TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
October 7, 2013

The Tippecanoe County Commissioners met on Monday, October 7, 2013 at 10:00 a.m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President David S. Byers, Vice President John L. Knochel, and Commissioner Thomas P. Murtaugh. Also present were: Attorney David W. Luhman, Auditor Jennifer Weston, Commissioners' Assistant Frank Cederquist, and Recording Secretary Tillie Hennigar.

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

APPROVAL OF MINUTES

- Commissioner Knochel moved to approve the minutes of the regular meeting held September 16, 2013, second by Commissioner Murtaugh; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

- Commissioner Knochel moved to approve the accounts payable vouchers for September 18, 19, 20, 24, 25, 26, 27 and October 2, 3, 4, and 7 as submitted without exception, second by Commissioner Murtaugh; motion carried.

PUBLIC HEARING
Petition for Vacation of a Platted Easement-Winding Creek Subdivision - Ordinance 2013-27-CM

- Commissioner Knochel moved to hear Ordinance 2013-27-CM, second by Commissioner Murtaugh.

Joe Bumbleburg, Attorney with Ball, Eggleston stated he represents petitioner Steve Connors, who is present. When the subdivision was platted, there was a question about ingress and egress from lots 254 and 255 on County Road 600 North. As a result, the non-access easement created a need to find another path to the two lots. The drawing provided by Attorney Bumbleburg shows an easement which was platted between lots, across an outlot, and up to the subject lots. The Highway Department reviewed the easement after final platting and decided an ingress and egress to lots 254 and 255 would be appropriate and less costly to build. Notices have been mailed and advertised. He requested approval to remove the platted easement in order to build the appropriate ingress and egress off of 600 North.

President Byers invited public comment in favor of or opposed to the Ordinance. There were none.

Auditor Weston recorded the vote.

Byers	Aye
Knochel	Aye
Murtaugh	Aye

Ordinance 2013-27-CM passed 3-0 on first reading.

AREA PLAN COMMISSION – Sallie Fahey
Ordinance 2013-36-CM - Amendment #78 – Nonconforming Mobile Homes – Clarks Hill

- Commissioner Knochel moved to hear Ordinance 2013-36-CM, second by Commissioner Murtaugh.

September 19, 2013
Ref. No.: 13-292

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

CERTIFICATION

RE: AMENDMENT #78--NONCONFORMING MOBILE HOMES – CLARKS HILL
An amendment requested by the Clarks Hill Town Board which would allow nonconforming mobile homes within the incorporated Town of Clarks Hill to be expanded or replaced with a larger mobile home meeting certain criteria

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on September 18, 2013, the Area Plan Commission of Tippecanoe County voted 8 yes - 1 no on the motion to approve the enclosed amendment to the Unified Zoning Ordinance. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed zoning ordinance amendment be approved.

Sincerely,

Sallie Dell Fahey
Executive Director

Director Fahey said the amendment applies to the zoning ordinance affecting the town of Clarks Hill. The amendment is at the request of the Clarks Hill Town Board. When Clarks Hill joined the Plan Commission, the Town Council was interested in weeding out the mobile homes from the town as they caused reduced assessment valuation. The current Town Council has a different philosophy; they prefer to individually review properties with a mobile home and allow replacement with a larger mobile home if approved by a majority of the Town Council members.

President Byers invited public comment in favor of or opposed to the Ordinance. There were none.

Auditor Weston recorded the vote.

Byers	Aye
Knochel	Aye
Murtaugh	Aye

Ordinance 2013-36-CM passed 3-0.

Ordinance 2013-32-CM – Z-2540 Legado Development Group (R1 to GB) – Rezoning of 2.453 acres located on the north side of Schuyler Avenue (formerly SR 25 N), west of Conservation Club Road, more specifically 2660 Schuyler Avenue, Fairfield, Longlois Reserve (E1/2) 23-4.

- Commissioner Knochel moved to hear Z-2540 Ordinance 2013-32-CM, second by Commissioner Murtaugh.

September 19, 2013
Ref. No.: 13-301

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

RE: **Z-2540—LEGADO DEVELOPMENT GROUP (R1 to GB):**
Petitioners are requesting rezoning of 2.453 acres located on the north side of Schuyler Avenue (formerly SR 25 N), west of Conservation Club Road, more specifically 2660 Schuyler Avenue, Fairfield, Longlois Reserve (E1/2) 23-4. *CONTINUED FROM THE AUGUST APC MEETING AT PETITIONER'S REQUEST.*

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on September 18, 2013 the Area Plan Commission of Tippecanoe County voted 10 yes - 0 no on the motion to rezone the subject real estate from R1 to GB. 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 October 7, 2013 regular meeting. Petitioner or his representatives must appear to present the case.

