

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**MAY 6, 2002**

The Tippecanoe County Commissioners met on Monday, May 6, 2002 at 9:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President KD Benson, and Member Ruth E. Shedd; Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

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

**APPROVAL OF MINUTES**

Commissioner Benson moved to approve the minutes of the April 15, 2002 Regular Meeting, the April 23, 2002 Special Meeting, and the April 23, 2002 Special Joint Meeting with the County Council as distributed, seconded by Commissioner Shedd; motion carried.

**APPROVAL OF CLAIMS**

- Upon the recommendation of Commissioners' Assistant Weston, Commissioner Shedd moved to approve the Claims for the periods ending April 19, 2002, April 26, 2002, May 3, 2002, and May 6, 2002 with no exceptions, seconded by Commissioner Benson; motion carried.

**HIGHWAY: Executive Director Mark Albers**

**ORDINANCE 2002-18-CM: Traffic Control at Intersection of CR 500 E & CR 100 S.: 2<sup>nd</sup> Reading (See April 29, 2002 Minutes for Ordinance.)**

Attorney Luhman read Ordinance 2002-18-CM that appears in its entirety in the April 1, 2002 Commissioners' minutes. He noted that, since April 29, 2002 has passed, the effective date will be the date of the second publication.

- Commissioner Benson moved to approve Ordinance 2002-18-CM on second reading, seconded by Commissioner Shedd.

Since there were no comments regarding the Ordinance, Auditor Plantenga recorded the vote:

John Knochel	Yes
KD Benson	Yes
Ruth Shedd	Yes

- The motion to approve Ordinance 2002-18-CM passed 3 - 0 on second reading.

**AWARD GRADER BIDS: Opened April 1, 2002**

At the April 15, 2002 Commissioners' meeting, Mr. Albers recommended awarding the bid to Mac Allister Machinery Co., Inc. Due to a question regarding whether Holt or Mac Allister was the lowest responsive bidder, award of the bid was tabled until Attorney Luhman could make a determination. Mr. Luhman read his determination addressed to the Commissioners and dated April 30, 2002.

(quote)

April 30, 2002

Board of Commissioners  
Tippecanoe County Office Building  
20 N. 3rd Street  
Lafayette, IN 47901

re: Review of Road Grader Bids

Dear Commissioners:

I have reviewed the Grader Bid package submitted by Holt Equipment Company and Mark Albers' evaluation of that bid as outlined in his letter of April 25, 2002, a copy of which is enclosed.

IC 5-22-7-8 requires the Commissioners to award the contract to the "lowest responsible and responsive bidder".

IC 36-1-2-15.5(b) defines "responsive bidder or quoter" as "one who has submitted a bid or quote conforming in all material respects to the specifications".

In the opinion of Executive Director Albers, the bid submitted by Holt Equipment Co. fails to substantially comply with two material aspects of the specifications:

1. The specifications require a minimum torque of 808 ft-lbs @ 1000 rpm. The specification sheet for the John Deere 770CH Motor Grader identified in the Holt Equipment Co. bid, indicates that the diesel engine generates a peak torque of 644 ft-lbs @ 1500 rpm. I would concur with Mr. Albers' opinion that the Holt Equipment Co. bid fails to substantially comply with the minimum bid specification for minimum torque.
2. The transmission equipment specification requires "auto transmission shift". Although the Holt Equipment Co. bid alleges that it complies with this specification, further inspection of the detailed specifications of the John Deere 770CH Motor Grader discloses that the transmission does not automatically shift, but is rather, a "modulated shift on-the-dash-go" system with eight shift lever positions. I would concur with Mr. Albers' opinion that the Holt Equipment Co. bid does not substantially comply with the bid specification requiring auto transmission shift.

Based upon the foregoing, the Board of Commissioners could find that the Holt Equipment Co. bid does not substantially conform in all material respects to the specifications and award the bid to the lowest responsible and responsive bidder who has submitted a bid which does conform in all material respects to the specifications.

Very truly yours,

(unquote)

**Public Comments**

**Bill Ettinger, Holt Equipment Co. Regional Sales Manager:**

- Mr. Ettinger asked the identification of Mr. Albers' source that says John Deere's diesel engine generates a peak torque of 644 ft-lbs @ 1500 rpm. Mr. Albers responded by referring to the specification sheet provided by John Deere.
- Mr. Ettinger proceeded by saying he thinks John Deere conforms to the specifications that just say "auto transmission shift" because the operator does not have to use the clutch. He disputed the contention that Caterpillar is fully automatic because the operator has to pull into gear between 1 and 2. He said it is only fully automatic from gears 3 and up.
- Commissioner Benson moved to find the Holt Equipment Co. bid was not responsive as determined by County Attorney David Luhman in his letter dated April 30, 2002, seconded by Commissioner Shedd; motion carried.
- Commissioner Benson moved to award the Grader Bid to Mac Allister Machinery Co., Inc., seconded by Commissioner Shedd; motion carried.

