

**TIPPECANOE COUNTY COUNCIL
REGULAR MEETING
JUNE 10, 2003**

The Tippecanoe County Council held its Regular Meeting at 2:00 P.M. in the Tippecanoe Room in the County Office Building. Council members present were: President Connie Basham, Vice President Ronald L. Fruitt, David S. Byers Jeffrey Kessler, Betty J. Michael, and Kathy Vernon. Others present were: Auditor Robert A. Plantenga, Attorney David W. Luhman, and Secretary Pauline E. Rohr. (Councilmember Jeffrey A. Kemper was absent.)

President Basham called the meeting to order and led the Pledge of Allegiance. Councilmember Vernon then introduced Rev. David Henderson, Sr. Pastor of Covenant Presbyterian Church, who offered a prayer.

ANNOUNCEMENT re: Ordinance 2003-25-CL, Permitting Filing of an Application for Operation of an Off-track Satellite Facility for Pari-mutuel Wagering on Horse Races in Tippecanoe County

President Basham announced Ordinance 2003-25-CL was pulled from the Agenda by the petitioner by a phone call earlier today.

APPROVAL OF MINUTES: May 13, 2003

On page 2, a scrivener's error of \$1,4000.00 was corrected to \$1,400.00 for the Clerk's transferred amount.

- Councilmember Kessler moved to approve the minutes of the May 13, 2003 Agenda Review and Regular Meeting as corrected, seconded by Councilmember Michael; motion carried.

FINANCIAL STATEMENT: Auditor Robert Plantenga

Auditor Plantenga reported the 2003 uncommitted County General Funds through May 31, 2003 are \$514,781.43.

INTEREST STATEMENT: Chief Deputy Treasurer Shannon Withers

Mrs. Withers distributed the Interest Report showing the average interest rate for April 2003 was 1.35%. Auditor Plantenga interjected that advance property tax payments total over \$12 million.

VETERANS SERVICE: Officer Randy Fairchild

ADDITIONAL APPROPRIATION: \$500.00

500.00 Transportation

Mr. Fairchild explained that drivers for the DAV (Disabled American Veterans) van are paid \$10 per trip by the DAV organization to offset their personal expenses. Due to budget constraints, the DAV has requested \$1,000 from our Veterans Service Office to supplement their fund. Mr. Fairchild has collected \$450 from the Service Organizations and is requesting the remaining \$500 from the County. He expects he will be able to raise the remaining \$50 from other donations.

Councilmembers Kessler and Vernon thanked Mr. Fairchild for his effort to raise a portion of the money from outside sources.

- Councilmember Kessler moved to approve the appropriation of \$500, seconded by Councilmember Fruitt; motion carried.

AREA PLAN: Executive Director Jim Hawley

ADDITIONAL APPROPRIATION: \$10,643.00

5,365.00 Executive Director
411.00 Social Security
255.00 Retirement
4,000.00 Travel & Training
612.00 Legal Notices

SALARY ORDINANCE	Position	<u>Rate</u>	<u>Salary</u>
Full Time	Executive Director (in training)	5,365.00	5,365.00

Explaining the request for \$612 for Legal Notices, Mr. Hawley explained that he was required to place advertisements for the Executive Director's position in the Journal & Courier and the American Plan Association Job Mart that totaled \$612.00. Paying those bills completely depleted his Legal Notice Budget that is used to pay normal advertising expenses that average \$40 to \$50 per month.

The \$4,000 Travel & Training request is a result of the Plan Commission's intent to conduct a nation-wide search. Mr. Hawley was asked to research other Indiana governments to determine their policy regarding what they offer at the time of the interview. He asked if they paid for the following:

1. Out-of-state airfare for interview
2. Lodging
3. Meal reimbursement
4. Out-Of-state moving expenses

	<u>Bloomington</u>	<u>Evansville</u>	<u>Fort Wayne</u>	<u>South Bend</u>
1.	Yes, 3 candidates	No, recruit regionally	No	Yes, 3 candidates
2.	Yes	Yes	No	No
3.	Yes	Yes	No	No
4.	Never, may waive 120 days probation	No, waive 90% in lieu of cost	Yes, up to \$5,000	No

Mr. Hawley said the Plan Commission proposes paying \$2,000 for moving expense, \$1,500 maximum for air fare for three (3) candidates, \$6,000 for Director's training, and \$500 for hotel and meals.

As a member of the Area Plan Commission, Councilmember Kessler said we are going down a trail we haven't been down before. In his opinion, this position is one of the most important positions in the County. To get Federal dollars, he thinks it is imperative to have a national search for a director with both planning and transportation expertise. The Commission thinks we need to be competitive in not only salary but in the interview process to seek the right person for the position.

