

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
DECEMBER 17, 2001**

The Tippecanoe County Commissioners met on Monday, December 17, 2001 at 5:00 P.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President Ruth E. Shedd, Vice President John L. Knochel, and Member KD Benson; Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney Thomas H. Busch, and Secretary Pauline E. Rohr.

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

**APPROVAL OF MINUTES**

Commissioner Knochel moved to approve the minutes of the December 3, 2001 Regular Meeting, December 11, 2001 Special Poor Relief Hearing, and December 11, 2001 Special Joint Meeting with the County Council as distributed, seconded by Commissioner Benson; motion carried.

**APPROVAL OF CLAIMS**

- Upon the recommendation of Commissioners' Assistant Weston, Commissioner Benson moved to approve the Claims as submitted with the exception of approximately 20 claims totaling \$4,558.63 for Fund #146 seconded by Commissioner Knochel.

Commissioner Benson explained that these claims are for Emergency Management Fund #146 that is made up of donations to the Volunteers. If they are paid for service, she thinks this may negate their volunteer status. She requested further investigation into this matter.

- The motion carried.

**HIGHWAY: Executive Director Mark Albers**

**AGREEMENT FOR PROFESSIONAL SERVICES: Butler, Fairman, & Seufert, Inc.**

Mr. Albers presented this Agreement for survey and design for the construction of CR 550 E from 500 feet south of SR 26 to approximately one mile south of SR 26 (CR 100 S extended) for a lump sum fee of \$78,000.00.

- Commissioner Knochel moved to approve this Agreement with Butler, Fairman, & Seufert, Inc. for the design of CR 550 E in the amount of \$78,000.00, seconded by Commissioner Benson; motion carried.

**ENGINEERING AGREEMENT: USI Consultants, Inc.**

- Commissioner Knochel moved to approve the Engineering Agreement with USI Consultants, Inc. for design work on the CR 650 N rehabilitation project for an amount not to exceed \$89,400.00, seconded by Commissioner Benson; motion carried.

**CHANGE ORDER #4: CR 200 S Project**

- Commissioner Knochel moved to approve Change Order #4 from Milestone Contractors L.P. for changes in the CR 200 S Project amounting to a savings of \$65,279.93 to the County, seconded by Commissioner Benson; motion carried.

**AGREEMENTS: INDOT and Norfolk & Southern Railroad**

Mr. Albers said the County wants to reconstruct and extend CR 400 S to CR 500 W north of the Norfolk & Southern Railroad crossing. The crossing will include activated control devices. Crossings at CR 575 W and CR 400 S will be eliminated. The Agreement between the County and INDOT sets up the limits of work that will be performed by INDOT. The Agreement between the County and the Railroad says that the Railroad will be responsible for removing old crossings and will provide for the signalization of the new activated crossing. The Agreement also grants the County permission to enter the Railroad's right-of-way to construct culverts that will provide drainage for the project.

- Commissioner Knochel moved to approve the Agreements between Tippecanoe County and INDOT and Tippecanoe County and Norfolk & Southern Railroad, seconded by Commissioner Benson; motion carried.

**OPEN QUOTES: Signs**

Attorney Busch opened and read Sign quotes

Stello Products, Inc.	\$5,566.00
Hall Signs, Inc.	5,129.92

- Commissioner Knochel moved to take the quotes under advisement, seconded by Commissioner Benson; motion carried.

**WARRANTY DEEDS: McCarty Lane Project**

Mr. Albers submitted for acceptance the following Warranty Deeds for the McCarty Lane Project:

**Key #102-01200-0080:** Parcel #2:  
A part of the NE ¼ of Sec. 35, Twp. 23 N, R 4 W of the second principal meridian, Fairfield Twp., from Maxine Treece.

**Key #102-01200-0090:** Parcel #7:  
A part of the NE ¼ of Sec. 35, Twp. 23 N, R 4 W of the second principal meridian, Fairfield Twp., from Maxine Treece.

- Commissioner Knochel moved to approve the two Warranty Deeds for the McCarty Lane Project, seconded by Commissioner Benson; motion carried.

**GRANTS OF RIGHT OF WAY: By Parcelization**

- Key #118-04400-0041:** CR 800 E; A part of the Richardville Reserve, Twp. 22 N, R 3 W, Sheffield Twp. from John D. & Linda L. Lahrman.
- Key #126-06500-0040:** CR 500 N; Part of the NW ¼ of the NE ¼ of Sec. 33, Twp 24 N, R 4 W, Tippecanoe Twp. from William E. & Janis S. Chapman.
- Key #110-03800-0050:** CR 800 S; A part of the NE fractional ¼ of the NE ¼ of Sec. 3, Twp. 21, R 4, Lauramie Twp. from Kenneth M Rude.
- Key #110-03900-0038:**
- Key #112-02200-0200:** CR 850 E; A part of the SW ¼, Sec. 22, Twp. 23 N, R 3 W, 2<sup>nd</sup> P.M., Perry Twp. from W. Robert Young, Manager, Young Properties, LLC.

**LETTER OF CREDIT #51004031: Eagle's Nest, Inc.**

Letter of Credit #51004031 in the amount of \$5,000.00 is in lieu of a Maintenance Bond for Eagle's Nest/Hickory Hills 3<sup>rd</sup> Ph 1, Sec. 1, 2,3 SD for John E. Smith

- Commissioner Knochel moved to accept the Letter of Credit for Eagle's Nest, Inc., seconded by Commissioner Benson; motion carried.