**2002 BRIDGE REHABILITATION PROJECT**

Mr. Albers requested approval of the Title Page for the 2002 Bridge Rehabilitation Project for bridges #43, #102, #136, #178, #184, #245, # 502.

- Commissioner Benson moved to approve the Title Page for the 2002 Bridge Rehabilitation Project, seconded by Commissioner Shedd; motion carried.

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

Mr. Albers presented the following for acceptance:

- Key #132-02800-0269:** 40' ½ width of South River Rd.; A part of the NW ¼ of Sec. 27, Twp. 23 N, R 5 W in Wabash Twp. from Jason Sutter.
- Key #140-01500-0048:** 40' ½ width of CR 700 W; A part of the South ½ of the NW ¼ of Sec. 31, Twp. 23 N, R 5 W in Wayne Twp. from Thomas B. Mills.
- Key #116-02100-0029:** 40.01' ½ width of CR 800 S; A part of the NE ¼ of Sec. 1, Twp. 21 N, R 5 W, Randolph Twp.  
30.01' ½ width of CR 100W; A part of the N ½ of the NE ¼ of the SE ¼ of Sec 1, Twp. 21 N, R5 W and a part of the NE ¼ of Sec. 1, Twp. 21 N, R 5 W, Randolph Twp. from James C. Erdie & LaVonne R. Erdie.
- Key #144-03600-0097:** 30' ½ width of CR 125 E from Sec. line;  
30' ½ width of CR 750 S  
CR 100 E; A part of the W ½ of the SW ¼ of Sec. 33, Twp. 22 N, R5 W in Wea Twp. from Janet L. Frey (Fox).
- Key #116-00300-0091:**  
**Key #116-00300-0080:**  
**Key #116-00300-0113:** 40' ½ width of CR 800 S; A part of the NE ¼ of Sec. 6, Twp. 21 N, R 4 W, Randolph Twp. from Donald J & Mary I. Welsh.
- Key #112-01500-0163:** 30' ½ width of CR 100 N  
40' ½ width of CR 900 E: A part of the E ½ of the SE ¼ of Sec. 15, Twp. 23 N, Range 3 W, Perry Twp. from Robert L. & Louella J. Johnston.
- Key #110-04700-0041:** 30' ½ width of CR 1150 S  
30' ½ width of CR 400 E: A part of the NE ¼ of Sec. 23, Twp. 21 N, R 4 W, Lauramie Twp. from Ronald L. Kerber.
- Key #110-03800-0149:** 40' ½ width of CR 900 S: A part of the SE ¼ of Sec. 2, Twp. 21 N, R 4 W, Lauramie Twp. from Maurice V. Cripe Jr., Trustee, Mary Jo Brosnar Living Trust.
- Key #108-03600-0040:** 30' ½ width of CR 1160 S; Part of the Longlois Reserve, Twp. 21 N, R 6W, Jackson Twp. from J. L. Bittle Trust, c/o Bank One Farm Dept. by Brent Culver.

- Commissioner Benson moved to accept the Grants of Right-of-Way by parcelization as presented, seconded by Commissioner Shedd; motion carried.

**CONSTRUCTION MAINTENANCE BOND: J. R. Kelly Co., Inc.**

- Commissioner Benson moved to accept 3 year Construction Maintenance Bond #3690343A for J. R. Kelly Co., Inc. in the amount of \$5,000 for work in the right-of-way for construction of the Lafayette Fire Tower and Training Bldg. located at 2070 S 500 E, seconded by Commissioner Shedd; motion carried.

**PAYMENT BOND & PERFORMANCE BOND: Jack Isom Construction Co., Inc.**

- Commissioner Benson moved to accept Payment & Performance Bonds #400SP1525 in the amount of \$515,103.69 each from Jack Isom Construction Co., Inc. for Bridges #44 and #58 Replacement Project, seconded by Commissioner Shedd; motion carried.

