

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
*July 6, 2015*

The Tippecanoe County Commissioners met on Monday, July 6, 2015 at 10:00 a.m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President Thomas P. Murtaugh, Vice President David S. Byers and Commissioner Tracy A. Brown. Also present were: Attorney Doug Masson and Auditor Bob Plantenga.

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

***APPROVAL OF MINUTES***

**June 15, 2015**

- Commissioner Byers moved to approve the minutes of the regular meeting held June 15, 2015, second by Commissioner Brown; motion carried.

***PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS AND PAYROLL***

- Commissioner Brown moved to approve the accounts payable vouchers for June 16 through July 6, 2015 and payroll vouchers for June 19 and July 2, 2015 as presented without exception, second by Commissioner Byers; motion carried.

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

**Subdivision Variance S-4529, Stonehenge Subdivision, Phase 4 (Major-Preliminary Plat)**

APC Director Fahey said the request is for a variance from the Subdivision Ordinance which is different from a Zoning Ordinance Variance that would be heard by the Board of Zoning Appeals. There are requirements at street intersections of 100 feet of straightaway before there is a change in the direction of the street. In this case, there are four places where the 100 feet requirement cannot be met. The lengths not meeting the requirement are 75.2 feet, 72.3 feet, 54.23 feet, and 84.17 feet. The Highway Department has reviewed and do not have concerns with the Variance. The Commissioners vote will be a recommendation to the Planning Commission. The Planning Commission will make the final determination when they hear from the Subdivision in two weeks. A “no” vote from the Commissioners will cause the Planning Commission to turn down the request because the Commissioners are accepting the street for maintenance. A “yes” vote from the Commissioners allows the Planning Commission to vote yes or no.

- Commissioner Byers moved to approve Subdivision Variance S-4529 - 1, 2, 3, and 4 as presented, second by Commissioner Brown; motion carried.

**Z-2613 John Weilbaker R1 to I3, ORDINANCE 2015-14-CM:** Petitioner is requesting rezoning of Lot 2 of Weilbaker Minor Subdivision, to legitimize the existing heavy construction contracting business located at 3129 Klondike Road, Wabash 2 (SW) 23-5

- Commissioner Brown moved to hear Ordinance 2015-14-CM, second by Commissioner Byers.

June 18, 2015  
 Ref. No.: 15-119

Tippecanoe County Commissioners  
 20 North 3<sup>rd</sup> Street

Lafayette, IN 47901

CERTIFICATION

RE: **Z-2613--JOHN WEILBAKER (R1 to I3):**

Petitioner is requesting rezoning of Lot 2 of Weilbaker Minor Subdivision, to legitimize the existing heavy construction contracting business located at 3129 Klondike Road, Wabash 2 (SW) 23-5.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on June 17, 2015 the Area Plan Commission of Tippecanoe County voted 2 yes - 8 no on the motion to rezone the subject real estate from R1 to I3. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be DENIED 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 July 6, 2015 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

Sallie Dell Fahey  
Executive Director

Attorney Joe Bumbleburg from Ball Eggleston stated the petitioner Mr. Weilbaker is present. The request is part of a puzzle being put together as there is a companion rezone that didn't make it past the Planning Commission's last meeting; it will come to the Commissioners later. The rezone request is from R1 to I3. A minor subdivision was created to restore legal non-conformity of use. Mr. Weilbaker has owned the property since 1974. In 1974 there was a building on the property used to repair equipment. In 1980, a building was replaced; built with a permit – what he was doing then is what he is doing now. In 1994, a tornado destroyed the building and the Building Commissioner advised Mr. Weilbaker to get a permit and a new building was erected for equipment. The Staff reports say the area is mixed with the area across the road zoned I3 (Venetian Blinds) and an area south zoned R3. The land to the north is a stand of trees and the field behind the property is crop production. There are eight different zonings within one quarter of a mile; asking for an I3 rezone is not an irregular deviation from the standard. The land is currently serviced by American Suburban and there is a water main across the front. Attorney Bumbleburg asked the Commissioners to drive down Klondike Road and look at the mixed and varied uses. Pictures with a view from the road were provided to the Commissioners. Mr. Weilbaker lives on the property and is a good steward to the grounds; a rezone would cause no harm to anyone. Attorney Bumbleburg requested approval of the rezone.

Commissioner Murtaugh asked if the property immediately north and east of the Weilbaker property is owned by the School Corporation or if it is private. Attorney Bumbleburg said it is forest reserve and he believes it is owned by the School Corporation; if not, then it is owned by the Crouch family. Commissioner Murtaugh asked if the property to the south is zoned R3. Attorney Bumbleburg replied "yes" and stated there is a fire station very close. Commissioner Murtaugh asked about the buffer yards and Attorney Bumbleburg said they would comply with all terms of the Ordinance as they apply.