**CONTINUATION CERTIFICATE: Milestone Contractors, L.P.**

This Continuation Certificate in the amount of \$9,900.00 is attached to Bond #400SE0038 for Milestone Contractors, L.P.

- Commissioner Knochel moved to approve the Continuation Certificate for Milestone Contractors, L.P., seconded by Commissioner Benson; motion carried.

**CERTIFICATES OF INSURANCE**

- Maryland Casualty Company, Assurance Company of America for Lux-Klinker Home, Inc.
- Bituminous Insurance, Firemans Fund Ins. Co. for Kettelhut Construction, Inc.
- Bituminous Insurance, Firemans Fund Ins. Co. for Kettelhut Construction, Inc.
- National Farmers Union Property and Casualty Company, National Farmers Union Standard Insurance Company for West Point Telephone Co., Inc.
- Lloyds of London, American Home Assurance Co., Admiral Insurance Company, Insurance Co of the State of PA, American Home Assur. for Bennett Mtr Exp., Inc.,/BTT,LLC/Pride Lines, A Div. of BTT,LLC/ Barrett Mobile Home A Div. of BTT,LLC.
- Indiana Insurance Company for H.T. Homes Inc.
- CAN Insurance Companies, Royal Insurance for G & D Transportation, Inc., O'Neill Bros Transfer & Storage Co.,; CDO Distribution Inc.
- Cincinnati Insurance Company, Frankenmuth Insurance Company for Foley Homes, Inc. and Foley Homes, Inc. DBA Foley Masonry
- Auto-Owners Insurance Company for Perfection Concrete Construction, Inc.
- State Auto Insurance Cos., Evergreen National Indemnity for Midway Services Inc
- One Beacon Insurance, Accident Fund Company, National Indemnity Co. for Tri-State Service Center, Inc.
- Cincinnati Insurance Companies, Cincinnati Casualty Company for Jakester & Associates, LTD
- Hastings Mutual Insurance Company for John C Wiedman

**AWARD BIDS: Annual Aggregates, Rental, & Fuel**

Bids were opened at the December 3, 2001 meeting.

Crushed Limestone Aggregates

Material Service Corp.	Bid Bond	Various Prices
U. S. Aggregates, Inc.	Bid Bond	Various Prices
Vulcan Materials Co.	Bid Bond	Various Prices

Gravel & Fine Aggregates

Purdy Materials, Inc.	Official Check	Various Prices
Vulcan Materials Co.	Bid Bond	Various Prices

Gasoline & Diesel Fuel

Westland	Bid Bond	Various Prices
Petroleum Traders	No Check or Bond	Various Prices

Rental Equipment

Rieth-Riley Construction Co., Inc.	Bid Bond	Various Prices
R. W. Davis Contracting, Inc.	Bid Bond	Various Prices
American Paving and Asphalt	Cashiers Check	Various Prices
Milestone	Bid Bond	Various Prices

- Upon Mr. Albers recommendation, Commissioner Knochel moved to award the bid to all qualified bidders for Aggregates, Rental, and Fuel, seconded by Commissioner Benson; motion carried.

PASSED AND ADOPTED this 7<sup>th</sup> day of January 2002.

\_\_\_\_\_  
John Knochel, President

\_\_\_\_\_  
KD Benson, Vice President

\_\_\_\_\_  
Ruth E. Shedd, Member

ATTEST:

\_\_\_\_\_  
Robert A. Plantenga, Auditor  
Tippecanoe County

(unquote)

- Commissioner Benson moved to approve Resolution 2002-02-CM, seconded by Commissioner Shedd; motion carried.

***RESOLUTION 2002-03-CM: Appointment of Commissioners to Certain Boards***

Attorney Busch read the Resolution.

(quote)

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION NO. 2002-03-CM**

**APPOINTMENT OF COMMISSIONERS TO CERTAIN BOARDS**

Be it resolved by the Tippecanoe County Board of Commissioners that the following persons are appointed to the following boards:

Ruth E. Shedd

Child Protective Services  
Community Corrections Advisory Board  
G.I.S. Policy Committee  
Juvenile Justice Commission  
Local Emergency Planning Council

KD Benson

Area Plan Commission  
Cary Home Advisory Board  
Greater Lafayette Convention & Visitors Bureau  
Emergency Management Advisory Board  
Wabash River Parkway Commission

John Knochel

Area Plan Commission  
Hoosier Heartland Corridor Commission  
Redevelopment Commission  
Solid Waste Advisory Board  
Security Committee  
TERF Board

Board of Commissioners

Elliot Ditch Task Force  
Drainage Board  
MITS Advisory Board  
Wildcat Creek Solid Waste Management

PASSED AND ADOPTED this 7<sup>th</sup> day of January 2002.

\_\_\_\_\_  
John Knochel, President

\_\_\_\_\_  
KD Benson, Vice President

\_\_\_\_\_  
Ruth E. Shedd, Member

ATTEST:

\_\_\_\_\_  
Robert A. Plantenga, Auditor  
Tippecanoe County

(unquote)

- Commissioner Benson moved to approve Resolution 2002-03-CM, seconded by Commissioner Shedd; motion carried.

