

KOSCIUSKO COUNTY COMMISSIONERS

JANUARY 10, 2006

The Kosciusko County Commissioners met for their regular meeting on January 10, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President

Avis Gunter

Ron Truex

Mike Miner, County Attorney

Sue Ann Mitchell, County Auditor

Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF KABS:

Rita Baker, KABS, presented the capital vouchers for the new bus that will be arriving on Wednesday, January 11, 2006. Baker noted that local school children will have input on the painting of the bus as they will be designing the flowers that will be painted on the new bus. Baker also noted that a grant was received from the Esther Phleider Foundation for the bus painting.

MOTION: Avis Gunter

TO: Approve vouchers and quarterly financial statement as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF BOWEN CENTER AGREEMENT:

Sue Ann Mitchell, County Auditor, presented the Bowen Center Agreement for Services for the Commissioner's signatures. Mitchell stated that the not for profit agreement had been previously approved by the Commissioners but had not been returned by the Bowen Center for their signatures until recently.

IN THE MATTER OF ANIMAL WELFARE LEAGUE LEASE:

Sue Ann Mitchell, County Auditor, presented the Animal Welfare League Lease Agreement for the Commissioner's signatures. Mitchell stated that the lease agreement had been previously approved by the Commissioners but had not been returned by the AWL until recently.

IN THE MATTER OF SOIL AND WATER APPOINTMENT:

County Auditor, Sue Ann Mitchell, presented a letter from the Kosciusko County Soil and Water Conservation District requesting Stan Moore be appointed to the Arrow Head County Resource Conservation and Development Area Board replacing long time appointee Bob Knudson of Syracuse who passed away.

MOTION: Avis Gunter

TO: Appoint Moore to the Arrow Head Board.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF LEGAL ISSUES:

County Attorney, Mike Miner reported that a summary judgment should be received soon on the Midwest Tile lawsuit. This suit was filed on an incident with the stairs at the Justice Building.

IN THE MATTER OF HOMELAND SECURITY:

Sue Ann Mitchell, County Auditor, presented an additional clause to the terms of the EDS #C44P-5-153 Contract from Ed Rock, Emergency Management Director for Homeland Security. Mitchell noted that the Commissioner's signatures were a statement that all rules and guidelines were being followed by the county, therefore allowing the county to apply for Homeland Security grants.

MOTION: Avis Gunter

TO: Sign contract clause as presented for grant applications.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF BRIDGE 250 – SEWER LINE RELOCATION:

Dennis Pletcher, County Highway Supervisor, appeared before the Commissioners requesting guidance on sewer line relocation billing at Bridge 250 in North Webster. It was noted that the estimate for the work had been approved at the December 13, 2005 Commissioner's meeting with the stipulation that the county would seek reimbursement from the Town of North Webster. Pletcher questioned if North Webster should be billed directly by the contractor. Commissioner Truex stated that if the county hired the contractor, they should receive and pay the bill and then seek reimbursement from North Webster. Commissioner Gunter agreed that it would not be fair to make the contractor wait for payment if North Webster was not willing to pay for the sewer line work.

MOTION: Ron Truex

TO: Pay contractor for work and seek

SECOND: Avis Gunter

reimbursement from the Town of North

AYES: 3 NAYS: 0

Webster.

UNANIMOUS

IN THE MATTER OF PHEND & BROWN AWARD PRESENTATION:

Reggie Smith, Phend and Brown representative, presented an award to the Commissioners recognizing the Eli Lilly Road Project at Syracuse. The award was presented by the Asphalt Paving Association. Smith stated that 8 awards are presented each year in various categories. The award signifies a noteworthy project that is properly designed and constructed. He noted that USI, Phend & Brown, the owner of the project and the county received recognition. Smith stated it was an award for good work recognized by peers.

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

**KOSCIUSKO COUNTY COMMISSIONERS
JANUARY 24, 2006**

The Kosciusko County Commissioners met for their regular meeting on January 24, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President

Mike Miner, County Attorney

Avis Gunter

Sue Ann Mitchell, County Auditor

Ron Truex, Absent

Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF FINANCE COMMITTEE REORGANIZATION:

Kent Adams, Treasurer appeared before the Commissioners and reported Indiana Code require the Board of Finance to hold an annual election of officers. Adams noted that one Commissioner be appointed to the Committee to serve as President with the County Treasurer to serve as Secretary. Adams also presented an investment report on Certificate of Deposits as well as NOW accounts. Commissioner Jackson noted increases in overall investments and interest earned from 2004.

MOTION: Avis Gunter

TO: Reappoint Ron Truex to 2006 Board of

SECOND: Brad Jackson

Finance.

AYES: 2 NAYS: 0

UNANIMOUS

Certificate of Deposit Funds			
	<u>2004</u>	<u>2005</u>	<u>Total</u>
Investments	\$10,205,616.16	\$16,193,954.16	+\$5,988,338.00 (59%)
Interest	\$ 146,450.53	\$ 418,893.48	+\$ 272,442.95 (186%)
Summary – Interest			
CD	\$ 146,450.53	\$ 418,893.48	+\$ 272,442.95 (186%)
NOW	\$ <u>413,022.43</u>	\$ <u>964,033.73</u>	+\$ <u>551,011.30 (133%)</u>
Totals:	\$ 559,472.96	\$ 1,382,927.21	+\$ 823,454.25 (147%)

IN THE MATTER OF PERSONAL PROPERTY SOFTWARE FOR ASSESSOR:

Laurie Renier, County Assessor presented a Personal Property Software Licensing Contract for her office. Renier stated she currently has three stations licensed in her office and this contract would allow her to add an additional three stations. She also noted the software is working wonderfully and has only two townships to finish for 2005 and hopes to then begin entering 2004 information into the system.

MOTION: Avis Gunter

TO: Approve personal property software contract for Assessor's office.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF VOTER POLLING FACILITIES:

Sharon Christner, County Clerk reported that all polling places are now handicap accessible; however 29 places will need to change. Christner stated she is in the process of getting this information on the website and the legal notices will be published closer to the election date. Christner also noted that training will be provided to all precincts on new laws in effect as well as the operation of the new voting machines.

Christner also reported that she has received correspondence regarding the old voting machines. She stated that a Third World Country has expressed an interest in obtaining the machines without cost. Christner also noted that if this transaction is feasible and can be worked out, the county would not incur charges including shipping of the machines. She felt this would be a good way to dispose of the machines as well as promoting good relations with other countries. Christner noted she would report back to the Commissioners when more information was available on this matter.

IN THE MATTER OF KABS:

Rita Baker, KABS presented the Quarterly Operating Financial Report as well as the 4th quarter revenue and expense statement for KABS for approval and signatures.

MOTION: Avis Gunter

TO: Approve KABS reports as presented.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF COVERED BRIDGE CERTIFICATION:

Sue Ann Mitchell, County Auditor presented the annual Covered Bridge Certification form to be signed by the Commissioners. This certification must be completed and submitted to the State Auditor's Office even though there are no covered bridges in Kosciusko County.

IN THE MATTER OF BEAMAN HOME VOCA GRANT APPLICATION:

Sue Ann Mitchell, County Auditor presented the Beaman Home VOCA grant application for the Commissioners approval.

MOTION: Avis Gunter

TO: Approve Beaman Home VOCA grant application as presented.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF CENTER OF HOPE GRANT APPLICATION:

Sue Ann Mitchell, County Auditor presented the Center of Hope VOCA grant application for the Commissioners approval.

MOTION: Avis Gunter

TO: Approve Center of Hope VOCA grant application as presented.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF CASA GRANT APPLICATION:

Sue Ann Mitchell, County Auditor presented the Casa VOCA grant application for the Commissioners approval.

MOTION: Avis Gunter

TO: Approve Casa VOCA grant application as presented.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF CONTRACT FOR COUNTY ATTORNEY:

Sue Ann Mitchell, County Auditor presented the contract to retain Mike Miner as the county's attorney for 2006 for the Commissioner's signatures.

MOTION: Avis Gunter

TO: Approve County Attorney contract in the amount of \$21,630.00 as presented.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

CONTRACT

THIS ATTORNEY-CLIENT FEE CONTRACT made and entered into as of the 1st day of January, 2006, by and between THE BOARD OF COMMISSIONERS OF KOSCIUSKO COUNTY, hereinafter referred to as "Client", and MICHAEL L. MINER, hereinafter referred to as "Attorney", WITNESSETH:

That Client has retained the services of and hereby employs Attorney, and Attorney hereby accepts said employment for the Client as County Attorney for the county of Kosciusko for a period commencing on the 1st day of January, 2006, and terminating on the 31st day of December, 2006, for the sum of Twenty-One Thousand Six Hundred Thirty Dollars (\$21,630.00), payable in twenty-six (26) bi-weekly installments to the law firm of Valentine Miner & Lemon, LLP, for basic services (described hereinafter), and at an hourly rate for additional services (also described hereinafter).

Basic Services

The Attorney shall attend all meetings of the Board when requested to do so by the Client, and shall, except as hereinafter provided, render and perform the legal services required by the Board of Commissioners of Kosciusko County, and shall render and give counsel to any and all of them.

It is understood that the "Basic Services" hereunder shall not be deemed to include employment as attorney for the Kosciusko County Police Department, Kosciusko County Sheriff, Kosciusko County Council, Kosciusko County Area Plan Commission, Kosciusko County Drainage Board or Board of Zoning Appeals, or other county offices, departments or agencies.

In prosecuting any actions for said County or officers in the event any attorney's fees are provided for in any note or contract and the same are included as a part of a judgment recovered, when the judgment is actually paid, with attorney's fees included, the Attorney shall be entitled to the fees thus paid. In traveling to points outside Kosciusko County, the reasonable traveling expenses shall be paid by the Client. In the event of the absence or inability of the Attorney at any time to perform the services herein contemplated, he shall procure at his own expense a competent substitute.

It is agreed and understood in a general way that the Attorney shall do and perform any and all such services as are generally and usually understood as being performed for the board of Commissioners by similar officers and as have heretofore been done.

The services hereunder include entering an appearance in all litigated matters, the preparing of any and all necessary contracts and instruments for the Board, attending any and all meetings, and any and all other manner and form of services usually pertaining to such employment; however, it is understood and agreed that the "Basis Services" does not cover services in litigated matters beyond a formal appearance nor services performed for the County Auditor, County Recorder, County Assessor, County Treasurer, or any other county department, agency or officer.

Additional Services

In addition to the "Basic Services" defined above, Attorney shall render and perform the legal services required by the Kosciusko County Council, and any county office, department or agency at the request of the county office, department or agency, subject to the approval of the Board of Commissioners, or at the request of the Board of Commissioners.

Attorney shall be paid for such "Additional Services" at the rate of One Hundred Eight and no/100 Dollars (\$180.00) per hour.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names on the date and year first written above.

IN THE MATTER OF COURTHOUSE RENOVATIONS:

Ron Robinson, County Administrator reported that all of the renovations are nearing completion with a walk through to review all areas scheduled for this week. Robinson stated the new carpeting should be installed the first week of February as well as the lighting fixture in the court room.

IN THE MATTER OF WORK RELEASE KITCHEN:

Ron Robinson, County Administrator noted that construction at the Work Release Kitchen is nearly completed. The Commissioners questioned if there would be an open house scheduled to allow the public to view the new facility and it was noted the Sheriff will make the arrangements.

IN THE MATTER OF ANNUAL JAIL REPORTS:

Sheriff, Aaron Rovenstine presented the annual jail report to the Commissioners noting a seven percent decrease in bookings for 2005. The report also lists the monies received from Delaware County, Miami County as well as the Department of Corrections. Rovenstine noted that the county had taken in over \$373,000 from the work release program as well as \$10,000 from the women's work release. He declared the Work Release Kitchen would be a great asset to the county.

IN OTHER MATTER OF THE SHERIFF'S DEPARTMENT:

Sheriff, Aaron Rovenstine recognized Ed Rock, Emergency Management Director for being asked to sing the National Anthem at the 2006 Boys Basketball State Finals in Indianapolis in March. Rovenstine noted that Rock would be representing not only the county's Emergency Management Office but the Sheriff's department as well as a reserve.

IN THE MATTER OF REROUTING OF STATE TRAFFIC FROM HIGHWAY 14 FOR SILVER LAKE DAYS:

Dennis Pletcher, Highway Supervisor presented a request from the town of Silver Lake to have traffic from State Road 14 rerouted to county roadways for the Annual Silver Lake Days Celebration.

MOTION: Avis Gunter

TO: Approve request for traffic rerouting as presented.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF BRIDGE 250 WORK:

Dennis Pletcher, Highway Supervisor reported the contractor has begun work at Bridge 250 in North Webster with the temporary footbridge in place. Pletcher noted that some demolition has taken place, but more equipment was being brought in to continue the work.

IN THE MATTER OF COUNTY HIGHWAY TRACTOR BID OPENING:

Sealed bids were opened for two (2) 2006 model tractors. Bids were received from the following dealers:

Kerlin Tractor Sales	\$76,307.00 – no bid bond received
Topeka New Holland	\$78,386.00 – Certified check in the amount of \$8,908.60 in lieu of bond.
Troxel Equipment	\$74,999.00 – no bid bond received
Radar Equipment	\$79,810.00 – no bid bond received
McKillip Equipment	\$65,536.00 – no bid bond received
Gillsingers Implement Co.	\$73,238.00 – no bid bond received

Upon further investigation it was determined that the original packets that were given to bidders had omitted that fact that a bid bond and/or a certified check be submitted along with the actual bid. Commissioner Jackson questioned County Attorney, Mike Miner if a bond was required now that the bidders have shown their hand. Miner stated that he would check state statutes to see if a bond is required and if not, the bidders could post a bond after the opening of original bids. Miner noted that if statute does require the bond, all bids could be rejected and bidders would then have the chance to re-bid at a later date.

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

KOSCIUSKO COUNTY COMMISSIONERS

February 7, 2006

The Kosciusko County Commissioners met for their regular meeting on February 7, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President
Avis Gunter
Ron Truex

Mike Miner, County Attorney
Sue Ann Mitchell, County Auditor - ABSENT
Ron Robinson, County Administrator
Michelle Puckett, Chief Deputy County Auditor

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF SHERIFF DEPARTMENT RECOGNITION:

Sheriff Aaron Rovenstine noted for Commissioners, an article that appeared in the "Indiana Sheriff's Magazine" written by Jen Gibson of the Times Union on local officers that were sent to Louisiana to assist in the cleanup efforts following the destruction caused by Hurricane Katrina. Rovenstine again thanked the Commissioners for allowing those officers to be a part of that project.

IN THE MATTER OF GIS PURCHASE:

Bill Holder, GIS Coordinator appeared before the Commissioners to request permission to purchase a large format printer/scanner/copier from his electronic data fund. Holder stated the cost of this machine would be shared by the Surveyor, Recorder and Assessor's Office and housed by the Surveyor. He went on to say that this machine would allow the county to archive aerial photos, copy maps as well as print plat book pages.

MOTION: Avis Gunter

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

TO: Grant permission for GIS to seek appropriation from Council to purchase printer/scanner/copier as requested.

IN THE MATTER OF 911 DISPATCH AGREEMENT:

Michelle Puckett, Chief Deputy Auditor presented the 911 Dispatch Agreement with the City of Warsaw for the Commissioner's approval.

MOTION: Ron Truex

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve agreement as presented.

Agreement

This agreement made this 1st day of January between the COUNTY OF KOSCIUSKO, INDIANA ("County") and the CITY OF WARSAW, INDIANA ("City").

Section 1

Recitals

- 1.1 The following recitals are a material part of this Agreement.
- 1.2 County is a municipal corporation and in such capacity has made arrangements for the provision of 911 services to the County.
- 1.3 City is a municipal corporation located within Kosciusko County and receives funds from tax monies to be utilized for the hiring of dispatchers providing 911 services; and City and County desire to properly distribute the funds received by City to County for payment of expenses incurred by County in providing dispatchers for 911 use.
- 1.4 The parties desire to enter into an agreement pursuant to I.C. 36-1-7-1, et seq. describing the responsibilities of the parties and other legal requirements.

Section 2

Consideration

- 2.1 The consideration for the Agreement is the mutual covenants contained herein.

Section 3

Terms

- 3.1 County shall provide in 2006 for benefit of City and County in its operation of a 911 system all of the dispatchers required to maintain and operate the "Kosciusko County Central Dispatch."
- 3.2 The intent of the Agreement is to provide maximal benefits to the citizens of Kosciusko County and the City of Warsaw from the usage of the 911 system.
- 3.3 From the tax proceeds received by City for the operation of the dispatch center, City shall pay County \$100,000 to be paid in two equal installments June 30, 2006 and December 30, 2006.
- 3.4 This Agreement shall be administered by a joint board composed of the Kosciusko County Sheriff, Warsaw City Police Chief, Mayor of the City of Warsaw, Kosciusko County Administrator, Kosciusko County Emergency Management Director and the Chief Dispatcher.

- 3.5 The joint board shall not acquire any property nor shall the joint board make any payments, the only payment required being that of the City to the County described herein.

Section 4
Miscellaneous

- 4.1 This Agreement shall remain in effect until December 31, 2006.
- 4.2 By this Agreement, the County shall assume full responsibility for payment of employment or other taxes resulting from the employment of personnel necessary for the implementation of the provisions of this Agreement.
- 4.3 Both parties to this Agreement have authorized to enter into the Agreement by adoption of proper resolution in accordance with I.C. 36-1-7-2.

IN WITNESS WHEREOF the parties have executed this Agreement the date above written.

IN THE MATTER OF WABASH ELECTRIC TECHNOLOGY SERVICE AGREEMENT:

Michelle Puckett, Chief Deputy Auditor presented a service agreement with Wabash Electric for back up services to the county's computer system administration personnel. County Administrator, Ron Robinson stated this agreement provided for so many hours of service as needed. He also noted this agreement would be more cost efficient than previous service/maintenance arrangements had been.

MOTION: Avis Gunter

TO: Approve Technology Service Agreement
with Wabash Electric as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF PAINTING DUE TO RENOVATIONS AT COURTHOUSE:

Ron Robinson, County Administrator reported that an agreement with Lee Painting had been obtained for paint work to complete the remodeling project. Robinson stated the projected cost from Lee Painting was \$19,000 but after discussion with A. Hattersley & Sons personnel, who agreed to pay a portion of the fees, the actual cost to the county should be approximately \$10,000. Commissioner Jackson questioned if Hattersley agreed to the shared cost because of problems caused by their workers and Robinson noted that was case.

IN THE MATTER OF COURTHOUSE RENOVATIONS:

Ron Robinson, County Administrator stated that all inside work should be completed with the next two weeks. Robinson noted that electrical workers were finishing up and that the new light fixture had been installed in the Court Room. Carpeting has been installed in some of the offices in the basement and should be completed within the next week. Robinson then requested permission to close the Assessor's office on February 24th in order to allow for office furniture and equipment to be removed so that carpeting could be installed over that weekend. He also said the office would be open on Monday, the 27th with limited capabilities and access.

IN THE MATTER OF PROJECT SAFE:

Ron Robinson, County Administrator noted that the Project Safe office would be closing for the season on Friday, February 10th. Robinson stated that next year the office will be located in the basement in one of the newly renovated areas.

IN THE MATTER OF COUNTY CREDIT CARDS:

Ron Robinson, County Administrator reported the county gas tank will be removed on February 13th and American Express credit cards will be issued to all county employees that need to purchase gasoline in order to perform their job. Robinson stated that every employee receiving a card will be asked to sign a form stating they understand what items the card may be used for and the possible consequences if used for items other than those listed. Robinson then requested the Commissioners endorse the form/letter that will be given to employees receiving the credit cards. The following letter was signed by the Commissioners:

February 7, 2006

To: All County Employees Receiving Credit Cards
From: Kosciusko County Commissioners

RE: Use of Credit Cards

You have received a credit card because you have the need related to your job to purchase gasoline. Please be advised the American Express cards are being provided for you with the intent that ONLY THE ITEMS LISTED BELOW ARE TO BE CHARGED:

- Gasoline

- Oil
- Windshield Washer Fluid
- Windshield Wiper Blades
- Automotive Light Bulbs

The account will be monitored on a daily basis to insure compliance. Using the card for anything but the listed items will result in disciplinary actions. We are glad to provide you with this convenience and look forward to all employees observing the restrictions as stated. If you have any questions concerning the use of the credit card, please feel free to contact Ron Robinson or Sue Ann Mitchell for further information.

IN THE MATTER OF INMATE MEDICAL:

Sheriff Aaron Rovenstine stated that inmate medical expenses have sky-rocketed and the county has been exploring options to help reduce those costs. Rovenstine went on to say that this is not a reflection on Dr. Jensen or the services he has provided, but the department needs a more cost efficient way of covering these expenses. Rovenstine also said that he was very appreciative of all that Dr. Jensen did for the county. Rovenstine then went on to say that after talking to several other counties regarding this issue, he felt the service and prices of Advance Medical made them a good choice for contracted inmate medical services and therefore, requested the Commissioners approval.

Commissioner Truex noted that this in no way reflected on Dr. Jensen or KCH. In fact, Truex and County Administrator Robinson both commended Jensen for the service he has provided to the inmates. Truex then added that Dr. Jensen is supportive of the change in service providers. Truex also noted he felt it was important to keep all lines of communication open for future possibilities and was appreciative of Dr. Jensen's support.

MOTION: Ron Truex

TO: Approve contract with Advance Medical
for inmate medical services as presented.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

Agreement for the Provision of Inmate Health Services at the Kosciusko County Jail Facility

This Agreement entered into by and between the County of Kosciusko, located in the State of Indiana (hereinafter the "COUNTY"), and Advanced Correctional Healthcare, Inc. (hereinafter "ACH").

Recitals

WHEREAS, the COUNTY desires to provide professional and responsive healthcare services to the inmates of Kosciusko County Jail for the good health and well being of the inmates of the Jail; and

WHEREAS, ACH is a corporation which provides health care services in incarceration facilities.

THEREFORE, the parties enter into this Agreement as hereinafter set forth.

Contract Documents

The entire agreement of the parties is set forth in the Contract Documents, which for the purposes of interpretation shall have the following hierarchy:

1. This Agreement with all attachments and exhibits incorporated herein.

Definitions

1. *Kosciusko County Inmates.* Kosciusko County Inmates shall be defined as those persons booked into custody of the Kosciusko County Sheriff's Department and presently incarcerated in the Kosciusko County Jail, not to include jail work release inmates, Kosciusko County inmates housed in other facilities or inmates housed in other counties, State Department of Corrections, INS, US Marshals, or other Federal Agencies (hereinafter "Kosciusko County Inmates").
2. *Non-County Inmates.* Non-County Inmates shall be defined as jail work release inmates, Kosciusko County Inmates housed in other facilities, inmates housed in the Kosciusko County Jail for other counties or municipalities or State department of Corrections or INS or US Marshal or other federal agencies (hereinafter "Non-County Inmates").

1.0 Duties and Obligations of ACH

For and in consideration of the Compensation to be paid to ACH as hereafter set forth, ACH agrees as follows:

1.1 Scope of Services to be Provided by ACH

- 1.1.1 *Medical Director/Physician.* Physician shall visit the facility once each week or as otherwise agreed to by the SHERIFF and ACH. Physician shall serve as the facility's Site Medical Director and be available by telephone to facility and medical staff on an on-call basis, seven (7) days per week, twenty-four (24) hours per day.
 - 1.1.2 *Nursing.* The COUNTY shall maintain forty (40) hours of nursing and/or medical officer coverage per week to be reviewed quarterly. Nursing staff shall remain COUNTY employees.
 - 1.1.3 *On-Site Services.* ACH shall provide:
 - 1.1.3.1 Pharmaceuticals, including prescription medications and prescribed over-the-counter medications (not to include HIV, Hepatitis, Multiple Sclerosis, Rabies, Cancer and/or court-ordered medications and testing);
 - 1.1.3.2 On-site laboratory testing to include finger-stick blood sugar, urine dipstick for pregnancy and/or infection;
 - 1.1.3.3 TB skin tests; and
 - 1.1.3.4 Disposable medical supplies intended for one-time use (not to include durable or reusable equipment or supplies) for Kosciusko County Inmates.
- In addition, ACH shall provide on-site evaluation and medical care, prescribed over-the-counter medications, and disposable medical supplies as needed for Non-County Inmates. Pharmaceuticals

for non-county inmates will be billed as directed by the Sheriff. All medical care provided by ACH shall be rendered by professionals licensed to practice in the State of Indiana.

- 1.1.4 *Off-Site And/Or Mobile Services.* When off-site and/or mobile service care are required for medical reasons, ACH shall arrange and be financially responsible for the cost of inpatient hospital services, outpatient hospital services, mobile services, specialty services, dental care, laboratory, diagnostic testing, consultation services, and medically indicated ambulance transportation provided off-site or by mobile unit while the patient is a Kosciusko County Inmate, subject to the financial liability limit noted in Section 1.1.5. ACH shall arrange for off-site treatment and/or mobile services in accordance with the SHERIFF'S Policies and Procedures.
- 1.1.5 *Financial Liability Limit.* ACH's total financial responsibility for the cost of off-site medical care, mobile services, dental care, inpatient and outpatient hospital care, pharmaceuticals provided by hospital, mental health care, and diagnostic testing provided to Kosciusko County Inmates, shall be limited to an aggregate amount of five thousand dollars (\$5,000.00) per calendar month with the COUNTY responsible for all off-site service and mobile service costs exceeding the aggregate limit. The date of service, or date of admission in the case of a hospital visit, shall be used to determine the calendar month in which the expenses are to be applied toward the \$5,000.00 aggregate limit. Any costs exceeding the \$5,000.00 aggregated limit, will be reconciled back to the COUNTY monthly. ACH shall not be financially responsible for the cost of care, testing and supplies associated with the treatment of HIV/AIDS, Hepatitis, Multiple Sclerosis, Rabies, Cancer, or complications thereof, and/or court-ordered medications and testing. ACH shall not be financially responsible for any costs associated with off-site medical care and treatment for Non-County Inmates.
- 1.1.6 *Management Services.* ACH shall provide management services to include: a comprehensive strategic plan; site specific policies, procedures, and protocols; Medical Peer Review, Introductory Orientation Training for correctional officers with regard to accessing inmate healthcare services, Continuous Quality Improvement (CQI), Cost Containment, Utilization Management, and Risk Management programs; HIPAA (Health Insurance Portability and Accountability Act) and NCCHC (National Commission on Correctional Health Care) Compliance programs specific to the jail's medical operation.

1.2 **Miscellaneous Duties and Obligations**

- 1.2.1 *Collection of DNA/Physical Evidence.* In those situations where ACH is the sole provider of nursing services at the facility, ACH shall perform the collection of physical evidence (hair, blood, saliva) for the purpose of DNA testing on-site with signed consent from the inmate in accordance with applicable NCCHC guidelines. Court-ordered collections of physical evidence shall be referred to the appropriate Emergency Room. ACH shall not be financially responsible for any cost associated with the collection or testing of physical evidence, including, but not limited to any associated medical and/or laboratory fees, added personnel and court costs, and the cost of DNA collection kits.
- 1.2.2 *Body Cavity Searches.* In those situations where ACH is the sole provider of nursing services at the facility, ACH shall perform body cavity searches on-site with signed consent from the inmate in accordance with applicable NCCHC guidelines. Court-ordered body searches shall be referred to the appropriate Emergency Room. ACH shall not be financially responsible for any costs associated with a body cavity search, including, but not limited to any associated medical and/or laboratory fees, and added personnel and court costs.
- 1.2.3 *Health Education.* ACH shall provide health education materials to the Sheriff for inmate education.
- 1.2.4 *Care Reports.* ACH shall review at the scheduled CQI meetings, the health care reports with the SHERIFF or his designee concerning the overall operation of the healthcare services program and the general health of the inmates of Kosciusko County Jail.
- 1.2.5 *Meetings.* ACH representatives shall meet, in accordance with a schedule agreed to by the SHERIFF and ACH, with the SHERIFF or his designee concerning procedures within the Kosciusko County Jail and any proposed changes in health-related procedures or other matters, which either party deems necessary.
- 1.2.6 *Records.* ACH shall maintain, cause, or require to be maintained complete and accurate medical records for each inmate who has received health care services. Each medical record shall be maintained in accordance with applicable laws, the Indiana Department of Corrections Minimum Standards for Jails and Lockups and the SHERIFF'S Policies and Procedures. The medical records shall be kept separate from the Inmate's confinement record. A complete original of the applicable medical record shall be available to accompany each inmate who is transferred from the Kosciusko County Jail to another location for off-site services or transferred to another institution. Medical records shall be kept confidential, subject to applicable law regarding confidentiality of such records. ACH shall comply with Indiana and Federal law and the SHERIFF'S policy with regard to access by inmates and jail staff to medical records. No information contained in the medical records shall be released by ACH except as provided by the SHERIFF'S Policy, by a court order, or otherwise in accordance with applicable laws. At expiration of the Contract period, all medical records shall be delivered to and remain with the SHERIFF. However, the SHERIFF shall provide ACH with reasonable ongoing access to all medical records even after the expiration of the Contract for the purpose of defending litigation. Inmate medical records shall at all times be the property of the Kosciusko County SHERIFF.
ACH shall make available to the SHERIFF, unless otherwise specifically prohibited, at the SHERIFF'S request, all records, documents and other papers relating to the direct delivery of health care services to Kosciusko County inmates hereunder.
During the Contract period and for a reasonable time thereafter, the SHERIFF will provide ACH, at ACH's request, the SHERIFF'S records relating to provision of health care services to inmates as may be reasonably requested by ACH in connection with an investigation of, or defense of any claim by a third party related to ACH's conduct. Consistent with applicable state and federal laws and the foregoing provision, the SHERIFF will make available to ACH such records as are maintained by the SHERIFF, hospitals and other off-site health care providers involved in the care or treatment of

inmates (to the extent the SHERIFF has any control over those records) as ACH may reasonably request. Any such information provided by the SHERIFF to ACH that the SHERIFF considers confidential shall be kept confidential by ACH and shall not, except as may be required by law, be distributed to any third party without prior written approval by the SHERIFF. Notwithstanding any provision of this Agreement to the contrary, the SHERIFF'S internal affairs investigative records shall not be required to be provided to ACH or any person or entity (except as may be required by law).

- 1.2.7 *Sheriff's Policies and Procedures.* ACH shall operate within the requirements of the SHERIFF'S Policies and Procedures which directly relate to the provision of medical services and other Policies and Procedures of the SHERIFF which may impact on the provision of medical services. Such Policies and Procedures may change from time to time; if so, ACH will be promptly notified and shall operate within all policies or modifications thereof.

1.3 **ACH Will Not Be Responsible For:**

- 1.3.1 *Elective Care.* ACH shall not provide elective medical care to inmates. Elective medical care shall be defined as care which, if not provided would not, in the opinion of ACH's Medical Director (licensed physician employed by ACH), cause the inmate's health to deteriorate or cause harm to the inmate's well being. Decisions concerning elective medical care shall be consistent with the applicable American Medical Association (AMA) Standards.
- 1.3.2 *Other Expenses.* Ach will not be responsible for any other expenses, including, but not limited to, dentures and dental restoration, optical care, eyeglasses and optical supplies, durable medical equipment and supplies, prosthetics and prosthetic supplies. ACH shall not be financially responsible for the cost of care, testing and supplies associated with the treatment of HIV/AIDS, Hepatitis, Multiple Sclerosis, Rabies, Cancer, or complications thereof, and/or court-ordered medications and testing. ACH shall not be financially responsible for any costs associated with off-site care and treatment of Non-County Inmates.

2.0 **Duties and Obligations of the Sheriff**

2.1 **Security**

The SHERIFF shall maintain responsibility for the physical security of the Kosciusko County Jail and the continuing security of the inmates. ACH and the SHERIFF understand that adequate security services are necessary for the safety of the agents, employees and subcontractors of ACH as well as for the security of inmates and SHERIFF'S staff, consistent with the correctional setting. The SHERIFF will provide security sufficient to enable ACH and its personnel to safely provide health care services described in this contract. The SHERIFF and the COUNTY shall not be liable for loss of or damage to equipment and supplies of ACH, its agents, employees or subcontractors unless such a loss or damage was caused by the sole negligence of the SHERIFF'S employees. The SHERIFF shall screen ACH's proposed staff to insure that they will not constitute a security risk. The SHERIFF shall have final approval of ACH's employees in regards to security/background clearance.

2.2 **Office Equipment and Supplies**

The SHERIFF shall provide use of COUNTY owned basic office equipment, supplies and all necessary utilities in place at the Jail's health care facilities. Upon request by the Sheriff, ACH will purchase office or medical equipment and/or office supplies and the Sheriff will reimburse ACH at its cost. Upon termination of this Agreement, Ach shall return to the COUNTY possession and control of all COUNTY owned medical and office equipment. At such time, the office equipment shall be in good working order, with allowances made for reasonable wear and tear.

2.3 **Non-Medical Care of Inmates**

The SHERIFF shall provide for all other personal needs (non-medical) of the inmates while in the Kosciusko County Jail, including but not limited to: daily housekeeping services, dietary services including special supplements, liquid diets, or other dietary needs, building maintenance services, personal hygiene supplies and services, and linen supplies.

2.4 **Inmate Information**

The SHERIFF shall provide, as needed, information pertaining to Inmates that ACH and the SHERIFF mutually identify as reasonable and necessary for ACH to adequately perform its obligations to the SHERIFF and the COUNTY.

3.0 **Compensation/Adjustments**

3.1 **Annual Amount/Monthly Payments**

The annualized amount to be paid by the COUNTY to ACH under this Agreement is to be \$133,244.00. The COUNTY shall make monthly payments of 1/12th of this amount (\$11,103.67) to ACH prior to the first of each month during the term of this Agreement.

- 3.1.1 *Annualized Amount Upon Renewal.* Upon each renewal of this Agreement, the annualized amount of increase shall not exceed 7%, unless agreed to by both parties in advance of the renewal date.

3.2 **Quarterly Adjustments**

Account reconciliation shall be completed for each fiscal quarter. Adjustments shall be made for variances in the average daily inmate population, non-covered pharmaceuticals purchased, and other expenses such as equipment or services provided by ACH (with prior approval of the SHERIFF) on behalf of the SHERIFF'S Department. Any contract amount in arrears will be settled through reconciliation and adjusted accordingly. Adjustments will be made to the first monthly invoice prepared after reconciliation between ACH and the COUNTY. Payment of the adjusted amount will be due upon receipt of said invoice.

- 3.2.1 *Adjustment for Excess Average Daily Population.* Average daily population for a given quarter shall be determined from Jail census records. For billing purposes, the average daily population shall be based on an average population of 131 inmates per day. When the average daily population exceeds the base rate in any calendar quarter, the additional compensation due shall be figured on the average

number of Kosciusko County Inmates above the base level for that quarter multiplied by the per diem rate of \$1.38 per inmate per day. (*Example: If ADP for Q2 2006 is 136, additional compensation due will be calculated as follows: 5 X \$1.38 X 91*) It is understood that the Non-County Inmates are not included in the average daily inmate population.\

4.0 **Term and Termination**

4.1 **Term**

The term of this Agreement shall be from February 7, 2006 through January 31, 2007. This Agreement shall automatically renew for successive one-year periods unless either party gives thirty (30) days notice prior to the end of a term.

4.2 **Termination**

- 4.2.1 *Termination for Lack of Appropriation.* It is understood and agreed that this Agreement shall be subject to annual appropriations by the Kosciusko County COMMISSION. Notwithstanding any provisions therein to the contrary, if funds are not appropriated for this Agreement, then upon exhaustion of such funding, the COUNTY and COMMISSION shall be entitled to immediately terminate this Agreement without penalty or liability. Recognizing that such termination may entail substantial costs for Ach, the COUNTY and COMMISSION will act in good faith and make every effort to give ACH notice of any potential problem with funding or appropriations. The COUNTY shall pay for services rendered up to the point of termination.
- 4.2.2 *Termination For Cause.* The COUNTY COMMISSION reserves the right to terminate this Agreement immediately in the event that ACH discontinues or abandons operations or if ACH fails to comply with any section or part of the Agreement. The SHERIFF shall pay for services rendered up to and including the point of termination, but shall not pay any penalty.
- 4.2.3 *Termination Without Cause.* Notwithstanding anything to the contrary contained in this Agreement either the SHERIFF or ACH may, without prejudice to any other rights they may have, terminate this Agreement for convenience and without cause, by giving thirty (30) days written notice to the other party.
- 4.2.4 *Compensation upon Termination.* If any of the termination clauses are exercised, Ach will be paid by the SHERIFF for all scheduled work completed by ACH up to the termination date set forth in the written termination notice.