**CERTIFICATES OF INSURANCE**

- ◆ State Farm Fire and Casualty Co. for Edward L. Mahan
- ◆ Sentry Select Insurance Co. for DeHaa Industrial Sales & Service Inc.
- ◆ State Farm Fire and Casualty Co. for Christopher Ray
- ◆ Auto Owners Insurance Co. for Perfection Concrete Construction, Inc.
- ◆ Western Reserve Group for Can You Dig It, Inc, Anthony Schofield
- ◆ Farmers Insurance Exchange for Concrete Specialties, Michael Burgess
- ◆ Indiana Insurance Group for Light House Center Inc DBA Showcase Homes
- ◆ Cincinnati Insurance Co, Accident Fund Co. for Purdy Concrete Inc.
- ◆ Erie Insurance Exchange for Quality Concrete Systems DBA Ed Cox
- ◆ Erie Insurance Exchange for Quality Concrete Systems DBA Ed Cox
- ◆ Hastings Mutual Insurance Co. for Hack Excavating Inc.
- ◆ Crum & Forster Insurance Cos for Jack Isom Construction Co., Inc.
- ◆ Crum & Forster Insurance Cos for Jack Isom Construction Co., Inc.
- ◆ State Farm Fire and Casualty Co. for Pearson Enterprises LLC
- ◆ Lloyds of London, American Home Assurance Co., Guardian Underwriters Reassurance Limited for Bennett Mtr Exp., Inc./BTT,LLC/Pride Lines, A Div. of BTT,LLC/ Barrett Mobile Home a Div. of BTT, LCC.
- ◆ Cincinnati Insurance, Cincinnati Casualty Co. for Christopher A Brown Dba Chris Brown Construction Co.
- ◆ Monroe Guaranty Insurance, A.I.G, Ohio Casualty Group for Adams Hearth & Home, LLC dba Godby Hearth & Home
- ◆ Zurich American Ins Co for Global Crossing Development Co., ETAL, Global Crossing Telecommunications, ETAL, Frontier Corporation, ETAL

**JAIL EXPANSION UPDATE: Kettelhut Representative Steve Habben**

Mr. Habben reported that work in both areas is on schedule.

Holding area: The roof is on and masonry work is complete.

Cell Pod area: Work is progressing on masonry, mechanical, and fireproofing and roofing has begun.

**ORDINANCE 2002-20-CM: Z-2066, Thomas B. Mills I3 to GB**

- Commissioner Benson moved to hear and approve Ordinance 2002-20-CM, seconded by Commissioner Shedd.

(quote)

April 18, 2002  
Ref. No.: 02-225

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

Attn: Tippecanoe County Auditor

**CERTIFICATION**

RE: **Z-2066-THOMAS B. MILLS (I3 TO GB):** Petitioner is requesting the rezoning of 5 acres located on the north side of CR 250 N, 1/4 mile west of Klondike Road, Wabash 10 (NE) 23-5.

Dear Tippecanoe 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 April 17, 2002, the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from I3 to GB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their May 6, 2002 regular meeting.

Sincerely,  
/s/James D. Hawley  
Executive Director

**ORDINANCE NO. 2002-20-CM**  
**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF**  
**TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE,**  
**FROM I3 TO GB.**

**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 Wabash Township, Tippecanoe County, Indiana, to wit:

Part of a 17.5 acre tract described in Deed Record 93-07936 in the Office of the Recorder for Tippecanoe County, Indiana, being part of the Northeast Quarter of Section 10, Township 23 North, Range 5 West, in Wabash Township, Tippecanoe County, Indiana, more particularly described as follows:

Commencing at the southeastern corner of the said Northeast Quarter; thence South 88° 45' West along the southern line of the said Northeast Quarter for 1,706.7 feet to the southwestern corner of the said 17.5 acre tract; thence North 0° 49' West along the western line of the said 17.5 acre tract for 436 feet to a corner of the said 17.5 acre tract; thence South 88° 45' West along a southern line of the said 17.5 acre tract for 200 feet to a corner of the said 17.5 acre tract; thence North 0° 49' West along the western line of

the said 17.5 acre tract for 447.8 feet to the POINT OF BEGINNING; thence continuing North 0' 49' West along the western line of the said 17.5 acre tract for 440.5 feet to the northwestern corner of the said 17.5 acre tract, said corner being on the northern line of the South Half of the said Northeast Quarter of Section 10; thence eastwardly along the said northern line of the South Half of the Northeast Quarter for 335 feet to the western right-of-way line of the former Nickel Plate Railroad; thence southeastwardly along the said western right-of-way line for 542 feet, more or less; thence South 88° 45' West for 654 feet, more or less, to the point of beginning, containing 5.0 acres, more or less.

Section 2. The real estate described above should be and the same is hereby rezoned from I3 to GB.

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 6<sup>th</sup> day of May, 2002.