***JAIL ADDITION PROGRESS REPORT: Kettlehut Representative Steve Habben***

Mr. Habben reported major activities:

- Plumbing and electrical underground work
- Slab on grades
- Preparation for the structural steel for the Holding Area
- Foundations poured for the new Pod.
- Structural steel scheduled to arrive in approximately two (2) weeks.

Due to good weather, Mr. Habben said things are progressing well at the work site

***HIGHWAY: Executive Director Mark Albers***

**SUPPLEMENTAL AGREEMENT #1 for CR 200 N: H. Stewart Kline & Associates, Inc.**

Mr. Albers explained that H. Stewart Kline & Associates, Inc. entered into an agreement with the County to provide engineering services for the reconstruction of CR 200 N. Since the County desires to extend the limits of the project to include the construction of a special drive and retaining wall system as well as the extension of the project limits at both termini, this agreement increases the compensation \$12,000.00 for a total not-to-exceed amount of \$75,000.00.

- Commissioner Benson moved to approve Supplemental Agreement #1 with H Stewart Kline & Associates, Ince. for an additional \$12,000.00 for the CR 200 N project, seconded by Commissioner Shedd; motion carried.

**CONTINUATION CERTIFICATE: Milestone Contractors, L.P.**

This Continuation Certificate in the amount of \$5,000.00 is attached to Bond #31013010337921 400LT3286 for Milestone Contractors, L.P.

- Commissioner Benson moved to approve the Continuation Certificate in the amount of \$5,000.00 for Milestone Contractors, L.P. seconded by Commissioner Shedd; motion carried.

***CERTIFICATES OF INSURANCE***

- ♦ Indiana Insurance Company, Liberty Mutual for Dan Terry dba DT Enterprises
- ♦ Old Republic Insurance Company, Old Republic Insurance Co for Vulcan Construction Materials, LP
- ♦ The St. Paul for Tipmont R.E.M.C. and Tipmont Holdings, Inc.
- ♦ Cincinnati Insurance, AmComp Assurance Corp. for Samuel G Simon, Simon Construction
- ♦ Cincinnati Insurance Co, Accident Fund Company for David Watkins Homes, Inc.
- ♦ Indiana Insurance Group for Cornerstone Homes, Inc.
- ♦ Indiana Insurance Group for Baumgartner Trucking Co Inc
- ♦ Monroe Guaranty for Cheesman Inc
- ♦ Travelers Insurance Company for Dillabaugh, Inc.
- ♦ Pacific Employers Ins Co, ACE American Insurance Company for James H. Drew Corporation
- ♦ Statewide Insurance Co., Northland Insurance Co., Liberty Mutual Insurance Co. for Tom Crews dba Tom's Mobile Home Service
- ♦ Cincinnati Insurance Co, Cincinnati Casualty Company for Mahan Builders Inc Etal

***ORDINANCE 2002-02-CM: Z-2043, Norsho, LLC A to R1***

- Commissioner Benson moved to hear and approve Ordinance 2002-02-CM, seconded by Commissioner Shedd.

(quote)

December 20, 2001  
Ref. No.: 01-807

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

Attn: Tippecanoe County Auditor

**CERTIFICATION**

RE: **Z-2043-NORSHO, LLC (A TO R1):** Petitioner is requesting the rezoning of two tracts: an 11.9151 acre and a 45.8631 acre tract located on the east side of CR 50 W between CR 600 N and CR 650 N, Tippecanoe 19 (NW) 24-4. CONTINUED FROM THE NOVEMBER MEETING BY INCONCLUSIVEVOTE.

Dear County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on December 19, 2001 the Tippecanoe County Area Plan Commission, after two inconclusive votes did vote 13 yes - 0 no to pass this petition on to the Tippecanoe County Commissioners with "no recommendation."

The inconclusive votes were as follows:

<u>Meeting date:</u> 11-28-01	7 Yes - 6 No
<u>Yes Votes</u>	<u>No Votes</u>
Karl Rutherford	James Miller
Steve Schreckengast	Jan Mills
David Williams	Stuart Boehning
KD Benson	Jack Rhoda
Kathy Vernon	Mark Hermodson
Mike Harris	Miriam Osborn
Jeff Kessler	
 <u>Meeting date:</u> 12-19-01	 7 Yes - 6 No
<u>Yes Votes</u>	<u>No Votes</u>
Steve Schreckengast	Miriam Osborn
David Williams	James Miller
KD Benson	Jan Mills
Kathy Vernon	Mark Hermodson
Jeff Kessler	Jack Rhoda
Karl Rutherford	Stuart Boehning
John Knochel	

This petition is scheduled to be heard before the Tippecanoe County Commissioners at their January 7, 2002 regular meeting.