Councilmember Michael commented that in ordinary times she would agree to paying expenses but, in our current financial situation, she thinks it would be fool-hardy.

It was established that the Area Plan Commission selects the Executive Director. As a member of the Area Plan Commission, Councilmember Vernon stated this is a position that will shape the County. She believes we must look to the future and conduct a national search for this position, If we are to be competitive, she thinks we need to pay their expenses.

Councilmember Kessler noted the Council cut Area Plan's Legal Notice Budget from \$1,000 to \$500 for 2003.

- Councilmember Kessler moved to approve the appropriation as requested, seconded by Councilmember Vernon.

President Basham acknowledged there is a great need to secure the best possible candidate for this position but said the County hasn't followed this procedure when hiring in other departments. She thinks the Council might be setting a county-wide precedent if air fare and lodging expenses are paid but buying dinner might be acceptable.

Councilmember Michael thinks approval of this request will be an insult to County employees because they received no raise for 2003.

Councilmember Kessler said other appointed positions in the County can often be filled regionally (i.e. MITS, TEMA) but we need a person with expertise in both planning and transportation to take full advantage of available Federal dollars.

President Basham asked if the department's structure will change. Councilmember Vernon said it will be the new Director's job to determine if the departmental organization remains the same.

- The motion to approve the appropriation passed with 1 no vote by Councilmember Michael and 1 abstention by Councilmember Basham.
- Councilmember Kessler moved to approve the Salary Ordinance, seconded by Councilmember Vernon; motion carried with 1 no vote by Councilmember Michael and 1 abstention by Councilmember Basham.

SUPERIOR COURT VI

ADDITIONAL APPROPRIATION: \$1,200.00

1,200.00 Law Book Subscriptions

- Councilmember Byers moved to approve the appropriation of \$1,200 to purchase required updates to the law books, seconded by Councilmember Michael; motion carried.

SUPERIOR COURT: Bailiff Kelly Davis

ADDITIONAL APPROPRIATION: \$15,741.00

10,000.00 Pauper Attorney
 3,000.00 Overtime
 2,200.00 Part-time
 398.00 Social Security
 143.00 Retirement

Ms Davis explained they have outstanding bills totaling \$1,800 for Pauper Attorney and need the Overtime and Part-time to cover the next two (2) payrolls.

Councilmember Kessler wondered about the status of a meeting that was discussed approximately two months ago when several of the judges were present. He said at that time the Council expressed an interest in meeting with them to discuss controlling Overtime and Part-time expenses and the possible hiring of a Court Administrator. President Basham responded she hasn't been able to organize this meeting.

NOTE: Refer to minutes of March 11, 2003:

- * Councilmember Kessler said he would like a chart showing the needs of all the courts. He suggested forming a committee of Councilmembers to meet with the judges as a group.
- * President Basham asked Councilmembers to submit their questions to the committee prior to the meeting with the judges that will be held on April 1, 2003.

In Councilmember Byers' opinion, this court is "running ragged". With additional requests for Pauper Attorney, Part-time and Overtime he doesn't think control is being exhibited. In response, Ms Davis pointed out that approximately half of the 2003 budget for Pauper Attorney was used to pay 2002 bills.

- Councilmember Byers moved to approve \$5,000 for Pauper Attorney, \$3,000 for Overtime, \$2,000 for Part-time, \$383 for Social Security, and \$143 for Retirement, seconded by Councilmember Fruitt.

Councilmember Vernon asked if they are looking at changes to the way they do things to reduce Overtime and Part-time. Ms Davis responded that most of the Overtime occurs when there are jury trials that involve a Court Reporter, Jury Bailiff, and Armed Bailiff. Since deliberations may last until Midnight, they have recently begun sending two home and letting one stay to do the work of all three.

Councilmember Vernon asked Ms Davis to provide documentation showing how they are reducing Overtime and Part-time.

Councilmember Kessler asked Ms Davis to put a copy of Superior Court's organizational flow chart of office responsibilities in Councilmembers' mailboxes.

- The motion carried.

CLERK: Clerk Record Perpetuation Fund 160

ADDITIONAL APPROPRIATION: \$21,918.00

12,000.00	Part-time
918.00	Social Security
9,000.00	Software

The additional Part-time will pay a Part-time employee to index records, scan old records, and consolidate identities. The additional \$9,000 will pay for Software to correct conversion errors.

- Councilmember Fruitt moved to approve the appropriation of \$21,918, seconded by Councilmember Michael; motion carried.

