TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
February 4, 2013

The Tippecanoe County Commissioners met on Monday, February 4, 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, Commissioner's 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 Murtaugh moved to approve the minutes of the regular meeting held January 22, 2013, second by Commissioner Knochel; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

- Commissioner Knochel moved to approve the accounts payable vouchers for January 25 and 30, also February 1 and 4, 2013 as submitted with one exception in the amount of $574.00 for reimbursement to Carrie Costello, second by Commissioner Murtaugh; motion carried.

AREA PLAN COMMISSION – Sallie Fahey
Rezone Z-2516 RBT Development, LLC (NB to R3), Ordinance 2013-04-CM: Petitioner is requesting rezoning of 4.392 acres located north of Genoa Drive and east of Paramount Drive, for an expansion of the existing multi-family development, in Wabash 2 (NE) 23-5

- Commissioner moved to hear Rezone Z-2516 RBT Development, LLC, NB to R3, Ordinance 2013-04-CM, second by Commissioner Knochel.

Attorney Dan Teder with the firm of Reiling, Teder, and Schrier stated he is representing the petitioner. Petitioner Dave Leffert is present to respond to any comments. The request is for a rezone to R3. A favorable report was received from the Area Plan staff and a unanimous approval from the Area Plan Commission. The site was previously zoned NB and has been vacant for approximately ten years, due to the lack of visibility for a commercial site from US 52 . The property is surrounded by other GB and NB, apartments, and a trailer court. Numerous inquiries have been received from neighboring property owners and multi-family owners expressing interest in the property. He has spoken with several neighbors and has not received any objections to the rezone.

Commissioner Byers said in looking at the map and seeing McCormick Road and US 52, he asked what local businesses are currently in the area. Attorney Teder said the property is behind the strip center owned by Andy Gutwein.

Commissioner Byers asked for public comment in favor of or opposed to the rezone or ordinance. There were none.

Auditor Weston recorded the vote.

Byers Aye

SCANNED

Knochel Aye
Murtaugh Aye

Ordinance 2013-04-CM passed 3-0.

Subdivision Variance S-4357 Southern Winds Subdivision (Major-Preliminary Plat): A variance to waive the required full-width right-of-way dedication and construction of the realigned road segment of CR 300 S from its dead end at US 231 to Veterans Memorial Parkway (USO Section 5. 12-3-a-ii)

- Commissioner Knochel moved to hear Subdivision Variance S-4357, second by Commissioner Murtaugh.

Area Plan Director Fahey said the request is from the developers of Southern Winds multi-family subdivision between CR 300 and CR 350. Director Fahey provided maps from the Long Range Transportation Plan where the requirement for constructing the road realignment was initiated. The realignment of CR 300, which dead ended at US 231 with the reconstruction project, has been in the plan for some time. The intention was not to isolate those living on CR 300, but to give them access to CR 350. Several alterations of the plan have included the realignment; however, it is such a small road improvement, it was probably overlooked during reviews. With the current project, there is now more of a serious review of the road realignment project by both the County Highway and the City Engineer's Office. Both departments believe it is not in the best interest to make the connection. The developer is asking for the Commissioners approval of a variance to waive the construction of the realignment. If there is no governmental interest in building the road realignment, APC staff concurs and it will be removed from the Long Range Transportation Plan.

President Byers asked for public comment in favor of or opposed to the variance. There were none.

- Commissioner Knochel moved to approve Variance S-4357 as presented, second by Commissioner Murtaugh; motion carried.

CASA – Coleen Hamrick
Sponsorship Agreement – Tippecanoe County Bar Association

CASA Executive Director Hamrick introduced Patricia Truitt, a representative from the local Bar Association. Director Hamrick provided the Commissioners a copy of a sponsorship form from CASA describing an event they want to hold on Friday, April 26, 2013. The event will benefit CASA and also highlight Tippecanoe County and the Courthouse. The event itself will provide an actual representation of the Courthouse via a piece of art that would be selected and taken to the State. The art would then be displayed in the State Bar Association building. The sponsorship agreement is needed because the event will take place from 5:00 – 7:00 p.m. on the second floor of the Courthouse. It will be an art competition and also provide the opportunity for the public to purchase the art.

Ms. Truitt provided a brochure compiled by the Indiana State Bar Association portraying the artwork of Courthouses from 47 of the 92 Indiana counties. She explained that when the Bar Association moved into its new location, the walls were empty. As Indiana Courthouses are unique, a decision was made to begin a collection of original pieces of art depicting the 92 Indiana Courthouses. However, Tippecanoe County is missing and she and other members believe it is one of the most interesting Courthouses in the state; it has an eclectic combination of architectural styles. The local Bar Association will sponsor a competition among Indiana artists to select a piece to hang in Indianapolis. The Ball Eggleston law firm donated $1,000 for the grand prize and contributions are being solicited from collectors and the business and legal community to encourage artists to participate. Attached to the proposed contract is a prospectus

of what is available on underthedomeart.com for the artists to obtain information on the requirements. The requirements are fairly stringent; the artwork must be original and the dimensions are restricted. Currently, there is an art collection in the Courthouse which will be moved to the Lafayette Museum of Art as a special exhibition for approximately six weeks, freeing up the display area for the Under the Dome event. The request is to display the artwork from April 24 through May 31, 2013. The artwork will be available for purchase from 5:00 – 7:00 p.m. on Friday, April 26, followed by an announcement of the grand prize winner and a reception with refreshments. The alcohol usage policy is understood and they have met with a caterer who meets all the qualifications. 30% of the sales will be divided equally between Tippecanoe County CASA and Legal Aid. The event will be open to the public, with the purchase of a ticket at a cost of $20.00.