Sincerely,

/s/James D. Hawley  
Executive Director

ORDINANCE NO. 2002-02-CM

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF  
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN  
REAL ESTATE FROM A TO R1

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF TIPPECANOE, INDIANA;

Section 1. The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance not a part of the unified county code, is hereby amended to rezone the following described real estate situated in Tippecanoe Township, Tippecanoe County, Indiana, to-wit:

A part of the southeast quarter of Section Nineteen (19), Township Twenty-four (24) North, Range Four (4) West, Tippecanoe Township, Tippecanoe County, Indiana, being more completely described as follows to-wit:

Commencing at the northwest corner of the of the southeast quarter of Section 19-24-4, thence along the north line of said southeast quarter, North 89°09'16" East, 1371.44 feet to the point of beginning of the herein described tract; thence continuing, North 89°09'16" East, 275.39 feet to the west line of the Koning property as described in Document No. 89-03072, recorded March 17, 1989, in the office of the Tippecanoe County Recorder; thence along the bounds of said Koning property for the following Two (2) courses: (1) South 00°23'57" East, 550.00 feet; (2) North 89°09'16" East, 1000.00 feet to the east line of said southeast quarter; thence along said east line, South 00°23'57" East, 453.35 feet to the northerly boundary of the 'FP' zoning boundary as depicted on the Official Zoning Map of Tippecanoe Township, Ordinance No. 97-51-CM, thence along said zoning boundary for the following Nineteen (19) courses: (1) South 50°42'48" West, 151.58 feet; (2) North 59°02'48" West, 238.01 feet; (3) North 89°21'23" West, 181.67 feet; (4) South 65°28'16" West, 103.21 feet; (5) South 41°49'55" West, 156.08 feet; (6) South 10°27'51" West, 134.86 feet; (7) South 33°42'03" West, 44.14 feet; (8) South 64°39'46" West, 42.91 feet; (9) North 63°26'40" West, 36.51 feet; (10) North 25°54'57" West, 79.40 feet; (11) North 49°05'50" West, 40.51 feet; (12) North 33°19'17" West, 85.46 feet; (13) North 05°09'00" West, 227.39 feet; (14) North 18°44'55" West, 241.32 feet; (15) North 26°06'17" West, 222.67 feet; (16) North 42°47'31" West, 186.29 feet; (17) North 58°44'48" West, 66.85 feet; (18) North 09°09'58" West, 64.07 feet; (19) North 10°18'32" East, 231.37 feet to the point of beginning, containing 14.9551 acres.

ALSO

A part of the southeast quarter of Section Nineteen (19), Township Twenty-four (24) North, Range Four (4) West, Tippecanoe Township, Tippecanoe County, Indiana, being more completely described as follows to-wit:

Commencing at the northwest corner of the of the southeast quarter of Section 19-24-4, thence along the west line of said southeast quarter, South 00°31'22" East, 1371.85 feet to the south line of the Roman Catholic Diocese of Lafayette-IN-Indiana, Inc., and the point of beginning of the herein described tract; thence along the south line of said property, North 89°30'23" East, 1334.03 feet to the to the southerly boundary of the "FP" zoning boundary as depicted on the Official Zoning Map of Tippecanoe Township, Ordinance No. 97-51-CM thence along said zoning boundary for the following Twenty (20) courses: (1) South 35°34'54" East, 203.49 feet; (2) South 55°01'08" East, 92.53 feet; (3) North 83°07'16" East, 110.73 feet; (4) South 72°21'24" East, 43.76 feet; (5) North 77°18'20" East, 137.94 feet; (6) South 86°43'51" East, 132.89 feet; (7) North 50°06'13" East, 135.87 feet; (8) North 34°32'20" East, 287.49 feet; (9) North 66°02'46" East, 56.00 feet; (10) North 87°08'20" East, 37.95 feet; (11) South 64°59'32" East, 31.37 feet; (12) South 26°34'28" East, 38.13 feet; (13) South 00°00'00" West, 159.14 feet; (14) South 22°12'42" West, 100.27 feet; (15) South 05°42'46" West, 228.48 feet; (16) South 19°48'23" East, 50.34 feet; (17) South 53°32'31" East, 54.20 feet; (18) South 82°52'40" East, 61.12 feet; (19) North 82°43'41" East, 179.61 feet; (20) South 78°56'03" East, 60.34 feet to the east line of said southeast quarter; thence along said east line, South 00°23'57" East, 113.27 feet to the to the northerly boundary of the "FP" zoning boundary as depicted on the Official Zoning Map of Tippecanoe Township, Ordinance No. 97-51-CM, thence along said zoning boundary for the following Forty-two (42) courses: (1) South 57°02'29" West, 42.15 feet; (2) North 73°30'07" West, 53.37 feet; (3) South 50°22'03" West, 86.13 feet; (4) South 20°13'57" West, 153.46 feet; (5) South 39°59'55" West, 76.67 feet; (6) South 77°28'34" West, 34.95 feet; (7) North 64°59'32" West, 31.37 feet; (8) North 16°51'54" West, 130.66 feet; (9) North 59°32'41" West, 37.38 feet; (10) South 83°17'34" West, 32.44 feet; (11) South 59°23'30" West, 107.91 feet; (12) South 55°10'50" West, 267.50 feet; (13) South 70°49'42" West, 52.03 feet; (14) North 90°00'00" West, 44.87 feet; (15) North 50°55'04" West, 44.04 feet; (16) North 05°42'47" West, 150.24 feet; (17) North 39°18'03" West, 30.36 feet; (18) North 73°18'26" West, 44.61 feet; (19) South 61°23'58" West, 53.54 feet; (20) South 35°40'34" West, 223.47 feet; (21) South 62°27'25" West, 55.42 feet; (22) South 79°41'57" West, 23.89 feet; (23) North 67°23'18" West, 55.55 feet; (24) North 41°38'43" West, 51.44 feet; (25) North 20°33'50" West, 109.49 feet; (26) North 45°00'42" West, 126.88 feet; (27) North 70°56'58" West, 124.32 feet; (28) North 90°00'00" West, 44.87 feet; (29) South 60°35'40" West, 230.54 feet; (30) South 21°58'07" West, 142.78 feet; (31) South 49°24'37" West, 39.39 feet; (32) South 76°36'46" West, 46.12 feet; (33) North 55°37'50" West, 49.18 feet; (34) North 11°18'52" West, 87.12 feet; (35) North 56°59'13" West, 50.96 feet; (36) South 81°01'52" West, 41.10 feet; (37) South 40°24'41" West, 131.83 feet; (38) South 88°18'58" West, 72.67 feet; (39) South 16°51'54" West, 73.64 feet; (40) South 76°11'26" West, 134.21 feet; (41) South 35°10'39" West, 114.97 feet; (42) South 01°18'37" West, 120.79 feet to the Board of Commissioners of Tippecanoe County property, as described in Document No. 9508549, recorded June 5, 1995, in the office of the Tippecanoe County Recorder; thence along the bounds of said County property for the following Four (4) courses: (1) North 87°32'09" West, 124.80 feet; (2) North 40°26'53" West, 70.11 feet; (3) North 14°15'52" West, 123.54 feet; (4) South 89°29'31" West, 25.00 feet to the west line of said southeast quarter, thence along said west line, North 00°31'22" West, 1046.13 feet to the point of beginning, containing 45.8631 acres.