Sincerely,

Sallie Dell Fahey
Executive Director

As there were no petitioners representing Legado Development Group, Attorney Luhman said the Commissioners may take no action or if the APC staff report contained sufficient information, the Commissioners may take action. Commissioner Knochel said the APC staff report was 10 yes - 0 no. The property is located west of Conservation Club Road. President Byers said the property is by the soccer fields. Commissioner Murtaugh said the property is immediately adjacent to the cemetery and the rezone request is from R1 to GB. The plan is to develop a commercial strip center with a driveway connection to the sports complex to the north.

President Byers invited public comment in favor of or opposed to the rezone and Ordinance. There were none.

Auditor Weston recorded the vote.

Byers	Aye
Knochel	Aye
Murtaugh	Aye

Ordinance 2013-32-CM passed 3-0.

Ordinance 2013-33-CM – Z-2548 Stewart McIntyre (R3 to A) – Rezoning three vacated lots located on the south side of Church Street, two blocks south of CR 900 S (Attica Street), more specifically 6806 Church Street in the unincorporated town of Stockwell, Lauramie 8 (NE) 21-3.

- Commissioner Knochel moved to hear Z-2548 Ordinance 2013-33-CM, second by Commissioner Murtaugh.

September 19, 2013
Ref. No.: 13-302

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

RE: **Z-2548--STEWART McINTYRE (R3 to A):**
Petitioner is requesting the rezoning of three vacated lots located on the south side of Church Street, two blocks south of CR 900 S (Attica Street), more specifically 6806 Church Street, in the unincorporated town of Stockwell, Lauramie 8 (NE) 21-3.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on September 18, 2013 the Area Plan Commission of Tippecanoe County voted 2 yes - 8 no on the motion to rezone the subject real estate from R3 to A. 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 Monday, October 7, 2013 regular meeting. Petitioner or his representatives must appear to present the case.

Sincerely,

Sallie Dell Fahey
Executive Director

As there was no petitioner to represent the rezone, President Byers stated the rezone received a 2 yes - 8 no vote form the Area Plan Commission. Commissioner Murtaugh said the request is for rezoning from residential to agriculture within the town of Stockwell. His recommendation is to table the request allowing the petitioner a second opportunity to come forward at a future meeting. Commissioner Knochel said the 2 yes - 8 no vote is a fairly substantial vote of no and he recommended the request be voted on today.

President Byers invited public comment in favor of or opposed to the rezone and Ordinance. There were none.

Auditor Weston recorded the vote.

Byers	Nay
Knochel	Nay
Murtaugh	Nay

Ordinance 2013-33-CM failed 0-3.

Ordinance 2013-34-CM – Z-2550 Lafayette Christian School Foundation, Inc. (R1 to GB) – Rezoning of 21.677 acres located at the old Aretz Airport, on the south side of CR 300 N, west of Old CR 400 E, Fairfield 11 (NE) 23-4.

- Commissioner Knochel moved to hear Z-2550 Ordinance 2013-34-CM, second by Commissioner Murtaugh.

September 19, 2013
Ref. No.: 13-304

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

RE: **Z-2550--LAFAYETTE CHRISTIAN SCHOOL FOUNDATION, INC. (R1 to GB):**
Petitioner is requesting rezoning of 21.677 acres located at the old Aretz Airport, on the south side of CR 300 N, west of Old CR 400 E, Fairfield 11 (NE) 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 September 18, 2013 the Area Plan Commission of Tippecanoe County voted 10 yes - 0 no on the motion to rezone the subject real estate from R1 to GB. 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 Monday, October 7, 2013 regular meeting. Petitioner or its representative must appear to present the case.

Sincerely,

Sallie Dell Fahey
Executive Director

Joe Bumbleburg, Attorney with Ball, Eggleston stated he represents the Christian School Foundation and the petitioners, Erik Spykman and Stuart Boehning, members of the Foundation. The petitioners are present. The request is to rezone 21.677 acres of land from R1 to GB. The property is part of the old Aretz Airport, located on the south side of CR 300 N, west of Old CR 400 E. The Area Plan Commission voted 10 yes - 0 no. Attorney Bumbleburg said delaying development until water and sewer is installed didn't seem to be a positive answer; development drives the progress of water and sewer. He requested approval of the rezone.

President Byers invited public comment in favor of or opposed to the rezone and Ordinance. There were none.

Auditor Weston recorded the vote.

Byers	Aye
Knochel	Aye
Murtaugh	Aye

Ordinance 2013-34-CM passed 3-0.