5.0 **General Terms and Conditions**

5.1 **Independent Contractor**

It is understood and agreed that an independent contractor relationship is hereby established under the terms and conditions of this Agreement. The employees or agents of ACH are not now nor shall they be deemed to be employees of the COUNTY or the SHERIFF and the employees of the COUNTY and the SHERIFF are not now nor shall they be deemed to be employees of ACH. ACH assumes all financial responsibility for the employees of ACH, such as wages, withholding taxes, social security, sales and other taxes which may be related to the services to be provided under this Agreement.

- 5.1.1 *Subcontracting.* In order to discharge the obligations hereunder, ACH may engage certain health care professionals as independent contractors rather than employees. As the relationship between ACH and these health care professionals will be that of independent contractor, Ach will not be considered or deemed to be engaged in the practice of medicine or other professions practiced by these professionals. ACH will exercise control over the manner or means by which these independent contractors perform their medical duties. This control will be exercised reasonably consistent with the independent medical judgment these independent contractors are required to exercise. ACH shall exercise administrative supervision over such professionals necessary to insure the strict fulfillment of the obligations contained in this Agreement. All terms and conditions of this Agreement shall be included in all such subcontracts. For each agent and subcontractor, including all medical professionals, physicians, and nurses performing duties as agents or independent contractors of ACH under this Agreement, Ach shall provide the SHERIFF proof that, for each such professional, there is in effect during the period that person is engaged in the performance of this Agreement, a professional liability or medical malpractice insurance policy, in an amount or amounts of one million dollars coverage per occurrence and three million dollars annual aggregate coverage.
- 5.1.2 *Hiring of ACH Staff.* While Ach is pleased to provide staffing during this engagement, Ach does not expect the COUNTY to offer permanent employment to ACH physicians and/or nurse practitioners. ACH has a significant investment in the training and professional development of our physician and nurse practitioner staff and they are valued employees or independent contractors of ACH. If COUNTY should hire any ACH physician and/or nurse practitioner during the contract term or within one year after contract termination, COUNTY will be billed a professional replacement fee of Ten Thousand Dollars (\$10,000.00) to compensate ACH for this employee or independent contractor.

5.2 **Equal Employment Opportunity**

ACH will not discriminate against any employee or applicant for employment because of race, color, religion, sex, ancestry, national origin, place of birth, or because of the attainment of forty (40) or more years of age, or handicap unrelated to the bona fide occupational qualification of the position, or status as a disabled veteran.

5.3 **Miscellaneous General Terms and Conditions**

- 5.3.1 *Entire Agreement.* This Agreement with the attached Healthcare Program and Cost Proposal constitutes the entire agreement of the parties and is intended as a complete and exclusive statement of the promises, representations, negotiations, discussions and agreements that have been made in connections with the subject matter hereof.
- 5.3.2 *Waiver of Breach.* The wavier of either party of a breach or violation of any provision of this Agreement shall not operate as, or be construed to be, a waiver of any subsequent breach of the same or other provision hereof.
- 5.3.3 *Hold Harmless.* ACH shall hold harmless the COUNTY, it officers and employees against any loss or damage, including reasonable attorney fees and costs of litigation, caused or necessitated by the sole negligence of ACH, its agents, employees or vendors related to medical treatment or care provided by ACH.
- 5.3.4 *Other Contracts and Third Party Beneficiaries.* The parties acknowledge that ACH is neither bound by or aware of any other existing Contracts to which either the SHERIFF or the COUNTY are a party and which relate to the provision of medical care to Inmates at the Kosciusko County Jail. The parties agree that they have not entered into this Agreement for the benefit of any third person or persons, and it is their express intention that this Agreement is intended to be for their respective benefits only and not for the benefits of others who might otherwise be deemed to constitute third-party beneficiaries thereof.
- 5.3.5 *Amendments.* This Agreement may be amended at any time only with the written consent of both parties.
- 5.3.6 *Severability.* In the event any provision of this Agreement is held to be unenforceable for any reason, the unenforceability thereof shall not affect the remainder of this Agreement which shall remain in full force and effect and enforceable in accordance with its terms.
- 5.3.7 *Excused Performance.* In case performances of any terms or provisions hereof shall be delayed or prevented because of compliance within any law, decree, or order of any government agency or authority, local, State, or Federal or because of riots, or of public disturbances, strikes, lockouts, differences with workmen, fires, floods, Acts of God, or any other reason whatsoever which is not within the control of the parties whose performance is interfered with and which, by the exercise of reasonable diligence, said party is unable to prevent, the party so suffering may at its option suspend, without liability, the performance of its obligations hereunder during the period such cause continues.
- 5.3.8 *Notices.* All notices to the SHERIFF and to the COUNTY shall be addressed to the SHERIFF at the Kosciusko County Sheriff's Department, 221 W Main Street, Warsaw, IN 46580. All notices to ACH shall be addressed to Advanced Correctional Healthcare, Inc., Attn: Norman R. Johnson, MD, P.O. Box 10260, Peoria, IL 61612-0260.
- 5.3.9 *Governing Law.* This Agreement shall be governed by the laws of the State of Indiana.
- 5.3.10 *Counterparts.* This Agreement may be executed in several counterparts, each of which shall be in an original and all of which together shall constitute but one and same instrument.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the date and year written below.

IN THE MATTER OF ARROW HEAD COUNTRY RC&D:

Ron Robinson, County Administrator presented Arrow Head's 2005 Annual Report for the Commissioner's Review.

IN THE MATTER OF CANDLEWOOD ESTATES STOP SIGN ACCEPTANCE:

Dennis Pletcher, County Highway Supervisor presented a stop sign ordinance for approval for Candlewood Estates.

MOTION: Avis Gunter

TO: Approve ordinance as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 06-02-07-001S

An Ordinance establishing "Stop" signs at various County Roads, all within Kosciusko County, Indiana; and

WHEREAS, THE BOARD OF COMMISSIONERS of the County of Kosciusko has the power to regulate the use of the public ways and rights-of-ways; and

WHEREAS, THE BOARD OF COMMISSIONERS has the authority to establish Stop signs on County Highways; and

WHEREAS, THE COUNTY HIGHWAY Engineering Department has performed a traffic speed study on the following roads all in accordance to the State of Indiana Uniform Traffic Control Manual and hereby recommend "Stop" signs be installed.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Kosciusko as follows:

Candlewood Estates

1. Install "Stop" sign on the southeast corner of Britney Drive and CR 375S – Britney Drive stops for CR 375S.

2. Install "Stop" sign on the southwest corner of Elaine Drive and Britney Drive – Elaine Drive stops for Britney Drive.

THIS ORDINANCE shall be in full force and effect on February 7, 2006. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 7th day of February 2006.

IN THE MATTER OF DAMAGED TREE AT BRIDGE 250:

Dennis Pletcher, County Highway Supervisor reported damage to a pine tree located near Bridge 250. Pletcher noted there was a possibility the tree had sustained root damage from the excavation and money had been set aside if needed to reimburse homeowner for the damages. However, the tree was damaged above ground by the contractor moving the pilings and Pletcher questioned whether the county was responsible for the damages or the contractor's insurance should cover the cost. Pletcher stated the homeowner is requesting the damaged tree be removed and he compensated for the replacement.

MOTION: Ron Truex

TO: Compensate homeowner for damages caused to tree.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF HIGHWAY TRACTOR BID AWARD:

Dennis Pletcher, County Highway Supervisor presented a summary of the bids received for two maintenance tractors. Pletcher reported after reviewing all of the bid information, it was his recommendation to purchase the John Deere 6415 tractors from McKillip Equipment. Pletcher then requested he be allowed to purchase two additional tractors. Pletcher stated that with the trade in allowance and the price offered by McKillip, the department would be hard pressed to find a better deal on this type of tractor.

MOTION: Ron Truex

TO: Approve bid recommendation as presented as well as recommend Council to allow the transfer of funds to purchase the additional tractors as requested.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF KDI RECOMMENDATION:

Commissioner Ron Truex acknowledged newspaper reports stating the County Council had withheld a decision on KDI's request for a 5 year commitment of funding for a director's position, noting the Commissioners had not yet given their approval. Truex stated that out of respect to KDI's staff and Board, the Commissioners needed to act on this matter. Truex went on to say that as the Commissioner's representative to KDI, he proposed the Commissioners withhold their recommendation to the Council until the new Economic Redevelopment Commission was established and had time to assess the needs of the county.

MOTION: Ron Truex

TO: Withhold recommendation to Council of support on 5 year \$100,000 KDI Director's position.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

**KOSCIUSKO COUNTY COMMISSIONERS
FEBRUARY 21, 2006**

The Kosciusko County Commissioners met for their regular meeting on February 21, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President

Mike Miner, County Attorney - *Absent*

Avis Gunter

Sue Ann Mitchell, County Auditor

Ron Truex

Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF VOTING PRECINCT ORDINANCE:

County Clerk Sharon Christner presented an Order Establishing Precincts for the Commissioners approval. Christner reported due to the realignment of polling places many of the precinct boundaries did not line up with the Election Commission's boundaries. Christner stated that by the time the precincts had been redrawn the deadline for submitting the information for publication had passed. After appearing before the Election Commission, the Commission approved the precincts as proposed.

MOTION: Avis Gunter

TO: Approve order as presented for establishing precincts.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

ORDER ESTABLISHING PRECINCTS

WHEREAS, Indiana Code IC 3-11-1.5 requires that precinct boundaries comply with the directives of said law; and WHEREAS, pursuant to IC 3-11-1.5-36, Kosciusko County, Indiana through the Board of Commissioners has allowed Kosciusko County Election Board to research and develop precincts for said County.

NOW THEREFORE, BE IT ORDAINED by the Commissioners of Kosciusko County as follows:

Kosciusko County, Indiana by and through the Board of Commissioners hereby establishes precincts for the county.

A precinct description and map of the boundaries of each precinct established and submitted to the Indiana Election Commissioner is made a part thereof.

That this Order shall become effective upon approval of said precincts by the Indiana Election Commissioners.

ORDERED THIS 21ST DAY OF FEBRUARY, 2006.

IN THE MATTER OF WAWASEE COMMUNITY SCHOOL COMMON

CONSTRUCTION WAGE COMMITTEE APPOINTMENT:

Sue Ann Mitchell, Auditor, presented a letter from Jim Evans; Business Manager for Wawasee Community Schools, requesting Don Searce be appointed to their school corporation Common Construction Wage Committee.

MOTION: Avis Gunter

TO: Appoint Don Searce to WCS Wage Committee.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF NAPPANEE LIBRARY, ANGELA PLETCHER CONFLICT OF INTEREST:

Sue Ann Mitchell, Auditor, presented a letter from Nappanee Library regarding a Uniform Conflict of Interest Disclosure Statement for Angela Pletcher. It was noted that Pletcher is the owner of a studio that is contracted by the library for graphic art services, thus the need for the Conflict of Interest Statement.

MOTION: Avis Gunter

TO: Approve conflict of interest statement as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF AMENDMENT TO COUNTY ZONING ORDINANCE:

Matt Sandy, Assistant Area Plan Director, presented ordinance amendments for the Commissioners approval. Sandy stated a change in the Light Industrial 1-2 table would add Auto Service and Repair to the exceptional uses. He noted this was a logical addition for uses. Additional amendment changes included Lot and Yard Requirement sizes for residential and agricultural lots with and without public sewers and Minimum Residential Setbacks. The APC recommended an increase of 10,000 square feet for ag and residential lots without public sewer. Sandy stated this change would allow for the larger septic systems needed for the changing housing markets including the growth of duplexes and condominiums. The proposed setback change would see a decrease from 35 feet to 25 feet for residential minimum depth front yard setbacks giving homeowners an additional 10 feet of space.

Further proposed change included an addition to the No Improvement Location Permit guidelines. Sandy stated with the ever increasing satellite services, the placement of satellite receivers have become an issue. Therefore, the APC recommended that receivers no more than 2 feet in diameter could be installed without permits but they could not be located closer than 10 feet from any given right-of-way and must preserve clear and safe vehicular visibility and safety. Sandy went on to say if the 10 foot setback was not possible, the homeowner could petition for a variance.

Commissioner Truex felt the problem in question was the many satellite dishes that are currently located in a right-of-way and this amendment did not solve any of the problems/concerns regarding this issue. Truex stated he thought the concern on this subject was damage to the receivers and the liability issue to the County.

Sandy agreed this amendment did not resolve the liability issue. Area Plan Director; Dan Richard replied the BZA has strict state guidelines they must follow when making recommendations and felt this setback requirement was what was needed.

After additional discussion on this matter, Truex noted his desire was to avoid the expense (in time and money) the taxpayer would incur in order to obtain a variance when all that was a needed would be a liability waiver signed by the homeowner relieving the County if their dish was damaged by routine County maintenance.

Dan Richard stated he would meet with County Attorney Mike Miner to see if the language could be adjusted.

Truex requested this item be removed from the Ordinance Amendment at this time and acted on at a later date.

MOTION: Avis Gunter
SECOND: Ron Truex
AYES: 3 NAYS: 0
UNANIMOUS

TO: Approve amendments to ordinance after
the removal of satellite receiver antenna clause.

Ordinance #:06-02-21
AN ORDINANCE AMENDING, AND TO AMEND THE KOSCIUSKO COUNTY ZONING ORDINANCE, ORDINANCE NUMBER 75-1
ARTICLE 1: That the Kosciusko County Zoning Ordinance be amended as follows:

Table A:

Light Industrial “I-2”	
Permitted Uses	Exceptional Uses
1. Fabricating 2. Manufacturing 3. Processing 4. Wholesaling 5. Warehousing 6. Ancillary Related Offices	1. Motels 2. Planned Unit Developments 3. Restaurants 4. Agriculture 5. Airports 6. Salvage Yards 7. Communication Towers * 8. Manufactured Homes Sales & Service 9. Auto Service and Repair

2.14 Lot and Yard Requirements: The minimum lot areas, minimum width of lot, minimum depth of front yard, minimum width of each side yard, and the minimum depth of rear yard for each District shall be as shown on Table B and Table C:

Table B:

REQUIRED SETBACKS ON LOTS WITHOUT PUBLIC SEWER						
District	Minimum Lot Area Sq. Ft.	Minimum Add. Lot Area Per Family Sq. Ft.	Minimum Lot Width Feet	Minimum Depth Front Yard Feet	Minimum Width Side Yard Feet	Minimum Depth Rear Yard Feet
E	1 Acre	N/A	100	50	20	20*
PU	1 Acre	N/A	100	50	20	20*
A	20,000	10,000	100	50	20	20*
A2	1 Acre	N/A	100	50	20	20*
R	20,000	10,000	100	35	10	15*
C	7,000	+5000**	30	35	10	20*
I-1	20,000	N/A	100	35	20	20*
I-2	30,000	N/A	100	35	20	20*
I-3	80,000	N/A	200	75	50	50*

Table C:

REQUIRED SETBACKS ON LOTS WITH PUBLIC SEWER						
District	Minimum Lot Area Sq. Ft.	Minimum Add. Lot Area Per Family Sq. Ft.	Minimum Lot Width Feet	Minimum Depth Front Yard Feet	Minimum Width Side Yard Feet	Minimum Depth Rear Yard Feet
E	1 Acre	N/A	100	50	20	20*
PU	1 Acre	N/A	100	50	20	20*
A	10,000	+2500	70	50	20	20*

A2	1 Acre	N/A	100	50	20	20*
R	10,000	+2500	75	25	10	15*
C	3,000	+2500**	30	35	10	20*
I-1	20,000	N/A	100	35	20	20*
I-2	30,000	N/A	100	35	20	20*
I-3	80,000	N/A	200	75	50	50*

* Thirty-Five feet where yard adjoins a lake or waterway, this measurement will be taken from the location of the Department of Natural Resources determined legal lake level. In cases where this level has not been determined, this measurement shall be taken from the high bank or shoreline as determined by the APC.

4.10 No Improvement Location Permit shall be required for:

4.10.1 Accessory structures not requiring a fixed location on the ground and with a total of 120 square feet or less. However, these structures shall conform to all other ordinance requirements, including Section 2.14, 3.5, and Section 3.11.5 of this Ordinance.

4.10.2 Routine maintenance, repair, or remodeling of existing structures not involving any change in use, lot coverage, or additional square and/or cubic footage of living space.

4.10.3 Signs with a surface area of two (2) square feet or less

4.10.4 Lot and yard improvements such as fences, drives, sidewalks, platforms, stairs, retaining walls, play equipment and landscaping;

4.10.5 Essential services as defined in Article 8;

ARTICLE 4: Adoption

Section 1. This Ordinance shall be in full force and effective from and after its passage and is intended to replace and amend those sections referenced within and related. Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana on this the 21st day of February 2006.

IN THE MATTER OF BRIDGE 250 WORK:

Dennis Pletcher, County Highway Supervisor, reported that work was progressing on Bridge 250 and the structure was scheduled to be set today.

IN THE MATTER OF HIGHWAY TRUCK REPLACEMENT:

Dennis Pletcher, County Highway Supervisor, requested permission to shop for pickup trucks and compare prices. Pletcher realized budgets are tight but he does have some money set aside in his budget for trucks and currently the County has three or four that are in bad shape and need replaced. Commissioner Truex stated he fully supported Pletcher’s request after recently seeing one of the trucks in question.

IN THE MATTER OF COURTHOUSE RENOVATIONS:

County Administrator Ron Robinson reported that all offices have now returned to the building with only minor work still being completed. Robinson went on to say the Assessor’s office will close at noon on Friday, February 24th in order for desks/equipment to be removed so the new carpet can be installed on Saturday. He noted the office will reopen on Monday, February 27th.

IN THE MATTER OF WORK RELEASE KITCHEN:

County Administrator, Ron Robinson reported that work was progressing on the Work Release Kitchen nicely and the expected move in date was slated for sometime in March. Robinson noted there was still a need to purchase cameras and a fire alarm system. Smaller items that would be taken care of by the Sheriff included tables, chairs, shelving and food items.

MOTION: Ron Truex TO: Approve the purchase of fire alarm system
SECOND: Avis Gunter and cameras at a cost not to exceed \$20,000.00.
AYES: 3 NAYS: 0
UNANIMOUS

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

KOSCIUSKO COUNTY COMMISSIONERS

MARCH 7, 2006

The Kosciusko County Commissioners met for their regular meeting on March 7, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President
Avis Gunter
Ron Truex

Mike Miner, County Attorney
Sue Ann Mitchell, County Auditor
Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF WESTERN ALTERNATIVE ROUTE:

Steve Benzik, Representative from the Troyer Group, presented information regarding the status of the proposed Western Alternative Route. Benzik stated that after looking at many possible options their recommendation for the first part of the project would connect Crystal Lake Road to US 30. This section would run between the CCAC and RR Donnelley and cross Old US 30, the Tippecanoe River, the railroad tracks and come out near the now closed rest area on US 30. Benzik then addressed the budget based on the Commissioners decisions. The figures presented included engineering fees, land acquisition, right-of-ways, and construction costs as well federal funding. Benzik stated the projected cost of this phase would be \$13,294,000.00 with allocated federal funds totaling \$6,800,000.00 (51%). This would leave the county with an estimated \$6,494,135.00 (49%) cost. Benzik also noted because of the number of years that have passed since the County first applied for federal funding, and since the project scope has changed, that additional funds could possibly be obtained if the County would reapply. Benzik went on to say there were options available that could reduce the cost of the project. He then presented a brief review on the topic of roundabout intersections. Benzik stated roundabouts are safer than traditional intersections for vehicles and pedestrians because of the speed that vehicles must maintain when entering. He also noted roundabouts are less costly to construct than traditional intersections.

Sue Ann Mitchell, County Auditor, questioned Benzik if the County would need to pay for the entire project and then seek reimbursement or if funds would be made available as the project progressed. Benzik replied that some fees such as design and consultant fees would be paid by local monies and construction and acquisition fees would be paid with federal funds.

After further discussion, it was decided that Sue Ann Mitchell would provide an update to the Council at its next meeting and a recommendation on the project by the Commissioners would be submitted to Council shortly.

IN THE MATTER OF USI CONTRACT:

Sue Ann Mitchell, Auditor, presented an agreement with the State and a contract between the County and USI for inspection and inventory of all County bridges; Phase I (2006) and Phase II (2008) for the Commissioners approval. Mitchell stated County Attorney Mike Miner had reviewed both documents and found them to be appropriate. It was noted by Mitchell that the State must approve this type of agreement before a county endorses the contract.

The Commissioners were then presented with an ACEC Award as project owners of the Eli Lilly Road by Phil Beer, USI Representative.

MOTION: Avis Gunter

TO: Approve contract with USI for county bridge inspections.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF HIGHWAY ANNUAL REPORT:

Dennis Pletcher, County Highway Supervisor presented the Highway Annual Report for the Commissioner's approval. Pletcher also reported that work is nearing completion on Bridge 250 in North Webster.

MOTION: Avis Gunter

TO: Approve Annual Report as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF HIGHWAY ENGINEER POSITION:

Commission President Brad Jackson opened the floor for discussion regarding the Engineer Position that has been open for quite some time at the Highway. Jackson stated that Pletcher has been standing in as acting supervisor and has done an excellent job but felt it was time to make a permanent decision on how the position should be handled. Commissioner Truex stated the search for an Engineer/Superintendent has been going on for close to a year and agreed it was time to take action. Truex suggested the position be amended from an Engineer/Superintendent to a Superintendent and the salary be adjusted as needed. Truex also noted that Pletcher has done an excellent job as Interim Superintendent and would support his appointment as Superintendent.

MOTION:	Avis Gunter	TO: Appoint Pletcher as County Highway
SECOND:	Ron Truex	Superintendent with salary adjustment.
AYES:	3	NAYS: 0
UNANIMOUS		

IN THE MATTER OF COURTHOUSE RENOVATIONS:

Ron Robinson, County Administrator, reported that the Courtroom will be closed from March 23 – April 1st so the new carpet can be installed. Robinson noted there is still some painting that needs to be done, but at this time the renovation work is nearly completed. Robinson also stated that Nipsco will plant two trees on the Courthouse lawn this spring to replace those damaged earlier. If possible they would like to plant the trees on Arbor Day, April 28th.

IN THE MATTER OF WORK RELEASE KITCHEN:

Ron Robinson, County Administrator, noted that construction is progressing on schedule on the Work Release Kitchen. Commissioner Jackson questioned Robinson if there would be an open house, once work was completed noting it would be nice to coordinate open houses at the Court House highlighting the renovations and opening of the Work Release Kitchen. Robinson said that could be done and will work on a news release for when construction is completed.

IN THE MATTER OF LEESBURG SEWER PROJECT:

Commissioner Truex reported he had been attending meetings with the City of Warsaw and the Town of Leesburg regarding IDEM’s mandated sewer system for Leesburg. To support the continued growth north of Warsaw it is necessary to upsize the pipe with Warsaw and Leesburg hoping to partnership with the county as well as the property owners on this project. Truex stated the county’s financial contribution would be between \$250,000 and \$350,000 over the next two years. Repayment to the county would include tap in fees as growth continues.

MOTION:	Ron Truex	TO: Make recommendation to Council to
SECOND:	Avis Gunter	support project and provide funding not to
AYES:	3	NAYS: 0
UNANIMOUS		

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

KOSCIUSKO COUNTY COMMISSIONERS

March 21, 2006

The Kosciusko County Commissioners met for their regular meeting on March 21, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President
Avis Gunter
Ron Truex

Mike Miner, County Attorney
Sue Ann Mitchell, County Auditor
Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF SHERIFF ANNOUNCEMENT:

Aaron Rovenstine, Sheriff, reminded the Commissioners that Emergency Management Director Ed Rock, would be singing the National Anthem at the Boys Basketball State Finals in Indianapolis on Saturday, March 25th.

IN THE MATTER OF BRIDGE 250:

Dennis Pletcher, County Highway Superintendent, stated he had a change order for Bridge 250. Pletcher noted that a concrete retaining wall would be needed based on the elevation of the new pavement. The original order called for sod to be used in place of a retaining wall but Pletcher said after reviewing the area that was not feasible.

MOTION: Ron Truex

TO: Approve the change order for a retaining wall for Bridge 250.

SECOND: Avis Gunter

AYES: 3 NAYS: 3

UNANIMOUS

IN THE MATTER OF SR 19 DETOUR:

Dennis Pletcher, County Highway Superintendent, reported the State would be repairing the Welch Ditch bridge and culvert located on SR 19 north of Mentone with work scheduled to begin in May. Pletcher stated the unofficial detour would include county roads 200 S, 950 W, and 100 S and INDOT has agreed to reimburse the County for costs related to damages caused by the unofficial detour. It was also noted there would be an official detour, however most local traffic would use the unofficial detour causing excessive wear to those roads.

MOTION: Avis Gunter

TO: Approve unofficial detour with reimbursement for repairs from INDOT for excessive damage caused by detour.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF STOP SIGN AT 725 S AND 550 E:

Dennis Pletcher, County Highway Superintendent, presented a stop sign ordinance for 725 S and 550 E. It was discovered that 725 S which tees into 550 E does not stop. Pletcher requested the sign currently located on 550 E be relocated to correct the matter.

MOTION: Ron Truex

TO: Approve stop sign ordinance as presented.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

Ordinance 06-03-21 STOP

An Ordinance establishing "Stop" signs at various County Road intersections within Kosciusko County, Indiana, and WHEREAS, THE BOARD OF COMMISSIONERS of the County of Kosciusko has the power to regulate the use of the public ways and rights-of-ways; and

WHEREAS, THE BOARD OF COMMISSIONERS has the authority to establish Stop signs on County Highways; and WHEREAS, THE COUNTY HIGHWAY Engineering Department has performed a traffic study at the aforementioned road intersection in accordance to the State of Indiana Uniform Traffic Control Manual and hereby recommend "Stop" signs be installed.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Kosciusko as follows:

1. Repeal Ordinance #9-21-1 stating that CR 550 E stops for CR 725 S.
2. Install "Stop" sign on the southwest corner of CR 725 S and CR 550 E – CR 725 S stops for CR 550 E.

THIS ORDINANCE shall be in full force and effect on March 21, 2006. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 21st day of March, 2006.

IN THE MATTER OF COURTHOUSE RENOVATIONS:

County Administrator, Ron Robinson noted the courtroom would be closed after the Area Plan Meeting this Thursday in order for new carpeting to be installed. Robinson stated the installation should take approximately a week and the courtroom will remain closed until it is completed. Robinson also stated maintenance personnel were to begin work after hours or weekends to touch up paint in the stairwells or other areas as needed.

IN THE MATTER OF WORK RELEASE KITCHEN:

County Administrator, Ron Robinson reported the electrician is finished with the inside work and the County is negotiating with NIPSCO to get the power to the building as well as an alternative power source for emergency backup. Robinson said at that point they will be ready to purchase the furnishings and kitchenware needed.

IN THE MATTER OF SOLID WASTE INTER-LOCAL AGREEMENT:

Sue Ann Mitchell, County Auditor, presented the Inter-Local Agreement allowing the Auditor to serve as Controller for the Solid Waste District for the Commissioner's approval. Mitchell noted the terms of the agreement are the same as in the past with fees of \$6,000.00 payable in two installments by the Solid Waste District to the County.

MOTION: Avis Gunter

TO: Approve the Solid Waste Inter-Local Agreement as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF METZE VACATION – SILER'S ADDITION/RILEY MEMORIAL BEACH:

Sue Ann Mitchell, County Auditor, presented a vacation ordinance on behalf of James Robert Metze. Mitchell stated this petition had been approved by the Commissioners in 2003 pending the recording of a dedication to move the easement to the south side of Lot #21 Seller's Addition to Ridinger Lake which was recorded in the Recorder's office (Record #2003081356). The attorney for Metze did not prepare the ordinance to vacate the easement. County Auditor, Sue Ann Mitchell, prepared the ordinance for the Commissioner's signatures.

MOTION: Avis Gunter

TO: Approve Metze vacation ordinance as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

Ordinance 06-03-21 V

BE IT ORDAINED by the Board of Commissioners of Kosciusko County, State of Indiana;

Section 1

WHEREAS, James Robert Metze filed their petition for vacation of a portion of an easement on EMS R4 LN with the Board of Commissioners of Kosciusko County, Indiana; and

WHEREAS, a hearing on said petition was set for February 25, 2003 at 9:30 am and notice of said hearing was published in the Warsaw Times Union and the Milford Mail Journal as required by law; and

WHEREAS, the time of said hearing has arrived and a hearing is conducted thereon; and

WHEREAS, the petitioners have requested the walkway easement located between lots 21 and 22 of Siler's Addition to Riley Memorial Beach of Ridinger Lake be vacated;

WHEREAS, the Board of Commissioners of Kosciusko County, Indiana, has jurisdiction to vacate the public way described in said petition.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Kosciusko County, Indiana that the portion of the public way herein described is now vacated and title to said vacated public way shall vest in the Petitioners subject to the deed of dedication for relocation of the public walkway easement which moves the walkway easement from the originally platted area to the south boundary of Lot #21 in Siler's Addition to Riley Memorial Beach of Ridinger Lake said walkway being five (5) feet in width. Record # 2003081356 recorded 8/15/03.

Section 2

That is Ordinance shall be in full force and effect from and after its passage.

ORDAINED AND PASSED this 21st day of March, 2006.

IN THE MATTER OF IMAGING SYSTEM REQUEST FOR AUDITOR:

Sue Ann Mitchell, County Auditor, presented a request for an imaging system to be used by the Auditor's office. Mitchell stated the Assessor's office currently is using the system and it was discovered that the Auditor's office could tie into it. Mitchell noted the cost to implement the system would be approximately \$16,000 which would include licensing for 5 users. Mitchell pointed out all offices are struggling to find storage space for the paperwork that must be maintained and with this system original documents could be electronically prepared, signed and retrieved therefore eliminating the accumulation of paper documents. She noted immediate gains might not be realized, but within a few years the offices would see tremendous benefits regarding

document storage. Mitchell also stated Bob Momeyer, Systems Administrator, determined it would be best to install an additional server to handle this system at an estimated cost of \$7,000.00

MOTION: Ron Truex

TO: Approve the purchase of imaging system
for the Auditor's office.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF COUNTY ROAD CLEANUP:

Bill and Carol Huffer spoke to the Commissioners regarding their desire to see the roads in Kosciusko County cleaned up. The Huffers stated they are appalled when they travel throughout the county at the amount of trash along the roadways. In an effort to see what could be done, they contacted Dennis Pletcher, County Highway Superintendent, as well as Sue Studebaker, Solid Waste Director. The Huffers would like to see a program started that would begin clean up efforts. They expressed they were more than willing to do some of the leg work, but felt a committee needed to be formed that could work with the elected officials and local businesses to promote "No Littering". The Huffers noted that at one time Judge Jarette had a program in place that gave those sentenced to serve jail time on weekends, the option of serving that time or picking up trash along the roads. The Huffers did not know if that program was still in place but also wondered about work release. They also questioned when community service was ordered as part of a sentencing, if the service could be assigned rather than letting that person choose their own service project. Aaron Rovenstine, County Sheriff, informed the Huffers that Judge Jarette had discontinued that program and most inmates that were eligible for the work release program worked at a full time job. Rovenstine stated the Sheriff's Department was willing to help in any way they could, however in a limited capacity.

Bill Huffer stated that many counties have "Adopt a Highway" programs and he did not believe he had seen any of these signs in Kosciusko County. Commissioner Jackson felt service organizations and clubs often were the involved in the Adopt a Highway program.

Further discussion ensued regarding coordinating clean up efforts with the highway department and the Solid Waste District, availability of possible grants and safety issues as well as financial responsibility. It was noted the Commissioners were in agreement it was a worthy project and felt there were people/organizations willing to help.

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

**KOSCIUSKO COUNTY COMMISSIONERS
APRIL 4, 2006**

The Kosciusko County Commissioners met for their regular meeting on April 4, 2006 at 9:00 A.M. in the Meeting Room in the basement of the Justice Building, 121 N. Lake St., Warsaw, IN.

Those present were:

Brad Jackson, President - *ABSENT*

Mike Miner, County Attorney

Avis Gunter

Sue Ann Mitchell, County Auditor

Ron Truex

Ron Robinson, County Administrator - *ABSENT*

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF IDEM PRESENTATION:

Michael Aylesworth, Northern Regional Director of IDEM, spoke to the Commissioners in regards to his work with local communities and the effort to relay their concerns to the administration in Indianapolis in order for everyone to work together on those items of concern. Aylesworth stated that ground water was always an area that needed attention. He also noted many residents have environmental concerns about protecting the lakes of the county. Aylesworth opened the floor for questions or concerns from those in attendance.

Dave Tyler speaking for the Tippe Environmental Association questioned Aylesworth regarding the available technology and installation of grinder pumps for the Leesburg Sewer Project.

Discussion ensued and Aylesworth stated he would be glad to meet with Tyler's organization to discuss the project in greater detail.

Commissioner Truex reported that he had attended several meetings on the Leesburg Sewer Project and noted that working with Aylesworth had been a good experience and appreciated Aylesworth's cooperation.

Also speaking from IDEM was Environmental Manager; Jim Weingart. Weingart presented information on programs that would be beneficial to the County. One of the proposed programs was "Clean Community Challenge". Weingart noted that once a city implemented this program and passed, the city would be known as a "Clean Community". Weingart stated the County would realize a savings after the initial implementation of some of the programs available. He also made reference to additional programs that were in the works with the hopes these would be available in the near future.

IN THE MATTER OF WESTERN ALTERNATIVE ROUTE:

Steve Benzik, representative from the Troyer Group, presented a contract for design and engineering services for the Commissioners approval to begin the design and engineering phase of the Western Alternative Route. Commissioner Truex requested the contract be examined by County Attorney, Mike Miner and then acted upon at the next regular scheduled Commissioner's meeting.

IN THE MATTER OF HIGHWAY DEPARTMENT:

Dennis Pletcher, Highway Superintendent, reported due to rising fuel prices, material costs have increased and the figures for patching materials looked to be around \$45.00 per ton. Pletcher stated last year they began the season paying \$28.00 per ton with a season ending price of \$39.00 per ton. He noted that he would be seeking a directive from the Commissioners regarding additional funding ideas to offset the increased costs. Pletcher also shared the department's efforts in working with IDEM on ways to help preserve the environment.

IN THE MATTER OF COUNTY ROAD CLEANUP:

Carol Huffer appeared before the Commissioners to provide a follow up on their efforts to see the roads in the county cleaned up. Huffer stated a committee of volunteers had been formed and plans were under way to begin implementing the clean up. Huffer noted that April 21st, 22nd, and 23rd would be dedicated as Cleanup Days with specific roads chosen to be cleaned. She also said that monetary donations were needed to cover the cost of trash bags, safety vests, and advertising.

Huffer then presented a proclamation dedicating April 21st, 22nd, and 23rd as County Clean up Days for the Commissioner's approval.

Commissioner Truex commended the Huffers on what they accomplished in a short period of time but pointed out the clean up efforts were strictly voluntary and everyone involved must understand the County has no responsibility in the efforts even if the Commissioners approved the Proclamation.

County Attorney, Mike Miner, noted the Huffers might want to consider some type of insurance policy to cover the three clean up days in case of an accident.

Solid Waste Director, Sue Studebaker, stated she would check to see if their insurance would cover anyone volunteering to help clean up the roads.

MOTION: Ron Truex

SECOND: Avis Gunter

AYES: 2 NAYS: 0

UNANIMOUS

TO: Approve proclamation declaring April 21st, 22nd, and 23rd, 2006 as Kosciusko County Litter Clean Up as presented.

**Proclamation for
Kosciusko County Litter Clean-up**

Whereas: Kosciusko County Roadways are viewed with heavy litter and are seen to present a view unwelcome to visitors and residents.

Whereas: The Kosciusko County Litter Clean-up Committee has been formed to resolve and aid in the cleaning and proper disposal of roadway litter.

Whereas: April 22nd is Earth Day and the Great American Clean-Up weekend.

Therefore Be It Resolved: The days of April 21st, April 22nd, and April 23rd, 2006 will be the designated days for Kosciusko County Litter Clean-up.
Respectively Authorized and Signed this 4th Day of April, 2006.

IN THE MATTER OF BOARD OF HEALTH APPOINTMENT:

Sue Ann Mitchell, County Auditor, presented a letter from Bob Weaver requesting Dr. Michael Williams be appointed to the Board of Health. Williams will be replacing Dr. Wymond Wilson who resigned the position.

MOTION: Ron Truex

TO: Appoint Dr. Michael Williams to the Board of Health.

SECOND: Avis Gunter

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF TAX STATEMENTS:

Sue Ann Mitchell, County Auditor, reported her office had received revised tax rates on the 24th of March and the abstract was approved by the State Auditor's office on March 31st. She noted that it was now the treasurer's responsibility to get the statements ready and mailed by the 24th of April.

IN THE MATTER OF EMERGENCY PREPAREDNESS GRANT:

Sue Ann Mitchell, County Auditor, stated the emergency preparedness grant that would cover 50% of Emergency Management's salaries had been approved. However, the figures submitted by the County did not match the grant figures. Mitchell noted that she, as well as Emergency Management Director; Ed Rock had contacted the proper authorities and they were aware of the discrepancy. Mitchell stated there was still time before the grant deadline to get the matter straightened out.

