TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
June 18, 2012

The Tippecanoe County Commissioners met on Monday, June 18, 2012 at 10:00 a.m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President Thomas P. Murtaugh, Vice President John L. Knochel, and Commissioner David S. Byers. Also present were: Attorney Doug Masson, Auditor Jennifer Weston, Commissioner's Assistant Frank Cederquist, and Secretary Tillie Hennigar.

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

President Murtaugh welcomed back Auditor Weston.

APPROVAL OF MINUTES

- Commissioner Knochel moved to approve the minutes of the regular meeting held June 4, 2012, second by Commissioner Byers; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

- Commissioner Knochel moved to approve the accounts payable vouchers for June 6, 7, 8, 14, 15, and 18, 2012 as submitted without exception, second by Commissioner Byers; motion carried.

HIGHWAY – Opal Kuhl
Bridge #64 and Bridge #65 Project – Supplemental Agreement No. 1 for Engineering Services from USI Consultants, Inc.

Highway Director Kuhl said the Supplemental Agreement No. 1 is for bridges #64 and #65, which are the two one-lane bridges located past Evonik. Preliminary design work has been completed; the Supplemental Agreement will allow the design work to proceed. An additional $240,650 is requested for approval today; however, a notice to proceed will only be given for three items: $33,900 for the survey, $50,100 for final design plans, and $14,800 for geo-technical work. Additional money was recently approved from the EDIT budget to use on these projects.

- Commissioner Knochel moved to approve the Supplemental Agreement No. 1 for engineering services on bridges #64 and #65 as presented, second by Commissioner Byers; motion carried.

Opening "Request for Proposals for Services" Four (4) New Articulated Motor Graders

Director Kuhl said Attorney Luhman suggested issuing a request for proposals versus bids since financing and/or lease options is a part of the proposal. The proposals will be evaluated on two items: 1) the cost of the graders and 2) the available finance package.

Attorney Masson opened the proposals from three companies and read the prices quoted for equipment:

BIDDER'S RECORD	
A	MacAllister Machinery Co., Inc
	500 Hine Drive Lafayette, IN 47905
B	West Side Tractor Sales
	3201 South 460 East Lafayette, IN 47905
C	Rudd
	2655 Kentucky Ave Indianapolis, IN 46221

DESCRIPTION	Quantity	Unit	Unit Price Bid A	Unit Price Bid B	Unit Price Bid C
Caterpillar 140M2			250,669.00		
Caterpillar 140M2 - AWD			272,476.00		
Caterpillar 12M2			233,791.00		
Caterpillar 12M2 - AWD			256,014.00		
John Deere 770G Tandem Drive				221,866.96	
John Deere 770G GP Tandem Drive				232,766.96	
John Deere 772G 6 Wheel Assist				249,053.52	
John Deere 772G GP 6 Wheel Assist				262,153.52	
Volvo G940B					270,758.00
Volvo G946B					290,082.00

- Commissioner Knochel moved to take the proposals under advisement, second by Commissioner Byers; motion carried.

Supplement #1 to Tyler Road Project

Director Kuhl presented Supplement #1 to the Tyler Road project, which was a Federal Aid project and is completed. The original contract was for sight distance improvement on Tyler Road from County Road 900 North and North County Line Road. The supplement is necessary to increase the amount of federal aid allocated to the project. The project is eligible for 90% reimbursement of federal funds because the nature of the improvement is safety and/or safe routes to schools. The original contract was for $1,250,103; the additional amount of $183,356 brings the total amount to $1,433,459.

- Commissioner Knochel moved to approve the Supplement #1 for Tyler Road as presented, second by Commissioner Byers; motion carried.

GRANTS

In Grant Coordinator Laurie Wilson's absence, President Murtaugh said the request is for permission to apply for a grant for Court Services. It is a scholarship from Indiana Criminal Justice Institute (ICJI) to send Cindy Houseman, Mary Kirts, and Lisa Smith to attend a workshop, Practical Strategies for Treating Adults with ADHD. The cost is $533.32 with an 80%/20% split between ICJI and Court Services.

