TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
December 2, 2013

The Tippecanoe County Commissioners met on Monday, December 2, 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 November 18, 2013, second by Commissioner Murtaugh; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

- Commissioner Knochel moved to approve the accounts payable vouchers for November 20, 21, 22, 26, 27, 29 and December 2, 2013 as submitted without exception, second by Commissioner Murtaugh; motion carried.

ELECTION BOARD – *Christa Coffey*
Termination of VOTEC's Contract

Clerk Coffey stated she has communicated with Attorney Luhman on behalf of the County Election Board. Indiana now has a requirement of certification of the electronic poll book through the Voting System Technical Oversight Program (VSTOP) at Ball State University. The current vendor, VOTEC will not be completing the certification process. The VOTEC contract needs terminated. Clerk Coffey said there are three companies with the necessary card programmer for the voting equipment; however, only one company allows the use of the County's current equipment. The cost for new equipment is unknown.

- Commissioner Knochel moved to approve termination of the VOTEC contract as presented, second by Commissioner Murtaugh; motion carried.

RESOLUTION 2013-36-CM - TRW TAX ABATEMENT APPLICATION

George Snow from TRW requested an abatement on $7.6 million of equipment. The equipment is for the Ford business that was brought to TRW in 2010 – the Econoline van and the super duty trucks (F250, F350, and F450). In the third quarter of 2014, Ford anticipates a huge increase in business for the super duty trucks; the equipment will support the increased volume. When the volume spikes for the F250, it drops for the Econoline van. The twenty employees currently working two shifts on the Econoline van line will be retained and transferred to the super duty truck line.

- Commissioner Knochel moved to approve Resolution 2013-36-CM as presented, second by Commissioner Murtaugh; motion carried.

AREA PLAN COMMISSION – Sallie Fahey
UZO Amendment #79 – Elevating Homes in FP Deadline Extension
ORDINANCE 2013-43-CM

- Commissioner Murtaugh moved to hear Ordinance 2013-43-CM, second by President Byers.

November 21, 2013
Ref. No.: 13-348

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

CERTIFICATION

RE: UZO AMENDMENT #79—ELEVATING HOMES IN FP DEADLINE EXTENSION:
An amendment to the Unified Zoning Ordinance that changes the deadline date for elevating existing residences in the FP zone under certain circumstances from, December 31, 2013 to July 1, 2014.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on November 20, 2013, the Area Plan Commission of Tippecanoe County voted 12 yes - 0 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

Area Plan Commission Director Fahey said the request will amend the Unified Zoning Ordinance that changes the deadline date for elevating existing residences in the FP zone under certain circumstances from December 31, 2013 to July 1, 2014. The purpose of the extension is to provide the Plan Commission Ordinance Committee and the Plan Commission time to determine it should be a permanent part of the Ordinance and also determine if it should be expanded to allow elevation of other properties.

President Byers said there are property owners who have not had damage but would like to raise their homes.

Auditor Weston recorded the vote.

Byers	Aye
Knochel	Aye
Murtaugh	Aye

Ordinance 2013-43-CM passed 3-0.

Z-2551 Charles R. Vaughn (R1 to GB), ORDINANCE 2013-44-CM

- Commissioner Knochel moved to hear Ordinance 2013-44-CM, second by Commissioner Murtaugh.

November 21, 2013
Ref. No.: 13-356

Tippecanoe County Commissioners
20 N 3rd St
Lafayette IN 47901

CERTIFICATION

RE: Z-2551 CHARLES R. VAUGHN (R1 TO GB)
Petitioner is requesting rezoning of the four lots in Painted Hills Subdivision, located on the north side of Veterans Memorial Parkway (CR 350 S) between Old Romney Road and Old US 231, Wea 7 (NE) 22-4. *CONTINUED FROM THE OCTOBER 16TH MEETING IN ORDER TO COMPLETE A FLOOD PLAIN CERTIFICATION. SECOND CONTINUANCE.*

Dear Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on November 20, 2013 the Area Plan Commission of Tippecanoe County voted 12 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.

Sincerely,

Sallie Dell Fahey
Executive Director

Joe Bumbleburg, Attorney with Ball Eggleston stated he represents the petitioner, Charles Vaughn. The petitioner is requesting rezoning of four lots in Painted Hills Subdivision, located on the north side of Veterans Memorial Parkway between Old Romney Road and Old US 231. The property is zoned residential and has been a subdivision since 2002. There has not been any interest for residential development. The property to the east is a stone company zoned GB; the property to the west is zoned R3; and the property to the south is zoned OR The Area Plan Commission voted 12 yes – 0 no. Attorney Bumbleburg requested approval of the rezone as presented.

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

Auditor Weston recorded the vote.

Byers	Aye
Knochel	Aye
Murtaugh	Aye

Ordinance 2013-44-CM passed 3-0.

Z-2557 F. Lynn Cason, Jr., Trust (R1 to GB), ORDINANCE 2013-45-CM

- Commissioner Knochel moved to hear Ordinance 2013-45-CM, second by Commissioner Murtaugh.