IN THE MATTER OF 2006 HOME AND GARDEN SHOW:

Sue Ann Mitchell, County Auditor, noted the annual home and garden show will be held on April 21st, 22nd and 23rd and this would be an excellent opportunity for county participation. Mitchell stated she had spoken with County Clerk, Sharon Christner and there would be a voting machine available for visitors to check out as well as a GIS display for the public to see what is available on the website. Other information pertaining to the county would also be available and Mitchell noted she would be circulating a sign up sheet for those who would be available to work the displays.

IN THE MATTER OF MAPLE LEAF TIF BOND:

Auditor Sue Ann Mitchell reported she had received a letter from HJ Umbaugh & Associates regarding the Maple Leaf TIF Bond. Mitchell stated according to Umbaugh, paying off the bond would be the most cost effective answer for the county. She also noted that money would be recouped as additional years of TIF are collected.

IN THE MATTER OF COUNTY GOVERNMENT RECOGNITION WEEK:

Sue Ann Mitchell, County Auditor, noted that April 23 – April 29, 2006 will be County Government Recognition Week. In appreciation, a breakfast will be served to all county employees on Friday, April 28th.

IN THE MATTER OF ROBERT A., BRIAN R., AND KATHERINE FANNING – WRIGHT'S PLACE VACATION REQUEST:

Matt Sandy, Assistant Area Plan Director, presented a request from Robert, Brian and Katherine Fanning to vacate a platted right-of-way in Wright's Place. The area is currently used as a yard and not utilized for any other purpose. Area Plan's recommendation was to grant the vacation as there have been similar requests along the original right-of-way.

Dick Green, representing the Fannings, also noted there have been similar requests in this same area in the past.

No one in attendance spoke in opposition to the vacation request.

MOTION: Ron Truex

TO: To approve Fanning vacation request as presented.

SECOND: Avis Gunter

AYES: 2 NAYS: 0

UNANIMOUS

ORDINANCE NO. 06-04-04-001V

**AN ORDINANCE OF THE KOSCIUSKO COMMISSIONERS
VACATING A PUBLIC WAY**

WHEREAS, Robert A., Fanning, Brian R. Fanning, and Katherine E. Fanning filed their Petition to Vacate of a Public Way with the Kosciusko County Commissioners, and

WHEREAS, notice was published as required by law in the Warsaw Times Union and the Mail-Journal, both newspapers in general circulation and published in the English language in Kosciusko County, Indiana, giving notice of the filing of the verified Petition to Vacate a Public Way and giving notice that said petition would be heard by the Kosciusko County Commissioners on the 4th day of April, 2006, at 9:30 a.m., in the Commissioners Room in the Old Court Room located on the third floor of the Kosciusko County Courthouse at the corner of North Buffalo Street and West Center Street, Warsaw, Indiana, which notice in the Warsaw Times Union was published on the 13th day of March, 2006 and which notice in the Mail-Journal was published on the 15th day of march, 2006, both of which notices were published more than ten (10) days prior to the hearing, and

WHEREAS, Petitioners file proof of notice to all owners of property adjacent to said public way to be vacated, and **WHEREAS**, the Kosciusko County Commissioners have determined, after that the vacation requested herein should be granted, that the public way for which vacation is sought is not located within any corporate boundaries, and that the vacation sought will not hinder the growth or development of the neighborhood in which it is located or to which it is contiguous, nor will it result in the creation of any difficulty or inconvenience to the access of any lands by means of a public way, will not hinder the public's access to a church, school, or other public building or place, will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous, and there does not appear to be any public utilities located within the public way for which the vacation is sought.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF KOSCIUSKO COUNTY, INDIANA, AS FOLLOWS:

Section 1: That the following public way situated in Kosciusko County, State of Indiana, and more particularly describes as follows, to wit:

A public way lying contiguous to Lot 14 in Wright's Place on Lake Wawasee as recorded in Plat Book 2, page 238 in the records of the Kosciusko County, Indiana on the North, between the Northward projection of the Eastern and Western lot lines of said Lot 14 to the North side of said Public Way and on the North by said Northside of said public way, and which public way lies between those tracts of real estate identified by Key Number 7-38-64.AA and Key Number 7-38-12.BA

IS NOW HEREBY VACATED

Section 2: Robert A. Fanning, Brian R. Fanning, and Katherine E. Fanning own, as joint tenants with full rights of survivorship and not as tenants in common, the real estate immediately contiguous on both sides of said vacated public way and, therefore, the vacated public way shall be vested in Robert A. Fanning, Brian R. Fanning, and Katherine E. Fanning, as joint tenants with full rights of survivorship and not as tenants in common.

Section 3: This Ordinance shall be in full force and effect upon its adoption

Upon unanimous vote of all Commissioners present, the same being more than three-fourths (3/4) of the duly elected Commissioners of Kosciusko County, Indiana, this Ordinance was considered for final passage upon its first presentation.

Upon motion duly made, seconded and passes by a vote of 2 ayes and 0 nays, the forgoing Ordinance was adopted by the Kosciusko County Commissioners at its regular meeting this 4th day of April, 2006.

IN THE MATTER OF CLS INVESTMENTS LLC – WAVELAND BEACH VACATION REQUEST:

Matt Sandy, Assistant Area Plan Director, presented a request from CLS Investments, LLC to vacate a public way between Lot 15 and Lot 16 in Waveland Beach, Turkey Creek Township. Sandy noted for access purposes, the highway department, as well as surrounding property owners were opposed to the vacation. He also noted this area is for drainage purposes. Sandy stated the APC's recommendation was to deny the vacation request.

Steve Snyder, Attorney, representing CLS Investments agreed the area was used for drainage purposes but disagreed that it had been maintained for access to the lake. Snyder went on to say his client would like to clean the area up and utilize it as a yard. He noted the area was a platted road and not an easement.

Speaking in opposition to the vacation was adjacent property owner, Jim Beemer. Beemer stated he uses the path there for access to the lake. He also noted 100 % of the local residents that he spoke to would like to see the county maintain the public way and presented that petition with signatures to the Commissioners.

Also speaking in opposition to the vacation request was Highway Superintendent, Dennis Pletcher. Pletcher stated he was opposed strictly for the matter of drainage in the area. It was also noted this was the only outlet available.

In rebuttal, Snyder stated if a large number of people are utilizing this area, it is a hazard because of its location and should be eliminated.

Commissioner Truex stated that he would like to contact other property owners in the area to get a better idea of how the area in question is being used.

MOTION: Ron Truex

TO: Table decision on vacation request for 2

SECOND: Avis Gunter

weeks in order to gather additional information.

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF CROOKED CREEK DEVELOPMENT, LLC – GREYSTONE ADDITION VACATION REQUEST:

Matt Sandy, Assistant Area Plan Director, presented a request from Crooked Creek Development, LLC to vacate of portion of easement in Greystone Addition. Sandy went on to say the owner of the lot in question had applied for a well/septic permit and been denied by the Health Department

because there was not enough room for the septic system without going into the easement. Sandy stated there were no service providers that utilized the easement at this time but it would be hard to predict what might be needed in the future as the addition grows. He also noted the Chapman Lake Association was opposed to the vacation as it is designed for drainage purposes. Sandy stated the APC was strongly opposed to the vacation request due in part to the uncertainty of how further development would impact the area.

Attorney Steve Snyder representing Crooked Creek Development began by saying the homeowner had plans designed to meet the developer’s specifications regarding minimum square footage of the home, but was not able to obtain the permits due to lack of footage to place the septic and fingers. Snyder noted the drainage of the easement would not change as only part of the fingers from the septic system would be trenched into the easement.

Attorney Rick Helm representing the Hydes (lot owner) also spoke on the matter stating there was no reason not to vacate the easement as there was an additional easement available for utilities.

In response, Sandy stated the subdivision was platted in 2002 and restrictions regulating house sizes came about after the plat was recorded. This lot is the smallest in the subdivision and APC has no control over the septic requirements mandated by the Health Department.

Snyder stated he had spoken with Bob Weaver from the Health Department and was told that if letters could be obtained from Nipsco and REMC stating they were not using the easement, a permit could be issued to allow for the fingers from the septic to be placed in the easement.

However, he had been told by Area Plan Director, Dan Richard that letters alone would not be sufficient. After further discussion, Sandy stated the APC has no control over where septic systems are placed and could not speak for Bob Weaver or Dan Richard on the issue.

Commissioner Truex suggested Snyder contact the utilities to see if a letter could be obtained and the vacation request would be reviewed at the next regular scheduled Commissioners meeting.

MOTION:	Ron Truex	TO:	Table Crooked Creek Development
SECOND:	Avis Gunter		vacation request until next Commissioners
AYES:	2	NAYS:	0
UNANIMOUS			

meeting.

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

KOSCIUSKO COUNTY COMMISSIONERS
APRIL 18, 2006

The Kosciusko County Commissioners met for their regular meeting on April 18, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President

Mike Miner, County Attorney

Avis Gunter

Sue Ann Mitchell, County Auditor

Ron Truex

Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF EMERGENCY MANAGMENT:

Ed Rock, Emergency Management Director, presented a grant application for the Commissioner's signatures. Rock stated the grant was for approximately \$250,000.00 to be used for mobile data. Rock noted the Sheriff's department had been equipped and he would now like to extend that capability to the local communities' police, ambulance and fire departments.

MOTION: Ron Truex

TO: Approve grant request as presented.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF SHERIFF'S AWARD PRESENTATION:

Sheriff Aaron Rovenstine, on behalf of the 911 Board, presented the NENA 2006 Pioneer Achievement Award to Dispatch Director, Tom Brindle. Brindle was presented this award in recognition of his pioneer spirit, leadership, dedication, service and contributions to the goal of NENA, promoting the vision of NENA, one nation, one number. Rovenstine noted that Brindle was very deserving of this honor and TV Channel 21, Fort Wayne had recently featured the county's 911 center as one of the finest in the nation.

Commissioner Jackson noted he had recently needed to use the 911 service and was amazed at how quickly help had been on its way. Commissioner Truex commented to those in attendance if they had not seen the dispatch center, they should contact Brindle for a tour. It truly is an amazing center.

IN THE MATTER OF SYRACUSE QUIET ZONE:

Cassie Cowan, Syracuse Town Councilmember, appeared before the Commissioners stating the Town of Syracuse would like to create a "Quiet Zone" from East Wawasee Drive to the eastern and western corporate town limits. This "Quiet Zone" would silence the train whistles in the designated areas unless there was an emergency. Cowan stated in order to qualify, the town must demonstrate the improvements they want to make will increase the safety for motorists and pedestrians crossing the tracks. She went on to say there are eight (8) crossings involved, four within the town limits and four outside of the town. Therefore, the Syracuse Town Council was requesting the Commissioner's permission and support for their "Letter of Intent" to be sent to the Federal Railroad Administration (FRA). Cowan also noted the town hopes to raise the necessary funds through public donations and not use tax dollars to make the improvements needed to qualify. In addition, Cowan pointed out with the improvements made to the crossings, the Town of Syracuse or the County should not see an increase in liability.

MOTION: Ron Truex

TO: Approve Syracuse's request for a Letter of Intent for a Quiet Zone with the understanding there would no cost to the County.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF 4-H GOAT CLUB REQUEST:

Calvin Imhoff, Project Coordinator for the 4-H Goat Club, presented a request to have 4H funds reallocated from the Goat Club Tent Rental to Goat Club Building Expenses. Imhoff stated the club no longer will require the tent as they have been able to erect a new building through fund raising efforts. However, funds are still needed to complete the electrical and plumbing work. Imhoff noted the club has some money set aside for these projects however it will not cover the entire expense, therefore the reallocation of funds request.

MOTION: Ron Truex

TO: Allow reallocation of funds for 4-H Goat Club Building.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF WESTERN ROUTE CONTRACT:

Steve Benczik, Project Manager for the Troyer Group, appeared before the Commissioners to answer any questions they might have regarding the Design and Engineering Services Contract he left with them at the April 4th meeting. Benczik noted this contract concentrated on services for the US 30 to Crystal Lake Road phase. County Attorney, Mike Miner, reported that he had reviewed the contract and everything looked to be in order.

MOTION: Avis Gunter

TO: Approve Western Alternate Route Design & Engineering Services Contract as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF SPEED LIMIT REPEAL:

Highway Superintendent Dennis Pletcher presented a speed ordinance for Husky Trail from CR 200N to the Warsaw City limits. Pletcher noted the city has decreased the speed limit from 45 mph to 35 mph and to be consistent with them, he felt the County should repeal their 45 mph speed limit on Husky Trail and draft an ordinance for a 35 mph speed limit.

MOTION: Avis Gunter

TO: Approve speed limit ordinance as presented for Husky Trail.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 06-04-18-001Speed

An Ordinance establishing speed limits on various County Roads, all within Kosciusko County, Indiana; and WHEREAS, THE BOARD OF COMMISSIONERS of the County of Kosciusko has the power to regulate the use of the public ways and rights-of-ways; and

WHEREAS, THE BOARD OF COMMISSIONERS has the authority to establish speed limits on County Highways; and

WHEREAS, THE COUNTY HIGHWAY Engineering Department has performed a traffic speed study on the following roads all in accordance to the State of Indiana Uniform Traffic Control Manual and hereby recommend the following speed limit.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Kosciusko as follows:

1. Repeal Ordinance for Husky Trail making speed limit from CR 200N – south to Warsaw City Limits 45 mph
2. Speed limit on Husky Trail – south to Warsaw City Limit shall be 35 mph.

THIS ORDINANCE shall be in full force and effect on April 18, 2006. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 18th day of April 2006.

IN THE MATTER OF ROAD CLOSURE/GATE REQUEST:

Highway Superintendent, Dennis Pletcher presented a request from the property owners along 150 E, 1400N to East County Line to install a gate to close off a section of North County Line road to the rail crossing. Pletcher stated there are no houses along that stretch of road and it has become a dump site for trash. The Highway Department has tried to work with the property owners in cleaning the area, but cannot keep up. Pletcher noted if the road was gated, keys would be distributed to Nipsco, the Highway Department, as well as all of the property owners who would need access. Pletcher then presented a permit to allow for the road closing gate for the Commissioner's approval.

MOTION: Avis Gunter

TO: Approve permit allowing a gate to be installed to close road at property owner's expense.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

PERMIT # SP-94-2006

Type of Permit: Close county road and right-of-way

Type of Road: Gravel

Location: 150 E, south off of 1400 N

Purpose of Work: To close the public road and right-of-way to all persons, except the adjacent property owners, and the utility company, in an effort to end the trash illegal dumping on 150 E.

Permit Requirements:

Install gates across 150 E at 1400 N.

Provide access to property for all owners, Highway Dept., and NIPSCO by utilizing a keyed alike or multiple lock system.

Contact the Warsaw Dispatch when installed.

Disclaimers:

Should future road, right-of-way, or drainage improvements by the Kosciusko County Highway Department necessitate the removal of any structures installed under this permit, the owners are to remove or relocate said structures at their expense.

The property owners assume all liability relating to the placement of said gates.

Should the property owners fail to adhere to the requirements of this permit, the permit may be revoked by the Kosciusko County Board of Commissioners. Otherwise, the permit expires five years from the date of issuance.

IN THE MATTER OF HIGHWAY DEPARTMENT PICK UP TRUCK PURCHASE:

Dennis Pletcher, Highway Superintendent, stated the some of the Department's pick-up trucks need to be replaced. Pletcher noted that only two new trucks have been purchased since 1997, and many of the other trucks are older models. Pletcher went on to say he realized funds were tight and therefore did not want to open bids for the new trucks, but had contacted the local dealers, per State Purchasing Laws, to check on pricing. Pletcher stated he would like to purchase ten trucks, but due to the cost involved he requested permission to buy three at this time and two at a later date yet this year if money allows. He presented the figures he had obtained from the local dealers noting three of the older models currently being used by the department would be out of service if new ones were purchased.

MOTION: Ron Truex
SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve the purchase of three pick-up trucks for the Highway Department.

IN THE MATTER OF SYRACUSE PIER DISPUTE:

County Attorney Mike Miner reported he received notification of a pier dispute at Ideal Beach in Syracuse. Miner went on to say the parties involved were trying to involve the county in the dispute and as far as he could tell, there was no county involvement. He also stated that he received a "Request for Admission" asking the County to confirm that they (the County) had not given permission to any person or entity to install a pier or dock a boat adjacent to the public way. Miner noted he would draft a letter stating that to the best of his knowledge, the County had never given permission for piers or boat docking.

MOTION: Ron Truex
SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve the drafting of letter by Miner noting no permission ever given by County for pier installation or boat docking privileges.

IN THE MATTER OF CLS INVESTMENTS, LLC – TURKEY CREEK TOWNSHIP, WAVELAND BEACH VACATION REQUEST:

Matt Sandy, Assistant Area Plan Director stated this vacation request was a continuation from the April 4th meeting noting there had been no response from service providers but there were some concerns by the Highway regarding drainage. Sandy noted that the APC opposed the vacation based on the remonstrance and usage of area.

Randy Morgan, Attorney for the petitioner, stated again for the record, the area in question was not utilized and questioned the proximity of the remonstrators to the area requested to be vacated. He noted there are other access sites in the area that can be used.

Commissioners questioned Sandy as to how the area in question had been platted and if it were vacated how it would be split. Sandy noted if the vacation was approved, ½ would go to the petitioner and ½ would go to Enchanted Hills. After further discussion, it was noted that if this vacation were approved it could open the door for similar requests and additional review would be needed. Commissioner Truex also noted if there was an error made in denying the vacation at this time, it was correctable.

MOTION: Avis Gunter
SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

TO: Support APC's recommendation and deny vacation request for CLS Investment, LLC.

IN THE MATTER OF CROOKED CREEK DEVELOPMENT, LLC – PLAIN TOWNSHIP, GREYSTONE VACATION REQUEST:

Assistant Area Plan Director Matt Sandy stated this vacation request was also a continuation from the April 4th meeting. The request was to vacate an easement in the Greystone Subdivision. Sandy noted the Highway does not maintain the easement but did have some concerns if it were to be vacated. Sandy also stated that the technical issues of this matter should have been handled during the platting process for the subdivision. He noted the APC had spoken with the Health Department and reviewed the ordinances that pertained to septic locations, but it was still the APC's recommendation to deny the vacation.

Randy Morgan, Attorney representing the petitioners, stated again for the record, the platted easement will never be used and vacating it should not create any problems for utilities in the future. Morgan noted that if the Commissioners were inclined to deny the vacation or were in favor of any type of restrictions, the request be tabled until further research could be completed and the clients notified of the findings. Commissioner Truex stated he would like to see the parties involved work this issue out without the Commissioners involvement. He did note that he would support an encroachment if the Health Department approved.

MOTION: Ron Truex
SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

TO: Table decision on vacation for up to 90 days to allow both parties time to work out a solution and would approve an encroachment agreement if it satisfied the client and Health Dept.

IN THE MATTER OF JAMES AND KAREN ELLISON – PLAIN TOWNSHIP REZONING REQUEST:

Dan Richard, Area Plan Director, presented a request from James & Karen Ellison to rezone a parcel in Plain Township from Residential to Industrial II. Richard stated the only concern the APC had was that the drive not be used for an industrial driveway as it opens into a subdivision. Richard noted it was the APC's recommendation to grant the rezoning request.

Jay Rigdon, Attorney representing Symmetry, spoke in favor of the rezoning. Rigdon addressed the drive issue first noting Symmetry had no desire to use the drive for industrial access. He also stated other drives were available for emergency vehicles if there was ever a need for them, as that had been a concern brought up by a member of the APC Board at an earlier meeting. Rigdon stated that Symmetry has worked to be a good corporate neighbor and along those lines, intends to plant additional trees along the back side of the building to act as a buffer. He also noted that if rezoned this parcel would be consistent with other parcels in the area.

No one spoke in opposition to the rezoning request.

MOTION:

TO: Approve rezoning request from Residential to Industrial II as presented.

SECOND:

AYES:

NAYS:

UNANIMOUS

**AN ORDINANCE AMENDING, AND TO AMEND
THE ZONING ORDINANCE 75-1 MISC REC 53 PG 130 JACKETS 20-A & 20-B
OF KOSCIUSKO COUNTY, INDIANA**

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

ARTICLE 1.

Section 1. That the Kosciusko County Zoning Ordinance heretofore passed and adopted by the Board of Commissioners of Kosciusko County, Indiana, and recorded under Miscellaneous Record 53, Page 130 as Ordinance 75-2, be and the same is hereby amended in the particulars hereinafter set forth.

Section 2. That certain tract of land situate in Kosciusko County, Indiana, now lying without the corporate limits of any City or Town and under the jurisdiction of the Kosciusko County Area Plan Commission, as a part of the Comprehensive Plan for Kosciusko County, Indiana; to-wit:

A part of the Northeast Quarter of Section 29, Township 33 North, Range 6 East, described as follows:

Commencing at a point marking the Southwest corner of the Northeast Quarter of Section 29, Township 33 North, Range 6 East, and running thence East along the South line of the said Quarter Section a distance of 435.10 feet to a point; thence North 15 degrees 00 minute 00 second East 255.50 feet to a point; thence North 69 degrees 09 minutes 00 second West 188.80 feet to a point; thence North 00 degree 29 minutes 00 second West 165.30 feet to a point; thence West 165.40 feet to an existing iron pipe marking the Point of Beginning of this description; thence South 00 degree 48 minutes 21 seconds East 90.00 feet to an existing iron pipe; thence South 88 degrees 57 minutes 40 seconds West 163.93 feet (165.00 feet deed distance) to an existing round wooden post; thence North 00 degree 55 minutes 00 second West 246.84 feet to an existing iron pipe marking the Southwest corner of Thompson's River Lawn Sub-Division in Kosciusko County, Indiana, the plat of which is recorded in Plat Book 4, Page 157 in the Office of the Recorder of Kosciusko County, Indiana; thence South 86 degrees 17 minutes 00 second East along the Southerly line of said Sub-Division 164.92 feet to a point; thence South 00 degree 48 minutes 21 seconds East 143.17 feet to the point of beginning.

Being a part of the Northeast Quarter of Section 29, Township 33 North, Range 6 East, and containing 0.905 of an acre, more or less. Subject to legal rights-of-way.

Be, and the same is hereby, removed from classification as a **Residential** and subject real estate shall be reclassified and rezoned as **Industrial II** within the limitations, definitions and description of the Kosciusko County Zoning Ordinance.

Section 3. That the Ordinance Administrator, pursuant to said Zoning Ordinance be, and he is hereby authorized to issue Location Improvement Permits and Certificates of Occupancy with reference to the construction and improvements upon said described real estate so long as applications therefore comply with the Kosciusko County Zoning Ordinance and upon compliance with all applicable rules and regulations of the State of Indiana and local authorities, as the same may be applicable to the construction of streets, parking facilities, storm sewers, drains, sidewalks and sewer and water facilities.

ARTICLE 2.

Section 1. This ordinance shall be in full force and effect from and after its passage.

Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana on the 18th day of April, 2006.

Commissioner Jackson reminded those in attendance, the next regular meeting will be held on Monday, May 1st due to the offices being closed for the primary election on Tuesday, May 2nd. Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

KOSCIUSKO COUNTY COMMISSIONERS MAY 1, 2006

The Kosciusko County Commissioners met for their regular meeting on May 1, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President

Mike Miner, County Attorney

Avis Gunter

Sue Ann Mitchell, County Auditor

Ron Truex

Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF SHERIFF'S LAKE PATROL PRESENTATION:

Sheriff Aaron Rovenstine along with Patrolman, Jon Tyler presented former county councilman, Jim Tranter a plaque in recognition and appreciation for his efforts in implementing the Wawasee Lake Patrol. Rovenstine noted Tranter's proactive ideas have become a model for the state in neighborhood watches on the lakes and Tranter will be retiring from the Lake Patrol this year.

IN THE MATTER OF EMERGENCY MANAGEMENT GRANT REQUEST:

Emergency Management Director Ed Rock presented an application for grant funds for the K21 Foundation to complete the last grant request.

Rock also thanked Commissioner Jackson and Mayor Wiggins for attending the District II meeting. Rock noted seven counties make up District II and by sharing equipment it cuts costs to all the counties. Commissioner Jackson stated Kosciusko County seemed to be the model county for other counties and commended Rock for his efforts.

MOTION: Ron Truex

TO: Approve grant request as presented.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF NATIONAL TOURISM WEEK:

Mary Kittrell, KCCVB presented a proclamation declaring May 13, 2006 thru May 21, 2006 "*National Tourism Week*" for the Commissioner's approval. Kittrell noted tours have been planned, as well as Bed & Breakfast open houses. Kittrell also stated there would be live remotes from 6 towns throughout the county in an effort to promote the various features of the county.

MOTION: Avis Gunter

TO: Approve May 13 – May 21, 2006 as

SECOND: Ron Truex

National Tourism Week.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF HOUSING OPPORTUNITIES PRESENTATION:

Pam Kennedy, Housing Opportunities Director, presented a request to apply for a Housing Preservation grant from Rural Development. Kennedy noted this grant would need a match from the County and requested \$15,000 from the 2000 Kosciusko County OOR Grant balance for match money in order to bring in an additional \$45,000 to assist low income families that own their homes with essential repairs such as roofing, furnaces, windows, septic and well replacements.

Kennedy went on to say that Kosciusko County has the highest number of home owners at the median average income level of any county in the State.

MOTION: Avis Gunter

TO: Approve grant application request as well as use of previous grant funds for money match.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF WORK RELEASE CENTER:

County Administrator Ron Robinson stated the tile has been installed at the Work Release Center and the kitchen equipment is now being installed. Robinson also noted Nipsco has completed the electrical work and the kitchen should be completed soon.

IN THE MATTER OF COUNTY EMPLOYEE APPRECIATION DAY:

Auditor Sue Ann Mitchell noted on Friday May 5th, the Commissioners and Council members will provide a breakfast to all county employees from 6:00 AM to 8:00 AM in the basement of the Justice Building.

IN THE MATTER OF THE HOME SHOW:

Sue Ann Mitchell, County Auditor, reported the county booth at the annual home show had been a success. Mitchell estimated approximately 750 – 1000 people were given brief demonstrations on how to use the new voting machines. Mitchell thanked Ron Truex, Avis Gunter, Ron Robinson and John Kinsey for volunteering their time to help man the booth and provide the voting machine demonstrations.

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

**KOSCIUSKO COUNTY
COMMISSIONERS
KOSCIUSKO COUNTY COURTHOUSE
OLD COURTROOM,
May 1, 2006**

The Kosciusko County Commissioners met May 1, 2006 at the Kosciusko County Courthouse in a joint session with the Area Plan Commission, County Council, Kosciusko County Development Commission and the Kosciusko County Redevelopment Commission. Commissioners in attendance included Avis B. Gunter, Ron Truex and Brad Jackson.

President Brad Jackson called the meeting to order. The special meeting was called for the purpose of consider establishing the Louis Dreyfus TIF district. Dreyfus representatives, bond council and the financial adviser provided information reference the project. The Redevelopment Commission considered for Adoption the Declaratory Resolution establishing an economic development area. It was noted the resolution can be confirmed, modified or rescinded by the Redevelopment Commission. It was noted that approximately 80% of the assessed value would be captured for the repayment of bonds that will be purchased by Dreyfus. The use of the remaining 20% can be determined by the Redevelopment Commission. The assessed value could be captured either in whole or in part at the discretion of the Commission. If all of it were captured, the money could be used by the Redevelopment Commission for projects in, for or benefiting the Dreyfus area. If the

assessed value is not all captured, that which was not captured would collect tax dollars that would be distributed to all taxing units that would have received the benefit of the assessed value had the TIF district not been created. This would be an annual choice of the Redevelopment Commission. The exact percentage is not yet known since Dreyfus is negotiating with the state over the deceleration lane on SR 15. Commission member Larry Teghtmeyer expressed his belief that the business meets the objective benefits to create the TIF district. It was approved unanimously to adopt the Declaratory Resolution to establish an economic development area by the Redevelopment Commission.

The Area Plan Commission then considered for adoption the Order Approving Economic Development Plan unanimously.

The Board of Commissioners then considered for adoption a resolution approving the Plan Commission Order. The Resolution was adopted unanimously.

The County Council then considered for adoption an Ordinance Establishing an Economic Development Commission. The Ordinance was approved with a unanimous vote. The Council agreed to suspend the rules to establish the Economic Development Commission and appoint Harold Jones as the Council's representative to the Economic Development Commission. The appointment of Harold Jones was approved by a unanimous vote. The County Council then considered Biomet's request for abatement. The Council held a public hearing on the Economic Revitalization Area and Tax Abatement Benefits.

There was no further business to come before the Commissioners

KOSCIUSKO COUNTY COMMISSIONERS MAY 16, 2006

The Kosciusko County Commissioners met for their regular meeting on May 16, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President
Avis Gunter
Ron Truex - *Absent*

Mike Miner, County Attorney
Sue Ann Mitchell, County Auditor
Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF HOMELAND SECURITY GRANT:

Ed Rock, Emergency Management Director, reported he had received grant approval notification from the federal government. Rock noted the grant was for approximately \$250,000.00 and would be used to purchase mobile data equipment beginning with the Warsaw Police Department to bring them in line with the county department.

IN THE MATTER OF KABS QUARTERLY REPORT:

Rita Baker, KABS Director, presented the quarterly KABS report. Baker stated due to increased fuel costs, fares would likely be increased in July. Baker noted the fare rate has not been increased since 2000, and would only be increased by a minimal amount due to the fact that those who use the service are on fixed or low incomes.

MOTION: Avis Gunter

TO: Approve quarterly report as presented.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF ROAD PROGRAM PRICING:

Dennis Pletcher, Highway Superintendent, reported he had received pricing for the oil products that were used in the summer road program. As anticipated with the increase in oil prices, the quotes Pletcher received from two of the vendors were well above the rate the county could spend without making cuts. Pletcher stated he had received a price of \$1.06 per gallon from Pierceton Trucking. Pletcher noted this was a fair price and questioned if he should pursue locking that rate for what would be needed for the July and August periods which would be approximately 400,000 gallons.

MOTION: Avis Gunter
SECOND: Brad Jackson

TO: Allow Pletcher to lock in oil prices for the summer road program.

AYES: 2 NAYS: 0
UNANIMOUS

IN THE MATTER OF BIKE ORDINANCE:

Jeff Noffsinger, Syracuse Town Manager, presented an ordinance to establish performance standards for shared use of bike paths, trail and greenways. Noffsinger stated this project had been started quite some time ago to promote the trails and greenways throughout the county, especially around the lake areas. Noffsinger went on to say the original ordinance has been revised many times, but at this point he felt comfortable with the revisions and would like to see the Commissioners act on it. He noted the Syracuse-Webster Road would most likely be the first project with a bike path.

County Attorney, Mike Miner stated he had reviewed the draft and everything seemed to be in order. County Highway Superintendent, Dennis Pletcher also stated he had reviewed the draft and was comfortable with it.

MOTION: Avis Gunter
SECOND: Brad Jackson

TO: Approve Bike Ordinance as presented.

AYES: 2 NAYS: 0
UNANIMOUS

**Ordinance 2006-05-16-001 Bike
An Ordinance Establishing Standards and Conditions for the Issuance of
County Highway Road and Right-Of-Way Work Permits**

WHEREAS, the Board of Commissioners of the County of Kosciusko has the power to regulate the use of public ways and rights-of-ways; and

WHEREAS, the Board of Commissioners has determined that it is desirable to regulate the installation of “Shared Use Paths” and the upgrading of “Shared Roadways” on the County Roads within the County Road rights-of-way through the establishment of standards and through requiring permits and utilizing county services in the inspection of the work made once a permit has been granted.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Kosciusko as follows:

I. Overview

The purpose of the Policy on Shared Use Paths and Shared Roadways is to establish regulations on the development of facilities to enhance and encourage safe bicycle and pedestrian travel within Kosciusko County.

It is not intended that every roadway will become an upgrade Shared Roadway or a Shared Use Path. It is acknowledged that the majority of bicycling will occur on ordinary roadways with no dedicated space for bicyclists. Bicyclists can be expected to ride on almost any roadways or shared use paths.

It is understood that the essential purpose of the right-of-way adjacent to the travel portion of a road is for the maintenance and drainage of the road. Any usage of a County Road right-of-way pursuant to this Ordinance shall be with the specific understanding that the County is not responsible for any damage that may be done by the County to any improvement made on the County Road right-of-way pursuant to this Ordinance.

No Duty or Right Created

The Shared Use Paths and Shared Roadways Ordinance is not to be construed to create any duty to any individual, person or entity. The Ordinance does not provide any special protection, service, or right to any particular individual or group of individuals. No additional rights shall be granted any individual or entity simply by adoption and enforcement of this ordinance.

II. Definitions

A. Bikeway

Any portion of the roadway that is specifically designated for non-motorized travel – regardless of whether such facilities are designated for the exclusive use of bicycles or shared with other non-motorized transportation modes. Bikeways include, but are not limited to, Shared Use Paths or Paved Shoulders on Shared Roadway.

B. Bikeway Delineation

Any painted line, posted sign, pavement markings, or any other identifying mark or object used to delineate a Bikeway.

C. Bicycle

Any vehicle propelled solely by human power upon which any person may ride, having two tandem wheels – except scooters and similar devices. The term “bicycle” for this policy also included three- and four-wheeled human powered vehicles, but not tricycles for children.

D. Board of Commissioners

The duly elected Kosciusko County Board of Commissioner.

E. County Engineer

The Kosciusko County Engineer / Superintendent appointed by the Board of Commissioners.

F. HMA

Hot Mixed Asphalt

G. Right-of-way

The land under the roadway and beyond the edges of the roadway that the Public has the right to use and the Board of Commissioners has the right to control.

- H. Roadway
 - The portion of the right-of-way, including both shoulders and travel way, intended for vehicular use.
- I. Shared Roadway with a Bikeway
 - A roadway with a bikeway adjacent to the traveled way and is open to both bicycle and motor vehicle travel. This may be an existing roadway upgraded with a wide paved shoulder, street with wide curb lanes, etc.
- J. Shared Use Path
 - A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the right-of-way or within an independent right-of-way. Shared use paths may also be used by pedestrians, skaters, wheelchair users, joggers and other non-motorized users.
- K. Shoulder
 - The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use and for lateral support of sub-base, base, and surface courses.
- L. Traveled Way
 - The portion of the roadway, excluding the shoulder, for the movement of vehicles.
- M. Unpaved Shoulders
 - Shoulders not surfaced with asphalt pavement or Portland cement concrete.
- N. Utilities
 - Any publicly or privately owned structure or facility within the right-of-way that is not a structure or facility of Kosciusko County.
 - Utilities include, but are not limited to the following:

utility poles	gas valves
telephone pedestals	water lines
telephone lines	sewer lines
gas lines	manholes
- III. **Application Procedure:**
 - Unless the County Engineer determines that the permit application is for an entire project, a separate permit is required for each road.
 - Applicants shall covenant and agree faithfully to perform and discharge duties and responsibilities required in the application. The County Engineer shall have the authority to act upon the application and issue the permit unless some fact of circumstance known to him exists raising a question as to whether or not such permit should be issued, in which event he shall refer the application to the Board of Commissioners.
- IV. **Standard of Performance:**
 - All installations and upgrades covered by this ordinance shall be performed in accordance with standard practices currently in use and recognized from time to time, designed and followed to minimize inconvenience and danger to the public at large. When any installation is commenced, the work shall be carried on expeditiously and without any unnecessary delay.
 - Whenever cutting of an existing county roadway may be necessary, the applicant shall obtain a copy of the Kosciusko County Highway Department (KCHD) road cut specification policy from the KCHD office. This policy shall govern all road cut repairs.
 - It shall be the duty of all holders of permits issued pursuant to this ordinance to erect proper warning signs, barricades and flares, and to provide flag-men or other appropriate warning devices commensurate with the risks involved throughout the progress of the work and all holders of permits shall indemnify and save Kosciusko County harmless from any and all claims and causes of action, if any, which may be asserted or filed against the County by any persons, firms, corporations, if any, who have been injured or damaged or claim to have been injured or damaged, on account of any installations made pursuant to this ordinance or on account of any work done in the making of such installation.
- V. **Utility Relocations**
 - In order to avoid needlessly relocating utilities, every effort by the applicant should be made to alter the design of the project to accommodate the location of the existing utilities.
 - However, in any instance where any utility, within the right-of-way, needs to be relocated, the applicant shall be responsible to negotiate with the owner of the utility the terms of such utility relocation. The applicant shall bear any expense of such utility relocation, holding the County of Kosciusko without financial or legal responsibility in any such case.
 - In all instances, the applicant must notify the Indiana Underground Plant Protection Services prior to any excavating as per Indiana Statue. Any damage to a properly located utility must be repaired at the expense of the individual causing the damage.
- VI. **Driveway Relocations / Repair**
 - In the event the proposed design interferes with a driveway, the applicant shall provide the property owner with a driveway repair in like kind construction with an end result of like or better condition. Said driveway work is to be done at the expense of the applicant.
 - Additionally, the applicant must maintain access to the property during construction of the project. Driveway access must be done at the expense of the applicant.
- VII. **Drainage Plan**
 - A. The applicant shall be required to provide the County Engineer with a complete set of plans for review prior to the issuance of any permits. No permits shall be granted where the bikeway is in such proximity to a county road so as to impede drainage from said roadway.
- VIII. **Shared Use Paths**
 - A. Ideally, Shared Use Paths are the preferred method and should be the first design consideration. Shared Use Paths shall meet the following minimum criteria:
 - B. The minimum width of a Shared Use Path shall be 5 feet.