EXCEPT

A part of the southeast quarter of Section Nineteen (19), Township Twenty-four (24) North, Range Four (4) West, Tippecanoe Township, Tippecanoe County, Indiana, being more completely described as follows to-wit:

Commencing at the northwest corner of the of the southeast quarter of Section 19-24-4, thence along the north line of said southeast quarter, North 89°09'16" East, 1371.44 feet to the point of beginning of the herein described tract; thence continuing, North 89°09'16" East, 275.39 feet to the west line of the Koning property as described in Document No. 89-03072, recorded March 17, 1989, in the office of the Tippecanoe County Recorder; thence along the west line of said Koning property South 00°23'57" East, 550.00 feet to the southwest corner thereof, thence South 89°09'16" West, 85.09 feet to the westerly boundary of the "FP" zoning boundary as depicted on the Official Zoning Map of Tippecanoe Township, Ordinance No. 97-51-CM; thence along said zoning boundary for the following Five (5) courses: (1) North 26°06'17" West, 94.55 feet; (2) North 42°47'31" West, 186.29 feet; (3) North 58°44'48" West, 66.85 feet; (4) North 09°09'58" West, 64.07 feet; (5) North 10°18'32" East, 231.37 feet, to the point of beginning, containing 3.0400 acres.

Containing 57.7777 acres in all.

Section 2. The real estate described above should be and the same is hereby rezoned from A to R1.

Section 3. This ordinance shall be in full force and effect from and after its passage.

(Adopted and Passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana, this 7<sup>th</sup> day of January, 2002.

VOTE:

\_\_\_\_\_  
 President

\_\_\_\_\_  
 Vice President

\_\_\_\_\_  
 Member

ATTEST:

\_\_\_\_\_  
 Robert A. Plantenga, Auditor

(unquote)

Attorney Joe Bumbleburg, representing the petitioners, requested approval of this rezone from A to R1. He speculated that the inconclusive votes by the Area Plan commissioner might have resulted from attendance variations at the time the two votes were taken. In his opinion, this development follows parameters that have been set as benchmarks for smart growth in the County:

- Follow the Comprehensive Plan
- City water and sewer availability
- Preservation of wooded areas and definition and delineation of the Flood Plain
- Paved roads (follow Transportation Plan 2025)
- Drainage management

Mr. Bumbleburg said most concerns of the opposition will be addressed in the checkpoint agency subdivision process. Open space and traffic concerns are arguments used by opponents who want to restrict growth in the area. However, because of the School Funding Formula, school corporations get their funding from assessed valuation and increased school population. He said schools are a magnet that make this area more desirable for growth. He declared that traffic safety is not tied only to the numbers of daily vehicles. He suggested that the subdivision process may suggest the addition of sidewalks in front of the schools. He said this subdivision will be in keeping with Transportation Plan 2025.

Speakers in Opposition

John H. Haan, 6302 N 50 W, W. Laf.  
 Joe Anthrop, 100 E 600 N  
 James B. Miller, P.O. Box 136, Battleground  
 James Henrich, 4705 Haven Ct., W. Laf.

Wayne Singleton, 75 E 650 N  
 Mark Whitman, 6515 Indian Meadow  
 Carl Treece, 1721 E 725 N

Mr. Haan, a landowner in the area, expressed concern that the proximity of land in the Flood Plain will cause the developers to crowd the houses into a smaller amount of acreage.

Mr. Singleton, whose property adjoins this acreage to the east and north, thinks this development will have long term consequences to the northern part of the County. He said this has been a hurried process that has taken only sixty (60) days and doesn't think the benchmarks Mr. Bumbleburg referred to tell the whole story. Because this property slopes, he said it will have to be filled to be level. Due to the density of the subdivision and the proximity to the schools, he said it will be difficult to get out of the subdivision in the mornings. He thinks homeowners will complain, not only about the traffic, but about the noise and lights from the five (5) athletic fields at Harrison High School.