COMMUNITY CORRECTIONS: Executive Director Pat Scowden

SALARY ORDINANCE	Position	<u>Rate</u>	<u>Salary</u>
Full Time	Executive Director		48,299.00
	Deputy Director		39,726.00
	Road Crew Director		31,399.00
	Day Reporting Supervisor		30,007.00
	Office Manager		33,704.00
	Secretary (4)		110,277.00
	LSI-R/Training Officer		30,028.00
	Head Surveillance Officer		33,188.00
	Surveillance Officer (8)		221,894.00
	Work Release Director		46,164.00
	Head Case Manager		34,184.00
	Case Manager (5)		145,472.00
	Head Correction Off (4)		127,432.00
	Correction Officers (16)		454,258.00
	Maintenance Tech		34,489.00
	Part-time	Road Crew Supervisor	8/9.00/hr
Secretary		8/8.50/hr	

Mr. Scowden explained this Salary Ordinance will be in effect for their grant year that runs from July 1, 2003 through June 30, 2004.

- Councilmember Kessler moved to approve the Salary Ordinance, seconded by Councilmember Byers; motion carried.

JUVENILE ALTERNATIVES: Program Director Cathy Smith

SALARY ORDINANCE	Position	<u>Rate</u>	<u>Salary</u>	
Full Time	Program Director		43,168.00	
	Secretary		23,577.00	
	Home Det/SCS Coord		29,051.00	
	SCS Crew Leader		26,655.00	
	JEDIS Educational Coord		27,522.00	
	JEDIS Asst Coord		25,250.00	
	Truancy Mediation Coord		29,051.00	
	Truancy Med Asst Coord		25,250.00	
	Home Det/SCS Asst Coord		25,660.00	
	BEAMES Coord		27,522.00	
	BEAMES Asst Coord		25,250.00	
	Administrative Asst		26,193.00	
	Part-time	SCS Crew Leaders	7.50/hr	
		Home Det Monitors	10.00/da	visits
		7.50/da	+5 calls	
		5.00/da	3-5 calls	

Ms Smith explained this Salary Ordinance will be in effect for their grant year that runs from July 1, 2003 through June 30, 2004.

- Councilmember Byers moved to approve the Salary Ordinance, seconded by Councilmember Fruitt; motion carried.

PUBLIC HEARING: Ordinance 2003-24-CL, Establishing Tippecanoe County Motor Vehicle Excise Tax and Wheel Tax

Ordinance 2003-24-CL will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Councilmember Byers moved to approve Ordinance 2003-24-CL on first reading, seconded by Councilmember Fruitt.

Attorney Luhman read Ordinance 2003-24-CL which gives the following amounts with an effective date of January 1, 2004:

Annual License Excise Surtax

Passenger vehicles, motorcycles, and trucks less than 11,000 pounds \$20.00

Annual Wheel Tax

<u>Vehicle Classification</u>	<u>Annual Wheel Tax</u>
(a) Buses	\$20.00
(b) Recreation Vehicles	\$20.00
(c) Semi Trailers	\$30.00
(d) Tractors	\$40.00
(e) Light Trailers	\$10.00
(f) Heavy Trailers	\$20.00
(g) Light Trucks	\$25.00
(h) Heavy Trucks	\$40.00

President Basham announced the Public Hearing will last a maximum of one (1) hour with each speaker allowed a maximum of three (3) minutes. She requested speakers to try and not duplicate comments of other speakers. President Basham noted she received 46 e-mails, 3 letters, and 5 phone calls against the Ordinance and 2 e-mails and 1 phone call in favor.

Speakers in Favor

Mark Albers, Tippecanoe Co. Highway Exec. Dir. Commerce KD Benson, Tippecanoe County Commissioner	Dana Smith, Chamber of
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Speakers in Opposition

Diane Milgate, 2524 N 20 th St., Laf. Laf. Jon Held, W. Laf. W, W. Laf. Joe Henderson, 5713 N 225 W, W. Laf.	Alan Kemper, 5710 E 700 S, Kevin Underwood, 6915 N 225
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Diane Milgate: She is concerned this does not reflect use in the County. She would prefer an increase in the Income Tax. If approved, she hopes this will not be a permanent means to pay for roads.

Mark Albers, Highway Executive Director: All monies collected from a Wheel Tax will be used for roads/repairs. Current funding levels make it impossible to maintain the 880 miles of Tippecanoe County's roadways. Primary roads account for 142 miles of that total and 35 miles serve adjacent counties. Safety of travelers on our roads is #1 priority but many of our roads are less than the 20' standard width. Due to a lack of funds, the free Dust Control Program for residents on gravel roads was cancelled this year.