Ordinance 2013-35-CM Rezone Z-2552 Fred & Andrea Kuipers (A to RE) – Rezoning 28.31 acres located on the east side of Shootingstar Lane, about 2,000 feet north of CR 500 N, Tippecanoe 28 (SW) 24-4.

- Commissioner Knochel moved to hear rezone Z-2532 Fred and Andrea Kuipers (A to RE), Ordinance 2013-35-CM, second by Commissioner Murtaugh.

September 19, 2013
Ref. No.: 13-306

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

RE: **Z-2552--FRED & ANDREA KUIPERS (A to RE) (Meadowgate Estates RE):**
Petitioner is requesting rezoning of 28.31 acres located on the east side of Shootingstar Lane (private) about 2,000 feet north of CR 500 N, Tippecanoe 28 (SW) 24-4.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on September 18, 2013 the Area Plan Commission of Tippecanoe County voted 10 yes - 0 no on the motion to rezone the subject real estate from A to RE. 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 Monday, October 7, 2013 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

Sallie Dell Fahey
Executive Director

Joe Couts, C & S Surveying stated he represents the owners and developers Dr. Fred Kuipers and Andrea Kuipers. The request was heard at the last APC meeting and passed 10 yes - 0 no. The property is the fourth and final phase of Meadowgate Estates Subdivision. He requested approval of the rezone request.

President Byers invited public comment in favor of or opposed to the rezone and Ordinance. There were none.

Auditor Weston recorded the vote.

Byers	Aye
Knochel	Aye
Murtaugh	Aye

Ordinance 2013-35-CM passed 3-0.

***HIGHWAY** – Opal Kuhl*
Petition for Vacation of Unimproved Street – Portions of Mulberry Street ad Pearl Street in the Town of West Point

Director Kuhl presented a petition for vacation of an unimproved street in the town of West Point, stating it includes portions of Mulberry Street and Pearl Street. The area is an empty field; there are platted lots that were never developed and an empty field on the west side. A public hearing was set for November 4, 2013.

- Commissioner Knochel moved to approve a hearing date of November 4 for the Petition for Vacation, second by Commissioner Murtaugh; motion carried.

Cumberland Road Project – Change Order #5 from DJ McQuestion & Sons, Inc.

Director Kuhl said the Cumberland Road project is a Federal Aid project with an 80%/20% split. The change order is in the amount of $20,882.62; the total amount for the project is $4,638,072.74. The

project was set up for the sub-base to be lime stabilized. When the soil testing was completed, part of the roadway needed to be Portland cement stabilized instead of lime stabilized.

- Commissioner Knochel moved to approve Change Order #5 for the Cumberland Road project as presented, second by Commissioner Murtaugh; motion carried.

Bridge #141 Project – Temporary Grant of Right-of-Way, Warranty Deed, and Quit Claim Deed for Parcel 2 – Gregory Lee Moore

Director Kuhl said right-of-way purchase is in progress for Bridge #141, the bridge on 100 N that was damaged by the log jams during the flood. Currently, the bridge is being operated as a one lane bridge. The temporary right-of-way cost is $15.00; the permanent right-of-way cost is $9,485.00 for parcel 2.

- Commissioner Knochel moved to approve the temporary grant of right-of-way, warranty deed, and quit claim deed for Bridge #141 and Gregory Lee Moore as presented, second by Commissioner Murtaugh; motion carried.

Bridge #141 Project – Temporary Grant of Right-of-Way, and Warranty Deed for Parcel 3 – Timothy P. Leming

Director Kuhl said the temporary grant of right-of-way is in the amount of $185.00 and the permanent right-of-way is in the amount of $9,070.00 for parcel 3, Timothy P. Leming.

- Commissioner Knochel moved to approve the temporary right-of-way and warranty deed for parcel 3, Timothy P. Leming for Bridge #141 as presented, second by Commissioner Murtaugh; motion carried.

Bridge #141 Project – Temporary Grant of Right-of-Way, Warranty Deed, and Quit Claim Deed for Parcel 6 – Chris L. Moore

Director Kuhl said the temporary grant of right-of-way is in the amount of $30.00 and the permanent right-of-way is in the amount of $9,460.00 for parcel 6, Chris L Moore.

- Commissioner Knochel moved to approve the temporary grant of right-of-way, warranty deed, and quit claim deed for parcel 6, Chris L. Moore as presented, second by Commissioner Murtaugh; motion carried.

***GRANTS** – Laurie Wilson*
Permission to Accept Grant

Grant Facilitator Wilson requested permission to accept a grant for the Health Department in the amount of $15,000 from the Indiana State Health Department. The grant is for the Bioterrorism Preparedness and Response Supplemental grant which will fund the Emergency Preparedness Coordinator Assistant.