Mr. Anthrop, whose property lies to the east of this proposed development, said the line of sight at the intersection of CR 600 N and CR 50 W is poor due to the contour of the land. He thinks adding at least 250 vehicles will make this intersection more dangerous. Mr. Anthrop sees no benefit to the surrounding landowners and said this rezoning will ruin his life.

Mr. Whitman, a resident in the area, said the benchmarks Mr. Bumbleburg referred to don't address the issue of public safety. Because the County doesn't have a traffic count for peak times in this area, he encouraged the Commissioners to table this request until they can collect traffic data to make an educated decision. As a Tippecanoe School Corporation (TSC) Board Member, Mr. Whitman said TSC will have to invest in three or four buses to transport children from this subdivision to school.

Mr. Miller, a Battle Ground resident, said water and sewer are a half mile away from this proposed development. He said today's vote is for a zoning change, not approval of the development' plan that he said changes from meeting to meeting. Mr. Miller said no one except the petitioners have spoken in favor of this request.

Mr. Treece said he isn't sure the petitioners have contacted the residents. Although he isn't opposed to new development, he wants to protect the township against smaller houses. He predicted the need for a traffic light at the intersection of CR 600 N and CR 50 W. He urged the Commissioners to table this request if they aren't sure of certain facts.

Mr. Henrich, a resident of the area and a student at Harrison High School, said the buses have trouble making the turns because of excessive traffic. He knows students who have arrived late to class due to traffic congestion. He predicted that more students will cause overcrowding at Harrison, and it will be necessary to build a third high school in the County. He said his family moved to this area because the houses are spread out, but this development will make the area more crowded.

Mr. Bumbleburg admitted that the plan for this subdivision is a work in progress. He thinks it is a good thing for the County and a good plan that meets the benchmark.

Commissioner Benson asked the project's engineer, Pat Cunningham, if more Flood Plain could be surveyed out. Mr. Cunningham responded that the layout of the subdivision was done without knowledge of Flood Plain but they now know what they can really do with the property since the consultant has identified where Flood Plain is located. Area Plan Assistant Director Sallie Fahey said Flood Plain on this property is delineated more like the Area Plan map. She said floodway fringe can be filled and taken out of Flood Plain. Mr. Cunningham interjected that they do intend to fill some Flood Plain area to allow additional space for houses.

President Knochel asked Mrs. Fahey if this rezoning request has moved faster than normal. She responded negatively. She went on to say that they use a counter to determine daily traffic rather than peak traffic. Based on their numbers, the roads in the area are capable of carrying more than the current traffic.

Commissioner Shedd asked who will install sidewalks in front of the schools to connect with the subdivision if that is recommended. Mr. Bumbleburg responded that the developers have agreed to do this and will offer this option to TSC. He said they haven't given any thought to providing street lights.

Highway Executive Director Albers explained that the Highway Department conducts field investigations to determine sight distances relating to speeds in an area. An Impact Study is conducted to determine turn lanes for a subdivision. He thinks residents will adjust their schedules in relation to peak traffic times. Traffic signals will be installed as warranted.

Auditor Plantenga recorded the vote:

John Knochel	Yes
KD Benson	Yes
Ruth Shedd	No

- The motion to approve Ordinance 2002-02-CM passed 2 - 1.

**ORDINANCE 2002-03-CM: Z-2051, Kenneth & Ruth Alexander R1 to A**

- Commissioner Benson moved to hear and approve Ordinance 2002-03-CM, seconded by Commissioner Shedd.

(quote)

December 20, 2001  
Ref. No.: 01-811

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

Attn: Tippecanoe County Auditor

**CERTIFICATION**

RE: **Z-2051-KENNETH ALEXANDER & RUTH ALEXANDER (R1 TO A):**  
Petitioners are requesting the rezoning of 5.46 acres located north and east of the intersection of SR 43 North and SR 225, commonly known as 2132 SR 225 East, Tippecanoe 15 (SW) 24-4.

Dear County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on December 19, 2001, the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no on the motion to rezone the subject real estate from 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 January 7, 2002 regular meeting.

Sincerely,  
/s/James D. Hawley  
Executive Director

**ORDINANCE NO. 2002-03-CM**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE FROM R1 to A.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF TIPPECANOE, INDIANA:**

Section 1. The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code is hereby amended to rezone the following described real estate situated in Tippecanoe Township, Tippecanoe County, Indiana, to wit:

A part of the Southwest Quarter of the Southwest Quarter of Section Fifteen (15), Township Twenty-four (24) North, Range Four (4) West, Tippecanoe Township, Tippecanoe County, Indiana, more completely described as follows, to-wit: Beginning at a boat spike on the South line of said Quarter Quarter Section, said point being 299.3 feet West of the Southeast corner of said Quarter Quarter Section; thence North 0°06' West a distance of 705.7 feet to an iron pipe; thence South 90° West a distance of 30.0 feet to an iron pipe; thence North 0°06' West a distance of 607.6 feet to an iron pipe; thence South 89°32' West a distance of 329.2 feet to an iron pipe; thence South 0°04' East a distance of 655.7 feet to an iron pipe; thence North 90° East a distance of 329.3 feet to an iron pipe; thence South 0°06' East a distance of 655.7 feet to a boat spike in the South line of said Quarter Quarter Section; thence North 90° East along said line a distance of 30.0 feet to the place of beginning, containing 5.46 acres, more or less.

