

TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
February 4, 2008

The Tippecanoe County Commissioners met on Monday, February 4, 2008 at 10:00 a. 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. Also present were: Auditor Jennifer Weston, Commissioners' Assistant Frank Cederquist, County Attorney David W. Luhman, and Secretary Jennifer Prange.

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

APPROVAL OF MINUTES

- Commissioner Knochel moved to approve minutes from April 10, 2007, October 4, 5, 8, 2007, Executive Sessions, second by Commissioner Benson; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

Commissioner's Assistant Frank Cederquist recommended approval of accounts payable vouchers for January 24, 25, 31, February 1, 4, 2008 without exception.

- Commissioner Benson moved to approve accounts payable vouchers as presented, second by Commissioner Knochel; motion carried.

HIGHWAY – Opal Kuhl

Director Kuhl recommended approval of a 3-year Maintenance Bond from HIS Construction, LLC. in the amount of \$5,000.00 for work in the right-of-way.

- Commissioner Knochel moved to approve the Maintenance Bond from HIS Construction, second by Commissioner Benson; motion carried.

Street Acceptance was recommended for Stones Crossing, Phase One of Section One – Marcasite Boulevard 706.30', Amethyst Drive 1,124.32', Spinel Street 1,104.29'; with a 3 Year Maintenance Bond from Atlas Excavating, Inc. in the amount of \$34,510.00.

- Commissioner Knochel moved to approve the streets as presented in Section One of Stones Crossing with the accompanying Maintenance Bond, second by Commissioner Benson; motion carried.

Street Acceptance was recommended for Stones Crossing, Section Three – Amethyst Court 567.79', Ensley Street 1,164.49', Eppingham Drive 699.92', Spinal Street 69.59'; with a 3 Year Maintenance Bond from Atlas Excavating, Inc. in the amount of \$28,594.00.

- Commissioner Knochel moved to approve the streets as presented in Section Three of Stones Crossing as presented with accompanying Maintenance Bond, second by Commissioner Benson; motion carried.

Street Acceptance was recommended for Stones Crossing, Section Two – Marcasite Boulevard 600', Ensley Street 1,105', Druze Avenue 1,151.96'; with a 3 Year Maintenance Bond from Atlas Excavating Inc., in the amount \$27,500.00.

- Commissioner Knochel moved to approve the streets for Stones Crossing Section Two with the accompanying Maintenance Bond as presented, second by Commissioner Benson; motion carried.

Street Acceptance was recommended for Hunters Crest, Section 3A – Stagham Way 639.53', Bardsdell Street 393', Chivalry Drive 298.21'; with a 3 Year Maintenance Bond from Benjamin Crossing, LLC in the amount of \$21,936.00.

- Commissioner Knochel moved to approve the streets for Hunters Crest, Section Three with the accompanying Maintenance Bond, second by Commissioner Benson; motion carried.

RESOLUTION 2008-07-CM; Approving Closure of Certain Access to County Road 350 South and Grant Alternate Access to County Road 350 South

The proposed resolution is to close two limited access roads and establish one road with limited access opening at the intersection of David Howard Drive and County Road 350 South. Director Kuhl confirmed the construction coincides with County Road 350 South master plan.

No public comment.

- Commissioner Knochel moved to approve Resolution 2008-07-CM; Approving Closure of Certain Access to County Road 350 South and Grant Alternate Access to County Road 350 South, second by Commissioner Benson; motion carried.

REZONES

Z-2360 – G & L DEVELOPMENT CO., INC. (BLACKTHORNE PD) (PDRS to PDRS), Ordinance 2008-04-CM

- Commissioner Knochel moved to hear Rezone Z-2360 – G & L Development Co., Inc. (Blackthorne PD) (PDRS to PDRS), Ordinance 2008-04-CM, second by Commissioner Benson; motion carried.

(quote)

January 17, 2008
Ref. No.: 08-008

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

CERTIFICATION

RE: Z-2360--G & L DEVELOPMENT CO., INC. (BLACKTHORNE PD) (PDRS to PDRS): Petitioner is requesting rezoning of 12.93 acres

to revise Blackthorne PD, Z-2170 (originally 17.49 acres). The proposal is for 128 units: 110 detached single-family units and detached garages plus 9 duplexes containing 18 units with attached garages located on the south side of US 52 west of Klondike Road, Wabash 3 (SE) 23-5.