- C. The edge of the Shared Use Path and the edge of the roadway shall be separated by a minimum of five (5) feet unpaved area when sufficient right-of-way is present. In instances where the right-of-way is limited, this requirement may be reduced to a minimum of two (2) feet.
- D. The Shared Use Path shall be constructed as follows:
 - 1. Option 1
 - a) Fully compacted sub-grade.
 - b) Minimum of 4 inches compacted #53 gravel sub-base.
 - c) Minimum of 4 inches of HMA – Type A (Either 4 inches of surface or 3 inches of base and 1 inch of surface.)
 - 2. Option 2
 - a) Fully compacted sub-grade.
 - b) Minimum of 4 inches compacted #53 gravel sub-base.
 - c) Minimum of 4 inches of plain concrete in accordance with the American Concrete Pavement Association’s standards for concrete paving. (At a minimum, the concrete mix shall consist of 4000 psi limestone with 5% to 7% air content.)
 - 3. Option 3

May be constructed using other materials including, but not limited to, brick pavers or other decorative landscape material, as approved by the County Highway Engineer.
- E. AASHTO’s “Guide for the Development of Bicycle Facilities” will serve as a reference for other design issue not addressed in the ordinance.

IX. Shared Roadways with Bikeways

Shared Roadways with Bikeways are the least desirable design and should only be used as the last design consideration. Shared Roadways with Bikeways will only be permitted in areas with posted speed limits of 45 mph or less. Shared Roadways shall meet the following minimum criteria:

- A. The minimum width of the bikeway shall be 5 feet.
- B. The edge of the bikeway and the edge of the traveled way may be delineated with the following:
 - 1. A white thermoplastic line and embedded road reflectors (The width of the white lines shall not be considered part of the minimum required bikeway width.)
 - 2. Contrasting construction material and/or texture including but not limited to, stamped or colored asphalt, concrete, or brick pavers.
- C. The Bikeway portion of the Shared Roadway shall be constructed as follows:
 - 1. Option 1
 - a) Fully compacted sub-grade.
 - b) Minimum of 6 inches compacted #53 gravel sub-base.
 - c) Minimum of 4 inches of HMA – Type A or Type B as dictated by adjacent roadway. (3 inches of HMA base and 1 inch of HMA surface.)
 - 2. Option 2
 - a) Fully compacted sub-grade.
 - b) Minimum of 6 inches compacted #53 gravel sub-base.
 - c) Minimum of 6 inches of plain concrete in accordance with the American Concrete Pavement Association’s standards for concrete paving. (At a minimum, the concrete mix shall consist of 4000 psi limestone with 5% to 7% air content.)
 - 3. Option 3

Other construction materials including, but not limited to, brick pavers or other decorative landscape material, shall not be approved by the County Highway Engineer for use of a bikeway that is adjoining a county roadway. Bikeways that are adjoining must be installed in “like kind” to the county roadway.
- D. AASHTO’s “Guide for the Development of Bicycle Facilities” will serve as a reference for other design issue not addressed in the ordinance.

X. Bond Requirements

The Board of Commissioners may require a performance bond from any other person, firm or corporation, in an amount commensurate with the scope of the proposed work and with surety to be approved by the Board of Commissioners.

XI. Violations

No person, firm or corporation, shall be entitled to receive a permit pursuant to the terms of this ordinance if such person, firm or corporation has violated any of the terms or provisions of this ordinance subsequent to its effective date until and after such violation has been resolved to the satisfaction of the County Highway Engineer. Failure by any person, firm or corporation to repair within 30 days of notification of any and all damages to the road pavement, the right-of-way, drainage swales, tiles, culverts or private property may be fined \$100.00 per calendar day with a maximum fine of \$3,000.00. After the 30 day notification period, the county shall hire a contractor to institute the final repairs and shall hold all such charges against the bond in place.

XII. Effective Date

This ordinance shall be in full force and effect on passing by the Kosciusko County Board of Commissioners. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 16th day of May 2006.

IN THE MATTER OF WINONA LAKE/WOOSTER ROAD RECLASSIFICATION

REQUEST:

Sue Ann Mitchell, County Auditor, presented a letter for the Commissioner’s approval, addressed to the Department of Transportation and drafted by the Town of Winona Lake requesting Wooster Road from CR 250 E to King’s Highway be designated as a Minor Collector.

MOTION: Avis Gunter

TO: Approve submission of letter requesting
Wooster Road reclassification.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF WORK RELEASE KITCHEN:

County Administrator Ron Robinson reported the work release kitchen is approximately three weeks away from opening as all of the equipment has not arrived.

IN THE MATTER OF APPOINTMENTS TO THE KOSCIUSKO COUNTY ECONOMIC DEVELOPMENT COMMISSION:

Ron Robinson, County Administrator, stated Wes Stouder agreed to serve on the Economic Commission representing the County and Mayor, Ernie Wiggins wished to have Michelle Boxell appointed to represent the City.

MOTION: Avis Gunter

TO: Approve appointment of Wes Stouder and
Michelle Boxell to the Economic Development
Commission.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF DEPARTMENT OF TRANSPORTATION DOCUMENT FOR BRIDGE INSPECTION CONTRACT WITH USI:

Sue Ann Mitchell, County Auditor, presented a DOT document that needed initialing by one of the Commissioners. Mitchell noted this document had been previously signed and submitted by the Commissioners, but due to form revisions now required them to initial the form on various pages and resubmit.

IN THE MATTER OF REPORT OF SCHOOL FUNDS:

County Auditor Sue Ann Mitchell presented the report on the condition of School Funds for the Commissioner's signatures. It was noted this report must be submitted annually to the State Auditor as well as the State Superintendent of Public Education.

IN THE MATTER OF EROSION ORDINANCE:

Matt Sandy, Assistant Area Plan Director, presented an amended erosion control ordinance for the Commissioner's approval. Sandy stated the original ordinance was adopted in 2000 and has been a valuable asset but like all working documents, revisions and additions are needed from time to time. Sandy noted several meetings were held by the APC Commission as well as a sub committee to work out the details for the amended ordinance and it was then presented to the APC Attorney for review.

Commissioner Brad Jackson questioned Sandy about a few of the revisions and wording and suggested some minor changes. Jackson also pointed out the section regarding fines for violations and stated correcting the problem is more important than collecting fine money. He also noted that permits could be pulled if the problems were not corrected.

MOTION: Avis Gunter

TO: Approve amended erosion control
ordinance with provisions.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

Ordinance #:06-05-16-002 Erosion

AN ORDINANCE AMENDING, AND TO AMEND THE KOSCIUSKO COUNTY EROSION AND STORMWATER CONTROL ORDINANCE

ARTICLE 1: That the Kosciusko County Zoning Ordinance be amended as follows:

Definitions:

Land-disturbing Activity - Any man-made change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting and grading.

Agricultural land disturbing activity - Tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. Agricultural land disturbing activity also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tiles. For the purposes of this ordinance, Agricultural land disturbing activity does not include land disturbing activities for the construction of agricultural-related facilities such as barns, buildings to house livestock, roads associated with infrastructure, other infrastructure, agricultural waste lagoons and lakes, pond, and wetlands.

9.1 - Erosion and Sediment Control Requirements: The following requirements shall be met when Land Disturbing Activities take place, not including Agricultural Land Disturbing Activities, forest harvesting activities, and minor landscaping projects, on all building sites no matter the size.

9.11 Erosion and sediment control measures that minimize the amount of sediment leaving a site shall be utilized, including but not limited to properly installed perimeter stabilization including silt fences, stabilization of stock pile area(s), and installation of a stable construction entrance.

9.12 Water shall not be discharged in a manner that causes erosion at or downstream from the point of discharge.

9.13 Public or private roadways shall be kept reasonably cleared of accumulated sediment. Bulk clearing of sediment shall not include flushing the area with water. Clearing of residue with water is permitted as long as it is compliant with other portions of this ordinance.

9.14 The Developer, contractor, or property owner shall be responsible for preventing unacceptable levels of accumulated sediment from entering roadways, streams, lakes, and county maintained drains that run adjacent to or through the property.

9.15 All storm drain inlets shall be protected against sedimentation with barriers meeting accepted criteria, standards, and specifications

All land-disturbing activity shall require use of appropriate control methods from the "Erosion Control for the Homebuilder" pamphlet or the "Indiana Handbook for Erosion and Sediment Control" which are specifically incorporated into this Ordinance by reference. If one or more of the practices mentioned in the said pamphlets are not utilized to control erosion, the property owner of record is in direct violation of section 9.1 of the Kosciusko County Stormwater & Erosion Control Ordinance.

Article 13 - Penalties, Fines and Enforcement:

In the event of the violation of any required act or omission under Section 9.1 of this Ordinance, the Kosciusko County Area Plan Commission shall have authority to initiate enforcement action. The Kosciusko County Area Plan Commission may negotiate an agreed penalty, in lieu of enforcement through the judicial system; any such agreed penalty may be confirmed by the Developer or Owner and paid in lieu of other enforcement action. Each case shall be handled individually based upon its separate merits. The Owner or Developer of the property and the contractor(s) performing work shall be jointly and severally responsible under this Article.

13.1 Failure to comply with Section 9.1 of this Ordinance, and/or failure to provide preliminary drainage plan data to the Kosciusko County Area Plan Commission as required, shall result in denial or postponement of any construction project or preliminary development approval until the proper documentation is provided.

13.2 Failure to meet standards for detention basins required by the Kosciusko County Zoning Ordinance and/or Subdivision Control Ordinance and/or Mobile Home Park Ordinance, shall result in the Developer or Owner correcting any deficiency or failure to meet standards, at the cost of the Developer or Owner. The Kosciusko County Area Plan Commission shall also have the authority to take action for affirmative correction by injunctive relief or other appropriate judicial remedies to compel compliance.

13.3 The Kosciusko County Area Plan Commission, and the Plan Director, shall have the right to revoke, withhold, or deny existing or future permits to any party in direct violation of any regulation relating to erosion control, drainage, or storm water retention, until such time as all violations are corrected.

13.4 Failure to implement any provision required in any portion of this ordinance for a particular construction site will result in the immediate revocation of any improvement location permit or development for that site. The permit shall not be released or reissued until all violations are corrected, and no work may proceed on the construction site. If the violations are not corrected within five working days of notification, in writing, of the violation then daily fines, not less than \$20 and not more than \$150, shall begin accruing. The maximum fine assessed not to exceed \$1,000. Enforcement actions may be instituted in the name and against the Owner and/or Developer and/or Contractor actually responsible for the violation of this Ordinance, which shall include but not be limited to the Owner, Lessee, Agent, Developer, or Contractor(s).

13.5 Any person aggrieved or affected by any provision of this Ordinance or by any decision of the Plan Director may appeal to the Board of Zoning Appeals, as provided by the rules of the Board, by filing a notice of appeal specifying the grounds for it. Every decision of the Board shall be subject to review by certiorari as stated under I.C. 36-7-4-1003.

ARTICLE 4: Adoption

Section 1. This Ordinance shall be in full force and effective from and after its passage and is intended to replace and amend those sections referenced within and related. Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana on this the 16th day of May 2006.

IN THE MATTER OF JODY PERDOMO– TIPPECANOE TOWNSHIP REZONING REQUEST:

Dan Richard, Area Plan Director, presented a request from Jody Perdomo, Tippecanoe Township to have a parcel rezoned from environmental to agricultural. Richard stated that in researching this particular parcel it was labeled a classified forest in 1949. When Kosciusko County adopted zoning and in trying to keep property in line with previous classifications, this parcel was zoned environmental in 1975. In 1976 it was withdrawn from classified forest, but no one ever requested it be rezoned until Perdomo discovered she could not put a home on environmental land. Richard reported the APC's unanimous recommendation was to allow the rezoning from environmental to agricultural.

No one in attendance spoke in opposition or favor of the rezoning request.

MOTION: Avis Gunter

TO: Support APC's recommendation and

SECOND: Brad Jackson

allow rezoning from environmental to

AYES: 2 NAYS: 0

agricultural.

UNANIMOUS

**AN ORDINANCE AMENDING, AND TO AMEND
THE ZONING ORDINANCE 75-1 MISC REC 53 PAGE 130
JACKETS 20-A & 20-B OF KOSCIUSKO COUNTY, INDIANA**

ARTICLE 1.

Section 1. That the Kosciusko County Zoning Ordinance heretofore passed and adopted by the Board of Commissioners of Kosciusko County, Indiana, and recorded under Miscellaneous Record 53, Page 130 as Ordinance 75-2, be and the same is hereby amended in the particulars hereinafter set forth.

Section 2. That certain tract of land situate in Kosciusko County, Indiana, now lying without the corporate limits of any City or Town and under the jurisdiction of the Kosciusko County Area Plan Commission, as a part of the Comprehensive Plan for Kosciusko County, Indiana; to-wit:

Beginning at a point 1100 ft North NE of the SE corner of SW1/4 of SE1/4 Section 34, T33N, R7E, and running North 1100 ft. to a point; thence N75°W 880 ft. to a point; thence S31°W 270 ft. to a point; thence South 560 ft. to a point; thence East 300 ft. to a point; thence South 300 ft. to a point; thence East 440 ft. to a point; thence S45°E 352 ft. to a point of beginning containing 20.26 acres more or less.

Be, and the same is hereby, removed from classification as a **Environmental** and subject real estate shall be reclassified and rezoned as **Agricultural** within the limitations, definitions and description of the Kosciusko County Zoning Ordinance.

Section 3. That the Ordinance Administrator, pursuant to said Zoning Ordinance be, and he is hereby authorized to issue Location Improvement Permits and Certificates of Occupancy with reference to the construction and improvements upon said described real estate so long as applications therefore comply with the Kosciusko County Zoning Ordinance and upon compliance with all applicable rules and regulations of the State of Indiana and local authorities, as the same may be applicable to the construction of streets, parking facilities, storm sewers, drains, sidewalks and sewer and water facilities.

ARTICLE 2.

Section 1. This ordinance shall be in full force and effect from and after its passage.

Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana on the 16th day of May, 2006.

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

**KOSCIUSKO COUNTY COMMISSIONERS
MAY 30, 2006**

The Kosciusko County Commissioners met for their regular meeting on May 30, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President
Avis Gunter
Ron Truex

Mike Miner, County Attorney
Sue Ann Mitchell, County Auditor
Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF EMERGENCY MANAGEMENT:

Ed Rock, Emergency Management Director, gave a brief summary regarding the District Council. Rock noted the county was moving forward with the objectives outlined by the state and have assigned committees to work on these objectives.

Rock also reported the Emergency Management Department has many masks that could be utilized if a potential pandemic were to take place. Rock did request permission to purchase additional masks to increase his inventory so the county would be prepared should any incident occur causing need for them.

IN THE MATTER OF SHERIFF DEPARTMENT KUDOS:

Commissioner Ron Truex noted the great job the sheriffs department does in covering the parades throughout the county. Truex noted that additional manpower and efforts were required to keep traffic moving and ensure the safety of those attending the parades and he felt the department did an excellent job.

IN THE MATTER OF TORTE CLAIM FILED:

County Attorney Mike Miner presented a tort claim filed by Matthew Wagoner. Miner advised in order to avoid a more costly situation, the claim be paid.

MOTION: Ron Truex

TO: Approve payment of claim as presented by Attorney Mike Miner.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF COURTHOUSE REPAIRS:

Ron Robinson, County Administrator, reported there had been some leaks in the roof of the courthouse last week during the severe weather. Atlas out of Wabash had been contacted and they arrived within the hour. They located a crack in the slate and fixed the problem.

IN THE MATTER OF WORK RELEASE KITCHEN:

Ron Robinson, County Administrator, reported work is moving along on the work release kitchen. They are waiting on some of the cabinetry, equipment and supplies to arrive as well as tables and chairs. Once those items are in place, the plumber and electrician will be able to finish up and the kitchen should be ready.

IN THE MATTER OF VAN DONATION:

County Administrator Ron Robinson requested permission to donate a used van to Our Father's House. Robinson noted the van had been donated to the county by Sprint and primarily been used by the Dive Team who no longer needed it.

MOTION: Avis Gunter

TO: Allow donation of used van to Our Father's House.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF AUDITOR'S OFFICE TRANSFER FEE ORDINANCE:

Sue Ann Mitchell, County Auditor, presented a transfer fee ordinance for the Auditor's Office. Mitchell noted this ordinance had been signed by the County Council but needed the Commissioner's signatures. Mitchell stated this ordinance allowed the Auditor's Office to charge a \$5.00 fee for every document taken in and had been in place for approximately three years.

MOTION: Avis Gunter

TO: Approve Transfer Fee Ordinance as presented by Auditor.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

**ORDINANCE 06-05-30-001
CR: F2002031110
AUDITOR ENDORSEMENT FEE**

WHEREAS, the Indiana General Assembly amended IC 36-2-9-18 (d) effective July 1, 2001 to increase the transfer fee amount from \$ 3.00 to \$ 5.00;

WHEREAS, at that time Kosciusko County was not charging a transfer fee;

WHEREAS, it was believed by the Kosciusko County Council that the people using the service should be paying for the costs involved and not the general taxed population;

WHEREAS, the Kosciusko County Council passed an ordinance for the implementation of the \$5.00 transfer fee as allowed by IC 36-2-9-18 (d) effective July 1, 2001. (CR #: F2002031110)

WHEREAS, the legislative body of the county is the proper body to adopt the ordinance per IC codes;

WHEREAS, the Kosciusko County Commissioners also support the Auditor Endorsement Fee as approved by the Kosciusko County Council;

THEREFORE BE IT ORDAINED the Kosciusko County Commissioners endorse the continued collection of the \$5.00 endorsement fee as allowed by the amended IC 36-2-9-18 (d) effective July 1, 2001.

Approved this 30th day of May, 2006.

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

KOSCIUSKO COUNTY COMMISSIONERS JUNE 13, 2006

The Kosciusko County Commissioners met for their regular meeting on June 13, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President

Avis Gunter

Ron Truex

Mike Miner, County Attorney

Sue Ann Mitchell, County Auditor

Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF WARSAW COMMUNITY PUBLIC LIBRARY REAPPOINTMENT:

A request was received from the Warsaw Community Public Library to reappoint Joel Curry to the WCPC Board for a third term to expire June 30, 2010.

MOTION: Avis Gunter

TO: Reappoint Joel Curry to WCPL Board as requested.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF UNITED STATES FORESTY SERVICE REQUEST:

A letter was received from Hatfield Spraying Services, Inc. of Nunica, MI requesting authorization to treat areas in Kosciusko County (Lake Wawasee area) for gypsy moths. Hatfield stated they had been contracted by the USFS to spray for the moths, but needed an authorized statement from the Commissioners to begin.

MOTION: Avis Gunter

TO: Authorize Hatfield Spraying Services to spray for gypsy moths near Wawasee Lake.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF OFF ROAD VEHICLE ENFORCEMENT:

Helen Hoy, North Webster, addressed the Commissioners regarding the number of off road vehicles that are driving on the road near her home. Hoy stated she lives on T48 Ln and the speed limit for that road is 20 mph but there are several 4-wheelers that drive over that limit. She also noted there are several golf carts that abuse the speed limit set for that road. Hoy expressed additional concerns regarding the noise of these vehicles, stating that many of them were ridden well into the evening hours. Hoy went on to say these vehicles are not licensed for public road use but no one enforced it. Hoy then requested a response on the matter.

Commissioner President Brad Jackson replied there are laws regarding off road vehicles and public roadways however it is impossible to police every area in the county. Jackson also noted that many of these vehicles do have identification numbers; therefore it is legal for them to use the roadways. Hoy reiterated her desire to see some type of law enforcement for those that break or abuse the laws regarding these vehicles.

IN THE MATTER OF LOUIS DREYFUS ECONOMIC DEVELOPMENT AREA NO. 2
RESOLUTION:

Mike Miner, County Attorney, presented a resolution regarding the Louis Dreyfus Area No. 2 TIF district for the Commissioner's approval. Miner stated the Redevelopment Commission had adopted a Declaratory Resolution establishing the Louis Dreyfus Economic Development Area No. 2 however, the Commissioners needed to approve and ratify the resolution also.

MOTION: Ron Truex

TO: Approve Economic Development Area No. 2 Resolution as presented.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

RESOLUTION NO. _____
BOARD OF COMMISSIONERS
OF KOSCIUSKO COUNTY, INDIANA
REGARDING THE ESTABLISHMENT

OF THE KOSCIUSKO COUNTY ECONOMIC DEVELOPMENT AREA NO. 2

WHEREAS, the Kosciusko County Redevelopment Commissioner ("Commission") did on May 1, 2006, adopt a declaratory resolution ("Declaratory Resolution") establishing the Louis Dreyfus Economic Development Area No. 2 as an economic development area under IS 36-7-14 and confirmed the Declaratory Resolution on May 1, 2006, after conducting a public hearing:

WHEREAS, IC 36-7-14-41 (c) requires that the determination that a geographic area is an economic development area be approved by the Board of Commissioners of Kosciusko County, Indiana; and

WHEREAS, the Board of Commissioners reviewed the Declaratory Resolution as confirmed, the Commissioner's Economic Development Plan approved by the Declaratory Resolution and the written order of the Kosciusko County Plan Commission regarding the Declaratory Resolution and the Plan;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF KOSCIUSKO COUNTY, INDIANA THAT:

1. The Board of Commissioners' hereby finds and determines that it will be in the best interests of the County to establish an economic development area as described in the Declaratory Resolution.
2. The establishment of an economic development area in the area known as the Kosciusko County Economic Development Area No. 2 as described in the Declaratory Resolution and in Exhibit A to the Declaratory Resolution is hereby approved.
3. The resolution shall be effective from and after passage.

PASSED AND ADOPTED by the Board of Commissioners of Kosciusko County, Indiana, this 13th day of June, 2006.

IN THE MATTER OF INSURANCE RENEWAL:

Ron Robinson, County Administrator, stated it is time to renew the County's Stop Loss Medical Insurance. Robinson stated the County will remain with Combine, Prudential (Life), and Caremark (Prescription) but will have a new third party administrator. He noted an increase of only 1.04% in premiums which he felt was acceptable in light of what other companies pay. Robinson did request an increase in the lifetime out of pocket expense cap from \$1 million to \$2 million.

MOTION: Avis Gunter

TO: Approve increase of cap on lifetime out of pocket expense from \$1 million to \$2 million.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF COURTHOUSE RENOVATION CLOSING:

Ron Robinson, County Administrator, reported the closing (signing off) of the courthouse renovations would take place at 10:00 AM on Wednesday, June 14, 2006. Robinson stated at this time all work has been completed and the building looks very nice. Robinson invited the Commissioners to attend the closing to witness the signing off of the project.

IN THE MATTER OF WORK RELEASE KITCHEN:

County Administrator Ron Robinson stated he had received notification that part of the kitchen equipment would be arriving in two weeks. He went on to say that he was to meet with the construction crew on Tuesday, June 13, 2006 in the afternoon to go over the project.

IN THE MATTER OF WELFARE FUNDING:

Sue Ann Mitchell, County Auditor, stated a letter had been received from the Association of Indiana Counties addressing the issue of welfare funding, specifically the Family and Children Fund. The AIC advocates the state assuming the responsibility of funding the Family and Children program. Mitchell stated the AIC has requested counties submit a letter of support for legislative change. She also noted it would be best if both the Council and Commissioners supported the letter submission and said she could have the letter ready for the next meeting if the Commissioners approved.

MOTION: Avis Gunter

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

TO: Support submission of letter to State in support of legislative change regarding Welfare funding.

IN THE MATTER OF STATE DOG FUND:

County Auditor Sue Ann Mitchell reported the State Dog Fund will cease to exist as of July 1, 2006. Due to this change in legislation, the County has the option to adopt an ordinance for the collection of a dog tax. However, if the County chooses to adopt such an ordinance, it must do so before July 1, 2006. Mitchell noted if a \$5.00 tag fee were adopted, \$1.00 would go to the State; \$.75 would go the township trustees if they continued to sell the tags, and \$3.25 would go to the County. This could increase the amount of funding to the local animal shelter by approximately \$11,000.00. These funds would come from the collection of tag fees and not from county tax dollars. Mitchell noted the Council did establish a Dog Tag Ordinance at their July meeting, with specific definitions to be determined at a later date.

MOTION: Ron Truex

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

TO: Support Council's recommendation for a County Dog Tag Ordinance.

IN THE MATTER OF JERRY SMITH – TIPPECANOE TOWNSHIP VACATION REQUEST:

Matt Sandy, Area Plan Assistant Director, presented a vacation request from Jerry Smith for a parcel located in Tippecanoe Township to correct a platted right-of-way. Sandy stated the current platted right-of-way was never improved and is not used. He went on to say this vacation request was submitted as a condition based on a Board of Zoning Appeals decision. Sandy elaborated on this by stating the BZA had granted a variance to the Smiths to add on to their home but then stipulated the Smiths must attempt to vacate and rededicate the right-of-way. It was also noted the Smiths must still meet set back requirements regardless of whether the vacation is granted or not. Sandy stated it was the recommendation of the APC to grant the vacation with rededication of right-of-way to its actual location.

Jerry Smith, Petitioner, stated the only reason he filed the vacation request was to satisfy the condition of the variance granted by the BZA. Smith also said he was opposed to the vacation and asked the Commissioners to deny it basing this on the cost involved in having a survey done and attorney fees. Smith noted again for the Commissioners that he was to make an attempt to get this right-of-way vacated and he felt he had fulfilled that condition.

Also speaking in opposition to the vacation was Attorney Rick Helm who represented a neighboring property owner. Helm began by saying it was improper to request a vacation of property that did not belong to you and the Smith's request did in fact do that. He also stated his clients had not been contacted regarding the vacation request and also had concerns regarding the cost involved in this matter. Helm noted that if this parcel were to be vacated it would deny access to neighboring property owners of their wells, septic systems, etc. Helm therefore requested the vacation be denied also.

County Attorney Mike Miner stated in his understanding of zoning, bargaining was not allowed. In other words, a zoning board cannot state: if you (as petitioner) do this, we will allow that.

Further discussion ensued regarding the definition of a "good faith attempt" and what the BZA would consider as the Smiths "good faith attempt" to vacate and rededicate the right-of-way in question.

Commissioner Truex stated he did not know if the BZA would feel the Smiths had made an attempt to vacate if this request was denied, but noted that was not the issue at hand.

MOTION: Ron Truex

SECOND: Avis Gunter

AYES: 2 NAYS: 0 ABSTAIN: 1

MOTION CARRIED

TO: To deny Smith vacation request as presented.

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

Avis Gunter, Member

KOSCIUSKO COUNTY COMMISSIONERS JUNE 27, 2006

The Kosciusko County Commissioners met for their regular meeting on June 27, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President

Mike Miner, County Attorney

Avis Gunter

Sue Ann Mitchell, County Auditor

Ron Truex

Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF ANNUAL JAIL INSPECTION REPORT:

Sheriff Aaron Rovenstine presented the annual jail inspection report to the Commissioners. It was noted that since moving into the new jail, there have been few problems and the annual reports have been favorable.

IN THE MATTER OF KABS:

Rita Baker, KABS Director, presented the remaining 2005 claims for payment. Baker noted the new "yellow" bus is in circulation and ideas are under way for the next bus noting a possible Kosciusko County lakes theme.

MOTION: Ron Truex

TO: Approve claims as presented.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF LAKELAND REGIONAL SEWER DISTRICT:

Dave Doctor, representing the property owners around the Barbee Chain area, spoke to the Commissioners in regards to a possible resolution to establish a regional sewer district. Doctor stated if a resolution were approved, a petition would need to be filed with the state's Environmental Management office and they would then conduct two (2) hearings to establish need. Doctor went on to say the purpose in establishing a sewer district is related to the growing number of failing sewer systems in the chain area. He noted that many properties are currently using a holding system and more properties are resorting to that as a means of controlling sewage. Doctor also stated the county has no records of where older septic systems are located or what is being used as a septic tank until a problem is detected. Doctor went on to say that many of the problems have been caused by four (4) major factors including; overdevelopment of the shoreline, small lot sizes, poor soil types and the flood plain. Doctor then read an excerpt from the JF New Study conducted in 2000 outlining the areas of concern. Doctor noted the benefits of establishing a sewer district included; eliminating health risks, improved environmental practices, improved quality of life, property improvements, economic development and increased property values. Doctor presented a map highlighting the proposed area that would connect with the town of North Webster. At this time, North Webster's plant is not capable of handling the additional properties and would need to expand its plant. Doctor also stated plans have been established by the engineering firm, DLZ and monthly rates have been calculated by Umbaugh and Associates. He noted in the past, grant monies have not been used, but that would be a viable means of financing portions of this project. Doctor went on to say hookup fees could range from \$2500 - \$3000 with an approximate \$50 monthly sewer bill. Doctor suggested a Board of Trustees be appointed to serve as administrators of the sewer district. Appointments would include: 2 County Commissioners, 2 County Council members, the Tippecanoe Township Trustee, 1 Board of Health appointment, and 1 appointment from the town of North Webster.

IN THE MATTER OF LAKELAND REGIONAL SEWER DISTRICT, CONTINUED:

Doctor concluded his presentation noting preliminary engineering for this project was 95% complete and the IDEM draft had been completed. He also stated he had spoken with several government entities that supported establishing a sewer district. Included in that list were: the Health Department, Area Plan, Redevelopment Commission, Indiana Department of Health, USDA, Soil & Water Department and the Surveyor. Doctor also pointed out no county funding was being requested for this project and requested the Commissioners consider passing a resolution to create a sewer district that will be presented for signature at the next Commissioner's meeting.

MOTION: Ron Truex

TO: Approve resolution to establish a Regional

SECOND: Avis Gunter

Sewer District to include the Barbee Chain area.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF ABANDONED COUNTY OWNED BUILDING:

Nancy Hagen, Syracuse, appeared before the Commissioners to share her concerns regarding an abandoned property that is owned by the County. Hagen stated this property presented a health and safety hazard to the neighboring community and questioned if the county was in the process of cleaning it up. Hagen went on to say that garbage is accumulating on the property, therefore drawing rats to the neighborhood. She understood at one time there was a small gas station located on the property and potential ground contamination caused by those tanks was possibly a factor in the delayed cleanup efforts. Hagen stated she was concerned that efforts were being taken by the county in moving this situation along and asked for a timeline on getting the property cleaned up. County Auditor Sue Ann Mitchell stated a deed had been prepared and would be recorded pending legal approval. She also stated there had been extenuating circumstances that had caused the delay, but the matter was moving forward.

Commissioner Truex noted unfortunately it was moving at the "speed of government" and there was much red tape to be dealt with. However, efforts were being taken to rectify the problem.

Hagen then questioned who should be contacted in relation to privately owned properties that were also in unfavorable states. The Commissioners informed Hagen she should contact the Health Department as well as her township trustee.

IN THE MATTER OF 2007 NON PROFIT BUDGET REQUESTS:

The following are a listing of those non profit organizations requesting funding from the county for 2007 through the Commissioner's budget:

- **Cardinal Center** – Jane Greene, Cardinal Center representative, requested \$105,688; an increase of \$5,005 from last year. Greene stated they are appreciative of the support they get from the county but understand they can't rely solely on county funding and therefore have applied for various grants. Greene also noted one of their major projects that are under way is construction of a new group home at an estimated cost of \$500,000 to replace one that is not serviceable. Greene reported the Center had been notified that they would need to delay their application for the Community Focus Fund for another 6 months and would not be able to replace the HVAC system at this time and would need to try to get through another winter with their current system. She also stated the Center had received word there would be a 1% decrease in federal funds this year and changes have been made to the match program format. Cash matches are all that will be allowed this year. Greene said the Center had received \$48,000 from United Way and that would be a great help with the match program. Greene also noted the center is beginning a new program called Cardinal Connections this year in which community members are invited on a monthly basis to tour the facility and get a better understanding of Cardinal's vision and direction for the future. Randy Baumgartner, along with Greene then briefly outlined the programs and their needs, associated with Cardinal Center
 - **Head Start** – serving 221 economically disadvantaged children from birth thru 5 years of age. Purpose of this program is to provide funding for pre-school for families that earn less than \$20,000 (family of 4) in order that those children will be afforded the same successes when they enter the public school system.
 - **Community Living** – serving adults with developmental disabilities who live in their own apartments. Currently approximately ½ of those individuals receive 24 hour supervision. In order to reduce costs, those requiring 24 hour supervision have been placed in a 3 persons setting rather than individually. New technological innovations are being examined for overnight monitoring of those requiring supervision.
 - **KABS** – serving approximately 73,000 people by providing bus transportation to the Cardinal Center. 70% of the riders earn an annual income of less than \$10,000

therefore; it is not feasible to increase fees to ride. Currently the city bus for Warsaw/Winona Lake does charge \$1.00 to ride. United Way did provide a one time emergency allocation for fuel of \$5,000.

- **Sus Amigos** – serving the Hispanic population of the county. This year the Mobile Mexican Consulate came to Kosciusko County for 4 days to provide assistance to those who needed help in opening checking accounts or other legal matters. Funding for this program comes from the United Way, the K21 Foundation as well as the county. Monteith Tire provides office space for Sus Amigos.
- **Kosciusko County Home Health Care & Hospice**- Rick Paczkowski, Administrator, requested \$47,500. He noted this is the same amount requested 2 years ago. Paczkowski stated each year they are seeing decreases in State reimbursements and are unsure where additional money will come from to compensate for those decreases. Paczkowski also requested guidance from the Commissioners on how to proceed in taking on new patients saying those that are turned away will be placed in nursing homes. He noted they are also exploring additional funding possibilities at this time.
- **4-H Council** – Steve Johnson, Vice President 4H Council and Dennis Darr, President requested \$50,159, an increase of \$675 from last year's request. The appropriation for 2006 is \$43,808, making the request a \$6,351 increase. Johnson noted that without an educator, it was difficult to reach all of the schools but stated enrollment is up. There are 30 clubs, 675 kids - grades 3 -12 in 4-H and 77 enrolled in the Exploring 4-H program for children - grades K -2. He also reported there were approximately 200 volunteers that were involved in the 4-H program, ranging from leaders to barn and maintenance volunteers.
- **Arrow Head Country RC&D** – Randy Moore and Stan Moore, Arrow Head representatives, requested \$500 as in past years. They noted Arrow Head covers 10 counties and receive \$500 from each county along with \$100 from each county's Soil & Water Division.
- **KDI** – Jim Tinkey, KDI representative, requested \$33,250 which was the same as last year. Tinkey stated their goal was to promote small businesses in the county as well as provide consulting services to the business community. Tinkey noted the possibility of new grants becoming available that would be a valuable means of additional funding. He then thanked the Commissioners for their support and looked forward to a continued partnership.
- **Animal Welfare League** – Dr. Richard Bremleck and Andy Grossnickle, requested \$72,000; an increase of \$2874 from last year's request. Bremleck thanked the Commissioners for their past support and noted the shelter provides a valuable service to the County. He went on to say they implemented a new spay/neuter program this year and believe for every dollar spent it will save the county \$3. Bremleck also thanked Ron Robinson for the help in getting much needed repairs completed. Grossnickle pointed out the Shelter is searching for a new Executive Director and in the past the Director was more Shelter Director. He said their goal was for the new Executive Director to become more involved in the county and public relations and be able to tap into community resources. They would then like to hire a shelter director to oversee and reformat the employee work structure. Grossnickle stressed the Animal Welfare League would like to see every animal that leaves their facility spayed/neutered in order to prevent more animals from becoming residents at the shelter.
- **Council on Aging**, - Jack Felger, Council on Aging representative, requested \$35,000. Felger stated they are the only agency to service the county from one end the other, 5 days a week. He also noted that no one is turned down when requesting service. Felger stated the main area of concern was the increasing fuel costs. Felger did thank the Commissioners for their monetary help in the past.
- **Historical Society-Old Jail Museum** – requested \$25,000, an increase from last of \$3,150. No one was in attendance to present the budget.
- **Beaman Home** – Jeanne Campbell, Beaman Home representative, requested \$35,000, an increase of \$1,500 from last year. Campbell went on to say even though there are an increased number of programs available; state and federal funding for shelters has decreased. Rural areas are being hit hard as they have to compete with larger counties and facilities within the region. Campbell reported the shelter is open 24 hours a day/7 days a week and staffed by 6 part time and 4 full time employees. She also said the shelter had received grant monies from the K21 Foundation to renovate and make needed repairs to the facility, but there was still work that needed done. Campbell noted there are additional grants available for funding, but she has not heard anything at this time. Campbell thanked the county for their continued support.