Section 2. The real estate described above should be and the same is hereby rezoned from R1 to A.

Section 3. This ordinance shall be in full force and effect from and after its passage.

(Adopted and passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana, this 7<sup>th</sup> day of January, 2002.

VOTE:

\_\_\_\_\_  
 President

\_\_\_\_\_  
 Vice President

\_\_\_\_\_  
 Member

ATTEST:

\_\_\_\_\_  
Robert A. Plantenga, Auditor

(unquote)

It was explained that this rezoning request will allow Mr. Alexander to bring his tree service business into compliance.

- Commissioner Shedd's motion to table the request because the petitioners were not present died for lack of a second.

Auditor Plantenga recorded the vote:

KD Benson	Yes
Ruth Shedd	No
John Knochel	Yes

- The motion to approve Ordinance 2002-03-CM passed 2 - 1.

**CONTRACT: Hoffman, Luhman, & Busch Law Firm**

Attorney Busch noted the increased fee structure is the only change from prior years.

(quote)

**CONTRACT**

THIS AGREEMENT, made and entered into by and between THE BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE, hereinafter sometimes referred to as "COMMISSIONERS", and the firm of HOFFMAN, LUHMAN & BUSCH, PC, a law firm located in the City of Lafayette, Tippecanoe County, Indiana, hereinafter sometimes referred to as "HOFFMAN", this 7<sup>th</sup> day of January, 2002.

**WITNESSETH**

The COMMISSIONERS appointed and employed HOFFMAN as Attorney for the County of Tippecanoe, Indiana, for the period from January 1, 2001 to December 31, 2001, and have reappointed and employed HOFFMAN to serve as Attorney for the County of Tippecanoe, Indiana for the period January 1, 2002 to December 31, 2002 to render such legal services as may be required of the Attorney representing the County of Tippecanoe, Indiana and as hereinafter set forth:

Provide legal services in and out of Court for Tippecanoe County as requested, including but not limited to representing the Board of Commissioners of the County of Tippecanoe, the Tippecanoe County Council (when and as requested by said Council), all elected and appointed county officials, their respective staff and/or personnel, commissions as established by the Board of Commissioners or County Council excepting the Tippecanoe County Area Plan Commission, Tippecanoe County Board of Zoning Appeals, Tippecanoe County Park and Recreation Board, Tippecanoe County Health Board, Tippecanoe County Prosecuting Attorney and Tippecanoe County Judges, unless specifically requested to represent such departments.

In providing legal services, where the interests of the County are concerned and where so directed by said Commissioners, HOFFMAN shall render to the officers of the County, for the benefit only of the County, advice upon strictly legal matters pertaining to the operation of county offices, when requested by duly elected county officers or their lawful successors not having by law separate legal representatives; but, such advice shall be given from the standpoint of HOFFMAN representing the County of Tippecanoe, Indiana, and not as attorney for such officials, and only in cases where the County interests are concerned, for the reason that official and non-official actions of public officers of the County may be, and sometimes are, adverse to the County interests both in law and in fact.

In cases where elected County officers, or their lawful successors, are sued in their official capacities, HOFFMAN as Attorney representing the County of Tippecanoe, Indiana, shall, as such attorney, represent them only upon the order of The Commissioners in instances where the County interests are in all things in common with the interest in such lawsuit of such defendant official, and in no instance where the interests of the County and of such defendant officer are, or might be, in any way adverse.

HOFFMAN shall also represent Tippecanoe County for all bond issues or other county indebtedness by or in the name of the County as well as all ECONOMIC DEVELOPMENT BONDS, HOSPITAL AUTHORITY bonds, and bonds issued by the Tippecanoe County: LAFAYETTE COUNTY BUILDING AUTHORITY or TIPPECANOE COUNTY GOVERNMENTAL BUILDING COMMISSION.

COMMISSIONERS agree to pay HOFFMAN the sum of \$150.00 per hour for all services rendered pursuant to this contract by David W. Luhman, Thomas H. Busch, or J. Frederick Hoffman, \$125.00 per hour for services rendered by Douglas J. Masson, \$115.00 per hour for services rendered by associates of the firm and \$50.00 per hour for paralegals.

The Attorney, in addition to compensation for services upon proper claim and allowance, and upon appropriation by the Tippecanoe County Council, shall be reimbursed for all fair and reasonable necessary traveling and other incidental expenses, paid out and expended by HOFFMAN, in the pursuit of the legal business on behalf of Tippecanoe County.

All legal services pursuant to this contract shall be rendered by David W. Luhman, Thomas H. Busch, Douglas J. Masson, J. Frederick Hoffman, or other principals, members or associates of HOFFMAN. However, in the event that none of the principals, members or associates of the firm of Hoffman, Luhman & Busch, PC are available because of illness, absence from the county, or work on conflicting legal matters on behalf of the county, HOFFMAN shall procure and provide for the COMMISSIONERS the professional legal services of another experienced attorney practicing law in Tippecanoe County, Indiana, who is acceptable to the COMMISSIONERS to render such services in his place and stead during such absence. If legal services are rendered by another qualified attorney as provided in this contract, the hourly rate charged shall be the rate paid such attorney by Hoffman, which shall be



such attorney's customary rate for such legal services, but shall not exceed One Hundred and Fifty Dollars per hour, unless otherwise agreed to in writing by the COMMISSIONERS.