Alan Kemper: As President of Tippecanoe County Farm Bureau Inc. Mr. Kemper expressed opposition of its local members to a Wheel Tax unless all other funding options for roads have been exhausted. Since Tippecanoe County is a regional hub, he thinks a Wheel Tax is unfair but thinks a Gas Tax is a more logical option. Councilmember Byers asked Mr. Kemper if he thinks farmers are paying their fair share because they use the roads but don't pay Sales Tax on their farm fuel. Mr. Kemper agreed but said they pay Excise Tax on trucks and many buy farm plates for their trucks (\$900 per) that are used one (1) month a year.

Dana Smith: Mr. Smith said the Chamber of Commerce held two sessions with a representative of Indiana LTAP (Indiana Local Technical Assistance Program) regarding establishment of a Wheel Tax. In addition, the Chamber sent letters to 50 of its members with a fleet of 5 or more vehicles and received no negative response. At the Chamber's meeting on May 20, 2003, the vote was unanimous to support establishment of a Wheel Tax.

Jon Held: This is an unfair tax because a large number of vehicles will be exempt. It is also unfair because we are an economic center and draw commerce from surrounding counties. He said the owner of a 10 year old vehicle currently pays \$12 for plates but will pay \$32 if the Wheel Tax is passed. Mr. Held knows we have been told we have to pass a Wheel Tax before another tax can be explored but he thinks we need a fair tax to fund roads.

KD Benson: We need to keep our roads in good shape but cannot do so with our current funding. She said we cannot impose another tax unless we have a Wheel Tax in place. Commissioner Benson believes this is a safety issue and thinks it is irresponsible to let our roads crumble. She said there is widespread local support. This and other issues are being pushed to the local level with no available funding.

President Basham asked if any study has shown what kind of revenue can be generated with Impact Fees and wondered if we could impose them. Commissioner Benson responded she asked Mr. Hawley about Impact Fees before the meeting and he said no because they cost too much to manage and those that have Impact Fees were grandfathered. President Basham questioned this answer because it is listed as a funding option in the most recent edition of Local Government Funding Sources from Baker & Daniels. Commissioner Benson said she can direct the County Attorney to research this option if the Council wishes. She said the Wheel Tax is as close to a user fees as we can get without a Gas Tax increase.

Kevin Underwood: Mr. Underwood, first Vice President of Farm Bureau, is opposed to the Wheel Tax but thinks imposing a Local Option Fuel Tax would be more fair. As a regional hub, Tippecanoe County citizens will be paying for out-of-county users such as those who bring agricultural commodities to the Cargill and Staley plants. In his opinion, the State is taking away local decisions by forcing the County to impose a Wheel Tax to support roads.

Joe Henderson: Mr. Henderson said he has survived living on a gravel road for 62 years and doesn't believe the burden of paving roads should be put on local residents. As a farmer and owner of a construction business, he said farm and construction equipment put minimal miles on the roads. He cited students at Purdue University who do not purchase their plates in Tippecanoe County as examples of users who won't pay the Wheel Tax. Mr. Henderson said he doesn't like to be blackmailed which is what he thinks the State is doing. He objects to another tax especially since he is uncertain about the amount of his Property Tax following Reassessment.

- Councilmember Fruitt moved to recess until a later date when the full Council is present to consider this issue, seconded by Councilmember Michael.

Discussion showed that, due to planned vacations and other commitments, there was no time when the full Council could be present for two readings of the Ordinance before the July 1 deadline.

- Councilmember Fruitt withdrew his motion and Councilmember Michael withdrew her second.

Council's Comments:

Councilmember Kessler: "Methods are many, principles are few. Methods always change, but principles never do." Councilmember Kessler said most agree that adequate funding for roads is important for safety and economic development. He noted three methods that have been used since 1997 to help fund roads.

1. Since 1997, over \$4.5 million of EDIT Fund dollars have been spent for new roads. Another \$1 million is included in the County's Business Plan for 2004.
2. In 2000, the County partnered with the City of Lafayette to establish the SIA TIF which raised \$100,000 in 2001 and over \$100,000 in 2002 that can be used for roads.
3. The Council supported efforts by State Representative Sue Scholer to increase the Gas Tax two years ago.

Councilmember Kessler said he doesn't believe bigger government is better but a new tax will make government bigger. Because he believes money is best spent by those who earn it, not by those who tax and spend it, he cannot support a Wheel Tax.