November 21, 2013
Ref. No.: 13-357

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

CERTIFICATION

RE: Z-2557 F. LYNN CASON, JR. TRUST (R1 TO GB):

Petitioner is requesting rezoning of 68.6 acres located at the northeast and northwest corners of the new intersection of Cumberland Avenue and US 231, Wabash 11 (N1/2) 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 November 20, 2013, the Area Plan Commission of Tippecanoe County voted 12 yes - 0 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

Joe Bumbleburg, Attorney with Ball Eggleston stated he represents the petitioner, Lynn Cason and the Cason Trust. Mr. Cason and his wife are present as well as the team representing the rezone, Alan White and Steve Schreckengast. The request is for a rezone from R1 to GB of 68.6 acres at the northeast and northwest corners of the new intersection of Cumberland Avenue and US 231. The petitioners have met with the City of West Lafayette and Attorney Bumbleburg has had conversations with the City Attorney regarding the type of businesses that may be permitted/not permitted in this area. The Area Plan Commission voted 12 yes – 0 no. Attorney Bumbleburg requested approval of the rezone as presented.

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

Auditor Weston recorded the vote.

Byers	Aye
Knochel	Aye
Murtaugh	Aye

Ordinance 2013-45-CM passed 3-0.

ORDINANCE 2013-46-CM – Amending Fee Schedule

Commissioner Knochel moved to hear Ordinance 2013-46-CM, second by Commissioner Murtaugh.

APC Director Fahey said the Plan Commission has worked for several months on a new fee schedule, stating the Plan Commission has the authority to set fees; however, since 2006 APC has involved the Commissioners and an Ordinance in order for the fees to be in the County Code. The

Plan Commission voted unanimously 12-yes, 0-no to amend the by-laws to increase the fees as presented. Attorney Luhman prepared the Ordinance to reflect what was adopted by Area Plan Commission.

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

Auditor Weston recorded the vote.

Byers	Aye
Knochel	Aye
Murtaugh	Aye

Ordinance 2013-46-CM passed 3-0 on first reading.

RESOLUTION 2013-33-CM – Interlocal Agreement to Purchase Traffic Counters

Commissioner Knochel moved to hear Resolution 2013-33-CM, second by Commissioner Murtaugh.

APC Director Fahey said the Resolution will allow President Byers to sign an Interlocal Agreement between the Area Plan Commission, the County Commissioners, the City of Lafayette, and the City of West Lafayette to purchase traffic counters. A portion (80%) of planning money is set aside to purchase the traffic counters; reimbursed by the Federal Government through INDOT. The remaining 20% is pro-rated between the other jurisdictions based on the equipment they want to purchase. In return for paying 80%, each jurisdiction is obligated to take traffic counts which are required by INDOT for the Federal Government and also traffic counts at various locations to provide data and input for the long range transportation model. The traffic counters remain the property of the Plan Commission through the duration of the Interlocal Agreement.

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

HIGHWAY *– Opal Kuhl*
Opening of Bids – Rental of Equipment – Gasoline and Diesel Fuel

Highway Director Kuhl stated the opening of bids happens every year at this time for rental of equipment and also gasoline and diesel fuel. Attorney Luhman opened the bids.

RENTAL OF EQUIPMENT
Labor, Dump Trucks, Equipment

Rieth-Riley – 3425 O'Farrel Road, Lafayette, IN 47905	Numerous Categories/Bids
Milestone Contractors, LP, 3301 S 460 E, Lafayette, IN	Numerous Categories/Bids

Attorney Luhman stated the bids will be available for public inspection immediately following the meeting.

GASOLINE and DIESEL FUEL

Ceres Solutions, PO Box 432, Crawfordsville, IN 47933	Transport and Tank Wagon Prices for Unleaded & Diesel

Attorney Luhman recommended the bids be taken under advisement.

Commissioner Knochel moved to take the bids under advisement, second by Commissioner Murtaugh; motion carried.

INDOT LPA Agreement/Bridge Inspection Contract

Director Kuhl said the Commissioners recently signed the agreement with H. Stewart Klein to complete the Federal Bridge Inspections. The INDOT contract she presented verifies INDOT will provide 80% of the Federal funds for the project.

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

Performance Bond – Jack Isom Construction Co., Inc. - Bridge #141

Payment Bond – Jack Isom Construction Co., Inc. – Bridge #141

Director Kuhl presented the Performance Bond and the Payment Bond for Jack Isom Construction for work on bridge #141. Bridge #141, located on County Road 100 North was damaged by the flood and log jam. The road will close today and work will begin on the bridge.

Commissioner Knochel moved to approve the Performance and Payment Bond as presented, second by Commissioner Murtaugh; motion carried.

ORDINANCE 2013-47-CM – AMENDING TIPPECANOE COUNTY CODE - FAIRGROUND FEES AND CHARGES

Commissioner Knochel moved to hear Ordinance 2013-47-CM, second by Commissioner Murtaugh.