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

Grant Facilitator Wilson requested permission to accept a grant for Superior Court 3 in the amount of $10,000 from the Indiana Judicial Center for the Court. The funds will be used for the Court Improvement Program to fund mediation and facilitation.

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

Grant Facilitator Wilson requested permission to accept a grant for the Prosecutor in the amount of $10,000 from the Indiana State Police for Internet Crimes Against Children Task Force.

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

CARY HOME *– Rebecca Humphrey*
Comcast Business Class Service Order Agreement

Cary Home Executive Director Humphrey said the residents in the main house at Cary Home have received free cable from Comcast for many years. Comcast has discontinued the free program. There is a cable box in the girls unit at Cary Home which does have a fee. The proposal from Comcast is to add a second cable box in the main house at an additional $10 charge. Director Humphrey requested approval of the new contract and the addendum with additional terms and conditions. Attorney Luhman's office s reviewed the contract and addendum.

- Commissioner Knochel moved to approve the agreement with Comcast as presented, second by Commissioner Murtaugh; motion carried.

MITS *– Dave Sturgeon*
Print Management RFP Award Recommendation

MITS CIO Sturgeon said the print management Request For Proposals (RFP) for copiers, printers, and maintenance was sent out earlier this year; five responses were received. A Selection/Scoring Committee was formed. During review of the responses, an addendum was released to obtain additional information, add another category for the large unit in the duplicating center, and clarify volumes for specific pricing. As part of the scoring, the pricing for the existing smaller laser printers will cost less than what is currently paid for toners and consumables, and they will be maintained by the awarded vendor. Based on the scoring, the award recommendation from the committee is to award the Print Management contract to VanAusdall and Farrar, located in Indianapolis. A contract will be negotiated and available for signatures soon.

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

WIC *– Colleen Batt*
Lease Extension for West Lafayette Site
Lease Agreement for Tippecanoe Street Site

WIC Director Batt presented a lease extension for the West Lafayette Purdue West WIC site and a lease agreement for the Tippecanoe Street site. Grant funds are available and in the budget for both leases for the next year. Rates were negotiated earlier this year; both are extensions. Attorney Luhman said the Purdue West lease is a one year extension and the Tippecanoe Street lease is a five year extension. The leases are subject to continued funding.

- Commissioner Knochel moved to approve the lease extension for West Lafayette and the lease agreement on Tippecanoe Street as presented, second by Commissioner Murtaugh; motion carried.

BUILDING COMMISSION *– Ken Brown*
Unsafe Structure – 10111 Strong Avenue, Colburn, Indiana

Building Commissioner Brown said the property located at 10111 Strong Avenue in Colburn needs addressed. The last time the property was discussed, a mutual agreement was that the property met the definition of unsafe. Attorney Doug Masson sent the owner, Jana Hageman a letter on August 6, 2013; there was no response from Ms. Hageman. A copy of the letter was provided to the Commissioners. Building Commissioner Brown then sent an email to Ms. Hageman. Her reply was provided to the Commissioners, indicating she does not care if the structures on the property are demolished by the County. At this point, there is no other choice and Commissioner Brown requested approval to proceed with demolition procedures and obtain bids. Commissioner Brown said his budget is sufficient to cover the demolition which he estimates to be around $8,000.

Attorney Luhman said a public hearing date should be set, notification by certified mail sent to Ms. Hageman, and enter the order for demolition. Attorney Luhman will send the notification.

- Commissioner Knochel moved to set a hearing date of November 4, 2013 for the property at 10111 Strong Avenue in Colburn, second by Commissioner Murtaugh; motion carried.

VILLA *– Frank Cederquist*
Change Order for ADA Project

Commissioners' Assistant Cederquist presented a change order for the ADA project at Tippecanoe Villa in the amount of $689.00. The change order is to install trim around the HM and D doors.

- Commissioner Knochel moved to approve the change order for the Villa ADA project as presented, second by Commissioner Murtaugh; motion carried.

APPLICATIONS TO VILLA

- Commissioner Knochel moved to accept the applications to the Tippecanoe Villa for Veronica Jane Schultz, Daniel M. Clevenger, Sherry Lynn Jones, and Carolyn Stingley, second by Commissioner Murtaugh; motion carried.

UNFINISHED/NEW BUSINESS - none

REPORTS ON FILE

President Byer said the following reports will be on file in the Commissioner's Office:

Clerk
Public Library
Crystal Creek Boarding Kennel
Building Commission
Central Mail and Duplicating

PUBLIC COMMENT

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

Meeting adjourned at 10:37 a.m.

BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE

David S. Byers, President

John L. Knochel, Vice President

Thomas P. Murtaugh, Member

ATTEST:

Jennifer Weston, Auditor 10/21/2013

/th