the issue of leasing property to house equipment. Commissioner Knochel suggested that building on property already owned by the County should be considered and evaluated. Commissioner Knochel added that he could not support the lease at this time.

- Commissioner Byers moved to accept Resolution 2010-08-CM as presented, second by Commissioner Knochel; motion failed with Commissioner Byers voting in favor, Commissioner Knochel voting against.

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

Director Rebecca Humphrey cited an injunction that requires Department of Child Services to pay for services at 2009 rates and is requesting approval of Resolution 2010-06-CM. Attorney Luhman stated this would reinstate the 2009 rates effective as of January 1, 2010 for residential care. Attorney Luhman added these rates would be in effect as long as injunction remains in effect. Attorney Luhman stated rates as follows, $180 Residential Care, $180 Emergency Shelter Care, and $206 Intensive Supervision.

- Commissioner Byers moved to approve Resolution 2010-06-CM as presented, second by Commissioner Knochel; motion carried.

*NOTE: This resolution will be referred to as 2010-09-CM; Resolution 2010-06-CM was approved January 19, 2010.*

Ms. Humphrey requested permission to change the Admission Application to include the change in per diem rates.

- Commissioner Byers moved to approve amendment of the Admission Application as stated, second by Commissioner Knochel; motion carried.

***REPORTS***

Treasurer
Circuit Court
Weights and Measure
Tippecanoe County Public Library

Reports are on file in the Commissioner's office for public review.

***PUBLIC COMMENTS***

None

- Commissioner Byers moved to adjourn

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

John L. Knochel, President

David S. Byers, Vice President

ABSENT
Thomas P. Murtaugh, Member

**ATTEST:**

Jennifer Weston, Auditor