Lisa Smith, Court Services Coordinator, said the ICJI encourages applying for the grant. Court Services has the funds for the required 20% match.

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

Contract

Area Plan Executive Director Sallie Fahey said the $33,000 contract for Sam George and Associates to perform a Commodity Flow Study of Tippecanoe County for the Local Emergency Planning Committee (LEPC) using the Hazardous Materials Emergency Planning (HMEP) grant. The grant money is available to the LEPC until the end of September. Sam George is the only qualified person in the state of Indiana of which Director Fahey is aware to do the commodity flow studies. The study will cover highway, rail, and airport transport of hazardous materials within Tippecanoe County. Area Plan staff will provide the 20% match in labor. The $33,000 contract is subject to review by the county attorney.

- Commissioner Knochel moved to approve the contract with Sam George and Associates in the amount of $33,000, subject to review by the County Attorney, second by Commissioner Byers; motion carried.

WIC (Women Infants & Children) – Colleen Batt
Contract for Speaker

WIC Director Colleen Batt said she has two contracts for speakers. Jane Heinig will present *Baby Behavior 101* on August 23 and 24, 2012; Suzanne Colson will present *Biological Nurturing* on November 1 and 2, 2012.

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

CARY HOME
Approval of Plumbing Project Contract

President Murtaugh said the bids for the plumbing contract were accepted for review at a previous meeting. The chosen contract is with the lowest bidder, Brenneco, in the amount of $159,500.

- Commissioner Knochel moved to approve the Cary Home plumbing contract, second by Commissioner Byers; motion carried.

ORDINANCE 2012-15-CM
Anti-Nepotism Policies and Procedures

Attorney Masson said the ordinance is designed to comply with House Bill 1005, passed by the General Assembly, requiring certain standards for anti-nepotism policies and procedures. The intent of the ordinance is to avoid government employees being in a direct line of supervision by a relative. The phrase "direct line of supervision" used by the General Assembly is clarified to mean *"an elected official or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation*". The ordinance doesn't include general supervision by the Council or

Commissioners when making decisions for the County regarding salary ordinances, budgets, or personnel policies. Employees who are employed as of July 1, 2012 are grandfathered. It contains a provision exempting employees from losing their job when a relative is elected into office. There is some discretion given to the County regarding an employee being promoted into a position which puts an elected official who is a relative into the direct line of supervision. A personnel policy can be adopted to cover the promotion issue. To comply, there are contracting policies regarding a relative of an elected official or purchasing agent. When contracting with a relative of an elected official or purchasing agent, disclosure and representation is required explaining the reason for doing so. The State will require County officials to certify to the State Board of Accounts that the policies are in place before the Department of Local Government Finance (DLGF) will approve ensuing budgets.

- Commissioner Knochel moved to approve Ordinance 2012-21-CM, second by Commissioner Byers.

President Murtaugh asked for public comments regarding the Ordinance.

Paul Wright – 4523 S. County Line Rd. W., West Point – Mr. Wright asked what the existing policy is regarding an elected official having a relative as an employee. President Murtaugh said the existing policy stated a relative/employee of an elected official could work together if the employee is part-time or seasonal. They are grandfathered in if they are employed when the official is elected. Commissioner Byers commented a seasonal employee working currently could not return next year if they are a relative of an elected official. President Murtaugh said a contract employee working for a precinct election is exempt.

Auditor Weston called the roll.

Byers	Aye
Knochel	Aye
Murtaugh	Aye

Ordinance 2012-21-CM passed 3-0 on first reading.

- Commissioner Knochel moved to suspend the rules and hear Ordinance 2012-21-CM on second reading, second by Commissioner Byers; motion carried.

- Commissioner Knochel moved to approve Ordinance 2012-21-CM on second reading, second by Commissioner Byers.

President Murtaugh asked for additional public comment. There were none.

Auditor Weston called the roll.

Byers	Aye
Knochel	Aye
Murtaugh	Aye

Ordinance 2012-21-CM passed 3-0 on second and final reading.

