

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**November 5, 2007**

The Tippecanoe County Commissioners met on Monday, November 5, 2007 at 10:00 a. m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President KD Benson, Vice President John L. Knochel and Member Ruth E. Shedd. Also present were: Auditor Jennifer Weston, Commissioners' Assistant Frank Cederquist, County Attorney David W. Luhman, and Secretary Jennifer Prange.

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

***APPROVAL OF MINUTES***

- Commissioner Knochel moved to approve the minutes from the October 15, 2007 meeting, second by Commissioner Shedd; motion carried.

***ACCOUNTS PAYABLE VOUCHERS***

Commissioner Assistant Frank Cederquist recommended approval for accounts payable vouchers for October 18, 19, 25, 26, November 1, 2, 5 as presented without exception.

- Commissioner Shedd moved to approve the accounts payable vouchers as submitted, second by Commissioner Knochel; motion carried.
- Commissioner Knochel moved to approve the authorization for payment of the claim referred to in the demand letter submitted by GnA, second by Commissioner Shedd; motion carried.

***PROCLAMATION – LAFAYETTE SUPPLIER DIVERSITY DEVELOPMENT***

Larry Pherson, Supplier Diversity Development Coalition of Greater Lafayette, presented a proclamation for Supplier Diversity Day to be held November 13, 2007 on the Purdue Campus. He thanked West Lafayette Mayor Jan Mills, Commissioner KD Benson and Mayor Tony Roswarski for proclaiming November 13<sup>th</sup> Supplier Diversity Development Day.

Mayor Jan Mills and Commissioner KD Benson read the proclamation.

***SUPPLIER DIVERSITY DEVELOPMENT COALITION OF GREATER LAFAYETTE PROCLAMATION***

**WHEREAS**, growth and development of women and minority businesses are essential and fostering a strong local economy; and

**WHEREAS**, the supplier diversity development coalition of Greater Lafayette is devoted to developing strategic alliances and enhancing opportunities for minority owned businesses; and

**WHEREAS**, the coalition has formed strategic partnerships with private businesses, governmental agencies, and Purdue University to work together to promote the success and longevity of minority business enterprises; and

**WHEREAS**, it is through the efforts of this coalition that the business in Tippecanoe County have access to diverse programs, services, and products; and

**WHEREAS**, the cities and the county commend the coalition for its dedication to building a stronger community by promoting and engaging in diverse business development.

**NOW, THEREFORE, WE**, Jan Mills, Mayor of the City of West Lafayette, KD Benson, President of the Commissioners of Tippecanoe County, and on behalf of Tony Roswarski, Mayor of Lafayette, do hereby proclaim, November 13, 2007, Supplier Diversity Days, in honor of Supplier Diversity Development Coalition of Greater Lafayette.

***HIGHWAY – Opal Kuhl***

A Warranty Deed and a Temporary Highway Easement Grant for Parcel #1 on the newly designed Bridge #28 project was recommended for approval.

- Commissioner Knochel moved to approve the Warranty Deed and Temporary Highway Easement Grant for Bridge #28, second by Commissioner Shedd; motion carried.

Director Kuhl requested approval for a Construction Maintenance Bond from David Blubaugh for excavating work in all County Right-of-Way in the amount of \$5,000.00.

- Commissioner Knochel moved to approve the Construction Maintenance Bond for \$5,000 as presented, second by Commissioner Shedd; motion carried.

A Construction Maintenance Bond from Dwenger Excavating Contractors, Inc. to work in all County Right-of-Way in the amount of \$5,000.00 was recommended for approval.

- Commissioner Knochel moved to approve the construction maintenance bond from Dwenger Excavating as presented, second by Commissioner Shedd; motion carried.

Director Kuhl presented a Payment and Performance Bond from Duncan Robertson, Inc. each in the amount of \$515,378.00 for Bridge #20 project. She noted that a maintenance bond was not included.

- Commissioner Knochel moved to approve the Payment and Performance Bonds as presented, second by Commissioner Shedd; motion carried.

A Performance Bond, Payment Bond, and Maintenance Bond from Wirtz and Yates, Inc. each in the amount of \$358,973.68 for Bridge #91 project were presented for approval.