Councilmember Byers said he is not pleased with a Wheel Tax but thinks we must look to the future of our roads. He said we don't want to keep visitors out because our roads are in poor condition. In his opinion, 200 miles of gravel roads shouldn't exist in this county. Councilmember Byers agrees this may not be the fairest way to fund roads but we need to maintain them.

President Basham: A Local Option Fuel Tax would solve some of our problems but we need to work hard to get it. We must go to the State House and lobby other legislators in addition to our own.

Councilmember Kessler noted that we have approximately \$2 million of unappropriated EDIT Funds that could provide additional funding for roads.

Councilmember Vernon asked Attorney Luhman to research if the County can implement Impact Fees for developers. With the uncertainty of Reassessment, she said she cannot support a tax increase at this time. She advocates a Gas Tax increase.

Councilmember Byers commented that the Council continues to ask the Legislators for help but get no response except the advice to enact a Wheel Tax. Personally, he prefers a Food & Beverage Tax that will catch out-of- county residents.

Auditor Plantenga recorded the vote:

Connie Basham	No
Kathy Vernon	No
Ronald Fruitt	No
David Byers	Yes
Jeffrey Kessler	No
Betty Michael	No
Jeffrey Kemper	Absent

- The motion to approve Ordinance 2003-24-CL on first reading failed with 5 no votes and 1 yes vote.

ANNOUNCEMENTS of MEETINGS

Wed.	June 11	Noon	Department Head Meeting
Thurs.	June 26		Farm Bureau Dinner
Thurs.	July 3	8:00 A.M.	Site visit at County Extension Building
Tues.	July 8	1:00 P.M.	GIS Demonstration
Tues.	July 8	2:00 P.M.	Regular Council Meeting
Thurs.	Aug. 7	8:00 A.M.	Site visit at Cary Home
Sat.	Aug. 21		County Extension Picnic

OTHER BUSINESS

SIA: Compliance with State of Benefits

The CF-1 Form showed:	<u>SB-1 Estimate</u>	<u>Actual</u>
Current Employees	3,165	2,537
Number of employees retained	3,165	2,537
Number of additional employees	80	(791)

- Councilmember Michael moved to find SIA is in substantial compliance, seconded by Councilmember Kessler; motion carried.

Councilmember Kessler commented he would like an update by SIA General Counsel Tom Easterday. Attorney Luhman responded that Mr. Easterday has indicated he will be able to present an update at the Council's August 12th meeting.

FYI: Commissioner KD Benson

- Commissioner Benson thanked all for their attendance today.
- The Stars & Stripes Committee will charge \$20 for VIP parking tickets in the Parking Garage for the Stars & Stripes Concert July 4th as a fund raiser. The Committee will purchase Liability Insurance and clean-up after the celebration.
- Department Head Meeting at Noon, Wednesday, June 11th will be a carry-in.
- Soil & Water Conservation District tour will be June 18th.
- The Council has access to County voice mail. Instruction is available.
- A Special Joint Council and Commissioners' Meeting with Greg Guerrettaz is scheduled for 10:00 A.M., Tuesday, July 8, 2003.

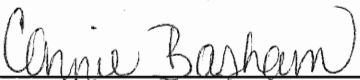
PUBLIC COMMENT

None.

ADJOURNMENT

- Councilmember Fruitt moved to adjourn, seconded by Councilmember Michael; motion carried.

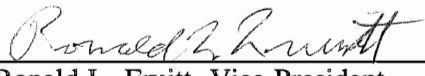
TIPPECANOE COUNTY COUNCIL



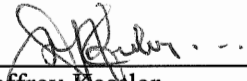
 Connie Basham, President

Absent

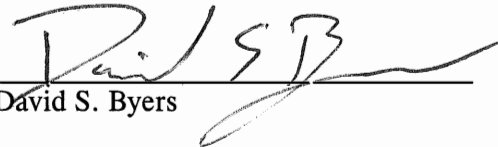
 Jeffrey A. Kemper



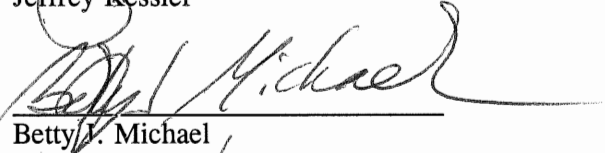
 Ronald L. Fruitt, Vice President




 Jeffrey Kessler



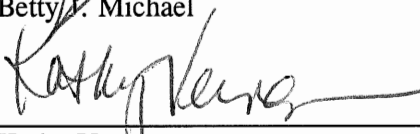
 David S. Byers



 Betty V. Michael

Attest: 

 Robert A. Plantenga, Auditor



 Kathy Vernon