IN THE MATTER OF NORTH WINDS ADDITION STOP SIGN ORDINANCE:

Dennis Pletcher, Highway Superintendent, presented a stop sign ordinance for Phase V of the North Winds Addition for approval

MOTION: Avis Gunter

TO: Approve North Winds Addition stop sign ordinance as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 06-27-001 STOP

An Ordinance establishing “Stop” signs at various County Road intersections within Kosciusko County, Indiana, and

WHEREAS, THE BOARD OF COMMISSIONERS of the County of Kosciusko has the power to regulate the use of the public ways and rights-of-ways; and

WHEREAS, THE BOARD OF COMMISSIONERS has the authority to establish Stop signs on County Highways; and

WHEREAS, THE COUNTY HIGHWAY Engineering Department has performed a traffic study at the aforementioned road intersection in accordance to the State of Indiana Uniform Traffic Control Manual and hereby recommend “Stop” signs be installed.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Kosciusko as follows:

North Winds Addition

3. Install “Stop” sign on the northwest corner of Old Port Road and Southwinds Trail – Old Port Road stops for Southwinds Trail.
4. Install “Stop” sign on the southwest corner of Westerner Winds Drive and Old Port Road – Westerner Winds Drive stops for Old Port Road.
5. Install “Stop” sign on the northwest corner of Old Port Road and Lighthouse Drive – Old Port Road stops for Lighthouse Drive.
6. Install “Stop” sign on the northwest corner of Portside Drive and Westerner Winds Drive – Portside Drive stops for Westerner Winds Drive.

THIS ORDINANCE shall be in full force and effect on June 27th, 2006. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 27th day of June, 2006.

IN THE MATTER OF HOFFMAN LAKE ESTATES, PRAIRIE TOWNSHIP – CLIFTON STREET IMPROVEMENT REQUEST:

Dan Richard, Area Plan Director, presented a request from Ray Williamson to have Clifton Street developed. Richard stated Clifton Street is a public road right of way that would connect Lutes Drive to the Hoffman Lake Estates.

Representing the Williamsons was Attorney Rick Helm. Helm stated if Clifton Street were developed, it would provide another means of access to the Hoffman Lakes Estate Subdivision. Helm also stated that Mr. Williamson was willing to subsidize the development of Clifton Street up to \$15,000 with the county to pay the remainder. Helm noted the estimated cost to pave the street was approximately \$10,000.

Helm stated that because the Commissioners handle the highway’s budget, he was requesting their endorsement of the project. He also noted funds could be escrowed to cover Williamson’s subsidy or upon completion of the project, a bill could be submitted by the Highway Department for payment from Mr. Williamson.

MOTION: Ron Truex

TO: Approve development of Clifton Street in the Hoffman Lake Estates with R. Williamson to pay up to \$15,000.00 upon receipt of bill from the Highway Department.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF SYRACUSE COMPREHENSIVE PLAN:

Dan Richard, Area Plan Director, presented the Syracuse Comprehensive Plan to the Commissioners. Richard stated the plan was designed to aid the growth within the town limits and become a part of the Kosciusko County Comprehensive Plan. Richard said Syracuse is doing an excellent job of planning goals and objectives. Richard noted the Plan called for Syracuse to form their own plan commission and Richard stated the APC would prefer Syracuse work with the APC rather than form their own. Richard reported the APC’s recommendation was to approve Syracuse’s Comprehensive Plan with the exception of the town forming their own planning commission.

IN THE MATTER OF SYRACUSE COMPREHENSIVE PLAN CONTINUED:

Jeff Noffsinger, Syracuse Town Manager, stated the Comprehensive Plan was a blue print guide for the future of Syracuse and they were looking forward to working with the county. Noffsinger went on to say Syracuse's Plan will benefit not only the town but the county as well and will improve the quality of life and build a better community for the residents of Syracuse. Noffsinger pointed out the reasoning behind the town forming their own planning commission was due to the fact that the north edge of Syracuse borders Elkhart County and if expansion were to occur there would be another layer of government to work with.

Commissioner President Brad Jackson complimented Noffsinger on his efforts to keep the town moving forward with their goals and objectives. Jackson did express concern regarding the annexation portion of the Comprehensive Plan stating he would like to see the exclusion of the Turkey Creek Regional Sewer District.

Noffsinger stated language changes could be made to the Plan to correct the annexation issues regarding the Turkey Creek Regional Sewer District.

MOTION: Avis Gunter

TO: Approve Syracuse Comprehensive Plan with language changes as noted to the annexation and town planning commission portions.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF WORTHINGTON AG PARTS – PLAIN TOWNSHIP REZONING REQUEST:

Dan Richard, Area Plan Director, presented a request from Worthington Ag Parts to rezone a parcel from agricultural to commercial. Richard stated it was the recommendation of the APC to approve the rezoning request. No one in attendance spoke in opposition or favor of the request.

Commissioner Truex questioned Richard if the Area Plan Commission was looking at a broader proposal for rezoning the corridor between Warsaw and Leesburg in order to avoid piece meal and if so, when could the Commissioners expect to see it.

Richard stated they were looking into it, but it takes time as hearings would need to be held and property owners contacted. Richard noted he hoped to have a recommendation by fall.

MOTION: Ron Truex

TO: Approve Worthington Ag Parts request to rezone from Ag to Commercial.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 06-06-27-001Z

AN ORDINANCE AMENDING, AND TO AMEND

THE ZONING ORDINANCE 75-1 MISC REC 53 PG 130 JACKETS 20-A & 20-B

OF KOSCIUSKO COUNTY, INDIANA

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

ARTICLE 1.

Section 1. That the Kosciusko County Zoning Ordinance heretofore passed and adopted by the Board of Commissioners of Kosciusko County, Indiana, and recorded under Miscellaneous Record 53, Page 130 as Ordinance 75-2, be and the same is hereby amended in the particulars hereinafter set forth.

Section 2. That certain tract of land situate in Kosciusko County, Indiana, now lying without the corporate limits of any City or Town and under the jurisdiction of the Kosciusko County Area Plan Commission, as a part of the Comprehensive Plan for Kosciusko County, Indiana; to-wit:

A tract of land located in the southwest quarter of Section 8, Township 33 North, Range 6 East, Kosciusko County, containing 12.84 acres, more or less, more Particularly described as follows:

Commencing at an iron bar at the southwest corner of said southwest quarter, said point being at the intersection of the centerlines of county roads 600 north and 100 west; thence north 89° 21' 54" east, along the south line of said southwest quarter and along the centerline of county road 600 north, 861.68 feet to a mag nail and the point of beginning; thence north 00° 23' 32" west, 1320.00 feet to an iron bar; thence north 89° 21' 52" east, 460.31 feet; thence south 00° 04' 51" east, 1320.05 feet to a mag nail on the south line of said southwest quarter; thence south 89° 21' 54" west, along said south line, 453.12 feet to the point of beginning.

Be, and the same is hereby, removed from classification as a **Agricultural** and subject real estate shall be reclassified and rezoned as **Commercial** within the limitations, definitions and description of the Kosciusko County Zoning Ordinance.

Section 3. That the Ordinance Administrator, pursuant to said Zoning Ordinance be, and he is hereby authorized to issue Location Improvement Permits and Certificates of Occupancy with reference to the construction and improvements upon said described real estate so long as applications therefore comply with the Kosciusko County Zoning Ordinance and upon compliance with all applicable rules and regulations of the State of Indiana and local authorities, as the same may be applicable to the construction of streets, parking facilities, storm sewers, drains, sidewalks and sewer and water facilities.

ARTICLE 2.

Section 1. This ordinance shall be in full force and effect from and after its passage.

Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana on the 27th day of June, 2006.

IN THE MATTER OF HOTEL TAXES:

Chris Walther, a Nappanee Attorney, appeared before the Commissioners to discuss the possibility of Kosciusko County joining other counties in a proposed class action lawsuit versus online travel entities such as Orbit and Travelocity. Walther went on to state these online companies negotiate room rates at a lower rate than what they charge a customer; and pay the county the mandated innkeeper's tax on the lower rate. However, Walther believes these online businesses then charge customers a higher tax rate and pockets the difference, therefore shortchanging what the county receives for innkeeper's tax. Walther also noted there is little risk for the county to join the lawsuit. However, if these online businesses are found guilty and the county joins the class action lawsuit, lost monies could be distributed back to the county.

Further discussion ensued regarding the matter and it was concluded there was much misunderstanding regarding this issue and in fairness to the CVB, the Commissioners requested Walther meet with CVB Board to clear up any misconceptions. At that time, the Commissioners would act upon the CVB's recommendation on whether to move forward in joining the class action lawsuit.

IN THE MATTER OF STATE BOARD OF ACCOUNTS AUDIT:

Sue Ann Mitchell, County Auditor, reported the State Board of Accounts had concluded their annual audit and would be conducting their exit interview on Wednesday, June 28th at 8:30 am. Mitchell stated there was an issue with the Clerk's office regarding change of venues, but that seemed to be the only area of concern. Mitchell invited any of the Commissioners that were available to attend the exit interview.

IN THE MATTER OF TAX DISTRIBUTION CHECKS:

Sue Ann Mitchell, County Auditor, stated tax distribution checks were going out to all taxing entities today, June 27th noting the deadline for distribution was June 30th.

IN THE MATTER OF SHERIFF REPORT FEES INCREASE:

Sue Ann Mitchell, County Auditor, noted that as of July 1, the law changes regarding the amount charged for sheriff's reports. Previously the county had been charging \$3.00, \$4.00 if it was a fax. The fees would increase to \$5.00 or \$6.00 for faxes. Mitchell stated Mike Miner, County Attorney, had redrafted the ordinance to reflect the change. Mitchell then requested approval from the Commissioners to take the ordinance back to the Council for final adoption. The Commissioners were in consensus to approve and submit the revised ordinance to Council.

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

**KOSCIUSKO COUNTY COMMISSIONERS
JULY 11, 2006**

The Kosciusko County Commissioners met for their regular meeting on July 11, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President
Avis Gunter
Ron Truex

Mike Miner, County Attorney
Sue Ann Mitchell, County Auditor
Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF SHERIFF DEPARTMENT PLAQUE PRESENTATION IN APPRECIATION OF THE APPREHENSION OF ETNA GREEN BANK ROBBERS:

Sheriff Aaron Rovenstine presented plaques of appreciation to three individuals for their assistance in the apprehension and conviction of the 4 armed suspects, who held up the bank in Etna Green in April, 2006. Rovenstine stated these individuals were instrumental in providing information that enabled officers to apprehend the suspects within 15 minutes of committing the crime and later be convicted. Those honored included Nathan Clark; Etna Green, Rebecca Faulkner; Tippecanoe and Don Hedington; Atwood. Rovenstine noted that local governments, as well as law enforcement officials are always urging the community to get involved in local matters and without the help of these three individuals, the suspects may not have been captured and later convicted for their crime.

IN THE MATTER OF EMERGENCY MANAGEMENT K21 FOUNDATION GRANT:

Ed Rock, Emergency Management Director, shared his appreciation for the grant provided by the K21 Foundation that would allow the completion of the mobile data project. Rock stated once completed, the mobile data system would provide better statewide communication throughout the emergency management offices. He also noted the system would be valuable to the 911 dispatchers as they will not have to relay as much information as in the past.

IN THE MATTER OF NATIONAL INCIDENT MANAGEMENT SYSTEM TRAINING:

Ed Rock, Emergency Management Director, reported the NIMS training that had been scheduled for the week of July 17 – July 21 would be postponed due to lack of instructor certification and training materials. Once these items have been received, the training will be rescheduled.

IN THE MATTER OF EMERGENCY PREPAREDNESS MASKS:

Emergency Management Director Ed Rock stated he had received 1800 of the 4000 N95 masks that had been ordered in an effort to “stockpile” the inventory. Rock noted he expected the remaining 2200 to be arriving soon.

IN THE MATTER OF DISASTER RESPONSE COMMANDER TRAILER:

Ed Rock, Emergency Management Director, noted the Disaster Response Commander Trailer would be located at the county fair during the week of July 17th – July 21st. Rock stated it would monitor the weather but the main focus would be on educating the public on personal preparedness in case of an emergency.

IN THE MATTER OF CARDINAL CENTER COMMUNITY FOCUS FUND:

Jane Green, Cardinal Center, introduced Richard Quick from the Havel Company. Green noted the Havel Company provided the technical engineering study needed to pursue replacing the HVAC unit at the Center. Green requested the Commissioners approval of a resolution that would put Cardinal Center in position to apply for the grant. She then turned the presentation over to Richard Quick.

Richard Quick, Project Engineer, stated the four main areas of focus in the study were: 1) Analysis of the existing mechanical system, which is 30 years old; 2) Energy savings; 3) Engineering design in order for building to be ready to retrofit new system; 4) Environmental Conditions surrounding the building. Quick went on to say the estimated cost to replace the HVAC unit would be \$525,000. He also pointed out the Center has averaged \$10,000 a year over the last four years in bandaging the old system to keep it operational. Green added that this project has been an ongoing process and the earliest the Center would receive grant monies to begin the replacement procedure would be June 2007. Quick also pointed out replacing the HVAC system would need to be scheduled around climate needs as there would be no heating or cooling during the process.

**IN THE MATTER OF CARDINAL CENTER COMMUNITY FOCUS FUND
CONTINUED:**

Quick once again reminded the Commissioners that grants are graded based on community support, therefore the request for the resolution of support.

MOTION: Avis Gunter

TO: Accept engineering report and approve
resolution of support for Cardinal Center.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF PAINT STRIPING AGREEMENT:

Dennis Pletcher, County Highway Superintendent, presented a paint striping agreement with the Town of Syracuse for approval. Pletcher noted the agreement is the same as prior years

MOTION: Avis Gunter

TO: Approve paint striping agreement with the Town of Syracuse as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF CRESTVIEW SUBDIVISION STOP SIGN ORDINANCE:

Dennis Pletcher, County Highway Superintendent, presented a stop sign ordinance for the Crestview Subdivision for the Commissioners approval.

MOTION: Ron Truex

TO: Approve Crestview stop sign ordinance as presented.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 06-07-11-001 Stop

An Ordinance establishing “Stop” signs at various County Road intersections within Kosciusko County, Indiana; and

WHEREAS, THE BOARD OF COMMISSIONERS of the County of Kosciusko has the power to regulate the use of the public ways and rights-of ways; and

WHEREAS, THE BOARD OF COMMISSIONERS has the authority to establish Stop signs on County Highways; and

WHEREAS, THE COUNTY HIGHWAY Engineering Department has performed a traffic study at the aforementioned road intersection in accordance to the State of Indiana Uniform Traffic Control Manual and hereby recommend “Stop” signs be installed.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Kosciusko as follows:

Crestview Subdivision

1. Install “Stop” sign on the northeast corner of Boulder Drive and CR 175E – Boulder Drive stops for CR 175E.
2. Install “Stop” sign on the northwest corner of Slateview Court and Boulder Drive – Slateview Court stops for Boulder Drive.
3. Install “Stop” sign on southeast corner of Slateview Court and Ridge Valley Drive – Slateview Court stops for Ridge Valley Drive.
4. Install “Stop” sign on the southeast corner of Shaleview Court and Ridge Valley Drive – Shaleview stops for Ridge Valley Drive.
5. Install “Stop” sign on the northeast corner of Ridge Valley Drive and CR 175E – Ridge Valley Drive stops for CR 175E.

THIS ORDINANCE shall be in full force and effect on July 11th, 2006. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 11th day of July, 2006.

IN THE MATTER OF SALT QUOTES FOR 2006-2007:

Dennis Pletcher, Highway Superintendent, presented quotes from the following vendors for salt for the 2006-2007 season: Morton Salt - \$44.37; Detroit Salt - \$45.37; Cargill - \$45.57; and North American - \$45.94. Pletcher stated these prices were up from last year’s price of \$38.00-\$39.00 per ton. Pletcher also noted the department had filled the barn at last year’s price but did not know what the winter would bring or how much additional salt would be needed. Pletcher’s recommendation was to accept Morton Salt’s quote and presented a letter for the Commissioners signature to be sent to Morton accepting their bid.

MOTION: Ron Truex

TO: Accept quote from Morton Salt for purchase of salt for 2006-2007 season as presented.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF SEWARD TOWNSHIP RIGHT-OF-WAY DEDICATION:

Dennis Pletcher, Highway Superintendent, stated he had been contacted by a realtor regarding a parcel in Seward Township located at 600 W and 850 S. Pletcher noted this parcel had once belonged to the township but was now privately owned. Pletcher went on to say the property owner did not want to pay for a survey to have correct right-of-way dedicated as it had not been taken care of at the time the property was originally platted. Pletcher recommended the county pay for the survey to have legal description corrected and would then obtain the property.

MOTION: Ron Truex

TO: Approve new survey to correct legal description and right-of-way on parcel located in Seward Township.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF BRIDGE 12 TITLE PAGE AMENDMENT:

Highway Superintendent Dennis Pletcher presented a title page amendment for Bridge 12 (Armstrong Road) for the Commissioners signature. Pletcher noted the amended title page was needed to the length of time the project has taken. He also stated the engineering firm hired by former superintendent, Rob Ladson, was reviewing the remainder of the document to verify it is still correct/current.

IN THE MATTER OF SUBDIVISION LANGUAGE ORDINANCE:

Dennis Pletcher, Highway Superintendent, requested permission to meet with the Area Plan Commission in an effort to draft an ordinance regarding subdivision language. Pletcher stated he would like to see language that stipulated if an existing right-of-way was to be used as part of a subdivision; the developer would be responsible for the upgrade of the roadway. The Commissioners were in consensus of having Pletcher pursue possible language for such an ordinance.

IN THE MATTER OF IDEAL BEACH – SYRACUSE PIER DISPUTE:

Mike Miner, County Attorney, stated in April he had been notified about a pier dispute at Ideal Beach – Syracuse and at that time the parties involved were trying to pull the county into the dispute. Miner went on to say that he had been able to have the county released from the suit; however the Administrative Law Judge was requiring answers to three interrogatories.

MOTION:	Ron Truex	TO: Accept response to be submitted to the
SECOND:	Avis Gunter	Administrative Law Judge prepared by County
AYES:	3	NAYS: 0
Attorney Mike Miner.		
UNANIMOUS		

IN THE MATTER OF STEVEN ELDRIDGE – TURKEY CREEK VACATION REQUEST:

Matt Sandy, Assistant Area Plan Director, presented a request from Steve Eldridge, Trusdell Ave., Syracuse to vacate a triangular piece that was a remnant of the Freeman Orchard Subdivision. Sandy stated this small section was possibly an overlap of the Freeman Orchard and Trusdell Lodge Subdivisions and was overlooked. Sandy noted the surrounding property owners as well as the service providers had been contacted and there had been no negative feedback. He also noted the one question that might arise if the piece was vacated would be who it would belong to. Sandy stated it was the recommendation of the APC to allow the vacation as requested.

Speaking on behalf of Steven Eldridge was Syracuse Attorney, Dick Green. Green presented the legal publications and affidavits for the vacation request noting the statutory criteria could be met. Green went on to say the vacation would require right of ownership to be established and he then provided consent of the adjoining property owners outlining the distribution of the parcel.

When asked if anyone in attendance opposed the vacation request, neighboring property owner Joe Krizman spoke. Krizman stated his reason for attending the meeting was due to the letter he received from the Area Plan Commission and his concern regarding the possible closing of the right-of-way. Krizman asked for clarification about what was being asked for. As he understood the request, he was not opposed to the vacation.

It was noted by the Commissioners, perhaps the form letters sent by the APC needed to be revised in order to clarify the intent.

MOTION:	Ron Truex	TO: Accept APC recommendation and allow
SECOND:	Avis Gunter	the vacation as presented.
AYES:	3	NAYS: 0
UNANIMOUS		

**ORDINANCE NO. 06-07-11-001V
AN ORDINANCE OF THE KOSCIUSKO COMMISSIONERS
VACATING A PUBLIC WAY**

WHEREAS, Steven W. Eldridge, correctly herein identified as Stephen W. Eldridge, filed a *Petitioner to Vacate a Public Way* with the Kosciusko County Commissioners, and

WHEREAS, notice was published as required by law in the *Warsaw Times Union* and *The Mail Journal*, both newspapers in general circulation and published in the English language in Kosciusko County, Indiana, giving notice of the filing of the verified *Petition to Vacate a Public Way* and giving notice that said petition would be heard by the Kosciusko County Commissioners on the 11th day of July, 2006 at 9:30 a.m., in the Commissioner's Room in the Old Court Room located on the third floor of the Kosciusko County Court House at the corner of North Buffalo Street and West Center Street, Warsaw, Indiana, which notice in the *Warsaw Times Union* was published on the 28th day of June, 2006, both of which notices were published more than ten (10) days prior to the hearing, and

WHEREAS, it does not appear that there are any other adjacent property owners to the public way to be vacated therein, other than the petitioner and Reginald E. Glassburn and Dawn Glassburn, husband and wife;

WHEREAS, the description set for herein contains technical corrections of the description contained in said Petition, but, such variance of descriptions is not material or substantial, in that it does not change the tract to be vacated, and involves no land owners other than those who have received notice herein.

WHEREAS, the Kosciusko County Commissioners have determined, after hearing, that the vacation requested herein should be granted, that the public way for which vacation is sought is not located within any corporate boundaries, and that the vacation sought will not hinder the growth or development of the neighborhood in which it is located or which it is contiguous, nor will it result in the creation of any difficulty or inconvenience to the access of any lands by means of a public way, will not hinder the public's access to a church, school, or other public building place, will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous, and there does not appear to be any public utilities located within the public way for which the vacation is sought.

NOW, THEREFORE BE IT ORDAINED BY THE COMMISSIONERS OF KOSCIUSKO COUNTY, INDIANA, AS FOLLOWS:

Section 1. That the following public way site in Kosciusko County, State of Indiana, and more particularly described as follows, to wit:

A tract of land being a portion of Hesitation Drive in the First Addition to Freeman Orchard Addition, Lake Wawasee, as shown in the Plat Book 5, page 33 in the Office of the Recorder of Kosciusko County, Indiana, and more particularly described as follows:

Commencing at the southwest corner of Lot 13 in the First Addition to Freeman Orchard Addition, Lake Wawasee; thence South 89°30' East (platted and assumed bearing), along the South line of said Lot 13 and the North line of Hesitation Drive, 59.85 feet (platted 60 feet) to an iron pin at the Southeast corner of said Lot 13 and the Point of Beginning; thence North 41° 47'55" East, along the Southeast line of said Lot 13, 29.76 feet (recorded 28.24 feet) to an iron pin on the Westerly line of Lot 12 in the Plat of Truesdell Addition to Truesdell Lodge and being the Southwest corner of the vacated portion of said Lot 13, as vacated in Cause Number 29622 and recorded in the Record of Wills and Orders of Court Record 8, page 533 in the Office of the Recorder of Kosciusko County, Indiana; thence South 29°05' 15" East, along the Westerly line of said Lot 12, 25.71 feet to an iron pipe on the Easterly extension of the South line of said Lot 13 and the North line of Hesitation Drive; thence North 89°30' West, along said Easterly extension, 32.34 feet to the Point of beginning and containing 0.008 acres (361.5 Sq. Ft.) more or less

and which public way is also identified as an unimproved tract of land lying between the real estate commonly known as East Truesdell Avenue, Syracuse, Indiana 46567, and 6234 East Hesitation Drive, Syracuse, Indiana 46567

And which public way lies between those lots identified by Key Number 7-62-108A and Key Number 7-62-128,

IS NOW HEREBY VACATED

Section 2. Pursuant to the Consent of Reginald E Glassburn and Dawn Glassburn, husband and wife, and Stephen W Eldridge filed herein; title to the vacated real estate shall be vested proportionately with Reginald E Glassburn and Dawn Glassburn, husband and wife, being the vested title holders of the following described portion of the vacated real estate, to wit:

A tract of land being a portion of Hesitation Drive in the First Addition to Freeman Orchard Addition, Lake Wawasee, as shown in Plat Book 5, page 33 in the Office of the Recorder of Kosciusko County, Indiana, and more particularly described as follows:

Commencing at the Southwest corner of Lot 13 in the First Addition to Freeman Orchard Addition, Lake Wawasee; thence South 89°30' East (platted and assumed bearing), along the South line of said Lot 13 and the North line of Hesitation Drive, 59.85 feet (platted 60 feet) to an iron pin at the Southeast corner of said Lot 13 and Point of Beginning; thence North 41°47'55" East, along the Southeast line of said Lot 13, 29.76 feet (recorded 28.24 feet) to an iron pin on the Westerly line of Lot 12 in the Plat of Truesdell Addition to Truesdell Lodge and being the Southwest corner of the vacated portion of said Lot 13, as vacated in Cause Number 29622 and recorded in the Record of Wills and Orders of Court Record 8, page 533 In the Office of Recorder of Kosciusko County, Indiana; thence South 29°05' 15" East, along the Westerly line of said Lot 12, 25.71 feet to an iron pipe on the Easterly extension of the South line of said Lot 13 and the North line of Hesitation Drive; thence North 89°30' West, along said Easterly extension, 32.34 feet to the Point of beginning and containing 0.008 acres (361.5 Sq. Ft.) more less, LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL ESTATE TO-WIT:

A tract of land being a part of Lot #13 and a part of the vacated portion of Hesitation Drive in the First Addition to Freeman Orchard Addition, Lake Wawasee, as shown In Plat Book 5, page 33 in the Office of the Recorder of Kosciusko County, Indiana, and more particularly described as follows:

Commencing at the Southwest corner of Lot 13 in the First Addition to Freeman Orchard Addition, Lake Wawasee; thence South 89°30' East (platted and assumed bearing), along the South line of said Lot 13 and said South line extended and the North line of Hesitation Drive, 86.94 feet to an iron pin and the Point of Beginning; thence North 25°40'25" West, 76.65 feet to an iron pipe at the Northwest corner of Lot 11 in the Plat of Truesdell Addition to Truesdell Lodge; thence South 29°05' 15" East, along the Westerly lines of said Lot 11 and Lot 12, 79.10 feet to an iron pipe on the Easterly extension of the South line of Lot 13 and the North line of Hesitation Drive; thence North 89°30' West, along said Easterly

extension, 5.25 feet to the Point of Beginning and containing 0.004 acres (180.6 Sq. Ft.) more less; and

with Stephen W Eldridge being the vested owner of the following described real estate, to-wit:

A tract of land being a part of Lot #13 and a part of the vacated portion of Hesitation Drive in the First Addition to Freeman Orchard Addition, Lake Wawasee, as shown In Plat Book 5, page 33 in the Office of the Recorder of Kosciusko County, Indiana, and more particularly described as follows:
Commencing at the Southwest corner of Lot 13 in the First Addition to Freeman Orchard Addition, Lake Wawasee; thence South 89°30' East (platted and assumed bearing), along the South line of said Lot 13 and said South line extended and the North line of Hesitation Drive, 86.94 feet to an iron pin and the Point of Beginning; thence North 25°40'25" West, 76.65 feet to an iron pipe at the Northwest corner of Lot 11 in the Plat of Truesdell Addition to Truesdell Lodge; thence South 29°05'15" East, along the Westerly lines of said Lot 11 and Lot 12, 79.10 feet to an iron pipe on the Easterly extension of the South line of Lot 13 and the North line of Hesitation Drive; thence North 89°30' West, along said Easterly extension, 5.25 feet to the Point of Beginning and containing 0.004 acres (180.6 Sq. Ft.) more less.

Upon unanimous vote of all Commissioners present, the same being more than three-fourths (3/4 of the duly elected Commissioners of Kosciusko County, Indiana), this Ordinance was considered for final passage upon its first presentation.

Upon motion duly made, seconded and passed by a vote of 3 ayes and 0 nays, the foregoing Ordinance was adopted by the Kosciusko County Commissioners at its regular meeting the 11th day of July, 2006.

IN THE MATTER OF WINONA LAKE COMMON CONSTRUCTION WAGE COMMITTEE APPOINTMENT:

Sue Ann Mitchell, County Auditor, presented a request from Retha Hicks, Winona Lake Clerk/Treasurer to have Brent Wilcoxson appointed to the Common Construction Wage Committee.

MOTION: Avis Gunter

TO: Appoint Wilcoxson to Common Wage Committee.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF BOVINE BRUCELLOSIS AND TUBERCULOSIS CONTRACT:

Sue Ann Mitchell, County Auditor, presented the State Board of Animal Health annual Bovine Brucellosis and Tuberculosis contract for the Commissioners signature.

MOTION: Avis Gunter

TO: Approve contract as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF LAKELAND REGIONAL SEWER DISTRICT RESOLUTION:

Sue Ann Mitchell, County Auditor, presented a resolution approved at the June 27th Commissioners meeting for signatures. The resolution approved the formation of the Lakeland Regional Sewer District and the filing of a petition with the Indiana Department of Environmental Management.

IN THE MATTER OF LETTER FROM KOSCIUSKO COUNTY HISTORICAL SOCIETY:

County Auditor Sue Ann Mitchell presented a letter from the Kosciusko County Historical Society in reference to the June 27th budget presentation. Michael Fletcher apologized for the oversight on not having a delegate from the Historical Society at the meeting to present their budget request and accepted full responsibility for the mishap.

IN THE MATTER OF WELFARE-FAMILY & CHILDREN FUND LETTER OF SUPPORT:

Sue Ann Mitchell, County Auditor, presented a rough draft of the letter supporting the State to assume Welfare costs now being paid by the County for the Commissioners to review. Mitchell stated the County would be able to reduce its tax rate if the State assumed the Welfare costs now paid by the County. Mitchell noted a copy of the rough draft would be presented to the Council for their review also. If the Council and Commissioners were in agreement of the letter, Mitchell will have final copies prepared by the next scheduled meetings.

IN THE MATTER OF COUNTY CONTRIBUTION TO LEESBURG SEWER PROJECT:

Commissioner Ron Truex and Mayor Ernie Wiggins stated there was a need to contact Attorney Vern Landis to make sure proper language was used regarding the County's contribution to the sewer project between Leesburg and Warsaw and how the County will be reimbursed for tap on fees. Further discussion regarding the issue ensued and County Attorney Mike Miner stated he would contact Vern Landis to set up a meeting to discuss the language matter.

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

**KOSCIUSKO COUNTY COMMISSIONERS
July 25, 2006**

The Kosciusko County Commissioners met for their regular meeting on July 25, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President

Avis Gunter

Ron Truex

Mike Miner, County Attorney

Sue Ann Mitchell, County Auditor

Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF ESTABLISHING PRECINCTS:

Sharon Christner, County Clerk, presented an order to authorize the Election Board to establish precincts for next year's city elections for the Commissioners signatures. Christner noted this was for all cities, not just Warsaw.

MOTION: Ron Truex

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve order allowing Clerk to establish precincts.

IN THE MATTER OF KABS TRANSIT GRANT:

Rita Baker, KABS Director, presented a letter from the Indiana Department of Transportation serving as the Grant Close Out and Deobligation Agreement for the completed 2005 Capital Grant for the Commissioners signatures. Baker also presented an application for an Operating/Capital Assistance Grant for the Commissioners signatures. Baker then went on to say they had received a new bus that would be painted blue with a possible aquarium theme. She also stated they were looking at the possibility of having businesses in the community sponsor "fish" to put on the bus in keeping with the theme.

IN THE MATTER OF HIGHWAY REPORT:

Dennis Pletcher, Highway Superintendent, updated the Commissioners on the Clifton Street improvements stating Phend & Brown will do the asphalt work with G & G Hauling doing the excavation work. Estimated cost for the project is under \$15,000.00.

IN THE MATTER OF DANA CORPORATION BANKRUPTCY:

County Attorney Mike Miner stated he had received information from Treasurer Kent Adams regarding the Dana Corp. bankruptcy. Miner went on to say there were three or four businesses that had made offers to purchase the county's interest in the bankruptcy proceedings. It was the Commissioners consensus to have Miner check into the matter further to determine the value of the county's interest in the bankruptcy.

IN THE MATTER OF LEESBURG SEWER LINE:

Mike Miner, County Attorney, reported he had spoken with Vern Landis, Attorney for the town of Leesburg, in regards to setting up a meeting with the officials involved in the Leesburg sewer project. Miner noted that Landis is aware that Leesburg is not authorized to collect tap on fees for those properties located on the corridor between Leesburg and Warsaw.

IN THE MATTER OF COUNTY AUCTION:

Ron Robinson, County Administrator, noted there would be a county auction held on August 12, 2006 at the Highway Department. Items in the auction include county highway vehicles as well as drug task force seizures.

IN THE MATTER OF COUNTY GARAGE SALE:

Ron Robinson, County Administrator, noted he had received a request from county employees to hold a garage sale at the Munson Building during the city's annual Lincoln Highway Sidewalk Sales August 12th, with the proceeds to benefit a county employee.

MOTION: Avis Gunter

TO: Allow employees to hold garage sale at the
Munson Building with proceeds to benefit a
county employee.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF TELEPHONE SYSTEM UPGRADES:

County Administrator Ron Robinson stated Phase II of the phone system upgrade is scheduled to begin in August. Offices included in Phase II include the Work Release Center, the Highway and the Health Clinic. Phase III will then begin in September and will include the Sheriff and Administration. The final phase will include the Tippecanoe, Turkey Creek and Plain Township offices. Robinson also noted two toll free lines have been added to the system with a third line to follow. Current toll free numbers are for the Millwood and Nappanee area (773-8444) and the Silver Lake and Sidney areas (260-982-4979). The third installment will include the Atwood/Etna Green areas.

IN THE MATTER OF WORK RELEASE CENTER:

County Administrator Ron Robinson noted there have been some difficulties in getting the floor sealed, but stated he hoped this would be finished this week. Robinson also stated some shelving still needed to be installed but hoped that would be completed this week also. Once these tasks were completed the kitchen should be ready to open.

IN THE MATTER OF HOWARD HAAB – VANBUREN TOWNSHIP REZONING

REQUEST:

Dan Richard, Area Plan Director, presented a request from Howard Haab to have a 2.7 acre parcel in VanBuren Township rezoned from Agricultural to Commercial. Richard stated it was the APC's unanimous recommendation to rezone from Ag to Commercial.

No one in attendance spoke in opposition to the rezoning request.

MOTION: Avis Gunter

TO: Accept APC recommendation and allow
rezoning from Agricultural to Commercial.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 06-07-25-001Z

AN ORDINANCE AMENDING, AND TO AMEND

THE ZONING ORDINANCE OF KOSCIUSKO COUNTY, INDIANA

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

ARTICLE 1.

Section 1. That the Kosciusko County Zoning Ordinance heretofore passed and adopted by the Board of Commissioners of Kosciusko County, Indiana, and recorded under Miscellaneous Record 53, Page 130 as Ordinance 75-2, be and the same is hereby amended in the particulars hereinafter set forth.

Section 2. That certain tract of land situate in Kosciusko County, Indiana, now lying without the corporate limits of any City or Town and under the jurisdiction of the Kosciusko County Area Plan Commission, as a part of the Comprehensive Plan for Kosciusko County, Indiana; to-wit:

Section 3. That the Ordinance Administrator, pursuant to said Zoning Ordinance be, and he is hereby authorized to issue Location Improvement Permits and Certificates of Occupancy with reference to the construction and improvements upon said described real estate so long as applications therefore comply with the Kosciusko County Zoning Ordinance and upon compliance with all applicable rules and regulations of the State of Indiana and local authorities, as the same may be applicable to the construction of streets, parking facilities, storm sewers, drains, sidewalks and sewer and water facilities.

Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana on the 25th day of July, 2006.

AYES: 3 NAYS: 0
UNANIMOUS

d. The vacation would not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

WHEREAS, Petitioners have agreed to provide an easement over a portion of the vacated way to provide access to Island Park in favor of the individuals who use the vacated public way for access to a community park.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Kosciusko County, Indiana that the public way herein described is now vacated.

Section 2.

That this Ordinance shall be in full force and effect from and after its passage.

ORDAINED AND PASSED this 25th day of July, 2006.

IN THE MATTER OF WILLIAM KANN – TIPPECANOE TOWNSHIP VACATION REQUEST:

Matt Sandy, Assistant Area Plan Director, presented a vacation request from William Kann. Sandy stated the area is a gravel drive on the north side of Sawmill Lake near Grassy Creek. Sandy went on to say service providers and adjacent property owners had been contacted without opposition.

The APC recommendation was to allow the vacation with Kann to combine back tracts.