- Commissioner Knochel moved to approve the bonds as presented for Bridge #91, second by Commissioner Shedd; motion carried.

A Performance Bond, Payment Bond and Maintenance Bond from Wirtz and Yates, Inc. each in the amount of \$458,386.72 for Bridge #107 project were recommended for approval.

- Commissioner Knochel moved to approve the bonds as presented for Bridge #107, second by Commissioner Shedd; motion carried.

A Performance Bond, Payment Bond and Maintenance Bond were recommended for approval from Wirtz & Yates, Inc. each in the amount of \$636,161.12 for Bridge #118 and #179 Project.

- Commissioner Knochel moved to approve the bonds as presented, second by Commissioner Shedd; motion carried.

**REZONES**

- Commissioner Knochel moved to hear and approve Rezone Z-2355; Matthew Overman Et Al (AA to a); Ordinance 2007-38-CM, second by Commissioner Shedd; motion carried.

**REZONE Z-2355—MATHEW OVERMAN ET AL (AA to a), ORDINANCE 2007-38-CM:** Petitioners are requesting rezoning of 16.3 acres located immediately south of I-65 and on the west side of CR 1000E where the road ends at the I-65 right-of-way in Lauramie 2 (NW) 21-3.

(quote)

October 18, 2007  
Ref. No.: 07-513

Tippecanoe County Commissioners  
20 North 3rd Street  
Lafayette, IN 47901

**CERTIFICATION**

**RE: Z-2355—MATTHEW OVERMAN ET AL (AA to A):**

Petitioners are requesting rezoning of 16.3 acres located immediately south of I-65 and on the west side of CR 1000E where the road ends at the I-65 right-of-way in Lauramie 2 (NW) 21-3.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on October 17, 2007, the Area Plan Commission of Tippecanoe County voted 14 yes - 0 no on the motion to rezone the subject real estate from AA to A. 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 November 5, 2007 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

/s/Sallie Dell Fahey  
Executive Director

(unquote)

Stuart Gutwein, Attorney at Bennett Law Firm, spoke on behalf of the petitioner. The petitioner is requesting a rezone for property located in Lauramie Township of approximately 16.3 acres located near I-65. The owners plan to use the property for a lawn care/landscaping business hub, a tree farm, and a small greenhouse to support the tree farm. A set-back encroachment was identified on the property and in the future, a variance will be filed for the encroachment.

- Commissioner Knochel moved to approve Rezone Z-2355; Ordinance 2007-38-CM, second by Commissioner Shedd; motion carried.

Auditor Weston recorded the vote:

Benson	Yes
Knochel	Yes
Shedd	Yes

Ordinance 2007-38-CM passes 3-0.

#### **AREA PLAN COMMISSION – Sallie Fahey**

Director Fahey presented a Resolution authorizing the President of the Commissioners to sign the Interlocal Agreement once resolutions from all the jurisdictions are adopted. The Interlocal Agreement authorizes the Area Plan Commission to Purchase Traffic Counters for the three major jurisdictions. The counters will also be available for any projects within jurisdictions.

- Commissioner Knochel moved to approve Resolution 2007-24-CM, second by Commissioner Shedd; motion carried.

#### **GRANTS – Laurie Wilson**

Prosecutor Pat Harrington spoke regarding the Search Warrant Blood Draw Grant through Indiana Criminal Justice Institute. He added this program is very effective and the number of blood draws has decreased in recent years. This grant reimburses hospitals for blood draws performed on impaired drivers.

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

TEMA Director Mark Kirby spoke regarding the Professional Services Agreement to hire a contractor. He added the contractor will represent the Department of Homeland Security in District IV. The proposed contract would be effective through June 30, 2008.

- Commissioner Knochel moved to approve the Professional Services Agreement for TEMA as presented, second by Commissioner Shedd; motion carried.

Grant Coordinator Laurie Wilson requested permission to apply for a grant for Superior Court 3 through the Indiana Criminal Justice Institute. This grant will fund 100 assessments, training, training kits, and conference attendance for administrators of the grant in Drug Court.