Vote:

_____	_____
_____	_____
_____	_____

John Knochel, President  
KD Benson, Vice President  
Ruth Shedd, Member

Attest: \_\_\_\_\_  
Robert Plantenga, Auditor

(unquote)

Representing the petitioner, Attorney Joe Bumbleburg requested the zoning change from I3 to GB so that Mr. Mills can build an indoor athletic complex for basketball, volleyball, and gymnastics. He said there is a need for this type of facility due to the housing growth in the area. Mr. Bumbleburg said some of the businesses allowed in I3 zoning are not compatible with residential. He thinks it is commendable that a private citizen wants to build such a facility.

Commissioner Benson noted that the proposed square footage makes the building is too large for NB zoning which would be more appropriate.

No one spoke in opposition.

Auditor Plantenga recorded the vote:

KD Benson	Yes
Ruth Shedd	Yes
John Knochel	Yes

- Ordinance 2002-20-CM passed 3 - 0.

**ORDINANCE 2002-05-CM: Z-2064, Right Angle Homes, LLC R2 to PDRS**

Due to an omission on the posted Agenda, Ordinance 2002-05-CM will be heard at 9:30 A.M., Wednesday, May 8, 2002.

**CARY HOME: Director Rebecca Humphrey**

**PROJECT PROPOSAL: Cary Home & DFC**

Ms Humphrey requested approval of this Project Proposal between Cary Home and the DFC (Division of Family and Children). In the Proposal, the DFC agrees to reimburse the County for the salaries and benefits in the amount of \$27,468.40 for the JAMS (Juvenile Alternatives Management Sessions) Facilitator and Coordinator from May 1, 2002 through August 31, 2002. Ms Humphrey said JAMS is an alternative to sending boys to the Boys School.

Ms Humphrey noted that DFC Director David Ling has not yet signed the Proposal but has agreed verbally.

- Commissioner Benson moved to approve the Project Proposal between the DFC and Cary Home subject to Mr. Ling's approval, seconded by Commissioner Shedd; motion carried.

**REQUESTED NEW POSITIONS: Substance Abuse Counselor & Midnight House Supervisor**

Substance Abuse Counselor

Ms Humphrey requested a new part-time Substance Abuse Counselor who will work 25 hours per week from June 1, 2002 through mid August 2002. She said 11% of their boys are admitted for substance abuse issues, 70% are admitted for experimental or substance use issues, and 93% in the JAMS Program have substance abuse issues. Due to a turn-over in personnel, she said she has approximately \$5,000 in the Adolescent Child Care line item that can be used to pay this part-time position. If a grant through the Tippecanoe County Coalition is approved, this position will be funded full time beginning in October 2002.

- Commissioner Benson moved to approve the new part-time position of Substance Abuse Counselor from June 1, 2002 through August 2002, seconded by Commissioner Shedd; motion carried.

Midnight House Supervisor

Ms Humphrey requested a new full time Midnight House Supervisor to work Midnight to 8:00 A.M. Thursday through Monday to perform crisis assessment and holdover for boys (1 to 2 per week) until they are picked up by their parents. Because juvenile boys cannot be held in the Holding area, she said Lafayette Police Department officers spend approximately 55 hours per month personally supervising them until they are picked up by their parents. If Cary Home offers this service, the Police Officer could save time by bringing the juvenile boy directly to Cary Home. She said there are currently three (3) House Supervisors during this time but a fourth will be needed if they offer this service. In her opinion, the perfect time to discuss the assessment and make referrals to the parents is when they pick up their son. The position is a PAT II with a salary of \$16,055 from June 1, 2002 through December 31, 2002.



(unquote)

- Commissioner Benson moved to approve Resolution 2002-18-CM, seconded by Commissioner Shedd; motion carried.

**LETTER: Council on Aging, Inc. Care-a Van**

Commissioner Shedd reported that, in a letter dated April 24, 2002, the Council on Aging wishes to terminate the Cooperative Agreement with Tippecanoe Villa for transporting Villa residents by Care-a-Van effective May 23, 2002. It was noted that the Agreement allows either party to terminate the arraignment with thirty (30) days notice.

- Commissioner Shedd moved to terminate the Cooperative Agreement with the Council on Aging effective May 23, 2002, seconded by Commissioner Benson; motion carried.

**REPORTS**

Reports from Weights & Measures, Treasurer, Treasurer Interest, Veterans Affairs, and Legal Aid are on file in the Commissioners' Office for review.

**PUBLIC COMMENTS**

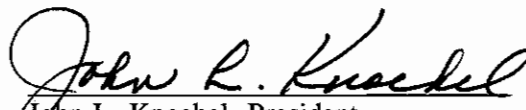
None.

**RECESSED**


- Commissioner Benson moved to recess until 9:30 A.M., Wednesday, May 8, 2002, seconded by Commissioner Shedd; 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