Commissioner Murtaugh invited public comment in favor of or opposed to the Ordinance. There were none.

Commissioner Byers stated he is in favor of the vote as the business has been there for over 35 years. His personal opinion is that the only reason for the complaint was due to the property owners behind Mr. Weilbaker's property wanting to build apartments. He added that the Weilbakers are good citizens of the community, they do their business right and if the zoning is approved, they will also complete the buffer part the right way.

Auditor Plantenga recorded the vote.

Murtaugh	Yes
Byers	Yes
Brown	No

Ordinance 2015-14-CM passed 2-1.

**Z-2616 Legado Development Group (A & R1 TO A): ORDINANCE 2015-15-CM** – Petitioner is requesting rezoning of 8.052 acres of a 10.505 acre tract adjacent to the east of Springvale Cemetery, more specifically 2660 Schuyler Avenue, Fairfield, Longlois Reserve (N1/2) 23.4

- Commissioner Byers moved to hear Ordinance 2015-15-CM, Legado Development A & R1 to A, second by Commissioner Brown.

June 18, 2015  
Ref. No.: 15-122

Tippecanoe County Commissioners  
20 North 3<sup>rd</sup> Street  
Lafayette, In 47901

**CERTIFICATION**

RE: **Z-2616--LEGADO DEVELOPMENT GROUP, LLC (A & R1 to A):**

Petitioner is requesting rezoning of 8.052 acres of a 10.505 acre tract adjacent to the east of Springvale Cemetery, more specifically 2660 Schuyler Avenue, Fairfield, Longlois Reserve (N1/2) 23-4.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on June 17, 2015 the Area Plan Commission of Tippecanoe County voted 10 yes - 0 no on the motion to rezone the subject real estate from A & R1 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 July 6, 2015 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

Sallie Dell Fahey  
Executive Director

The petitioner was not present. Commissioner Brown said the development is off of Schuyler Avenue/State Road 25 North on Conservation Club Road. The rezone request is to allow a special exception for an expansion of Legacy Sports Club to include a large building with four indoor basketball courts, two outdoor courts, and parking. APC Director Fahey said it is utilized as one event space owned by mostly the same people but different corporations. In the A zone, they have to file for special exception which has been filed.

Commissioner Murtaugh invited public comment in favor of or opposed to the Ordinance. There were none.

Auditor Plantenga recorded the vote.

Byers	Yes
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Brown            Yes  
 Murtaugh        Yes

Ordinance 2015-15-CM passed 3-0.

**Z-2617 Rolling Maul, LLC (GB to A) ORDINANCE 2015-16-CM:** Petitioner is requesting rezoning of 5.992 acres of an 11.429 acre tract located at 2780 Conservation Club Road, Fairfield, Longlois Reserve (N1/2) 23-4

- Commissioner Brown moved to hear Ordinance 2015-16-CM, second by Commissioner Byers.

APC Director Fahey said this is the same area as the previous Ordinance and the special exception will allow an expansion to Legacy Sports Club for two soccer fields. The past access has been from Conservation Club Road; the future access will be from Schuyler Avenue and Conservation Club Road.

June 18, 2015  
 Ref. No.: 15-123

Tippecanoe County Commissioners  
 20 North 3<sup>rd</sup> Street  
 Lafayette, IN 47901

**CERTIFICATION**

RE:        **Z-2617--ROLLING MAUL, LLC (GB to A):**  
 Petitioner is requesting rezoning of 5.992 acres of an 11.429 acre tract located at 2780 Conservation Club Road, Fairfield, Longlois Reserve (N1/2) 23-4.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on June 17, 2015 the Area Plan Commission of Tippecanoe County voted 10 yes - 0 no on the motion to rezone the subject real estate from GB 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 July 6, 2015 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

Sallie Dell Fahey  
 Executive Director

Commissioner Murtaugh invited public comment in favor of or opposed to the Ordinance. There were none.

Auditor Plantenga recorded the vote.

Brown            Yes  
 Murtaugh        Yes  
 Byers            Yes

Ordinance 2015-16-CM passed 3-0.

**HIGHWAY – Opal Kuhl**  
**Release of Easement – Driveway on Cumberland Avenue for KMF Purdue, LLC**

Highway Director Kuhl presented a Release of Easement for a driveway on Cumberland Avenue for KMF Purdue. The temporary easement contained a clause stating the easement goes away when construction is completed; however, the property is being sold and the buyer wants a release. Attorney Salsbery prepared the release.