Director Hamrick said they understood they would need to pay security and maintenance as it is after hours; however there will be no requirement for set up or tear down for maintenance. She has talked to Maintenance Director Mike Haan,, and will talk to Courthouse Security Supervisor Chuck Molter following approval of the event. All attendees would go through security.

Commissioners Knochel stated it sounds like a good program. Commissioner Murtaugh agreed and added the event is a great way to solicit artwork for the Bar Association.

- Commissioner Knochel moved to approve the Sponsorship Agreement between the Board of Commissioners of Tippecanoe County, CASA, and the Tippecanoe County Bar Association as presented, second by Commissioner Murtaugh; motion carried.

HIGHWAY – Opal Kuhl
Resolution 2013-06-CM Determining to Sell Real Property (North 9th and Burnett Road)

Highway Director Kuhl said Resolution 2013-06-CM is to determine to sell real property at North 9th and Burnett Road. The property is part of the Burnett Reserve which is a piece of property the township gave to the Commissioners last year, located at the driveway to Van's Catering Service. Vans would like to purchase the piece of property, to clean up the area and place their business sign. It is excess property the Highway would like to sell.

Attorney Luhman said the first step is to adopt the Resolution stating an interest in selling the property, followed by a notice in the newspaper stating bids will be received on March 4, 2013 – the first Commissioner's meeting in March. The minimum purchase price will be $1,000, determined by the pro-rata value of the property from the assessed value of the larger piece of property it is a part of.

Attorney Dan Teder said he represents Mike Vanderplaats, the owner of The Trails and Van's Catering. He asked for clarification about receiving a notice and submitting an offer. Attorney Luhman stated the notice will be published in the paper and he will also provide a copy to Attorney Teder for Mr. Vanderplaats since he has a direct interest. After the notice, there are ten days to submit an offer. The Commissioners will consider the offer(s) and take action at the March 4, 2013 meeting.

- Commissioner Knochel moved to approve Resolution 2013-06-CM as presented, second by Commissioner Murtaugh; motion carried.

Resolution 2013-07-CM Adopting Procedures for Purchase and Financing of Four 2013 Tandem Axle Dump Trucks

Director Kuhl said Resolution 2013-07-CM deals with purchasing tandem trucks. She wants to use the same procedure used for the motor graders in 2012, which was a Request for Proposal (RFP) instead of bids. The bid is part of the package but the RFP would also include funding options such as leasing, lease purchase, and lease purchase buy back. Once the resolution is approved, an advertisement will be placed.

- Commissioner Knochel moved to approve Resolution 2013-07-CM adopting procedures for purchase and financing four dump trucks as presented, second by Commissioner Murtaugh; motion carried.

Ordinance 2013-03-CM Amending Tippecanoe County Code, Chapter 72, Schedule 1, Traffic Schedule regarding Speed Limits – *First Reading*

Highway Technician Services Coordinator Mike Parks said Ordinance 2013-03-CM changes the speed limit on four county roads. The ordinance deletes a speed limit of 30 and 40 mph on County Road 775 East and 725 East between State Road 26 and County Road 300 North and establishes a statutory speed of 50 mph. It deletes a 45 mph zone on Pretty Prairie Road from Battle Ground to Grant Road, establishing a 50 mph statutory speed. It deletes a 40 mph zone on Tyler Road between Pretty Prairie Road and North County Line and reestablishes a 45 mph speed. It establishes a 45 mph zone on 900 North between Old State Road 25 and East County Line.

- Commissioner Knochel moved to approve Ordinance 2013-03-CM as presented, second by Commissioner Murtaugh.

President Byers asked for 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 2013-03-CM passed 3-0 on first reading.

Payment Bond – Rieth-Riley Construction Co., Inc. for Bridge #1040 Project
Performance Bond – Rieth-Riley Construction Co., Inc. for Bridge #1040

Director Kuhl said the Payment Bond and the Performance Bond is from Rieth-Riley for the Bridge #1040 project.

- Commissioner Knochel moved to approve the Payment Bond and the Performance Bond from Rieth-Riley for Bridge #1040 as presented, second by Commissioner Murtaugh; motion carried.