President Byers said he and Roberta Crabtree reviewed and compared rents for several other County's Fairground facilities. He presented the schedule of fees and noted a new category for *Fee Generating Events.* Roberta said fees were increased a minimum amount for community type events such as receptions and banquets.

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

Auditor Weston recorded the vote.

Byers	Aye
Knochel	Aye
Murtaugh	Aye

Ordinance 2013-47-CM passed 3-0 on first reading.

BUILDING COMMISSION *– Ken Brown*
Acceptance of Demolition Quotes:

- **Unsafe Structure: 10111 Strong Avenue, Colburn**
- **Wildcat Creek Solid Waste Property, North 9th Street Rd, Lafayette**

Building Commissioner Brown said bids were opened at the last meeting for two proposed demolitions. The low bidder for the property at 10111 Strong Avenue, Colburn was Poisel Construction with a bid of $7,200. The low bidder for the property at Wildcat Creek Solid Waste Property, North 9th Street Road, Lafayette was Poisel Construction with a bid of $3,500.
Building Commissioner Brown stated his demolition account has sufficient funds to cover the Colburn property. Commissioner Murtaugh stated the Solid Waste District will cover the funds for the demolition on North 9th Street.

- Commissioner Knochel moved to accept the demolition quotes as presented, second by Commissioner Murtaugh; motion carried.

Building Commissioner Brown provided an update on a previously discussed property in Stockwell, saying Attorney Luhman sent Mr. Wilbur a notice stating progress needed to take place prior to December 1, 2013. As of two weeks ago, nothing has changed at the property. He spoke with Mr. Wilbur today and was informed he is still working on his project in Lafayette and does not have the money yet to work on the Stockwell property. Building Commissioner Brown will return at the next meeting to discuss the Stockwell property progress.

COMMUNITY CORRECTIONS *– Dave Heath*
Uniform Conflict of Interest Statement

Commissioner Murtaugh congratulated Community Corrections Director Heath on receiving the Presidential Award for the Indiana Association of Community Corrections. Director Heath presented a Conflict of Interest Statement for Sean Barnes who works for the Sheriff Department and was awarded the Snow Removal contract for Community Corrections.

- Commissioner Knochel moved to accept the Conflict of Interest Statement as presented, second by Commissioner Murtaugh; motion carried.

MITS *– Dave Sturgeon*
Dark Fiber Lease

MITS Chief Information Officer Sturgeon presented the Interlocal Agreement between Tippecanoe County, Montgomery County, and Indiana Dataline, who holds the lease agreement for the fiber. The lease agreement is a 20 year lease. The lease has been reviewed by Attorney Luhman's office and the Iran agreement is attached. CIO Sturgeon explained dark fiber as lighting the fiber with your own equipment. President Byers reviewed the lease as $33,000 over 20 years; Tippecanoe County will pay 50%, or $16,500, and $1,250 annually for maintenance.

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

APPLICATIONS TO TIPPECANOE VILLA

- Commissioner Knochel moved to approve application to Tippecanoe Villa for Danny L. Cummings, Arlene E. Cummings, and Dawn O-Day Thayer, second by Commissioner Murtaugh; motion carried.

APPOINTMENTS TO COMMON WAGE BOARD

- Commissioner Knochel moved to appoint Jean Hall to the Purdue University – West Lafayette campus Common Construction Wage Committee and Frank Cederquist to the City of Lafayette's Common Construction Wage Committee, second by Commissioner Murtaugh; motion carried.

AMEND RESOLUTION 2013-31-CM
Corrected to be Resolution 2013-35-CM

Auditor Weston said Resolution 2013-31-CM was assigned to two Resolutions; the lease agreement for Highway is amended to be Resolution 2013-35-CM.

- Commissioner Knochel moved to approve amendment of the Resolution 2013-31-CM to Resolution 2013-35-CM, second by Commissioner Murtaugh; motion carried.

UNFINISHED/NEW BUSINESS

President Byers announced the appointment of Dave Hullinger as the Probation Chief Officer.

REPORTS ON FILE

Board of Health
Clerk of the Circuit Court

PUBLIC COMMENT

Paul Wright – 4523 S County Line Rd W, Westpoint – Mr. Wright questioned if the Amtrak contract has been completed. Commissioner Murtaugh said it hasn't come through; we are waiting on the State. Mr. Wright said he understands the fee increases for the Fairgrounds; however, he doesn't understand why the Commissioners feel it is beneficial to subsidize Amtrak. He does understand if the passengers have to pay more. Commissioner Murtaugh said the passengers will pay more; ticket fares will increase. He continued to say it is all part of economic development. If consistent, reliable service between Chicago and Indianapolis is available, it will benefit Lafayette greatly. Mr. Wright said he is in favor of people paying their own way.

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

Meeting adjourned at 10:47 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 12/16/2013

/th