- Commissioner Byers moved to approve the Release of Easement on Cumberland Avenue for KMF Purdue, LLC as presented, second by Commissioner Brown; motion carried.

#### **Permit to Close or Block a Road – Buckingham Drive**

Director Kuhl presented a Permit to Close or Block a Road for 109-117 Buckingham Drive in Buckingham Subdivision on July 25, 2015 from 7:45 am to 4:45 pm for a block/basketball party.

- Commissioner Brown moved to approve the Permit to Close or Block a Road for 109-117 Buckingham Drive as presented, second by Commissioner Byers; motion carried.

#### **3 Year Construction Maintenance Bond – Maxwell Farm Drainage, Inc.**

Director Kuhl presented a bond from Maxwell Farm Drainage in the amount of \$5,000 for a road cut on County Road 800 South.

- Commissioner Byers moved to approve the 3 year Construction Maintenance Bond for Maxwell Farm Drainage as presented, second by Commissioner Brown; motion carried.

#### ***COMMUNITY CORRECTIONS – Dave Heath***

##### **Work Release Contract**

Community Corrections Director Heath said the Work Release Contract is the annual contract with DOC to house State Work Release. Attorney Masson said it is a state contract and he reviewed it.

- Commissioner Byers moved to approve the Work Release Contract as presented, second by Commissioner Brown; motion carried.

#### ***SURVEYOR – Zach Beasley***

##### **MOA with Solid Waste Management District and Partnership for Water Quality**

Surveyor Beasley said he is the Coordinator for the Tippecanoe County Partnership for Water Quality. Previously there was an Educator position at the Soil and Water Conservation District which was part time and also part time at the Tippecanoe County Solid Waste Management District. The previous MOU was dissolved and the part time for the Soil and Water District has now been relocated to the Surveyor's office. Surveyor Beasley will supervise the position and the salary will be split between the Tippecanoe County Partnership for Water Quality and the Solid Waste Management District. Surveyor Beasley presented an MOA to revise the previous MOU which has been signed by both parties. The position has been filled by Vanessa Rainwater, she will start July 14.

Commissioner Murtaugh thanked Surveyor Beasley for stepping up; saying having the Tippecanoe County Partnership for Water Quality and the Solid Waste Management District coming together is another example of working together to do the right thing for citizens. Surveyor Beasley said he agreed and the reason he stepped up is because everyone involved from the Commissioners, to the Mayors, to the Partnership Board agree this is the best move for everyone as a team.

- Commissioner Brown moved to approve the MOA between the Solid Waste Management District and the Partnership for Water Quality as presented, second by Commissioner Byers; motion carried.

***BUILDING COMMISSION – Mike Wolfe***

**Unsafe Structure: 1918 N 500 W, West Lafayette**

- Commissioner Byers moved to remove the Unsafe Structure from the table, second by Commissioner Brown.

Building Commissioner Wolfe presented an update on the unsafe structure at 1918 North 500 West in West Lafayette. A follow-up inspection was performed Thursday, July 2 and nothing has changed; it remains unsafe as shown in the photos provided to the Commissioners. The structure has been taken down slightly but appears that entry is still possible. On December 3, 2014 the owner, Onias Taluwinga, stated everything would be gone and he planned to rebuild starting in August. The owner has also set his own deadlines several times, he is not here today and Building Commissioner Wolfe recommended proceeding with the bidding process to demolish the structures. Attorney Masson will draft an order from the Building Commission advising to demolish by a designated date. By the next meeting if the owner has not complied with the order, the Building Commissioner may proceed with the quote or bidding process. Building Commissioner Wolfe said he spoke with Mr. Taluwinga last week to advise him of the meeting today and expected him to be present. Mr. Taluwinga said his contractor has been delayed by rain on other projects.

Attorney Masson asked Building Commissioner Wolfe to prepare something similar to a work order which would serve two purposes: 1) what he wants the landowner to do and 2) the scope of work he wants to solicit quotes for. Attorney Masson will review the statute and advise Mr. Wolfe what needs to be done to obtain bids.

- Commissioner Byers moved to approve authorizing the Building Commissioner to order demolition in the next ten days and have a contractor perform the demolition if the property owner does not, second by Commissioner Brown; motion carried.