Representing Kann was Attorney Steve Snyder. Snyder provided additional paperwork including a survey of the property in question. Snyder also noted the property owner of tracts 3 and 4 has agreed to sell his ½ of the vacated road to the Kanns in order for them to construct a new home on the lot.

No one in attendance spoke in opposition to the vacation.

MOTION: Ron Truex

TO: Approve Kann vacation request as presented.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE NUMBER 06-07-25-002V

BE IT ORDAINED by the Board of Commissioners of Kosciusko County, State of Indiana:

Section 1.

WHEREAS, William H. Kann and Karen E. Kann have filed a petition for vacation with the Board of Commissioners of Kosciusko County, Indiana requesting vacation of a public way located in Kosciusko County, Indiana and described as follows:

The platted public way east of Lots 5-7 and west of Lot 4 and south of the pavement of CR 450 N, located in the Plat of Garber Addition on Sawmill Lake, all as shown on the survey of Walker and Associates dated 12-1-04 and attached hereto, and

WHEREAS, a hearing on said Petition was set for July 25th, 2006 at 9:30 a.m. and notice of said hearing was published in the *Warsaw Times Union* and The *Milford Mail-Journal* as required by law; and

WHEREAS, the time of said hearing has arrived and a hearing is conducted thereon; and

WHEREAS, Petitioners and George H. Fisk, Trustee and Sally J. Fisk, Trustee are the owners of real estate adjacent to the public way to be vacated, and

WHEREAS, that portion of the public way sought to be vacated will not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous, will not make access to the lands of any person by means of the public way difficult or inconvenient, will not hinder the public's access to a church, school, or other public building or place and will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

WHEREAS, the Board of Commissioners of Kosciusko County, Indiana, has jurisdiction to vacate the public way described in said Petition.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Kosciusko County, Indiana that the portion of the public way herein described is now vacated .

Section 2.

That this Ordinance shall be in full force and effect from and after its passage.

ORDAINED AND PASSED this 25th day of July, 2006.

IN THE MATTER OF JOHN HIDY – TIPPECANOE TOWNSHIP VACATION REQUEST:

Matt Sandy, Assistant Area Plan Director, presented a vacation request from John Hidy, Vanator Bluff Park/Shelf Drive. Sandy stated Shelf Drive was never defined and there have been homes and sheds, etc. built there. Sandy went on to say the APC's recommendation was to grant the vacation and dedicate as an easement instead of a right-of-way due to set back requirements.

Attorney Steve Snyder, representing Mr. Hidy, stated the process to petition for the vacation had begun in August 2005. Since that time, Snyder had been able to obtain the consent of the owners of Lots 4 -17 in requesting the entire tract be vacated.

Commissioner Truex noted this was an excellent attempt to vacate an entire right-of-way instead of piece meal on an individual basis. Once again, he questioned why this type of process was not attempted more often, especially along the Eli Lily Road and asked Sandy to investigate what procedure was necessary to accomplish that. Truex then congratulated those that had been involved in the Shelf Drive vacation process in making it happen.

MOTION: Ron Truex
SECOND: Avis Gunter

AYES: 3 NAYS: 0
UNANIMOUS

TO: Approve Hidy vacation request as presented.

ORDINANCE NUMBER 06-07-25-003V

BE IT ORDAINED by the Board of Commissioners of Kosciusko County, State of Indiana:

Section 1.

WHEREAS, Jerry D. Smith and Phyllis S. Smith, Trustees, Norma J. Carroll, Joseph T. Brandon, Tracy A. Brandon, Don F. Deemer and Lois F. Deemer, Trustees, John H. Hidy, Shirley A. Hidy, Tamra L. Brown, Lloyd S. Epstein, Dennice V. Ward-Epstein, John R. Patston, Linda A. Patston, Gilva F. Sallee and Wanda Shafer have filed their Petition for vacation of a portion of Shelf Drive, a public way, with the Board of Commissioners of Kosciusko County, Indiana; and

WHEREAS, a hearing on said Petition was set for July 25, 2006 at 9:30 a.m. and notice of said hearing was published in the Warsaw *Times Union* and The Milford *Mail-Journal* as required by law; and

WHEREAS, the time of said hearing has arrived and a hearing is conducted thereon; and

WHEREAS, Jerry D. Smith and Phyllis S. Smith, Trustees, Norma J. Carroll, Sandra A Marlowe, Anthony J. Krouse, Joseph T. Brandon, Tracy A. Brandon, William M. Demuth, Don F. Deemer and Lois F. Deemer, Trustees, John H. Hidy, Shirley A. Hidy, Tamra L. Brown, Lloyd S. Epstein, Dennice V. Ward-Epstein, John R. Patston, Linda A. Patston, Gilva F. Sallee and Wanda Shafer are the owners of real estate adjacent to the public way to be vacated and, with the exception of William J. Demuth, Sandra A. Marlowe and Anthony J. Krouse are the Petitioners herein, the public way being described as follows, to-wit:

All that portion of Shelf Drive from the West line of Lot 4 to the East line of Lot 17
in Vanator Bluff Park

AND WHEREAS, that portion of the public way sought to be vacated will be relocated and will provide access to all tracts currently served by the vacated portion; and will not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous, will not make access to the lands of any person by means of the public way difficult or inconvenient, will not hinder the public's access to a church, school, or other public building or place and will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

AND WHEREAS, the tract onto which the vacated portion of the public way is to be relocated is described as follows:

The Southerly 16 feet of Lots Numbered 4-17 in Vanator Bluff Park

WHEREAS, the Board of Commissioners of Kosciusko County, Indiana, has jurisdiction to vacate the public way described in said Petition.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Kosciusko County, Indiana that the portion of the public way herein described is now vacated .

Section 2.

That this Ordinance shall be in full force and effect from and after its passage.

ORDAINED AND PASSED this 25th day of July, 2006.

**IN THE MATTER OF CROOKED CREEK DEVELOPMENT – PLAIN TOWNSHIP;
GREYSTONE VACATION REQUEST:**

The Commissioners questioned Attorney Steve Snyder if there had been any type of resolution in the Greystone vacation request that had been tabled from the April 4th Commissioners meeting. Snyder noted the parties involved had been able to work out a compromise and there was no need to pursue the vacation. Therefore, the request was withdrawn.

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

KOSCIUSKO COUNTY COMMISSIONERS AUGUST 8, 2006

The Kosciusko County Commissioners met for their regular meeting on August 8, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President
Avis Gunter
Ron Truex

Mike Miner, County Attorney
Sue Ann Mitchell, County Auditor
Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF CREDIT CARD PAYMENTS FOR TAX BILLS:

County Auditor Sue Ann Mitchell stated the Treasurer's Office receives many requests from taxpayers who would like to use a credit card to pay their tax installments. Mitchell went on to say Kent Adams, Treasurer, had looked into the possibility of a credit card payment and he and Mitchell had the opportunity to listen to a presentation by Certified I.T, a company based in Bloomington, IN that handles credit card payments for taxes. Mitchell noted she and Adams felt the County would be moving in a good direction in keeping up on the technology and programs that are available, but wanted the Commissioners to have the opportunity to listen to Certified I.T.'s presentation and get their input. She then turned the presentation over to Chris Merlich and Bill Maegerlein from Certified I.T.

Mehrlich stated "Freedom Pay" is a program designed to take online and telephone credit card payments for taxes. She noted that all major credit cards are accepted and all information regarding a parcel is available to the taxpayer, including spring and fall installments, any penalties due, delinquencies, liens or tax sales at no charge. Mehrlich went on to say there is a fee of 2.75% per payment and after the credit card company takes their share of the fee, the remainder is divided between the County (60%) and Certified I.T (40%). Mehrlich stated the county would see increased revenue because of the fees and also a decrease in the work load. Maegerlein added Allen and Elkhart counties currently use "Freedom Pay" and have been very pleased with the results.

MOTION: Ron Truex

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

TO: Pending legal approval and based on elected officials recommendation to proceed with credit card processing contract with Certified I.T.

IN THE MATTER OF DECLARATION OF PURPLE HEART WEEK:

Commissioner Jackson presented a proclamation declaring the first week of August as Purple Heart Week in honor of those veterans who received this award.

Veteran Don Guard thanked the Commissioners for their efforts to recognize those who have been awarded the Purple Heart. Guard went on to say it is important to keep the history of the award alive and shared his award with the Commissioners noting it could not be removed from the box it was in and also what each part of the award represented.

MOTION: Avis Gunter

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve proclamation declaring the first week of August as Purple Heart Week.

IN THE MATTER OF MATT WAGGONER SETTLEMENT:

County Attorney Mike Miner reported he had received notification that a settlement in the amount of \$8,750 had been reached in the Matt Waggoner suit.

IN THE MATTER OF WORK RELEASE KITCHEN:

Ron Robinson, County Administrator, stated everything had been received at the Work Release kitchen and the cook was cleaning so that things were ready. Robinson hoped they would be ready to open sometime during the week of August 14th – August 18th.

IN THE MATTER OF COPPERWOOD ESTATES STOP SIGN ORDINANCE:

Dennis Pletcher, Highway Superintendent, presented a stop sign ordinance for Copperwood Estate for the Commissioner's approval.

MOTION: Avis Gunter

TO: Approve Copperwood Estate stop sign ordinance as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 06-08-08-001S

An Ordinance establishing "Stop" signs at various County Road intersections within Kosciusko County, Indiana; and

WHEREAS, THE BOARD OF COMMISSIONERS of the County of Kosciusko has the power to regulate the use of the public ways and rights-of ways; and

WHEREAS, THE BOARD OF COMMISSIONERS has the authority to establish Stop signs on County Highways; and

WHEREAS, THE COUNTY HIGHWAY Engineering Department has performed a traffic study at the aforementioned road intersection in accordance to the State of Indiana Uniform Traffic Control Manual and hereby recommend "Stop" signs be installed.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Kosciusko as follows:

Copperwood Estates

1. Install "Stop" sign on the northwest corner of Dugger Drive and CR 225S – Dugger Drive stops for CR 225S.
2. Install "Stop" sign on the southeast corner of Dugger Drive and Dresdin Drive – Dugger Drive stops for Dresdin Drive.
3. Install "Stop" sign on the southeast corner of Dresdin Drive and Dresdin Drive at Lot #25 – northbound traffic on Dresdin Drive stops for eastbound and westbound traffic on Dresdin Drive.
4. Install "Stop" sign on the northeast corner of Dresdin Drive and CR 75E – Dresdin Drive stops for CR 75E.

THIS ORDINANCE shall be in full force and effect on August 8th, 2006. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 8th day of August, 2006.

IN THE MATTER OF BID OPENING FOR BRIDGE 12:

County Attorney Mike Miner opened bids for work on Bridge 12 on Armstrong Road. One bid was received from Pioneer Associates in the amount of \$85,236.20. Miner noted a bid bond had been included turned the bid over to Highway Superintendent Pletcher for him to review. Pletcher will present his recommendation at the August 22nd Commissioners meeting.

IN THE MATTER OF COUNTY HIGHWAY AUCTION:

Dennis Pletcher, Highway Superintendent, noted the County Highway was holding an auction on Saturday, August 12th at 10:00 am. Items to be auctioned off include vehicles, tools and miscellaneous items. Also included are items seized by the Drug Task Force as well as Courthouse surplus.

IN THE MATTER OF EMPLOYEE GARAGE SALE:

Ron Robinson, County Administrator, noted there was an employee garage sale being held at the Munson Building on August 12th beginning at 10:00 am. Proceeds of the sales will be donated to an employee experiencing medical problems.

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

KOSCIUSKO COUNTY COMMISSIONERS AUGUST 22, 2006

The Kosciusko County Commissioners met for their regular meeting on August 22, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President
Avis Gunter
Ron Truex

Mike Miner, County Attorney
Sue Ann Mitchell, County Auditor
Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF HOMELAND SECURITY:

Ed Rock, Emergency Management Director, reported there would be a District II meeting on Thursday, August 24, 2006 and invited the Commissioners to attend if they were available.

IN THE MATTER OF ASSESSOR'S PERSONAL PROPERTY SOFTWARE:

Laurie Renier, County Assessor, requested permission to purchase 3 additional personal property software licenses for Tippecanoe Township. Renier stated the personal property software works very well and her office currently has 17 software licenses, however there is a need for the additional licenses for the Tippecanoe Township office.

MOTION: Avis Gunter

TO: Approve personal property software

SECOND: Ron Truex

contract for 3 additional licenses for Tippecanoe Township.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF ONLINE CREDIT CARD CONTRACT FOR TREASURER'S OFFICE:

Kent Adams, County Treasurer, presented a contract from Certified I.T. for the handling of online credit card payments for property taxes. Adams noted Mike Miner, County Attorney, had reviewed the contract and advised a clause be added that the data provided by the county to Certified I.T. could not be transferred or sold to a third party for solicitation. Adams also stated he would like to see the contract in place so that credit card payments can be incorporated for the fall installments. Sue Ann Mitchell, County Auditor, noted it would be wise for the contract to run through January 2008. This would allow three complete tax cycles to be processed.

MOTION: Ron Truex

TO: Execute contract with Certified I.T. for

SECOND: Avis Gunter

online credit card payments of property taxes.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF KABS AUTHORIZATION TO PROCESS TITLES:

Rita Baker, KABS Director, presented the quarterly voucher for approval. Baker also requested authorization for Cardinal Center to have the ability to sign for titles, etc. at the License Branch. Baker briefly touched on the capital for a new bus and reiterated to those in attendance that this was a pass through grant and was not a request for county monies.

MOTION: Ron Truex

TO: Approve quarterly voucher as presented

SECOND: Avis Gunter

and to approve Cardinal Center acting as the

AYES: 3 NAYS: 0

County's agent with regards to the transfer of titles in their possession.

UNANIMOUS

IN THE MATTER OF URBAN AREA BOUNDARIES:

Dennis Pletcher, Highway Superintendent, presented information to the Commissioners regarding materials he had received from INDOT in relation to urban area boundaries. Pletcher stated road design specifications are more restrictive for urban areas and the funding is different than that of rural areas although the maintenance is no different. He also noted the map boundaries are set based on population consensus and forwarded to the County for verification.

Commissioner Truex questioned the reason for specifying whether an area is rural or urban.

IN THE MATTER OF URBAN AREA BOUNDARIES CONTINUED:

Jeremy Skinner, Warsaw City Planner, reported the main reason for specifying whether an area was rural or urban was for classification purposes which in turn set the standards for construction. Skinner also noted the Commissioners as well as the Mayor of Warsaw must be in agreement regarding the boundary lines set by INDOT. He stated the County must submit a letter stating why they do or do not want a specific area included within the urban boundaries.

MOTION:	Ron Truex	TO:	Authorize letter to INDOT requesting
SECOND:	Avis Gunter		changes be made to the map boundaries with
AYES:	3	NAYS:	0
UNANIMOUS			final approval from Commissioners granted at a later date.

IN THE MATTER OF BRIDGE 12 CONTRACT:

Dennis Pletcher, Highway Superintendent, made a recommendation that Pioneer & Associates be awarded the contract for work to Bridge 12 on Armstrong Road. Pletcher stated Pioneer's bid of \$85,256.20 was a good price and Pioneer was a reputable company who has completed work for the County in the past.

MOTION:	Ron Truex	TO:	Accept Pletcher's recommendation and
SECOND:	Avis Gunter		approve bridge contract for Pioneer &
AYES:	3	NAYS:	0
UNANIMOUS			Associates.

IN THE MATTER OF FINAL APPROVAL FOR FOXWOOD ESTATES SUBDIVISION:

Highway Superintendent Dennis Pletcher reported Foxwood Estates located on Country Club Road is ready for final approval. Pletcher stated the roads are all in place and the one year waiting period had been met, however he requested clarification on a drainage issue before final approval be granted. Pletcher went on to state the subdivision does have retention ponds but there is no positive outlet to release the water. Heavy rains this summer have caused some erosion and the outlets are sealed with silt. Therefore, the ponds have never totally drained. Pletcher said his department then received calls regarding the standing water. Pletcher questioned who was responsible for the retention ponds - the highway, the homeowners or the surveyor?

Bill Batalis, Subdivision Developer, stated the retention ponds were working until the storms this summer caused silt to build up. Batalis also noted the homeowners association could be designated to maintain the retention areas. He went on to say the original plat had three retention areas but after submitting the plan to a firm in Bremen that was a requirement of the County Highway, the firm suggested additional areas be added. Batalis noted the additional retention areas were then included in the design. He also stated each deeded lot includes a portion of the retention area; therefore it is the responsibility of each homeowner to maintain the retention area.

MOTION:	Ron Truex	TO:	Accept roadways based on
SECOND:	Avis Gunter		recommendation they are ready with the
AYES:	3	NAYS:	0
UNANIMOUS			understanding the maintenance of the retention ponds in the Subdivision are the responsibility of the homeowners of the Subdivision.

IN THE MATTER OF COUNTY OWNED PROPERTY FOR SALE:

Ron Robinson, County Administrator, reported he had received one bid in the amount of \$19,350 which is 90% of the average appraised value of the property located in Turkey Creek Township that the county acquired through a tax sale. This property has been an ongoing issue for several years. A condition of the transfer of property is that the building be removed and cleaned up. It has been determined the cost of the clean up exceeds the value of the property. Robinson's recommendation was for the County to accept the bid and accept McCullough's offer to clean up the property in exchange for title to the property. It was agreed that because the clean up costs far exceed the bid. Upon clean up, the property will be conveyed to Don McCullough the only bidder. He is willing to waive the county paying for the cost of clean up in exchange for the property.

MOTION:	Ron Truex	TO:	Accept bid for sale of property and allow
SECOND:	Avis Gunter		McCullough to proceed with the clean up.
AYES:	3	NAYS:	0
UNANIMOUS			

IN THE MATTER OF COUNTY HOLIDAYS FOR 2007:

Sue Ann Mitchell, County Auditor, presented a list of the 2007 holidays for the Commissioners approval stating the courts will need these as soon as possible for scheduling reasons. Mitchell also noted the dates correspond with federal and state holidays.

MOTION: Avis Gunter

TO: Approve 2007 holidays as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

KOSCIUSKO COUNTY 2007 HOLIDAYS

MONDAY	JANUARY 1	NEW YEARS DAY
FRIDAY	APRIL 6	GOOD FRIDAY
TUESDAY	MAY 1	PRIMARY ELECTION DAY
MONDAY	MAY 28	MEMORIAL DAY
WEDNESDAY	JULY 4	INDEPENDENCE DAY
MONDAY	SEPTEMBER 3	LABOR DAY
TUESDAY	NOVEMBER 6	GENERAL ELECTION DAY
MONDAY	NOVEMBER 12	VETERAN'S DAY
THURSDAY & FRIDAY	NOVEMBER 23&24	THANKSGIVING
MONDAY & TUESDAY	DECEMBER 24&25	CHRISTMAS
TUESDAY	JANUARY 1, 2008	NEW YEARS

1 Floating Holiday January 1ST to June 30TH and 1 Floating Holiday July 1ST to December 31ST

COMMISSIONERS

MEETINGS

BI-WEEKLY

TUESDAYS

9 AM

OLD COURTROOM

DEPT HEADS

MEETINGS

MONTHLY

1ST WEDNESDAY

8AM

OLD COURTROOM

COUNCIL

MEETINGS

MONTHLY

2ND THURSDAY

7 PM

OLD COURTROOM

* INDICATES DATE OTHER THAN TUESDAY

* INDICATES 2ND WEDNESDAY

* INDICATES OTHER THAN 2ND THURSDAY

INDICATES DATE OTHER THAN TUESDAY	INDICATES 2 - WEDNESDAY	INDICATES OTHER THAN 2 - THURSDAY
JANUARY 9, 23	JANUARY 3, 2007	JANUARY 11, 2007
FEBRUARY 6, 20	FEBRUARY 7, 2007	FEBRUARY 8, 2007
MARCH 6, 20	MARCH 7, 2007	MARCH 8, 2007
APRIL 3, 17, 30*	APRIL 4, 2007	APRIL 12, 2007
MAY 15, 29	MAY 2, 2007	MAY 10, 2007
JUNE 12, 26	JUNE 6, 2007	JUNE 14, 2007
JULY 10, 24	JULY 11, 2007*	JULY 12, 2007
AUGUST 7, 21	AUGUST 1, 2007	AUGUST 9, 2007
		AUGUST 27 & 28, 2007(Budget)*
		AUGUST 30, 2007 (Budget Hearing)*
SEPTEMBER 4, 18	SEPTEMBER 5, 2007	SEPTEMBER 13, 2007 (Budget Adoption)
OCTOBER 2, 16, 30	OCTOBER 3, 2007	OCTOBER 11, 2007
NOVEMBER 13, 27	NOVEMBER 7, 2007	NOVEMBER 8, 2007
DECEMBER 11, 21*	DECEMBER 5, 2007	DECEMBER 13, 2007

IN THE MATTER OF HEARING ON COUNTY OWNED ENCHANTED HILLS PROPERTY:

Sue Ann Mitchell, County Auditor, reported she had received notification that a Not for Profit organization was interested in the property located at Enchanted Hill the county had acquired through tax sale. Mitchell stated if the Commissioners were interested in pursuing the sale, a hearing date would need to be set and advertising deadlines met. Mitchell noted September 19, 2006 would be the earliest date available for a hearing.

MOTION: Avis Gunter

TO: Approve advertising of a September 19,

SECOND: Ron Truex

2006 hearing date for the sale of county owned

AYES: 3 NAYS: 0

property located at Enchanted Hills.

UNANIMOUS

IN THE MATTER OF PHIL ESKEW VACATION – TIPPECANOE TOWNSHIP:

Matt Sandy, Assistant Area Plan Director, presented a vacation request from Phil Eskew, Tippecanoe Township around Webster Lake. Sandy stated most of the right of way has already been vacated. Adjacent property owners as well as service providers had been notified and there was no opposition to the vacation. Sandy noted it was the recommendation of the APC to grant to the vacation.

Representing Eskew was Attorney Steve Snyder who agreed with Sandy that the vacation be granted. No one in attendance spoke in opposition to the vacation request.

MOTION: Avis Gunter

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

TO: Accept APC recommendation to vacate right of way as presented.

ORDINANCE 06-08-22-001V

BE IT ORDAINED by the Board of Commissioners of Kosciusko County, State of Indiana:

Section 1.

WHEREAS, Philip N. Eskew and Ann L. Eskew have filed their Petition for vacation of a portion of W Street, a public way with the Board of Commissioners of Kosciusko County, Indiana; and

WHEREAS, a hearing on said Petition was set for August 22, 2006 at 9:30 am and notice of said hearing was published in the Warsaw Times Union and The Milford Mail-Journal as required by law; and

WHEREAS, the time of said hearing has arrived and a hearing is conducted thereon; and

WHEREAS, the public ways do not serve as access to any property. The owners of real estate adjacent to the public ways to be vacated are Petitioner and Michael J. Heimann and Nance L Heimann, PO Box 102, North Webster, IN 46555, which public ways are described as follows to wit:

W Street from the south boundary of Lot 2 in the Plat of Roger's Lake View Park extended west,

Northerly to the terminus of W Street

WHEREAS, the Board of Commissioners of Kosciusko County, Indiana, has jurisdiction to vacate the public way described in said Petition.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Kosciusko County, Indiana that the portion of the public way herein described is now vacated and title to said vacated public way shall remain vested in the Petitioner.

Section 2.

That this Ordinance shall be in full force and effect from and after its passage.

ORDAINED AND PASSED this 22nd day of August, 2006.

IN THE MATTER OF STEPHEN & MARY SOLOMON – HERON BAY, TIPPECANOE TOWNSHIP:

Matt Sandy, Assistant Area Plan Director, presented a vacation request for Stephen & Mary Solomon, Heron Bay, Barbee Chain of Lakes. Sandy stated the Solomons were requesting to vacate a right of way all the way to the channel. Sandy went on to state if the vacation were granted it would change access to the lake and an easement would be required for all homeowners who live on the lane (EMS B33 Lane). The vacation would also create legal access issues and address changes would be necessary for those living there also. Sandy noted it was the APC's recommendation to deny the vacation request.

Speaking on behalf of the Solomons was Attorney Jay Lavender. Lavender noted this was an unusual request and the reason for seeking the vacation was to allow the Solomons to build a seawall and to be able to clean and dredge the channel at their expense.

Speaking in opposition to the vacation was Attorney Mark Andratti representing neighboring property owners Ray and Lynn Chapel. Andratti stated it was his belief that all 40 of the homeowner affected by this vacation request had not been notified. He also noted if access to the water was denied to some of the homeowners due to the vacation, it would decrease their property values. Andratti reiterated the fact that he did not feel all of the homeowners on EMS B33 Lane had not been notified and stated the petition did not give specific information as to what areas had already been vacated.

Also speaking in opposition to the vacation was property owner Allen Ellison. Ellison's concern was the wording regarding access which he felt was vague and unclear.

Property owner Scott Fox also spoke in opposition to the vacation. Fox stated he had the same concern as Ellison as far as the wording of the petition. He also noted many homeowners had spent quite a bit of money to improve the bridge that allowed access to piers. Fox said he would not be adversely affected unless the vacation was granted causing a land lock situation with the improved bridge to be inaccessible.

In rebuttal, Attorney Jay Lavender stated notice requirements were statutorily met and all advertisements were published as required. Lavender went on to say Mr. Solomon's main purpose for requesting the vacation was to clean and dredge the channel to make it more usable. His intention was not to cause a land lock or cut off anyone's access to the water.

IN THE MATTER OF STEPHEN & MARY SOLOMON – HERON BAY, TIPPECANOE TOWNSHIP, CONTINUED:

Lavender also pointed out that if there was a homeowner's association and it chose to become active and get involved financially, there would be no need for Mr. Solomon to pursue this avenue.

MOTION: Ron Truex

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

TO: Accept APC recommendation and deny vacation request.

IN THE MATTER OF AMENDMENT TO SUBDIVISION CONTROL ORDINANCE:

Assistant Area Plan Director Matt Sandy presented an amendment to the Kosciusko County Subdivision Control Ordinance for approval. Sandy stated the ordinance has always stated no permanent structures can be located in an easement; however the septic systems have always been a gray area. In working with the Health Department it was determined specific clarification was needed in the ordinance to address this matter.

Neal Brown, Health Department, stated septic systems/fingers may go right up to the easement but cannot enter. The amended ordinance clearly states septic systems are considered permanent structures and therefore property owners may not appeal to the BZA if there is a problem.

Sandy noted the Commissioners had heard a vacation request a couple months back stemming from a similar situation in which the lot size would not accommodate the specifications required by the Health Department without the septic system/fingers going into an easement. That matter had been settled without any action by the Board of Commissioners, however Sandy said this amendment would clarify this issue and therefore be beneficial to the County.

MOTION: Avis Gunter

TO: Adopt subdivision control amendment as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

KOSCIUSKO COUNTY SUBDIVISION CONTROL ORDINANCE
ORDINANCE 72-7

ARTICLE 1: That the Kosciusko County Subdivision Control Ordinance be amended as follows:

Section 506 Easements:

All utility easements as dedicated on the face of the plat shall be kept free of all permanent structures, including but not limited to septic systems and all associated components, and the removal of any obstructions such as structures, trees, shrubbery, fences, or other installments thereon, whether temporary or permanent, by utility company in no way obligate the utility company in damages, or to restore the obstruction in its original form.

ARTICLE 2: Adoption

Section 1. This Ordinance shall be in full force and effect from and after its passage and is intended to replace and amend those sections referenced within and related. Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana on this 22nd day of August, 2006.

IN THE MATTER OF PUBLIC ASSISTANCE HEARING:

A public assistance hearing for Jill Walters –vs- Clay Township was scheduled to be heard at 10:00 a.m. However, Walters was not in attendance and the case was dismissed.

IN THE MATTER OF ETHANOL PLANT TO POSSIBLY LOCATE NEAR MILFORD:

Claudia Prenkert, Big Boulder Golf Course, Milford, addressed the Commissioners regarding the possible ethanol plant that may be locating in Kosciusko County. Prenkert stated she had previously lived near an ethanol plant and the odor had been unpleasant. Her concern was the impact a plant in Kosciusko County would have on the air quality of those homeowners and businesses nearby. Prenkert also noted that she had heard comments about the project being “a done deal” and questioned what she could do raise public awareness.

Commissioner Jackson stated there were no definite plans in place and planning was at a very early stage. He also noted that technological advancements have greatly improved the ethanol plants. Jackson went on to say that public meetings must be advertised and held before any decisions could be made.

Commissioner Truex added these types of decisions can not be kept out of the public eye and therefore advised Prenkert to watch for the advertised public meetings.

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

KOSCIUSKO COUNTY COMMISSIONERS SEPTEMBER 5, 2006

The Kosciusko County Commissioners met for their regular meeting on September 5, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President
Avis Gunter
Ron Truex

Mike Miner, County Attorney
Sue Ann Mitchell, County Auditor
Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF EMERGENCY MANAGEMENT / HOMELAND SECURITY:

Ed Rock, Emergency Management Director, presented a grant application for approval. Rock stated the grant was to be used for the purpose of enhancing court security and was available for up to \$50,000.00. Rock went on to say this was federal money, however the grant was a state grant and it could be used to purchase additional cameras for monitoring trials, handheld wand metal detectors and a locking system that would allow all three ground level entries to be locked with one switch in the case of an emergency.

Commissioner Truex questioned if these additional items would be purchased if grant money was not available and Rock responded they would not.

MOTION: Avis Gunter

TO: Approve submission of grant application as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF EMERGENCY MANAGEMENT / HOMELAND SECURITY:

Emergency Management Director Ed Rock presented two additional grant applications for approval. Rock noted one of the grants was to be used to purchase 10 lap top computers with software to be installed allowing the lap top to tie into the county's GIS system. These computers must then be given to response organizations such as the highway, city street department, EMT units or the Red Cross. The lap tops could also be utilized for training purposes. Rock also noted the Sheriff's Department has been equipped with hard mounted systems in the patrol cars due to the durability of those systems versus the lap tops.

Rock stated the other grant dealt with web mapping in order to give counties the ability to tie into a statewide GIS mapping.

MOTION: Ron Truex

TO: Approve submission of grant applications as presented.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF HIGHWAY DEPARTMENT UNIFORM CONTRACT:

Dennis Pletcher, Highway Superintendent, presented a uniform rental agreement with Wildman Uniform & Linen for approval. Pletcher stated the current contract expired in August and he had bid out for a new contract and received a better price from locally owned Wildman Uniform & Linen. It was noted the contract was a five year contract.

MOTION: Avis Gunter

TO: Approve uniform contract agreement as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF FOXWOOD ESTATES:

Dennis Pletcher, Highway Superintendent, stated he had spoken with Bill Batalis regarding the matter of responsibility of the retention ponds located in Foxwood Estates. Pletcher stated it was his understanding that Mr. Batalis was responsible for drafting the letter of responsibility per the subdivision acceptance form dated August 22, 2006. However, Mr. Batalis was under the impression that Pletcher was to draft the acceptance of responsibility.

Commissioner Truex stated Mr. Batalis had contacted him also and Truex informed Batalis that it was the developer's responsibility to draft the acceptance of retention pond responsibility form.

Batalis indicated he would have his attorney draw up the paperwork and submit it when completed.

IN THE MATTER OF 911 FUNDING:

Sue Ann Mitchell, County Auditor, reported the budget hearings had gone well and the only shortfall will be in the 911 Fund. Mitchell noted the Council will need to address this matter and have discussed possible alternatives to ease the funding crisis, including the possibility of adding the fee into the property taxes. Mitchell stated this is a statewide problem for the 911 programs.

IN THE MATTER OF EDWARD LEWIS – WINONA BEACH SUBDIVISION VACATION REQUEST:

Matt Sandy, Assistant Area Plan Director, presented a request from Edward Lewis to vacate an alley on the west side of Winona Lake in the Winona Beach Subdivision. Sandy stated the alley had never been developed and was currently being utilized as a yard. Sandy also noted emergency service providers had been contacted and there were no objections to the vacation. Sandy reported it was the recommendation of the APC to allow the vacation with a request to have the lots combined in order to avoid a land lock.

Representing Lewis was Attorney Sandy Taylor of Taylor Law Offices. Taylor stated the area in question was currently being used as a drive and Mr. Lewis' desire was to combine the parcels into one.

No one in attendance spoke in opposition to the vacation request.

MOTION: Ron Truex

TO: Accept APC recommendation to vacate

SECOND: Avis Gunter

with the stipulation that lots be combined into

AYES: 3 NAYS: 0

one parcel to avoid a land lock.

UNANIMOUS

**ORDINANCE 06-09-05-001V
AN ORDINANCE OF THE KOSCIUSKO COMMISSIONERS
VACATING A PUBLIC WAY**

WHEREAS, Edward A. Lewis, has filed a Petition to Vacate a Public Way with the Kosciusko County Commissioners, and

WHEREAS, notice was published as required by law in the *Warsaw Times Union* a newspaper in general circulation and published in the English language in Kosciusko County, Indiana, giving notice that said petition would be heard by the Kosciusko County Commissioners on the 5th day of September, 2006, at 9:30 a.m., in the Commissioners' Room in the Old Court Room located on the third floor of the Kosciusko County Court House at the corner of North Buffalo Street and West Center Street, Warsaw, Indiana, which notice in the *Warsaw Times Union* was published on the ____ day of _____, 2006, and

WHEREAS, adjacent property owners to the public way to be vacated herein, other than the Petitioners, were sent, via certified mail, Notice of Hearing Upon Petition for Vacation of Public Way, and

WHEREAS, the Kosciusko County Commissioners have determined, after hearing, that the vacation requested herein should be granted, that the public way for which vacation is sought is not located within any corporate boundaries, and that the vacation sought will not hinder the growth or development of the neighborhood in which it is located or to which it is contiguous, nor will it result in the creation of difficulty or inconvenience to the access of lands by means of the public way, will not hinder the public's access to a church, school, or other public building place, will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous, and there does not appear to be any public utilities located within the public way for which the vacation is sought.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Kosciusko County, Indiana, as follows:

Section 1. That the following public way site in Kosciusko County, State of Indiana, and more particularly described as follows, to wit:

Brook Street Vacation Description #1

All that portion of Brook Street lying between Lot Number 48 and lot Number 49 and a portion of said Brook Street between a 12 foot wide alley, all in the plat of Winona Beach, being more particularly described as follows:

Beginning at the Southeast corner of Lot Number 54 in the plat of Winona Beach;

Thence East along the extended South line of Lot Number 49 in said Winona Beach and

Along the South line of said Lot Number 49, 105.0 feet to the Southeast corner of Lot Number 49 in said Winona Beach; thence Southwesterly, 20.0 feet, to the Northeast corner of Lot Number 48 in said Winona Beach; thence West, along the North line of said Lot Number 48 and said North line extended 104.0 feet to the Northeast corner of Lot Number 55 in said Winona Beach; thence North 20.0 feet to the Point of Beginning, containing 0.048 acres more or less.

And

12' Wide Alley Vacation Description #2

All that portion of a 12 foot wide alley lying between and adjacent to Lots Numbered 48, 47, 55 and 56 in the plat of Winona Beach, being more particularly described as follows:

Beginning at the Northeast corner of Lot 55 in the plat of Winona Beach, thence East along the extended North line of Lot Number 48 in said Winona Beach, 12.0 feet to the Northwest corner of said Lot Number 48; thence South, along the West lines of Lots Numbered 48, 47 and 46 in said Winona Beach, 150.0 feet, to the Southeast corner of said Lot Number 46; thence West, along the extended South line of said Lot Number 46, 12.0 feet to the Southwest corner of Lot Number 57 in said Winona Beach; thence North, along the East lines of said Lot Numbers 57, 56 and 55 in said Winona Beach, 150.0 feet to the Point of Beginning, containing 0.028 acres more or less.

Is now hereby vacated

Section 2. This Ordinance shall be in full force and effect from its adoption. Upon unanimous vote of all Commissioners present, the same being more than three-fourths (3/4 of the duly elected Commissioners of Kosciusko County, Indiana) this ordinance was considered for final passage upon its first presentation.

Upon motion duly made, seconded and passed by a vote of 3 ayes and 0 nays, the foregoing ordinance was adopted by the Kosciusko County Commissioners at its regular meeting this 5th day of September, 2006.

IN THE MATTER OF JILL WATERS –VS- CLAY TOWNSHIP PUBLIC ASSISTANCE HEARING:

A public assistance hearing was rescheduled from the last meeting. It was to begin at 9:45 a.m. for Jill Waters –vs- Clay Township. At that time Ben and Sally McCrill, Clay Township Trustees were present for the hearing; however Jill Waters was not in attendance.

MOTION: Ron Truex TO: Dismiss case due to petitioner failure to show.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF SHEILA RAE SHEPHERD –VS- WAYNE TOWNSHIP PUBLIC ASSISTANCE HEARING:

A public assistance hearing was scheduled to begin at 9:45 a.m. for Sheila Rae Shepherd –vs- Wayne Township. At that time Dick Mitchell and John Sprong, Wayne Township Office Trustees were present for the hearing; however Sheila R Shepherd was not in attendance.