TABLED AT THE NOVEMBER APC MEETING.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on January 16, 2008 the Area Plan Commission of Tippecanoe County voted 7 yes - 8 no on the motion to rezone the subject real estate from PDRS to PDRS. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be DENIED 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 February 4, 2008 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

/s/Sallie Dell Fahey

Executive Director

(unquote)

Dan Teder, Reiling, Teder & Schrier, LLC., spoke on behalf of the petitioner. The petitioner is requesting a rezone of an area previously approved for condominiums in the Blackthorne Planned Development. The builder had originally planned to build condominiums. With sales down, the builder wants to build semi-attached single family homes. Mr. Teder stated the proposed rezone for the remaining 13 acres will have 128 units of (8)3-story semi-attached single family homes with attached garages and (56)2-story semi-attached single family homes with detached garages. Mr. Teder confirmed the homes will be sold separately which will support single-family ownership for the area.

Public Comment

Mel Thorgerson - 3880 Morian Drive – representing homeowners from Blackthorne Subdivision shared his concern for the proposed rezone. The homeowners met with Gunstra on several occasions to discuss different options for the area. They requested the builder increase the quality of the homes or redesign the property to help maintain the property value of the other homes in the area. Homeowners are concerned lower priced homes built in the area will attract renters instead of buyers.

Emilio Cordova – 3100 Tragill Court – informed the commissioners the original plan from the builder was to build single family homes and town homes in this planned development. He explained when the town homes did not sell, Gunstra decided to build duplexes or single-family attached homes. He confirmed previous meetings with Gunstra were unsuccessful because Gunstra showed no concern regarding the homeowner's opinions.

Auditor Weston recorded the vote:

Benson	Yes
Knochel	No

Shedd Yes

Ordinance 2008-07-CM passes 2-1.

- Commissioner Knochel moved to hear rezone Z-2372 – Gary Schroeder (R3 to MR); Ordinance 2008-05-CM, second by Commissioner Benson; motion carried.

Z-2372 – GARY SCHROEDER (R3 TO MR), Ordinance 2008-05-CM

(quote)

January 17, 2008
Ref. No.: 08-014

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

CERTIFICATION

RE: Z-2372—GARY SHROEDER (R3 to MR):

Petitioner is requesting rezoning of 33.71 acres on the north side of Haggerty Lane, approximately 500' east of Windmere Drive, Fairfield 35 (NW) 23-4.

Dear Council or Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on January 16, 2008 the Area Plan Commission of Tippecanoe County voted 14 yes - 0 no on the motion to rezone the subject real estate from R3 to MR. 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 February 4, 2008 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

/s/Sallie Dell Fahey
Executive Director

(unquote)

Joe Bumbleberg, Ball Eggleston, spoke on behalf of the petitioner. The proposed rezone is located on the north side of Haggerty Lane zoned Residential 3. Mr. Bumbleberg proposed a Medically Related zoning would be better suited for the future.

Public Comment

None

Auditor Weston recorded the vote:

Benson	Yes
Knochel	Yes
Shedd	Yes

Ordinance 2008-05-CM passes 3-0.

CONTRACT FOR SHERIFF

Sheriff Brown requested approval of the proposed contract. He reported the contract does not include meal money which \$46,000 was returned to the General Fund in 2007.

- Commissioner Knochel moved to approve the contract for the Sheriff for 2008, second by Commissioner Benson; motion carried.

COMMUNITY CORRECTIONS – Pat Scowden

Director Pat Scowden requested approval for s Department of Corrections (DOC) grant amendment to increase the amount of participants in Work Release from surrounding counties through June 30, 2007. With an increase of \$113,250, the total grant is \$1,368,546.

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

The cell phone contract was tabled until further information is available.

GRANTS – Laurie Wilson

Grant Coordinator Laurie Wilson requested approval for a Homeland Security Foundation grant for repair equipment for the bomb robot purchased with Homeland Security funds for the Sheriff's Department. The grant is for \$4,000.

- Commissioner Knochel moved to approve the grant agreement as presented, second by Commissioner Benson; motion carried.

ASSESSOR – Samantha Steele

County Assessor Samantha Steele requested approval of the amended CLT contract for Commercial and Industrial Assessment Technical Assistance. Attorney Luhman, as well as the Department of Local Government Finance (DLGF) has reviewed and approved the contract amendment.