***YOUTH SERVICES – Rebecca Humphrey***

**Approval of Addendum with Lafayette School Corporation for Restorative Justice Training (funded through JDAI 2014-2015 Grant)**

Cary Home Director Humphrey requested approval of an addendum with Lafayette School Corporation. Youth Services received a grant to fund \$2,500 Restorative Justice Training to pay stipends to their teachers for after school attendance. Due to weather, testing, and other incidents, less teachers attended than were signed up so the money was allocated differently and the training was increased. The addendum cleans up the language to make payment more clear.

- Commissioner Brown moved to approve the Addendum with Lafayette School Corporation in the amount of \$2,500 for Restorative Justice Training through the JDAI grant as presented, second by Commissioner Byers; motion carried.

**Approval of contract with Lafayette School Corporation for enhanced software purchase and training (\$30,690 funded through Indiana Criminal Justice Institute 2015 Grant)**

Director Humphrey presented the contract to move forward in 2015, covering July 1 to September 30. The grant will support the Lafayette School Corporation purchase of enhanced software data management system for registration and also training.

- Commissioner Byers moved to approve the contract with Lafayette School Corporation for software purchase and training through the Indiana Criminal Justice Institute Grant, second by Commissioner Brown; motion carried.

***AUDITOR – Bob Plantenga***  
**2016 Salary Statements**

Auditor Plantenga said it is getting close to the time to prepare the 2016 budget. Indiana Code 36-25-4 requires each department to submit a Salary Statement to the Auditor before July 2<sup>nd</sup>; all have been returned. The Salary Statements were prepared with the 2% pay increase recommended by the Commissioners. The statute requires the Executive Body make recommendations to Council before August 20.

- Commissioner Brown moved to accept the 2016 Salary Statements and make a recommendation to the Council, second by Commissioner Byers; motion carried.

***CHANGE ORDER FOR 111 NORTH 4<sup>TH</sup> STREET PROJECT***

Commissioner Byers said the Change Order with Tecton. The original design included working on three floors; now all five floors will be included. The Change Order total is \$103,530.

- Commissioner Byers moved to approve the Change Order as presented, second by Commissioner Brown; motion carried.

***CHANGE ORDER FOR JAIL PROJECT***

President Murtaugh said the Change Order is for the repair of four additional jail cells at \$4,930 each. The Change Order total is \$19,720; the total project cost is \$84,120.

- Commissioner Brown moved to approve the Change Order in the amount of \$19,720 as presented, second by Commissioner Byers; motion carried.

***AMENDMENT TO AND RENEWAL OF OPERATING AGREEMENT – SOUTHSIDE LANDFILL, INC.***  
***ADDENDUM TO LEASE WITH SOUTHSIDE LANDFILL, INC.***

Attorney Masson stated there are two related agreements for the Trash Transfer Station which is operated by Southside Landfill. The County owns the facility and Southside has managed it for a number of years. The Addendum to the lease gives Southside Landfill an additional five years. In return, Southside will complete maintenance on the building structure including repair from a fire, reskin the portion of the facility which was not affected by fire damage, a new metal roof, and an installation of new overhead door and opener. In exchange for the additional five year lease, the same rates will remain.

Commissioner Brown said the Solid Waste Advisory Commission met on June 18<sup>th</sup> and the recommendation of the Board was to move forward with the Addendum. President Murtaugh said Southside has been a great partner.

- Commissioner Byers moved to approve the Amendment to and Renewal of Operating Agreement and the Addendum to the Lease with Southside Landfill, Inc. as presented, second by Commissioner Brown; motion carried.

***APPOINTMENT TO HUMAN RELATIONS COMMISSION***

- Commissioner Brown moved to approve the appointment of John Metzinger to the Human Relations Commission, second by Commissioner Byers; motion carried.

***UNFINISHED/NEW BUSINESS*** – none

***REPORTS ON FILE***

The following reports will be on file in the Commissioners' office:

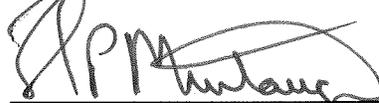
- Building Commission
- Wabash River Heritage Corridor Commission
- Parks and Recreation Board

***PUBLIC COMMENT*** – none

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

Meeting adjourned at 10:43 a.m.

BOARD OF COMMISSIONERS OF  
THE COUNTY OF TIPPECANOE



Thomas P. Murtaugh, President

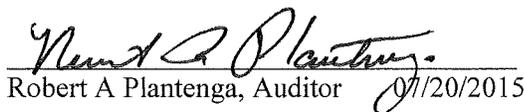


David S. Byers, Vice President



Tracy A. Brown, Member

ATTEST:



Robert A. Plantenga, Auditor 7/20/2015