MOTION: Ron Truex TO: Dismiss case due to petitioner failure to show.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

**KOSCIUSKO COUNTY COMMISSIONERS
SEPTEMBER 19, 2006**

The Kosciusko County Commissioners met for their regular meeting on September 19, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President

Avis Gunter - *Absent*

Ron Truex

Mike Miner, County Attorney

Michelle Puckett, County Chief Deputy Auditor

Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF EMERGENCY MANAGEMENT:

Ed Rock, Emergency Management Director, stated in order to be in compliance with NIM (National Incident Management System); the county must conduct training sessions for the head officials and first responders. Responders included in the training would be police, fire, EMS, Street Departments and Highway Department personnel. Once the training has been completed, Rock stated a letter of compliance should be sent and requested the Commissioners signature for the letter.

IN THE MATTER OF KABS:

Rita Baker, KABS Director, requested permission to put the County name on the city bus.

MOTION: Ron Truex

TO: Grant permission for the County's name to be added to the City Bus.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF KERN CROSSING MAINTENANCE ACCEPTANCE:

Dennis Pletcher, County Highway Superintendent, stated the Kerns Crossing Subdivision had requested to have the Highway Department provide snow plow service for one year. Pletcher noted it was his recommendation to approve the maintenance agreement.

MOTION: Ron Truex

TO: Accept Highway Department

SECOND: Brad Jackson

recommendation and approve County Snow Plowing Maintenance Agreement for Kerns Crossing Subdivision.

AYES: 2 NAYS: 0

UNANIMOUS

**Kosciusko County Highway Acceptance
For County Maintenance**

Name of Subdivision:

Kerns Crossing

Road Location:

East off of Kern Rd. (Syracuse)

Road Length:

Abbey Court: 280 feet +/-

Duffy Drive: 1250 feet +/-

Magill Court: 1580 feet +/-

Person Requesting Acceptance: John Mahnken

Date of Recommendation: 9-19-2006

County Engineer's Recommendation:

It is the recommendation of the Kosciusko County Highway Department that snow plow service be provided for one year. No other maintenance will be provided.

Accepted this date: 9-19-2006.

IN THE MATTER OF HIGHWAY GARAGE ROOF REPAIR:

Dennis Pletcher, County Highway Superintendent, stated the roof at the highway garage and that on the breezeway between the buildings is leaking and falling down. Pletcher reported he had approached County Council regarding an additional for the repairs and had received approval pending the Commissioner's decision. Pletcher went on to say that he had received four quotes for the new roofs with the lowest price from Bambi's Roofing. He also noted the Bambi's quotes came with a 15 or 20 year warranty.

MOTION: Ron Truex

TO: Approve Bambi's Roofing to complete

SECOND: Brad Jackson

repairs at Highway Garage and authorize the 20 year warranty option.

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF URBAN AREA BOUNDRY MAPPING:

Highway Superintendent Dennis Pletcher stated he had received Nappanee's Urban Area Boundary maps that had been approved by Elkhart County and requested approval of the maps from the Commissioners so they may then be submitted to INDOT.

MOTION: Ron Truex

TO: Approve Nappanee Urban Area Boundary

SECOND: Brad Jackson

Maps as presented.

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF DANA BANKRUPTCY:

County Attorney Mike Miner reported on the Dana bankruptcy claim and noted the County has had parties interested in buying the claim. Miner stated the County has a solid claim for the total taxes and they must be paid in full; however they can be paid over a five year period. He went on to say the bids received have been between 80% and 90% of the full amount and that money would be paid up front rather than over a period of time.

Commissioner Truex questioned if it would be wise to accept a bid of 90% of the total amount with the cash up front rather than 100% over time. Miner noted it might be possible to go back to the bidder with a counter offer. He also suggested it might be wise to have Auditor Sue Mitchell look into investment options for an up front cash payment versus repayment over time.

IN THE MATTER OF ENCHANTED HILLS PROPERTY:

Ron Robinson, County Administrator, stated legal notice had been published regarding the County owned property in the Enchanted Hill Subdivision more commonly known as 9799 E Excalibur Place. Robinson noted the legal notice stated the property must go to a non for profit organization and the only organization that had expressed interest was the Otis R. Bowen Center. Robinson requested the Commissioners award the property to the Bowen Center at this time.

County Attorney Mike Miner concurred it was legal to handle the transfer of property in this way and everything appeared to be in order.

MOTION: Ron Truex

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

TO: Award the property located in the Enchanted Hills Subdivision, more commonly known as 9799 E Excalibur Place to the Otis R Bowen Center.

IN THE MATTER OF SANDY HALL – WASHINGTON TOWNSHIP REZONING REQUEST:

Dan Richard, Area Plan Director, presented a request from Sandy Hall, Washington Township to rezone 30 acres from agricultural to residential. Richard stated it was the recommendation of the APC by unanimous vote to deny the request based on the fact that this property is within ¼ of a mile of a confined feeding area. Richard noted the parcel in question actually abuts the confined feeding area.

MOTION: Ron Truex

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

TO: Accept APC recommendation and deny rezoning request.

IN THE MATTER OF COMMUNITY RATING SYSTEM:

Matt Sandy, Assistant Area Plan Director, presented the Community Rating System Annual Recertification form for signatures. This certification states the County has flood insurance in place on all County owned buildings located in the Special Flood Hazard Area.

IN THE MATTER OF LAKE ACCESS DEVELOPMENT AMENDMENT:

Dan Richard, Area Plan Director, presented a proposed amendment to the text of the Kosciusko County Zoning Ordinance. This amendment was in regards to Lake Access Development. Richard stated this all began in November 2005 when it was evident from the number of people attending the Plan Commission meeting there was a need to study the matter. At that time the APC formed an all inclusive committee to study the proposed ordinance amendment. As the meetings evolved it was apparent there was much controversy with the lake zoning district and that portion was set aside. Richard said an amendment to the Storm Water and Erosion Control Ordinance was developed and the committee then concentrated on the Lake Access Ordinance.

IN THE MATTER OF LAKE ACCESS DEVELOPMENT AMENDMENT CONTINUED:

Richard also noted every effort had been made to include all interested parties in the eight to ten meetings that followed in the hopes that no one would come back later and claim they knew nothing about this proposed amendment. He also pointed out that several revisions were made before the committee drew up the final draft. Richard stated that it was a unanimous decision of the APC to recommend the proposed amendment to the Commissioners.

Commissioner Brad Jackson stated that due to the large number of people in attendance of the meeting he would prefer to have one spokesman for the group and those that were in support could stand at the end of the presentation. Jackson also stated that if others had new or additional information to add, they were also welcome to speak. At that time Jackson opened the discussion for those in favor of the proposed ordinance amendment.

Speaking on behalf of those in favor of the proposed amendment was Dave Tyler, member of the Lake Shore Development Committee of the Lake Tippecanoe Property Owners Association. Tyler said current membership in the Association is just over 700 households. Tyler stated the proposed amendment seeks to limit new development according the Kosciusko County Zoning Regulations by establishing specified shoreline requirements in order to eliminate “funneling”. He also noted the goal of the proposal was to reduce future overcrowding, overdevelopment, sanitation, noise, parking and public safety issues. Tyler went on to say that 7,723 surveys were sent out to lake property owners with a 25% response rate. Of those responses, 75% felt the lakes were threatened by development, 78% felt the government should act to protect the quality of the lakes and 90% felt lake quality was a concern.

The “ours” versus “theirs” issue was then addressed by Tyler. Tyler stated some citizens think the proposed amendment is simply a way to keep people off of the lakes. And although many lake property owners say “our lakes”, Tyler stated everyone knows the lakes located in this county belong to everyone in the State of Indiana. Tyler did point out it is the lake property owners who help to keep the lakeshores clean as this is where they make their homes. Tyler also addressed the impact the lake communities have on the financial well being of the entire county stating more than 37% of the county’s tax base comes from the lake shore property. He also pointed out the lake communities contribute many dollars in boat excise that comes back to the county. Tyler concluded his presentation by stating this was the time for the Commissioners to do the right thing and adopt the amended Lake Access Development Ordinance for the preservation of the County’s lakes. He then asked for all of those in attendance who supported the proposed amendment to stand in a show of support.

It was noted that most everyone in attendance (a full Court Room) stood in support of the proposed ordinance amendment.

Dave Tyler then introduced Professor Pete Hippensteel, former Dean of Environmental Sciences at Tri-State University. Tyler stated Hippensteel is a widely recognized expert in the State of Indiana on the conservation of lake environments and planning issues. Professor Hippensteel began by complimenting all of those people that have been involved in working on and preparing the ordinance being presented to the Commissioners. He went on to say the lakes are a valuable resource to the County and it is critical to maintain the integrity of the shorelines. Hippensteel noted that Stueben County had adopted a similar ordinance in 1999 and the ordinance provided guidance and standards for new development as well as reduced conflict. He also stated the development standards provide an equal “playing field” for all developers. Hippensteel suggested the minimum required shoreline footage be increased in the ordinance, but would not request it at this time as much work and preparation had gone into the amendment being presented. When questioned why increased shoreline footage would be beneficial, Hippensteel stated it would make development more restrictive. However, Hippensteel acknowledged the ordinance was well thought out and consistent with what it is designed for.

Speaking in opposition to the ordinance amendment was Lewis Neibert, Tippecanoe Township. Neibert stated the lakes are public lakes not private lakes for the lakeshore property owners. Neibert also said if this issue were placed on a public ballot it may fail to pass. Neibert noted Lake Tippecanoe does not currently have a sewage system and suggested if the lakeshore homeowners were concerned with the lake quality, they would want a sewage system. In conclusion Neibert stated he felt this was another step in taking away the rights of the public.

Also speaking in opposition to the proposed amendment was Edd Habegger, Tippecanoe Township. Habegger stated he had no vested interest in the amendment and was in favor of “healthy restrictions” if and when there was a problem. He went on to say that he had attended the APC meetings and had read several studies on the matter and questioned if the County was regulating before investigating. Habegger noted that a study conducted in June 2006 by Z Geist for the Kosciusko County Convention Recreation and Visitors Center (KCCRVC) stated “Kosciusko County’s largest asset is also the most difficult to access. Indeed if a visitor is not staying in a cottage their ability to enjoy any of the county’s lakes is severely limited. The Commission should advocate additional access points on county lakes”. Habegger stated there is no public access at Lake Tippecanoe at this time. Habegger concluded that he welcomed and wanted the truth if studies showed limiting lake access was really needed.

County Attorney Mike Miner stated he had received a copy of the ordinance but had not had the time he needed to review and research it in depth.

Commissioner Truex noted he had received much mail regarding the proposed amendment and questioned Dan Richard if this amendment would be in addition to current zoning regulations regarding lot size and setbacks. He also questioned Richard on how shoreline was measured. Richard replied this amendment would be in addition to the current zoning regulations and all requirements would need to be met. Richard also stated shoreline is measured around the lake, not straight across as someone had suggested earlier. Truex deliberated that this ordinance would not “stop all lake growth” as some feared.

In rebuttal, Habegger stated the proposed amendment would make owning or building on the lake only available for the very wealthy. He also felt that the people who live and work in the county should be able to afford lake property, not just the wealthy out of towners.

Further discussion ensued with Truex concluding that everyone is in agreement of the fact that some restrictions are necessary. He also stated that it would be prudent to have County Attorney Miner further review the ordinance in order to protect all involved. Truex agreed lake properties should be affordable for county residents.

Discussion regarding the amount of shoreline footage continued with APC Director Richard stating they were already at a compromising point with the proposed shoreline footage.

Miner commented realistic use of property needs to be kept in mind and it is important to exercise caution with restrictions. He also suggested there may be a need to look at the purpose for the ordinance and look at alternative ways to solve the bigger problem. Miner concluded that he was not comfortable at this time in saying the amended ordinance was sound and would prefer to review it further for his own satisfaction.

In conclusion, Commissioner President Jackson thanked all of those in attendance for the professional behavior exhibited and noted it said a lot about the residents of the County.

MOTION: Ron Truex

TO: Accept APC recommendation to adopt

SECOND: Brad Jackson

Lake Access Development Ordinance

AYES: 2 NAYS: 0

Amendment as presented.

UNANIMOUS

Ordinance #:06-09-19-001

AN ORDINANCE AMENDING, AND TO AMEND THE KOSCIUSKO COUNTY ZONING ORDINANCE, ORDINANCE NUMBER 75-1, MISCELLANEOUS RECORD 53 PAGE 130

ARTICLE 1 - That the Kosciusko County Zoning Ordinance be amended as follows:

3.11.11 – Lake Access Developments:

Lakeshore Frontage Requirements - The intent of this provision is to minimize the impact of lake front developments and lake access developments on the Shoreline and to (1) limit the funneling of lake access for multiple residences located on Non-Waterfront Lots through Waterfront Lots, (2) to establish an acceptable density on lake access by controlling development, (3) establish a balanced and orderly relationship between Lake Access Developments and the amount of Shoreline available for use by the owners of Non-Waterfront Lots, and (4) to protect the natural lake assets of Kosciusko County from overburdening Lake Access Developments. This provision limits the practice of funneling numerous lake users through a waterfront lot intended for residential use. Funneling promotes very high density use of limited lakeshore property. It often results in undesirable overcrowding, access conflicts, sanitation, noise, parking and public safety problems.

Lake Access Developments in all zoning districts shall provide Shoreline in compliance with the following linear footage requirements:

First Residential Unit	50 Feet of Shoreline
Second Residential Unit	25 Feet of Shoreline
Each Additional Residential Unit	15 Feet of Shoreline

The Developer of any Lake Access Development shall submit, with its exception, preliminary plat or development plan application, a certificate of survey depicting the Waterfront Lot Shoreline and calculating the Shoreline length. Such application may be granted only after submission of the required Waterfront Lot certificate of survey. In addition, the zoning administrator shall independently confirm the accuracy of the Shoreline length calculation prior to the public hearing, or other determination required, for approval of the application.

This Amendment shall apply to modification of legal, non-conforming uses unless the change or alteration of the legal, non-conforming use maintains the same number of waterfront users or fewer waterfront users than the use had on the date of this Amendment, as calculated under this section of the ordinance. This number shall be supported through historical documentation and is subject to the requirements of all federal, state, and local regulations and requirements.

Article 8 - Additional Definitions:

Lake Access Development: Any development (i) that has a portion of its perimeter bound by a Public Freshwater Lake or, (ii) that contains as a part of the development or through the grant of an easement, license or other interest, the right of owners in the development to use a Waterfront Lot for access to the waters of any Public Freshwater Lake and, (iii) that requires any type of approval by the Board of Zoning Appeals or Area Plan Commission. A Lake Access Development shall include by way of example, but not be limited to lake front recreational areas, beaches, parks, playgrounds, regardless of whether such area has been specifically denominated as a common area or access point, whether located in a residential subdivision, apartment building development, condominium, cooperative, used by a neighborhood association, or associated with an organization, club, retirement community, mobile home park, mobile home subdivision, subdivisions subject to the provisions of the subdivision control ordinance, or multi-family residential units, mobile home parks, and camp grounds, planned unit developments with a residential component, residential development under the Indiana Horizontal Property Regime Act, platted or exempt residential subdivisions and any other residential use in all zoning districts.

Developer: A person submitting a plat, condominium regime, horizontal property regime, mobile home park, or a development plan of any kind or of any similar nature, of the type or character described in the definition of a Lake Access Development. The Developer may be the owner or a person or entity operating in their self interest but with the consent of the owner of the real estate in question.

Shoreline: Shall have the definition stated in IC 14-26-2-4 as amended from time to time.

Waterfront Lot: Any parcel of real estate having as one of its boundaries the Shoreline of a Public Freshwater Lake.

Non-Waterfront Lot: Any parcel of real estate not having as one of its boundaries the Shoreline of a Public Freshwater Lake.

Public Freshwater Lake: Shall have the definition stated in IC 14-26-2-3 as amended from time to time.

ARTICLE 2: Adoption

Section 1. This Ordinance shall be in full force and effective from and after its passage and is intended to replace and amend those sections referenced within and related. Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana on this the 19th day of September 2006.

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

**KOSCIUSKO COUNTY COMMISSIONERS
OCTOBER 3, 2006**

The Kosciusko County Commissioners met for their regular meeting on October 3, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President

Mike Miner, County Attorney

Avis Gunter

Sue Ann Mitchell, County Auditor

Ron Truex

Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF INMATE MEDICAL CARE:

Aaron Rovenstine, Sheriff, reported that Advanced Correctional Healthcare, the current inmate medical care provider, will be at the Council meeting scheduled for October 12th to give a presentation regarding their cost savings to the County. Rovenstine invited the Commissioners to attend the Council meeting also to listen to the presentation.

IN THE MATTER OF EMERGENCY MANAGEMENT:

Ed Rock, Emergency Management Director, reported he had received an updated NIMS (National Incident Management System) map showing the counties that were now in compliance and stated Kosciusko County is compliant. Rock also stated there had been good attendance at the recent training sessions for responders and government officials.

Rock also presented a grant agreement for the Commissioner's signature. Rock noted the Commissioners had approved the grant application at their September 19th meeting. Rock went on to say the grant was to be used for computers (laptops) that would be loaded with GIS information and then distributed to responding organizations.

Commissioners Jackson and Truex complimented Rock on his efforts in putting the training sessions together.

IN THE MATTER OF COLLECTION OF DELINQUENT PERSONAL PROPERTY AND MOBILE HOME TAXES:

County Treasurer Kent Adams introduced his Chief Deputy Cindy Noltén, who addressed the Commissioners regarding delinquent personal property and mobile home taxes due to the County. Noltén stated that currently there are 1100 parcels that are delinquent. Noltén noted that when real estate parcels became delinquent they were placed on the tax sale list, however this was not possible with personal property or mobile homes. Noltén went on to say their office has had discussion with a collection company named American Financial Credit Services out of Indianapolis that specializes in collecting delinquent taxes. Noltén also said collection fees are charged to the taxpayer, not the County and the full tax dollars collected come back to the County. Noltén also pointed out that if a collection company is not used, the only recourse in collecting

delinquencies on personal property and mobile homes is to file a judgment with the Clerk of the Courts.

Commissioner Jackson questioned Nolten and Adams if there were any downsides to using this company and in handling the delinquencies in this matter. Both Adams and Nolten responded they did not see any negative aspects by going this route.

Sue Ann Mitchell, County Auditor, added that a different company had been used previously for the collection of delinquencies and the county only received 50% of those monies collected. She also noted the County did all of the work for the previous company but they still took 50% of the collections as their fee.

It was noted that County Attorney, Mike Miner had reviewed the contract and everything appeared to be in order.

MOTION: Ron Truex

TO: Approve contract with American Financial Credit Service for the collection of delinquent personal property and mobile home taxes.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF FOXWOOD ESTATES HIGHWAY MAINTENANCE

AGREEMENT:

Dennis Pletcher, Highway Superintendent, presented a County Highway Acceptance Agreement for Foxwood Estates for the Commissioner's approval. Pletcher noted Bill Batalis, Developer of Foxwood Estates, had filed paperwork with the County Recorder that stated it was the homeowners (within the subdivision) responsibility and not the County's to maintain the retention ponds located in the subdivision. Pletcher stated that since the proper paperwork had been filed, it was his recommendation that the Commissioners approve the acceptance agreement.

Commissioner Truex thanked Pletcher for his following up on this matter.

MOTION: Ron Truex

TO: Approve highway acceptance agreement for Foxwood Estates as presented.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

Kosciusko County Highway Acceptance For County Maintenance

Name of Subdivision:

Foxwood Estates

Road Location:

Off of Country Club Rd. – South of 225 S

Road Length:

Riviera Drive: 2490 feet +/-

Person Requesting Acceptance: Bill Batalis

Date of Recommendation: 9-19-2006

County Engineer's Recommendation:

It is the recommendation of the Kosciusko County Highway Department that maintenance by the County for these roads commence upon receipt of a recorded agreement stating that the subdivision property owners association maintain the detention areas within the subdivision and that said detention areas are not the responsibility of the Kosciusko County Highway Department.

Accepted this date: 10-3-2006.

IN THE MATTER OF ATLANTIS VILLAS STOP SIGN ORDINANCE:

Dennis Pletcher, Highway Superintendent, presented a stop sign ordinance for Atlantis Villas.

Pletcher noted a T-road had been completed on the back side of the subdivision and recommended the approval of the stop sign.

MOTION: Avis Gunter

TO: Approve stop sign ordinance for Atlantis Villas Subdivision as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 06-10-03-001 Stop

An Ordinance establishing "Stop" signs at various County Road intersections within Kosciusko County, Indiana; and

WHEREAS, THE BOARD OF COMMISSIONERS of the County of Kosciusko has the power to regulate the use of the public ways and rights-of ways; and

WHEREAS, THE BOARD OF COMMISSIONERS has the authority to establish Stop signs on County Highways; and

WHEREAS, THE COUNTY HIGHWAY Engineering Department has performed a traffic study at the aforementioned road intersection in accordance to the State of Indiana Uniform Traffic Control Manual and hereby recommend "Stop" signs be installed.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Kosciusko as follows:

Atlantis Villas

1. Install "Stop" sign on the northeast corner of Crete Drive and Santorini Drive – Crete Drive stops for Santorini Drive.

THIS ORDINANCE shall be in full force and effect on October 3, 2006. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 3rd day of October, 2006.

IN THE MATTER OF BARBEE ROAD STOP SIGN ORDINANCE:

Dennis Pletcher, Highway Superintendent, also presented a stop sign ordinance for Barbee Lake Road and CR 650 E. Pletcher noted this has been a one way stop for a long time, but due to the increased traffic and accidents that have occurred; there was a need to make this a 3-way stop.

MOTION: Avis Gunter

TO: Approve stop sign ordinance as presented

SECOND: Ron Truex

for (Barbee Lake Road) CR 650 E at McKenna

AYES: 3 NAYS: 0

Rd.

UNANIMOUS

ORDINANCE 06-10-03-002 Stop

An Ordinance establishing "Stop" signs at various County Road intersections within Kosciusko County, Indiana; and

WHEREAS, THE BOARD OF COMMISSIONERS of the County of Kosciusko has the power to regulate the use of the public ways and rights-of ways; and

WHEREAS, THE BOARD OF COMMISSIONERS has the authority to establish Stop signs on County Highways; and

WHEREAS, THE COUNTY HIGHWAY Engineering Department has performed a traffic study at the aforementioned road intersection in accordance to the State of Indiana Uniform Traffic Control Manual and hereby recommend "Stop" signs be installed.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Kosciusko as follows:

1. Install "Stop" signs on the southeast and northeast corners of Barbee Road and CR 650E – making the intersection a 3-way stop.

THIS ORDINANCE shall be in full force and effect on October 3, 2006. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 3rd day of October, 2006.

IN THE MATTER OF 911 PRESENTATION:

Tom Brindle, E911 Director, provided a slideshow presentation on the newest capabilities of the 911 System. Brindle reviewed an incident that occurred in the County in the last week, where a 7 year old had prank called 911 from a school bus with a deactivated cell phone. Brindle stated the boy called in several times from the bus and with the system's new technology the dispatcher had been able to track the location of the caller. School officials were able to review tapes from the bus and were waiting for the child when the bus arrived at the school.

Brindle noted Kosciusko County is the first county in the state of have the capability/technology to track moving calls as they come in. He also stated that cell phones can be tracked if the phone carriers provide their information to the County. Brindle then discussed the program and computers required to run the system in greater detail.

County Auditor Sue Ann Mitchell, stated because of Brindle's efforts in working with software companies to come up with useful programming, the County has been able to save money.

However, Mitchell noted the 911 Fund will experience a shortfall in 2007 and the County Council will be addressing the issue at one of their upcoming meetings.

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

KOSCIUSKO COUNTY COMMISSIONERS OCTOBER 17, 2006

The Kosciusko County Commissioners met for their regular meeting on October 17, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President
Avis Gunter
Ron Truex

Mike Miner, County Attorney
Sue Ann Mitchell, County Auditor
Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF ASSESSOR'S REQUEST TO CLOSE OFFICE FOR FUNERAL:

County Assessor Laurie Renier, requested permission to close her office for ½ a day on Thursday, October 19, 2006 in order for employees to attend the funeral of VanBuren Township Assessor Pat Hurd. Renier noted Hurd had been VanBuren Township Trustee/Assessor for the last eight years and her office would like to pay respect to the family. Renier also stated she hoped to open the office by noon. After further discussion on past practices, it was the consensus of the Commissioners to allow Renier to close her office for the morning so that employees may attend the funeral.

IN THE MATTER OF HOME TOWN MATTERS:

Warsaw City Mayor Ernie Wiggins and Winona Lake Town Clerk Retha Hicks appeared before the Commissioners to discuss upcoming changes that could have a significant impact on local governments such as the "circuit breaker law". Mayor Wiggins stated that under the "circuit breaker law", the City of Warsaw could lose an estimated \$175,000 in revenue collected through property taxes. Wiggins also noted local governments need to continue to search for alternative funding ideas so that current services would not have to be cut.

Retha Hicks then spoke to the Commissioners about a program called Home Town Matters that is supported by the IAC (Indiana Association of Cities & Towns). Hicks stated they have devised a comprehensive plan to reduce property taxes. Hicks went on to say this is the time for the community to step up to the plate and become more proactive in deciding how to manage local government more efficiently. Hicks then suggested the possible formation of a committee from all taxing entities to brainstorm for ideas on how to develop an efficient government. It was noted that legal as well as financial consultants be involved in this process.

Both Wiggins and Hicks stated the county needs to demonstrate to the State that it is actively working on a comprehensive plan. Hicks stated there are meetings held around the State and urged the Commissioners to try to attend one of the Home Town Matters meetings.

County Auditor Sue Ann Mitchell stated she would be willing to try to put together a meeting for the taxing entities to discuss this issue after the Commissioners have had a chance to attend one of the Home Town Matters meetings.

IN THE MATTER OF DISPATCH CENTER COOLING UNITS:

Ron Robinson, County Administrator, reported the temperatures are too high at the Dispatch Center to maintain the system. Robinson stated he has looked into the possibility of adding two roof/ceiling units at an approximate cost of \$31,000.00. It was noted that the cost of having to replace the electronics at the Dispatch Center would be significantly higher than that of the cooling units.

MOTION: Ron Truex

TO: Approve the purchase of two roof/ceiling cooling units for the Dispatch Center.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF COURTHOUSE ROOF DRAINS:

Ron Robinson, County Administrator, stated the twelve roof drains located at the Courthouse have been cleaned and there are problems with two of the drains. These drains will need to be replaced as they are leaking. It was noted this repair was needed in order to maintain the work that has been completed on the Courthouse.

IN THE MATTER OF PROPERTY DEEDED TO BOWEN CENTER:

Sue Ann Mitchell, County Auditor, presented the deed for the property located in the Enchanted Hill Subdivision (aka 9799 E Excalibur Place) for the Commissioners signatures. Mitchell noted the Commissioners had awarded this property to the Otis R Bowen Center at their September 19th meeting.

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

**KOSCIUSKO COUNTY COMMISSIONERS
OCTOBER 31, 2006**

The Kosciusko County Commissioners met for their regular meeting on October 31, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President

Avis Gunter

Ron Truex

Mike Miner, County Attorney

Sue Ann Mitchell, County Auditor

Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF KABS QUARTERLY FINANCIAL REPORT:

Rita Baker, KABS Director, presented the KABS quarterly voucher for approval.

MOTION: Ron Truex

TO: Approve KABS quarterly voucher as submitted.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF HOME TOWN MATTERS COMMITTEE:

Eileen Hall, Etna Green Council President, appeared before the Commissioners and stated that she was interested in serving on the committee to be formed regarding the Home Town Matters issue. Hall noted that she had attended the meeting held in Mishawaka on the issue and as this affects all towns in the County; felt it was important to be involved.

Sue Ann Mitchell, County Auditor, suggested Hall contact Retha Hicks, Winona Lake Clerk, as Hicks has been in contact with IAC and scheduled a meeting for November 15th. Mitchell stated that all taxing entities would be invited to attend the meeting and at that time a committee would likely be formed.

The Commissioners thanked Hall for her willingness to serve on the Committee.

IN THE MATTER OF COURTHOUSE ROOF DRAINS:

County Administrator Ron Robinson stated that work had begun on the two roof drains that were leaking. Robinson noted that work should be completed within the next week.

IN THE MATTER OF HEALTH BOARD APPOINTMENTS:

County Administrator Ron Robinson presented a request from County Health Administrator Bob Weaver, to reappoint Dr. Thomas Howard and Dr. Dennis Woodward to the County Board of Health.

MOTION: Avis Gunter

TO: Approve the reappointment of Dr. Thomas Howard and Dr. Dennis Woodward to the County Board of Health.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF TAX SALE THANK YOUS:

Sue Ann Mitchell, County Auditor, publicly thanked the Sheriff's Department and Sheriff Aaron Rovenstine for their assistance with the tax sale notices. Mitchell stated that not only did the Sheriff's department hand deliver many of the notices; they also returned detailed reports on the condition of many of the properties.

IN THE MATTER OF LOUIS DREYFUS – ICE MILLER DOCUMENTATION:

County Auditor Sue Ann Mitchell also thanked Sheriff Aaron Rovenstine for his assistance in hand delivering the Louis Dreyfus documentation to ICE MILLER. Mitchell noted Rovenstine's department had delivered the documents to Indianapolis by the requested deadline and his efforts were greatly appreciated.

County Attorney Mike Miner also thanked Mitchell for all of her work in getting the needed documentation together.

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

**KOSCIUSKO COUNTY COMMISSIONERS
NOVEMBER 14, 2006**

The Kosciusko County Commissioners met for their regular meeting on November 14, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President

Mike Miner, County Attorney

Avis Gunter

Sue Ann Mitchell, County Auditor

Ron Truex

Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF KCRVC REPORT:

Deb Wiggins and Mary Kittrell appeared before the Commissioners to request the appointment of two new members to the KCRVC Board. Wiggins and Fay Medlock's terms are ending on December 31st. Wiggins stated she had enjoyed her term, she felt it was time for new members that could fill the positions according to the parameters outlined by statute. Wiggins requested that John Hall, resident of Kosciusko County and Reg Smith; General Manager for the Comfort Inn be appointed to serve on the board. Wiggins went on to state that Hall would meet the requirements

of representing the County as well as the political party affiliate needed. She noted that Smith would meet requirements of a non-political member as well as represent the recreational units of the County. Commissioner Ron Truex questioned Wiggins if Hall would have the time to serve as he is quite involved in many projects. Wiggins responded that she had spoken with Hall and that he would be available for quarterly meetings.

MOTION: Ron Truex

TO: Approve the appointments of John Hall and Reg Smith to serve on the KCRVC Board.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF HARVEST RIDGE VILLAS SUBDIVISION SNOW PLOW AGREEMENT:

Dennis Pletcher, Highway Superintendent presented an agreement for snow plow services for Harvest Ridge Villas Subdivision for one year for the Commissioners approval.

MOTION: Ron Truex

TO: Accept highway acceptance agreement for snow plowing services for Harvest Ridge Villas as presented.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

KOSCIUSKO COUNTY HIGHWAY ACCEPTANCE FOR COUNTY MAINTENANCE

Name of Subdivision:

Harvest Ridge Villas

Road Location:

Off of 175 E.

Road Length:

Harvest Ridge Lane: 1400 feet +/-

Person(s) Requesting Acceptance: Gene Kelley

Date of Recommendation: 11-14-2006

Recommendation:

It is the recommendation of the Kosciusko County Highway Department that snow plow service be provided for one year. No other maintenance will be provided.

Accepted Date: 11-14-06

IN THE MATTER OF REPEAL OF YEILD SIGN ORDINANCE AT 700 W AND 900 S:

Dennis Pletcher, Highway Superintendent, presented an ordinance repealing a yield sign located at 700 W and 900 S. Pletcher stated that traffic flow around Yellow Creek Lake has increased over the years and the yield is no longer adequate.

MOTION: Avis Gunter

TO: Approve ordinance repealing yield sign at 700 W and 900 S as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 06-11-14-001 Y

An Ordinance establishing "Yield" signs at various County Road intersections within Kosciusko County, Indiana; and

WHEREAS, THE BOARD OF COMMISSIONERS of the County of Kosciusko has the power to regulate the use of the public ways and right-of-ways; and

WHEREAS, THE BOARD OF COMMISSIONERS has the authority to establish Yield signs on County Highways; and

WHEREAS, THE COUNTY HIGHWAY Engineering Department has performed a traffic study at the aforementioned road intersection in accordance to the State of Indiana Uniform Traffic Control Manual and hereby recommend "Yield" signs be repealed.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Kosciusko as follows:

1. Repeal "Yield" sign on the northwest corner of CR 700W and CR 900S.

THIS ORDINANCE shall be in full force and effect on November 14th, 2006. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 14th day of November, 2006.

IN THE MATTER OF STOP SIGN ORDINANCE AT 700 W AND 900 S:

Dennis Pletcher, Highway Superintendent, presented a stop sign ordinance for 700 W and 900 S that would replace the yield currently in place.

MOTION: Avis Gunter

TO: Approve stop sign ordinance for 700 W and 900 S as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 06-11-14-002 Stop

An Ordinance establishing “Stop” signs at various County Road intersections within Kosciusko County, Indiana; and

WHEREAS, THE BOARD OF COMMISSIONERS of the County of Kosciusko has the power to regulate the use of the public ways and rights-of ways; and

WHEREAS, THE BOARD OF COMMISSIONERS has the authority to establish Stop signs on County Highways; and

WHEREAS, THE COUNTY HIGHWAY Engineering Department has performed a traffic study at the aforementioned road intersection in accordance to the State of Indiana Uniform Traffic Control Manual and hereby recommend “Stop” signs be installed.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Kosciusko as follows:

1. Install “Stop” signs on the northwest corner and southwest corner of CR 700W and CR 900S – making the intersection a 3-way stop.

THIS ORDINANCE shall be in full force and effect on November 14th, 2006. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 14th day of November, 2006.

IN THE MATTER OF MOTOROLA SYSTEM:

Mike Miner, County Attorney, stated he has been in contact with the proper personnel regarding the Motorola System. They are aware that it is not performing to our satisfaction and they stated they understand the problem and will check into it.

IN THE MATTER OF COUNTY BENEFIT DAY:

County Administrator Ron Robinson noted the Wednesday, November 15th was scheduled as Benefit Day with enrollment for next year for all county employees. Robinson stated there would be representatives on hand for those employees wishing to speak with them regarding PERF, insurance, annuities, etc.

IN THE MATTER OF MICHIANA AREA COUNCIL OF GOVERNMENTS:

Ron Robinson, County Administrator, questioned if the County would be interested in joining MACOG (Michiana Area Council of Governments). Robinson suggested MACOG may be able to help in securing money for the highway department as well as provide assistance with the Western Route. Commissioner Ron Truex suggested it might be wise to gather additional information and then decide after the first of the year if it would be wise to join MACOG.

IN THE MATTER OF COUNTYWIDE TAXING UNIT MEETING:

Sue Ann Mitchell, County Auditor, reported there would be a countywide meeting held on Wednesday, November 15th at 7:00 pm in the Justice Building for all taxing units. This meeting would address the “Hometown Matters” issue and there would be a representative of IAC to speak to the group. Mitchell noted there are many issues before legislation that could cause a shortfall in funding to the County, therefore, affecting all taxing units. Mitchell encouraged members from all taxing units to attend the meeting.

IN THE MATTER OF FINAL COMMISSIONER’S MEETING FOR 2006:

Sue Ann Mitchell, County Auditor, noted the final Commissioners meeting for 2006 would be held on Friday, December 22nd due to the fact that Tuesday, December 26th (the regularly scheduled date) is a County Holiday. Mitchell noted this would allow employees to be paid before the Christmas holiday.

IN THE MATTER OF TURKEY CREEK ASSESSOR’S OFFICE LEASE:

Sue Ann Mitchell, County Auditor, stated the Turkey Creek Assessor’s office lease with the Town of Syracuse is up for renewal.

MOTION: Ron Truex

TO: Approve renewal of lease for the Turkey Creek Assessor’s office with the Town of Syracuse.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF COUNTY EMPLOYEE CHRISTMAS DINNER:

Sue Ann Mitchell, County Auditor, noted the annual employee Christmas dinner would be held on December 12th from 11:00 am – 1:30 pm in the basement of the Justice Building.

IN THE MATTER OF CHAPMAN LAKE RESIDENT CONCERN:

Jeff Harding, Island Park – Chapman Lake, addressed the Commissioners regarding damages to a road caused by large tri-axle trucks. Harding stated there is a home near his that is being added

onto and he has no objection to the addition as it will increase the property values of the surrounding homes also. Harding stated what he was concerned with was the damage caused by the tri-axle trucks that have been used. Harding went on to say that the right-of-way is not large enough to handle this size truck and the road has been pulled apart. Harding questioned if an ordinance might be considered that would restrict large tri-axle trucks from using roadways and right-of-ways that are less than 40 feet. Commissioner Truex questioned Harding if the road in question was a county maintained road. Highway Superintendent Pletcher responded that it was and Mr. Harding had brought the problem to Pletcher's attention. Pletcher stated his road supervisor will look into the matter further to see what repairs were needed.