GRANTS – Laurie Wilson
Permission to Accept Grant

Grant Facilitator Wilson requested permission to accept two grants for TEMA from the Indiana Department of Homeland Security (IDHS). The first one is in the amount of $12,850.27 and the second one is in the amount of $21,821.23. The grant will move funds from the 2011 SHSP grant to the 2009 SHSP grant. They do not provide additional funds, but allows IDHS to utilize older grant funds on eligible expenditures. IDHS chose Tippecanoe County to perform the clean-up project based on past performance and experience.

- Commissioner Knochel moved to approve permission to accept Grant C44P-2-241A in the amount of $12,850.27 and Grant C44P-2-271A in the amount of $21,821.23 as presented, second by Commissioner Murtaugh; motion carried.

Permission to Apply for Grant:

Grant Facilitator Wilson requested permission to apply for a grant for TEMA from IDHS in the amount of $21,428.57. The grant will be used for SHSP Training and Exercises during the coming year.

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

Grant Facilitator Wilson requested permission to apply for a grant for TEMA from IDHS in the amount of $60,406.24 for the 2012 Emergency Management Planning Grant (EMPG) salary reimbursement. It is the annual grant paying 50% of three TEMA salaries which goes back to the General Fund.

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

Grant Facilitator Wilson requested permission to apply for a grant for TEMA from IDHS in the amount of $55,000 for District 4 Task Force equipment and sustainment. The amount was awarded based on a recently completed assessment.

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

MOU/Contract:

Grant Facilitator Wilson presented a contract for Youth Services from the Juvenile Detention Alternatives Initiative (JDAI) grant in the amount of $5,000. The contract is for Gottleib and Wertz, Inc. for data report coding and development for the QUEST Database and Information System.

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

Grant Facilitator Wilson presented a contract for Youth Services from the JDAI grant in the amount of $5,200. The contractor, Character Restoration Center for Youth Cognitive Accountability Training, will provide training for the Youth Services Department.

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

Grant Facilitator Wilson presented a contract for Youth Services from the JABG Truancy Grant in the amount of $15,837. The contract will allow the Lafayette School Corporation to hire a Youth Assistance Program Coordinator.

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

COURT SERVICES – Cindy Houseman
Interagency Referral Agreement

Court Services Executive Director Houseman presented a contract with Lisa Werth to administer an *Operating While Intoxicated* (OWI) class. The class is an 8 hour class held on Saturdays. It is the sixth year for this contract. An amendment to the original contract has been reviewed by Attorney Luhman.

- Commissioner Murtaugh moved to approve the Interagency Referral Agreement between Court Services and Lisa Werth as presented, second by Commissioner Knochel; motion carried.

APPOINTMENT TO COMMON WAGE BOARD

- Commissioner Knochel moved to approve the appointment of Dave Lahr to the Tippecanoe School Corporation Common Construction Wage Committee; Jean Hall to the Purdue University, West Lafayette campus Common Construction Wage Committee; and Jean Hall to the West Lafayette Community School Corporation's Common Construction Wage Committee, second by Commissioner Murtaugh; motion carried.

APPOINTMENT TO CONVENTION & TOURISM

- Commissioner Knochel moved to approve the appointment of Christy Kuntz to the Convention and Tourism board, replacing Roy Meeks, second by Commissioner Murtaugh; motion carried.

UNFINISHED/NEW BUSINESS – none

REPORTS ON FILE

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

Treasurer

Clerk of the Circuit Court
Building Commission
Central Mail and Duplicating
Public Library

PUBLIC COMMENT

Stu Kline, H Stewart Kline and Associates said the Hog Point bridge project, which they designed and inspected didn't allow time for a ribbon cutting ceremony. He presented the Commissioners with a photo board of the project reflecting the various stages of progress. President Byers and the Commissioners thanked Stu and said the bridge turned out beautiful.

Paul Wright – 4523 S County Line Rd W, Westpoint – Mr. Wright asked Commissioner Murtaugh to comment on the increased gas tax meeting he recently attended in Indianapolis. Commissioner Murtaugh stated he doesn't think there is pending legislation to increase the gas tax; only to change how it is distributed. Currently, funding for the State Police and the Bureau of Motor Vehicles (BMV) comes off the top. The discussion is to remove that funding from the gas tax proceeds and distribute it to INDOT for counties, cities, and towns. Mr. Wright asked for clarification on an increase to which Commissioner Murtaugh replied that based on the discussion at the State House meeting he attended, the answer is no. However, there may be pending legislation that he is not aware of; that is not what they were discussing. He continued to say the difficult part will be to find the funding for the State Police and the BMV. Mr. Wright said Tippecanoe County has a wheel tax and assumed other counties have the same option. President Byers said every county has the option and about half of them take advantage of it. Mr. Wright concluded by saying he has received several political newsletters in the past week and found it interesting that none of them mentioned Governor Pence's recommendation of a 10% decrease in income tax.

President Byers said that David Reagan, a member of the Emergency Management Advisory Board is in the hospital.

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

Meeting adjourned at 10:37.

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 02/19/2013