Shirley Mennen, Human Resources Coordinator, said due to the ordinance just passed, she is proposing an update to the Nepotism policy. The County policy will mirror the State policy with a restriction stating that two family members cannot work under the same direct line of supervision within the same

department. Attorney Masson said the policy change should become effective as of July 1, 2012 to comply with House Bill 1005 .

- Commissioner Knochel moved to approve the policy change effective July 1, 2012 as presented, second by Commissioner Byers; motion carried.

RESOLUTION 2012-15-CM
Determining to Sell Excess Property, Trailers

Attorney Masson said when Wildcat Creek Solid Waste Management District (WCSWMD) dissolved, certain personal property reverted to Tippecanoe County ownership. This property is 5 semi- trailers used for storage that are no longer needed. Indiana statute provides a procedure for disposal without going through the public bidding process if the combined value is less than $5,000. The Resolution identifies the property, states the fair market value, and determines the trailers will be sold at private sale.

- Commissioner Knochel moved to approve Resolution 2012-15-CM as presented, second by Commissioner Byers; motion carried.

DECLARTION OF EMERGENCY BAN ON OPEN FIRES

DECLARATION OF EMERGENCY
BAN ON OPEN FIRES
IN TIPPECANOE COUNTY

WHEREAS, The County of Tippecanoe, State of Indiana is in a prolonged period of drought; and

WHEREAS, the safety and welfare of the residents of the County of Tippecanoe requires a declaration of a local emergency banning open fires in Tippecanoe County as provided for in IC 10-14-3-29; that the Tippecanoe County be declared an emergency fire hazard area; and that the Declaration of Emergency should continue in effect until further order of this Board.

NOW, THEREFORE, IT IS HEREBY ORDERED that Tippecanoe County is an emergency fire hazard area; and that open burning and the discarding of matches, ashes or any burning materials from a vehicle are prohibited in the emergency fire hazard area until further notice.

IT IS FURTHER ORDERED that the President of the Board of Commissioners of Tippecanoe County, as principal executive officer of the County of Tippecanoe is hereby authorized and directed to issue on behalf of the Board of Commissioners a Declaration terminating the ban on open fires in the event he determines that the conditions giving rise to the issuance of the Declaration of Emergency no longer exist, and the safety and welfare of the residents of the County of Tippecanoe no longer requires the banning open fires in Tippecanoe County.

IT IS FURTHER ORDERED that a copy of this Declaration shall be filed in the offices of the Tippecanoe County Clerk, the Tippecanoe County Auditor, and with the clerk of each incorporated municipality in the county as soon as practicable.

THIS DECLARATION is to be effective as of the date and time of its adoption.

Marty Webb, TEMA Deputy Director, presented the Declaration of Emergency Ban on Open Fires in Tippecanoe County. There has not been a significant amount of rainfall in the county. Tippecanoe County is under a moderate drought; counties north of Tippecanoe are under a drought emergency. Tippecanoe County is five inches below the normal amount of rain and the forecast is for less than a tenth of an inch in the next week. All the area lakes and streams are far below normal; some are below the gauge and a reading isn't possible.

Jim Lewis, Deputy Chief, Wabash Township Fire Department and President of the Tippecanoe County Fire Chiefs Association, said the concern is multiple fires similar to what happened last week in Buck Creek when a spark from the train started a fire. At this point, even a discarded cigarette is a hazard.

Attorney Masson said President Murtaugh has the authority to declare the ban lifted without the need for a public meeting.

- Commissioner Knochel moved to approve the Declaration of Emergency Ban on Open Fires, second by Commissioner Byers; motion carried.

Deputy Director Webb will prepare a release for the media today.

APPOINTMENT TO WEST LAFAYETTE PUBLIC LIBRARY BOARD

- Commissioner Knochel moved to approve the appointment of Mark Davis to the West Lafayette Public Library Board, second by Commissioner Byers; motion carried.

UNFINISHED/NEW BUSINESS – none

REPORTS ON FILE – none

PUBLIC COMMENT – none

- Commissioner Knochel moved to adjourn.

BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE

Thomas P. Murtaugh, President

John L. Knochel, Vice President

David S. Byers, Member

ATTEST:

Jennifer Weston, Auditor 7-2-2012