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

#### **SNOW REMOVAL CONTRACT**

Maintenance Supervisor Mike Haan requested the Snow Removal Contract be postponed until the proper insurance certificates are received from bidders.

#### **ORDINANCE 2007-39-CM: ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR TIPPECANOE COUNTY AND DECLARING AN EMERGENCY**

Attorney Luhman noted an annual supplement has been received for ordinances that were passed since the last revision. This ordinance will adopt the supplement and make additional ordinances effective immediately.

- Commissioner Knochel moved to approve Ordinance 2007-39-CM on first reading, second by Commissioner Shedd;

Auditor Weston recorded the vote:

Benson	Yes
Knochel	Yes
Shedd	Yes

Ordinance 2007-39-CM passes 3-0 on first reading.

- Commissioner Knochel moved to suspend the rules and hear Ordinance 2007-39-CM on second reading, second by Commissioner Shedd; motion carried.
- Commissioner Knochel moved to hear and approve Ordinance 2007-39-CM on second reading; second by Commissioner Shedd;

Auditor Weston recorded the vote:

Benson	Yes
Knochel	Yes
Shedd	Yes

Ordinance 2007-39-CM passes 3-0 on second and final reading.

#### ***PERMISSION TO PUBLISH REQUEST FOR HVAC BIDS***

Commissioner Knochel noted that the Courthouse, Jail and 629 N. 6<sup>th</sup> Street building are all due for HVAC system replacements. The proposal request will be published on November 16, 2007. Attorney Luhman reported that the bids will be due on December 17, 2007, with anticipation of the job being started in the spring.

- Commissioner Knochel moved to grant permission for publishing of HVAC bids, second by Commissioner Shedd; motion carried.

#### ***CERTIFICATE OF PUBLIC APPROVAL OF APPLICABLE ELECTED REPRESENTATIVE***

The County Hospital Authority received a request from the St. Francis Health Services, Inc. to issue tax exempt bonds to provide monies for construction of the new St. Elizabeth East Hospital. The Hospital Authority held a public hearing last week and unanimously approved the issuance. The Commissioners will grant final approval as the applicable elected representative.

- Commissioner Knochel moved to approve the Certificate of Public Approval for the Hospital Authority of Tippecanoe County Subordinated Revenue Bonds, Series 2008, St. Elizabeth East Hospital Project, second by Commissioner Shedd; motion carried.

#### ***SPONSORSHIP AGREEMENT FOR LAFAYETTE/WEST LAFAYETTE DEVELOPMENT CORPORATION***

Commissioner's Assistant Frank Cederquist presented a request by the Lafayette/West Lafayette Development Corporation to use the north stairs of the Courthouse to erect a viewing stand for the Christmas Parade held on December 2, 2007.

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

**APPLICATION TO VILLA**

- Commissioner Knochel moved to approve the application for Steven Carson to the Villa, second by Commissioner Shedd; motion carried.

**COMMON WAGE BOARD**

- Commissioner Knochel moved to appoint Brian Fahey, Roy Meeks, and Dave Lahr to the Common Wage Board for Tippecanoe County for the Heating and Air Conditioning Replacement Project, second by Commissioner Shedd; motion carried.

**UNFINISHED/NEW BUSINESS**

Commissioner Assistant Frank Cederquist recommended the closure of the courthouse for Lincoln’s Birthday and Columbus Day. Employees working on Columbus Day and Lincoln’s Birthday will receive two personal days.

- Commissioner Knochel moved to close the courthouse on Lincoln’s Birthday and Columbus Day, second by Commissioner Shedd; motion carried.

**REPORTS ON FILE**

Tippecanoe County Public Library  
Veteran’s Office  
Weights and Measures  
Treasurer’s Office  
County Park and Recreation Board  
Mail and Duplicating

**PUBLIC COMMENT**

- Commissioner Knochel moved to adjourn.

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



KD Benson, President

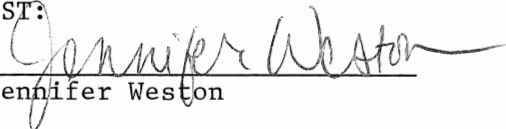


John L. Knochel, Vice President



Ruth E. Shedd, Member

ATTEST:

  
Jennifer Weston