When it is legally and practically possible for Tippecanoe County to be reimbursed for HOFFMAN's services by a third party, HOFFMAN hereby agrees to assist Tippecanoe County in applying for such reimbursement.

BOARD OF COMMISSIONERS OF  
THE COUNTY OF TIPPECANOE

\_\_\_\_\_  
John L. Knochel, President

\_\_\_\_\_  
KD Benson, Vice President

\_\_\_\_\_  
Ruth E. Shedd, Member

ATTEST:

\_\_\_\_\_  
Robert A. Plantenga, Auditor of  
Tippecanoe County

HOFFMAN, LUHMAN & BUSCH, PC

\_\_\_\_\_  
David W. Luhman, President

(unquote)

- Commissioner Benson moved to approve the Contract with Hoffman, Luhman, & Busch for legal services for 2002, seconded by Commissioner Shedd; motion carried.

**MEMORANDUM OF AGREEMENT: Telecommunications Study**

This Memorandum is to confirm the understanding of the all parties concerning the funding for the Telecommunications Needs Analysis Planning Project Study. The City of Lafayette has committed \$32,500, the City of West Lafayette has committed \$15,000, Purdue Research Foundation has committed \$10,000, and Tippecanoe County has committed \$7,500 to the total contract of \$65,000.

- Commissioner Benson moved to approve the Memorandum of Agreement and to authorize the President to sign, seconded by Commissioner Shedd; motion carried.

**ACQUIRED REAL ESTATE: By Tax Sale**

Commissioner Benson reported that, through the Property Tax Sale, the County acquired one half of one lot located in the City of Lafayette. Since an abutting landowner is interested in purchasing the property that has an assessed value of \$2,900, she asked Attorney Busch what procedures the County has to follow to sell the property.

Attorney Busch explained that, if the assessed value is less than \$5,000, the County must have it appraised and can sell to an abutting landowner with the highest bid for at least the appraised value.

During discussion of the County's cost for an appraisal, President Knochel suggested adding the cost of the appraisal to the appraised value.

- Commissioner Benson moved to request Attorney Busch to contact the interested landowner as well as an appraiser to move this forward, seconded by Commissioner Shedd; motion carried.

**REPORTS**

Reports from Veterans Services and the Treasurer are on file in the Commissioners' Office for review.

**COMMUNITY DEVELOPMENT BLOCK GRANT: Lauramie Township Trustee William Easterbrook**

Lauramie Township Trustee William Easterbrook and Indiana Rural Community Assistance Co-Director Richard Wise requested the Commissioners' approval of the semi-annual and annual Preliminary Engineering Reports (PER) before their submission to the Indiana Department of Commerce (DOC). Mr. Easterbrook said the reports have to be submitted to the DOC before the Township can get the \$12,000 draw down from the Community Development Block Grant Program.

- Commissioner Benson moved to approve the two reports for Lauramie Township and to authorize the President to sign, seconded by Commissioner Shedd; motion carried.

**PUBLIC COMMENTS**

Homer McDonald, 7019 Walnut St., West Point: Mr. McDonald complained about Zoning Enforcement Officer Al Levy who he said does not make appointments with the property owner and enters the property at will. He said everything has to be under roof which is not, in his opinion, the way to clean up an area. He thinks this is a "snowball" because Mr. Levy has more power than the Sheriff. He questioned the purpose of this position.

Commissioner Shedd explained that Mr. Levy enforced zoning when he worked in the Building Commission Office as an Inspector. The Commissioners created a separate department because they saw the need for full time zoning enforcement.

Gene Hurt, 402 S. 4<sup>th</sup> St., Laf.: Mr. Hurt said he is interested in purchasing a small property located by the County Jail to increase the size of his property to accommodate longer mobile homes. Although the property is located in the Flood Plain, this will be allowed because the mobile homes are not permanently positioned. Approximately 15 mobile homes are located on the strip of his property that abuts this property.

President Knochel asked Attorney Busch to research if the property in question is owned by the Commissioners or the Tippecanoe County Governmental Building Corporation.

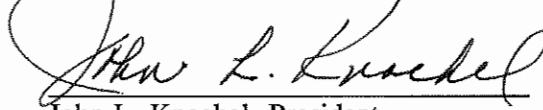
- Commissioner Benson moved to investigate the options for selling this property to Mr. Hurt, seconded by Commissioner Shedd; motion carried.

**ADJOURNMENT**

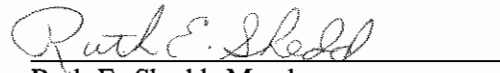
- Commissioner Shedd moved to adjourn, seconded by Commissioner Benson; motion carried.

Robert A. Plantenga, Auditor


**BOARD OF COMMISSIONERS OF  
THE COUNTY OF TIPPECANOE**

  
John L. Knochel, President

  
KD Benson, Vice President

  
Ruth E. Shedd, Member

**ATTEST:**

  
Robert A. Plantenga, Auditor