- Commissioner Knochel moved to approve the contract from CLT, second by Commissioner Benson; motion carried.

RATIFY POOR RELIEF DECISION

Attorney Luhman reported that the commissioners denied the appeal for financial assistance for Yolanda Marie Fuston.

- Commissioner Benson moved to ratify the decision for Poor Relief hearing as denied, second by Commissioner Knochel; motion carried.

SIMPLEX GRINNELL RENEWAL AGREEMENT FOR VILLA

- Commissioner Knochel moved to approve the contract for Simplex Grinnell for fire alarms at the Tippecanoe Villa, second by Commissioner Benson; motion carried.

APPOINTMENT TO THE COMMON WAGE BOARD

- Commissioner Knochel moved to appoint Dave Lahr to the West Lafayette School Corporation for various projects, second by Commissioner Benson; motion carried.

UNFINISHED/NEW BUSINESS

Commissioner Knochel invited David Beigh, db Consulting, and Gary Kent, KentCo, to share a presentation regarding Deferred Renewal for building evaluations.

Juvenile Center

Attorney Luhman spoke regarding the qualification of Architects for the juvenile center. He proposed the commissioners advertise for a Request for Qualification (RFQ) for the facility to seek qualified design professionals. He recommended publishing an ad for RFQ's with follow-up interviews.

- Commissioner Benson moved to approve the RFQ for the architects for the Juvenile Center, second by Commissioner Knochel; motion carried.

REPORTS ON FILE

Tippecanoe County Public Library
Weights and Measures
Treasurer
Villa
Parks & Recreation Board

PUBLIC COMMENT

Commissioner Benson thanked the Auditor and the Treasurer for the hard work on the rebate checks.

Auditor Weston thanked the Highway, Commissioner, Treasurer, Surveyor, Human Resources, Area Plan Commission and MITS for their help with the rebate checks.

Edward Lozier – neighbor of the proposed facility was interested in more information regarding the Juvenile Facility. He stated he was in favor of the facility but would like to see it built for less money.

- Commissioner Knochel moved to recess until 1:30 p.m. today.
- Commissioner Shedd reconvened the meeting at 1:30 p.m.

Also in attendance were Rebecca Humphrey, Mike McMillan, and Greg Guerrettaz.

HB 1001

Mr. Guerrettaz reported HB 1001, as it currently stands in the legislature, indicates the state will assume the cost of housing juveniles at the Department of Correction; however, the costs included are those of detention, not treatment. And DCS would determine the outcome and placement for all children in the system. If the judge or county disagree with the placement and send children elsewhere, the county will be responsible for the cost incurred with that child.

Regarding the circuit breaker impact, which refers to the cap of 1% on residential property, 2% on apartments and agriculture, and 3% on commercial/industrial businesses, a loss of property tax in one class is not allowed to be captured by another class. So, for example, if taxes on a \$100,000 home cannot exceed 1%, or \$1,000, but based on the tax rate should be \$1,100, the \$100 difference cannot be made up by a \$300,000 business that has taxes of \$8,900, which is less than the cap of 3%, or \$9,000. The amounts paid by the state for PTRC and Homestead credits will be eliminated. With the elimination, taxes will increase; therefore, the state will pick up the levies of the School General Fund, School Transportation Fund, County Welfare Funds, and Juvenile Incarceration. It is unknown to us yet what is meant by juvenile incarceration since not all counties have a tax rate/levy for that service. (In Tippecanoe County, it is paid from the General Fund.) We should ask what amount did Legislative Services Agency (LSA) use to calculate Tippecanoe County's circuit breaker impact.

Mike McMillan discussed options for the juvenile facility. If architectural planning could start immediately, it is feasible that construction could start in late 2008. With plans for the facility to include court services, alternative services, intake services, and detention, the estimated cost is \$21.5 million. Funding options discussed include EDIT funds, Rainy Day funds, and bond issuance. Architectural services for the schematic design phase is estimated to cost 7-9% of the total project cost and should include more refined cost estimates for construction and operations.

- Commissioner Benson moved to adjourn.

BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE



Ruth E. Shedd, President

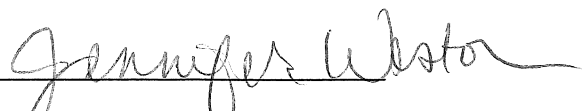


John L. Knochel, Vice President



K.D. Benson, Member

ATTEST:


Jennifer Weston, Auditor