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

KOSCIUSKO COUNTY COMMISSIONERS NOVEMBER 28, 2006

The Kosciusko County Commissioners met for their regular meeting on November 28, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President
Avis Gunter
Ron Truex

Mike Miner, County Attorney
Sue Ann Mitchell, County Auditor
Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF CARDINAL CENTER GRANT MATCH REQUEST:

Jane Greene, Cardinal Center Director, appeared before the Commissioners to conduct a public hearing for the approval of the HVAC replacement plan. Greene stated that through the Community Focus Fund grant that had been obtained, the CCI had been able to hire Havel to conduct a technical engineering study of the current HVAC unit. At this time it is the recommendation of Havel to replace the entire infrastructure at an estimated cost of \$682,000.00. This would also include energy saving features such as windows, lighting, etc. Greene went on to say their intent was to apply for a Community & Rural Affairs grant for half of the cost and there would be a 50% chance they would receive it. Greene stated they were also going to request \$250,000 from the K21 Foundation, leaving Cardinal Center's share at \$81,000.00. Greene noted in order to meet point requirements for the grant application; she was requesting a \$10,000.00 pledge from the County. Greene went on to say that if they did not receive the grant, they would not replace the entire infrastructure but would take care of only the HVAC as it was their top priority.

Commissioner Truex questioned how the point system worked when applying for grants and Ann Mannix of Neighborhood Development Associates, LLC stated points are based on three areas; demographic, local efforts, and economic need. She also stated that Kosciusko County currently does not meet the economic need at this time.

Greene then presented the Havel report to the Commissioners and requested they accept it along with the resolution approving the Cardinal Center Rehabilitation Plan for the record of the public hearing.

MOTION: Ron Truex
SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve pledge of \$10,000.00 to Cardinal Center for grant match as well as the Rehabilitation Plan Resolution.

**RESOLUTION APPROVING THE CARDINAL CENTER
REHABILITATION PLAN**

WHEREAS, Kosciusko County had identified reason to analyze the Cardinal Center Rehabilitation Plan, and

WHEREAS, Kosciusko County has hired Havel to define and describe the issues, advise us of our options, and make recommendations to address this issue in the near future, and

WHEREAS, Kosciusko County has received federal Community Development Block Grant dollars from the Indiana Office of Community and Rural Affairs to fund this study and Cardinal Center has contributed \$5,000.00 as local match for this project, and

WHEREAS, the Board of Commissioners of Kosciusko County has reviewed the process and completed study thoroughly and is satisfied with the services performed, information contained therein, and methodology applied;

WHEREAS, Board of Commissioners of Kosciusko County has received three copies of this document for our records and will keep them on file in the town offices for future reference, and

BE IT RESOLVED by the Board of Commissioners of Kosciusko County that the final document is hereby approved, contingent upon comments and approval received from the Indiana Office of Community and Rural Affairs. The Board of Commissioners of Kosciusko County will fully consider all comments and feedback received from the Indiana Office of Community and Rural Affairs and will direct its consultant to provide amended copies of this plan reflecting all said comments.

Dated: November 28, 2006

IN THE MATTER OF HOUSING OPPORTUNITIES OF WARSAW GRANT REQUEST:

Pam Kennedy, Executive Director of Housing Opportunities of Warsaw presented information to the Commissioners regarding the Community Development Block Grant application that would be submitted on behalf of the County if approved by the Commissioners. Kennedy stated the amount requested in the grant was \$225,000.00. She went on to say HOW currently had received 42 owner applications requesting assistance and HOW would only be able to do approximately 15 houses. Kennedy noted that a 10% match was required to apply for the grant and to date HOW had received \$70,000.00 from various local businesses and entities that would apply to the match. Kennedy then presented a repayment schedule for the Commissioner's approval, noting the payment period has been extended to make sure the homeowners will be able to maintain their current financial obligations. Kennedy outlined the three steps that would be involved with the grant process as; approval of the grant application, approval of the repayment schedule and approval of the subrecipient agreement.

MOTION: Ron Truex
SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve resolution for grant submission, subrecipient agreement and repayment schedule as presented.

**RESOLUTION #06-11-28 OF KOSCIUSKO COUNTY, INDIANA
(HEREAFTER REFERRED TO AS "APPLICANT")**

**AUTHORIZING THE SUBMITTAL OF THE *COMMUNITY DEVELOPMENT
BLOCK GRANT* ("CDBG") APPLICATION TO THE INDIANA HOUSING AND
COMMUNITY DEVELOPMENT AUTHORITY; RECEIPT OF CDBG FUNDS; AND
ADDRESSING RELATED MATTERS.**

WHEREAS, the Applicant recognized the need to stimulate growth and to maintain affordable housing to benefit its citizens;

WHEREAS, the Housing and Community Development Act of 1974, as amended, allows the Indiana Housing and Community Development Authority ("IHCD") to award grants to local units of government to meet the affordable housing and community development needs of low and moderate income persons; and

WHEREAS, the Applicant has conducted or will conduct a public hearing prior to the submission of an application to IHCD, to assess the housing, public facilities, and economic needs of low and moderate income residents.

NOW THEREFORE, BE IT RESOLVED THAT:

The Chief Elected Official ("CEO") is authorized to apply for and receive an award in the amount of up to the sum of Two Hundred Twenty Five Thousand and 00/100 Dollars (\$225,000) in Community Development Block Grant ("CDBG") funding to address conditions relating to **Kosciusko County in Indiana**, and to execute and administer resultant grant including requisite general administration and management, contracts and agreements according to the terms and conditions as are more particularly set forth in IHCD's and U.S. Department of Housing and Urban Development's ("HUD") published policies, procedures and regulations, as amended from time to time, and as are set forth in the application.

FURTHER RESOLVED, funds in the amount of not less than five percent (5%) of the CDBG award shall be and hereby are set aside for this activity. Such commitment fulfills the minimum leverage requirement for the CDBG request and is to be contingent upon receipt of CDBG funding from IHCD.

FURTHER RESOLVED, that the following individuals:

Pamela Kennedy, Executive Director, Housing Opportunities of Warsaw

Sue Ann Mitchell, Auditor of Kosciusko County, IN

Be, and each hereby is, authorized, empowered and directed to execute, acknowledge and deliver in the Applicant's name and on its behalf any and all applications, grant agreement, documents, covenants binding real estate, instruments or writings, as are necessary and/or as appropriate to consummate this application and receipt of CDBG Funds.

Approved and Adopted this 28th day of November, 2006.

IN THE MATTER OF DRUG TASK FORCE GRANT REQUEST:

Joe Mooney, Drug Task Force Officer, requested the Commissioners permission to apply for an operating grant for 2007. Mooney noted this is the same grant that has been applied for in previous years; however there have been changes to the conditions of the grant. Mooney went on to say the grant will run from January to December unlike in past years when it was from April to April. He also noted it would be necessary to apply in March 2007 for grant monies for the year 2008. Mooney stated this grant was a multi-jurisdictional grant with Whitley County there was no guarantee the counties would continue to receive the grant. He also stated the grant has gone from an 80/20 match to a 65/35 match and will now be a 50/50 match grant.

MOTION: Avis Gunter

TO: Approve grant application request as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF 2007 INDOT GRANT APPROVAL:

Word was received from Rita Baker, KABS Director that the 2007 INDOT grant had been approved for the County.

IN THE MATTER OF NORTHERN LAKES AREA CONCERNED CITIZENS ASSOCIATION PRESENTATION:

Ann Schlabach representing the Northern Lakes Area Concerned Citizens Association spoke to the Commissioners regarding the proposed Vera Sun ethanol plant to be located near Milford. Schlabach noted she was speaking in opposition to the plant and went on to say she and her husband had recently moved their family from Elkhart to Milford because of the clean air, Milford's great elementary school as well as the Wawasee School Corporation and the abundant lake opportunities only to discover that the proposed site for the ethanol plant would be two miles from her home and one mile from the Milford Elementary School.

Schlabach presented a petition signed by 1,137 residents of Milford who were also opposed to the ethanol plant being located so close to the town and the school. She stated the Milford residents main concern were the health and safety issues regarding the plant. Schlabach noted that even though the plant may be a top of the line facility, its mere size would have an impact on the air and water quality of those residents that lived nearby. Another point addressed by Schlabach was the safety factor. Schlabach stated even though no one ever really thinks there could be any type of significant accident; it could happen. Milford has an excellent volunteer fire department and it would be unlikely those volunteers would have adequate training to handle a crisis type situation. Schlabach questioned if the County's zoning practices/procedures were adequate to protect the citizens of the County noting that once Vera Sun had received the necessary zoning and air permits what would stop them from adding on. She stated NLACCA had received letters of response to their concerns that there are agencies in place to protect the citizens of the County such as the EPA and IDEM as well as local council and government.

Schlabach went on to say the residents of Milford realize that this decision is outside of the town council's jurisdiction. She then asked to read an excerpt from a letter received from Governor Daniels office in which it is stated that it is wrong for state officials to decide where to place facilities that will be supported by locally funded resources. That decision should be left up to local governments to decide what will be the best land use for their communities. The letter also stated the State will not support any project that does not have local support.

Schlabach noted that even though Vera Sun will meet all legal requirements, that does not mean Milford is the best location for the plant. Schlabach also stated this is an incredibly large decision to place on the BZA and it was time for the elected officials of the County to take a stand and look out for the citizens who elected them. She said it was time for local officials to tell Vera Sun that Milford was not interested.

Commissioner Truex noted Schlabach's presentation had been very good. He went on to say that at this point, the ordinances in place have served the county well. Truex also noted that at this time there is no way to know what the Vera Sun facility might be as they have not filed an application anywhere.

Schlabach responded it is fact that Vera Sun officials have been laying the ground work for a facility and it would be too late to stop it once it reached the 30 day comment period.

Commissioner Jackson stated he had attended one informational meeting regarding the proposed plant but did not have any other information and said he would be interested in information the group had after visiting the Vera Sun plant in Iowa.

Schlabach stated Bill Appenzeller had an unannounced visit and had been able to video the area. He had been able to observe the magnitude of the size of the plant as well as the smell associated with it. He also was able to research the train and truck traffic associated with the operation.

Lisa Glon, NLACCA, stated she had provided the Commissioners with information regarding pollution emissions. She also stated the Milford community has done a wonderful job of promoting “clean” growth and she did not want to see Milford become a “dirty” town.

Peggy Miller, NLACCA, commented on the possible cost to the county of infrastructure maintenance, road growth and road upkeep and repairs.

IN THE MATTER OF NORTHERN LAKES AREA CONCERNED CITIZENS ASSOCIATION PRESENTATION CONTINUED:

Commissioner Jackson stated that caution must be exercised when zoning changes are considered. Zoning cannot be changed without having an effect on previously zoned areas. He noted at this time it would be wise to leave the area as is. It would be possible for the Commissioners to step in at a later time if a change in zoning ordinances were warranted. Jackson then thanked all those who spoke and in attendance for the professional manner in which they handled their presentation.

IN THE MATTER OF COUNTY ADMINISTRATIVE REPORT:

Ron Robinson, County Administrator, stated the water/drainage problems at the Courthouse had been fixed and the only thing they were waiting on to finish up was a shroud for the Assessor’s office.

IN THE MATTER OF ANNUAL EMPLOYEE CHRISTMAS DIINER:

Sue Ann Mitchell, County Auditor reminded the Commissioners that the annual employee Christmas dinner would be December 12th from 11:00 am -1:30 pm in all purpose room of the Justice Building.

IN THE MATTER OF SWEARING IN OF NEWLY ELECTED OFFICIALS:

Sue Ann Mitchell, Auditor, stated the swearing in of the newly elected officials would be held on December 27, 2006 at 1:00 pm.

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: _____
Sue Ann Mitchell, Auditor

**KOSCIUSKO COUNTY COMMISSIONERS
DECEMBER 12, 2006**

The Kosciusko County Commissioners met for their regular meeting on December 12, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President
Avis Gunter
Ron Truex

Mike Miner, County Attorney
Michelle Puckett, Chief Deputy – Auditor’s Office
Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

IN THE MATTER OF PTABOA APPOINTMENTS:

Laurie Renier, County Assessor, requested Gerald “Jake” Bitner and Richard Shipley be reappointed to the Property Tax Assessment Board of Appeals.

MOTION: Avis Gunter

TO: Reappoint Jake Bitner and Richard Shipley

SECOND: Ron Truex

to the Property Tax Assessment Board of

AYES: 3 NAYS: 0

Appeals.

UNANIMOUS

IN THE MATTER OF PUBLISHING COURT CASE DOCUMENTS ONLINE:

Bob Momeyer, System Administrator, presented two contracts for the Commissioners approval.

Momeyer stated the first contract was with a company called Dox Pop and this contract would allow the County to publish court case documents on the web. Momeyer noted the Courts and Probation offices have requested this information be available online. The second contract was for NASA, which would convert the County’s internal court case management system into a format that Dox Pop would then be able to publish on the website. Momeyer also noted this was not a software purchase, but an agreement for services and the \$1,000.00 cost would be paid from Computer Maintenance Contract account.

Commissioner Truex questioned what information would be published online and County Attorney Mike Miner stated the Clerk’s office has guidelines of what information is available to the public and would be allowable.

MOTION: Ron Truex

TO: Approve contracts for computer services as

SECOND: Avis Gunter

requested by System Administrator.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF INTRODUCTION OF STATE REPRESENTATIVE MIKE RIPLEY:

Commissioner Avis Gunter introduced State Representative Mike Ripley to the Commissioners and welcomed Representative Ripley to the County. Ripley thanked Gunter for the introduction and noted the county has a wonderful old courtroom. The Commissioners invited Ripley to tour the entire building.

IN THE MATTER OF SHERIFF’S REPORT FOR THE COMMISSARY FUND:

Aaron Rovenstine, County Sheriff, presented his annual Commissary Fund Report. In a special note, Rovenstine stated part of the funds this past year had been used to supply an undercover drug officer; therefore the ending balance may be less than in previous years.

IN THE MATTER OF KCODE TRANSFER REQUEST:

Heather Desenberg, KCODE Director, requested a transfer of 2006 funds. Desenberg stated two organizations had not met the bylaw requirements and would not be receiving any monies and KCODE would like to use those funds to have a speaker come and speak with the Warsaw, Wawasee and Tippecanoe Valley School Corporations elementary children. She noted that time did not permit scheduling the speaker for the Triton and Whitko School Corporations also.

MOTION: Avis Gunter

TO: Approve transfer as requested.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF 2007 KCODE BUDGET APPROVAL:

KCODE Director Heather Desenberg presented the 2007 budget for the Commissioner’s approval. Desenberg noted the requests for funding received were \$15,000 more than what the budget allowed for. Commissioner Truex noted KCODE was doing the best they could with what the funds available.

MOTION: Ron Truex

TO: Approve 2007 KCODE budget as

SECOND: Avis Gunter

presented.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF NORTHERN LAKES AREA CONCERNED CITIZENS ASSOCIATION:

Ann Schlabach representing the Northern Lakes Area Concerned Citizens Association spoke to the Commissioners regarding the proposed Vera Sun Ethanol Plant to be located near Milford. Schlabach noted that her presentation regarding this matter at the previous Commissioners meeting had dealt mainly with the feelings of the Milford residents and her current presentation was in regards to the business issues relating to the proposed plant site. Schlabach stated the NLACCA's number one concern was the health and safety risks involved with this project. Schlabach also stated that according to information collected by NLACCA, Vera Sun's emissions would be greater than any other entity in the county causing a significant decrease in the air quality. Pollution from the plant would also filter from Milford into Syracuse and other communities. She once again pointed out the proposed building site was located too close to the elementary school. Schlabach's next topic covered the risks involved with this project. One of those risks included the failure of the ethanol business. Schlabach noted that predictions were a "boom then bust" cycle as the ethanol companies are growing too fast. Schlabach questioned what would happen if Vera Sun closes? Would the county be left holding the bag? What would become of the TIF district and the abandoned buildings? She stated the ethanol business did appear to be a "right now fix" but were the benefits greater than the risks involved?

Schlabach stated the NLACCA would like to propose the following possibilities if the Commissioners favored the Vera Sun proposal:

1. Create an ordinance that would limit the building of such a facility to a distance no closer than five miles to any school.
2. Create a moratorium on new facilities for a period of three to five years.
3. Limit the number of facilities that could be located in the county.
4. Pass a resolution stating there would be no refineries located in VanBuren Township.

Schlabach conveyed that NLACCA is not anti-ethanol or anti-farmer. They support the idea of oil independence and cleaner fuels as well as good prices for the farming industry. Schlabach commented farmers will reap the benefits of ethanol plants regardless of where the plants are built. In conclusion, Schlabach reiterated the number one concern of the NLACCA was the health and safety issues for the residents of Milford as well as neighboring communities. She again asked if the Commissioners were willing to assume those risks.

Speaking next was Tom McCarthy. McCarthy stated he owns seven acres across from the proposed building site and has concerns regarding what would happen to the value of this property, as well as that of his neighbors if the project does go through.

Greg Baumgartner spoke next to the Commissioners. Baumgartner stated initially he was in favor the ethanol plant locating near Milford. He felt it would be a win/win/win (farmers/fuel dependency reduction/tax revenue generation) situation. Baumgartner noted his feelings had changed and he now feels it is only a win situation for a few very large farmers and to the refinery owner. Everyone else loses. Baumgartner feels that Vera Sun's actions have shown them to be bad citizens and bad business partners for the county.

Milford resident Pam Long commented that she had chosen to locate in Milford from the South Bend area due to the air quality and farming community. Long stated she has allergies that cause her to have breathing difficulties and she was very disappointed when she learned that there was a possibility that an ethanol plant could be locating near Milford. Long went on to say that if the plant were to build at the proposed site, she and her husband would be forced to move due to her health issues.

Commission President Brad Jackson thanked everyone who had shared their opinions. Jackson noted that many times people feel their ideas and/or opinions don't matter, but he assured those in attendance that their opinions and feelings do matter and the Commissioners care what the citizens of the county are concerned about.

Schlabach questioned if the Commissioners have made a decision regarding Vera Sun's proposal and if they have not, when a decision would be likely.

Jackson responded that no decisions have been made at this point and there was no established timetable.

Commissioner Truex stated he was aware that many farmers have concerns also in regards to the "boom then bust" situation. He noted there are many issues yet to be resolved and/or discussed

before a decision could be made. Truex also noted the letters the Commissioners have received are being read and Commissioner Gunter is sending responses.

Schlabach concluded that while the final decision is not solely the Commissioners, their support would carry weight with the Board of Zoning Appeals.

IN THE MATTER OF WHITETAIL RUN SUBDIVISION HIGHWAY MAINTENANCE ACCEPTANCE:

Dennis Pletcher, Highway Supervisor, stated the Whitetail Run Subdivision is ready for highway maintenance acceptance and recommended it be approved.

MOTION: Avis Gunter

TO: Approve highway maintenance agreement for Whitetail Run Subdivision as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

**Kosciusko County Highway Acceptance
For County Maintenance**

Name of Subdivision: Whitetail Run

Road Location:

Road Length: Placidview Lane: 2100 feet +/-
Hamill Ct.: 480 feet +/-
Ashe Ct.: 350 feet +/-

Person Requesting Acceptance: Don Bucher

Date of Recommendation: 12-12-06

County Engineer's Recommendation:

It is the recommendation of the Kosciusko County Highway Department that maintenance by the County for these roads commence immediately.

Accepted this date: 12-12-06

IN THE MATTER OF NO PARKING SIGNS / EMS R2 LANE:

Highway Superintendent Dennis Pletcher requested No Parking signs to be placed on EMS R2 Lane. Pletcher noted that it is difficult for the snow plows to navigate through the area. He also stated the school has requested the signs due to the area being used for a bus turnaround.

MOTION: Ron Truex

TO: Approve No Parking signs to be posted on EMS R2 Lane as requested.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 06-12-12-003 Parking

An Ordinance establishing "No Parking" signs be installed on EMS R2 Lane all within Kosciusko County, Indiana; and

WHEREAS, THE BOARD OF COMMISSIONERS of the County of Kosciusko has the power to regulate the use of the public ways and rights-of-ways; and

WHEREAS, THE BOARD OF COMMISSIONERS has the authority to establish "No Parking" on County Highways; and

WHEREAS, THE COUNTY HIGHWAY Engineering Department has performed a traffic study on the following roads all in accordance to the State of Indiana Uniform Traffic Control Manual and hereby recommend the following signs be installed:

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Kosciusko as follows:

1. Install "No Parking" signs on either side of EMS R2 Lane from EMS R2A Lane to a point 500 ft. west there of.

This Ordinance shall be in full force and effect on December 12, 2006. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 12th day of December, 2006.

IN THE MATTER OF STOP SIGNS – ENCHANTED HILLS ADDITION:

Dennis Pletcher, Highway Superintendent, requested stop signs be located at various areas in the Enchanted Hills Addition. Pletcher noted these were additional stops and it was routine to re-evaluate the Subdivisions and the sign placements.

MOTION: Ron Truex

TO: Approve ordinance for additional stop signs to be placed in the Enchanted Hills Addition.

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 06-12-12-001 Stop

An Ordinance establishing “Stop” signs at various County Road intersections within Kosciusko County, Indiana; and

WHEREAS, THE BOARD OF COMMISSIONERS of the County of Kosciusko has the power to regulate the use of the public ways and rights-of ways; and

WHEREAS, THE BOARD OF COMMISSIONERS has the authority to establish Stop signs on County Highways; and

WHEREAS, THE COUNTY HIGHWAY Engineering Department has performed a traffic study at the aforementioned road intersection in accordance to the State of Indiana Uniform Traffic Control Manual and hereby recommend “Stop” signs be installed.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Kosciusko as follows:

Enchanted Hills Addition

1. Install “Stop” sign on the southeast corner of Candy Cane Lane and Tiny Tim Lane – Candy Cane Lane stops for Tiny Tim Lane.
2. Install “Stop” sign on the northwest corner of Candy Cane Lane and Fascination Way – Candy Cane Lane stops for Fascination Way.
3. Install “Stop” sign on the southeast corner of Venetian Way and Tiny Tim Lane – Venetian Way stops for Tiny Tim Lane.
4. Install “Stop” sign on the northwest corner of Venetian Way and Fascination Way – Venetian Way stops for Fascination Way.
5. Install “Stop” sign on the southeast corner of Mad Hatter Drive and Wizard of Oz Way – Mad Hatter Drive stops for Wizard of Oz Way.
6. Install “Stop” sign on the northwest corner of Mad Hatter Drive and Sleepy Hollow Parkway – Mad Hatter Drive stops for Sleepy Hollow Parkway.
7. Install “Stop” sign on the southeast corner of Hansel & Gretel Lane and Wizard of Oz Way – Hansel & Gretel Lane stops for Wizard of Oz Way.
8. Install “Stop” sign on the northwest corner of Hansel & Gretel Lane and Sleepy Hollow Parkway – Hansel & Gretel Lane stops for Sleepy Hollow Parkway.

THIS ORDINANCE shall be in full force and effect on December 12, 2006. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 12th day of December, 2006.

IN THE MATTER OF STOP SIGNS – COPPERWOOD ESTATES SUBDIVISION:

Highway Superintendent Dennis Pletcher presented a stop sign ordinance for Copperwood Estates. Pletcher stated he thought this had been passed before, but could not find the original ordinance.

MOTION: Ron Truex

TO: Approve stop sign ordinance for

SECOND: Avis Gunter

Copperwood Estates Subdivision as presented.

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 06-12-12-002 Stop

An Ordinance establishing “Stop” signs at various County Road intersections within Kosciusko County, Indiana; and

WHEREAS, THE BOARD OF COMMISSIONERS of the County of Kosciusko has the power to regulate the use of the public ways and rights-of ways; and

WHEREAS, THE BOARD OF COMMISSIONERS has the authority to establish Stop signs on County Highways; and

WHEREAS, THE COUNTY HIGHWAY Engineering Department has performed a traffic study at the aforementioned road intersection in accordance to the State of Indiana Uniform Traffic Control Manual and hereby recommend “Stop” signs be installed.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Kosciusko as follows:

Copperwood Estates

1. Install “Stop” sign on the northwest corner of Dugger Drive and CR 225S – Dugger Drive stops for CR 225S.
2. Install “Stop” sign on the southeast corner of Dugger Drive and Dresdin Drive – Dugger Drive stops for Dresdin Drive.
3. Install “Stop” sign on the southeast corner of Dresdin Drive and Dresdin Drive at Lot #25 – Northbound traffic on Dresdin Drive stops for eastbound and westbound traffic on Dresdin Drive.
4. Install “Stop” sign on the northeast corner of Dresdin Drive and CR 75E – Dresdin Drive stops for CR 75E.

THIS ORDINANCE shall be in full force and effect on December 12, 2006. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 12th day of December, 2006.

IN THE MATTER OF 911 EMERGENCY DISPATCH MEDICAL DIRECTOR:

County Administrator Ron Robinson presented a contract for contract with QHG of Warsaw, Inc. to provide Dr. Michael Williams to serve as medical director for the 911 Dispatch Center.

Robinson noted the county is required by the state law to have a medical director to set policies and training mandates for the dispatch center. It was also noted the contract, prepared by County Attorney Mike Miner would be retroactive to include 2006 as well as 2007.

MOTION: Ron Truex
SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve contract with QHG of Warsaw, Inc. to provide Dr. Michael Williams to serve as medical director for the 911 Dispatch Center.

IN THE MATTER OF WARRANTY DEED TO DONALD AND CAROLYN MCCULLOCH:

County Administrator Ron Robinson presented a warranty deed for the Commissioners signatures for the Warren property near Syracuse. Robinson stated all legal aspects had been met and the property had been cleaned to specifications.

IN THE MATTER OF INTERLOCAL AGREEMENTS WITH CITY OF WARSAW AND TOWN OF SYRACUSE FOR CARS PURCHASED FROM LAW ENFORCEMENT FORFEITURES:

Ron Robinson, County Administrator, presented Interlocal Agreements with the City of Warsaw and the Town of Syracuse for cars that had been purchased from Law Enforcement Forfeiture Funds for the Commissioners approval.

MOTION: Avis Gunter

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve Interlocal Agreements for cars purchased from Law Enforcement Forfeiture Funds.

IN THE MATTER OF DISCOUNT PRESCRIPTION CARD:

Ron Robinson, County Administrator, requested permission to look into the possibility of a prescription drug discount card. Robinson noted this issue was addressed at the Commissioners Conference. Robinson said the card could help the elderly and uninsured of the county.

MOTION: Ron Truex

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

TO: Grant permission for Robinson to further investigate the card possibilities.

IN THE MATTER OF NOT FOR PROFIT CONTRACTS:

Michelle Puckett, Chief Deputy for Auditor Sue Ann Mitchell, presented the Not for Profit contracts for the Commissioners signatures. Puckett noted the contracts had been approved during the budget hearings.

IN THE MATTER OF 911 AGREEMENT WITH CITY OF WARSAW:

Michelle Puckett, Chief Deputy for Auditor Sue Ann Mitchell, presented the 911 Agreement with the City of Warsaw for the Commissioners approval. Puckett stated the contract calls for the City to pay the County for services provided by the 911 Dispatch Center.

MOTION: Avis Gunter

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve 911 Agreement for renewal as presented.

IN THE MATTER OF BOWEN CENTER CONTRACT:

Michelle Puckett, Chief Deputy for Auditor Sue Ann Mitchell, presented the contract for the Bowen Center. It was noted this is a state mandated fee the County must pay for services provided by the Bowen Center.

MOTION: Avis Gunter

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve 2007 Bowen Center contract as presented.

IN THE MATTER OF ANIMAL WELFARE LEAGUE CONTRACT:

Michelle Puckett, Chief Deputy for Auditor Sue Ann Mitchell, presented the lease agreement with the Animal Welfare League for the Commissioners signatures.

MOTION: Avis Gunter

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve 2007 Bowen Center contract as presented.

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST: Absent
Sue Ann Mitchell, Auditor

Michelle Puckett, Chief Deputy Auditor

KOSCIUSKO COUNTY COMMISSIONERS DECEMBER 22, 2006

The Kosciusko County Commissioners met for their regular meeting on December 22, 2006 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson, President

Mike Miner, County Attorney

Avis Gunter

Sue Ann Mitchell, County Auditor

Ron Truex

Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer.

Commission President, Brad Jackson turned the meeting over to Commissioner Avis Gunter to chair on her last meeting as Commissioner of Kosciusko County. Minutes were approved as presented. Claims were approved for payment.

IN THE MATTER OF HEALTH DEPARTMENT SOFTWARE CONTRACT:

A request was made by Bob Weaver, Health Department, to approve software contract with Global Systems Inc.

MOTION: Brad Jackson

TO: Approve contract pending review by
County Attorney Mike Miner.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF AREA PLAN COMMISSION APPOINTMENT:

It was the decision of the Commissioners to appoint newly elected Commissioner Bob Conley to serve on the Area Plan Commission.

MOTION: Ron Truex

TO: Appoint Bob Conley to serve on the APC.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF DRAINAGE BOARD APPOINTMENTS:

Commissioner Ron Truex stated he would continue to serve as the Commissioner Representative for the Drainage Board.

MOTION: Ron Truex

TO: Appoint Ron Truex and Bud Watkins to
serve on the Drainage Board.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF WAGE COMMITTEE APPOINTMENT:

Commissioner Brad Jackson stated he would continue to serve as the Commissioner Representative for the Wage Committee.

MOTION: Ron Truex

TO: Appoint Brad Jackson to serve on the Wage Committee.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF WARSAW COMMUNITY DEVELOPMENT APPOINTMENT:

It was the decision of the Commissioners to appoint newly elected Commissioner Bob Conley to serve on the WCD Board.

MOTION: Ron Truex

TO: Appoint Bob Conley to serve on the WCD Board.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF ALCOHOL BEVERAGE COMMISSION APPOINTMENT:

The Commissioners recommended Gordon Vanater be reappointed to serve on the ABC Board for 2007.

MOTION: Ron Truex

TO: Appoint Gordon Vanater to serve on the ABC.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF 2007 COUNTY APPOINTMENTS:

The following people were appointed to serve the County for 2007:

Area Plan Director:	Dan Richard
Area Plan Director Assistant:	Matt Sandy
County Administrator:	Ron Robinson
County Administrator Secretary:	Nanette Newland
County Attorney:	Mike Miner
County Highway Superintendent:	Dennis Pletcher
County Highway Assistant:	Jeff Rohrer
Drainage Board (Commissioner):	Ron Truex
GIS:	Bill Holder
Home Land Security/ Local Emergency Preparedness:	Ed Rock
Maintenance:	Don Taylor
St. Joe River Basin (1 year)	Jon Roberts
Systems Administrator:	Bob Momeyer
Systems Administrator Assistant:	Paul Henning
Veteran Officer:	Mike Barnett
Weights & Measures:	Larry Marner

MOTION: Brad Jackson

TO: Approve county appointments for 2007.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF CHERRY CREEK MANOR HIGHWAY MAINTENANCE ACCEPTANCE:

Jeff Rohrer, Assistant Highway Superintendent, presented Cherry Creek Manor Subdivision for approval for highway acceptance. Rohrer stated there were some minor corrective issues that needed to be taken care of, but they had been notified of those problems. Commissioner Truex questioned Rohrer if it should be accepted before the corrections have been made and Rohrer stated they were very minor matters and there was no reason to wait on the acceptance.

MOTION: Brad Jackson

TO: Approve acceptance agreement contingent upon completion of changes to be made.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

Name of Subdivision: **Cherry Creek Manor**
Road Location: Off of Packerton Rd.
Road Length: **Blossom Lane:** 2400 feet +/-
Masters Lane: 600 feet +/-
Augusta Lane: 500 feet +/-

Person(s) Requesting Acceptance: Glen Johnson
Date of Recommendation: 12-22-2006
Recommendation:
It is the recommendation of the Kosciusko County Highway Department that maintenance for these streets commence immediately.

IN THE MATTER OF BLACKBERRY TRACE HIGHWAY MAINTENANCE ACCEPTANCE:

Jeff Rohrer, Assistant Highway Superintendent, presented Blackberry Trace Subdivision for approval for highway acceptance.
MOTION: Brad Jackson TO: Approve Blackberry Trace Subdivision for highway acceptance.
SECOND: Ron Truex
AYES: 3 NAYS: 0
UNANIMOUS

KOSCIUSKO COUNTY HIGHWAY ACCEPTANCE FOR COUNTY MAINTENANCE

Name of Subdivision: **Blackberry Trace**
Road Location: Off of Ferguson Rd.
Road Length: **Blackberry Trail:** 1500 feet +/-

Person(s) Requesting Acceptance: Mark Sroufe
Date of Recommendation: 12-22-2006
Recommendation:
It is the recommendation of the Kosciusko County Highway Department that maintenance for these streets commence immediately.

IN THE MATTER OF SHADOW LAKES HIGHWAY MAINTENANCE ACCEPTANCE:

Jeff Rohrer, Assistant Highway Superintendent, stated the second part of the Shadow Lakes Subdivision was ready for highway maintenance acceptance. Rohrer noted this was for snow plowing only. He also stated the 1st part of the subdivision was receiving maintenance as well as snow plowing services.
MOTION: Brad Jackson TO: Approve the second part of Shadow Lakes Subdivision for highway maintenance.
SECOND: Ron Truex
AYES: 3 NAYS: 0
UNANIMOUS

KOSCIUSKO COUNTY HIGHWAY ACCEPTANCE FOR COUNTY MAINTENANCE

Name of Subdivision: **Shadow Lakes**
Road Location: Off of Old 30 E.
Road Length: **Lake Tahoe Trail:** 2000 feet +/-
Geneva Lane: 700 feet +/-
Victoria Lane: 750 feet +/-
St. Clair Court: 1100 feet +/-

Person(s) Requesting Acceptance: Dale Custer
Date of Recommendation: 12-22-2006
Recommendation:
It is the recommendation of the Kosciusko County Highway Department that snow plow service be provided for one year. No other maintenance will be provided.

IN THE MATTER OF STOP SIGN ORDINANCE – SHADOW LAKES SUBDIVISION:

Jeff Rohrer, Assistant Highway Superintendent, presented a stop sign ordinance for Shadow Lakes Subdivision for the Commissioners approval.
MOTION: Brad Jackson TO: Approve stop sign ordinance for Shadow Lakes Subdivision as presented.
SECOND: Ron Truex
AYES: 3 NAYS: 0
UNANIMOUS

ORDINANCE 06-12-22-001 Stop

An Ordinance establishing “Stop” signs at various County Road intersections within Kosciusko County, Indiana; and
WHEREAS, THE BOARD OF COMMISSIONERS of the County of Kosciusko has the power to regulate the use of the public ways and rights-of ways; and

WHEREAS, THE BOARD OF COMMISSIONERS has the authority to establish Stop signs on County Highways; and

WHEREAS, THE COUNTY HIGHWAY Engineering Department has performed a traffic study at the aforementioned road intersection in accordance to the State of Indiana Uniform Traffic Control Manual and hereby recommend "Stop" signs be installed.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Kosciusko as follows:

Shadow Lakes

1. Install "Stop" sign on southeast corner of Lake Tahoe Trail and Lake Tahoe Trail at Lot #35. Lake Tahoe Trail stops for eastbound traffic on Victoria Lane and westbound traffic on Lake Tahoe Trail.
2. Install "Stop" sign on northwest corner of Lake Tahoe Trail and Geneva Trail at Lot #49. Lake Tahoe Trail stops for westbound traffic on Lake Tahoe Trail and eastbound traffic on Geneva Trail.
3. Install "Stop" sign on the northwest corner of Saint Clair Court and Saint Clair Court at Lot #66. Saint Clair Court stops for westbound traffic on Geneva Lane and southbound traffic on Saint Clair Court.

THIS ORDINANCE shall be in full force and effect on December 22nd, 2006. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 22nd day of December, 2006.

IN THE MATTER OF STOP SIGN ORDINANCE – KERN’S CROSSING SUBDIVISION:

Jeff Rohrer, Assistant Highway Superintendent, presented a stop sign ordinance for Kern’s Crossing Subdivision for the Commissioners approval.

MOTION: Brad Jackson

TO: Approve stop sign ordinance for Kern’s Crossing Subdivision as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 06-12-22-002 Stop

An Ordinance establishing "Stop" signs at various County Road intersections within Kosciusko County, Indiana; and

WHEREAS, THE BOARD OF COMMISSIONERS of the County of Kosciusko has the power to regulate the use of the public ways and rights-of ways; and

WHEREAS, THE BOARD OF COMMISSIONERS has the authority to establish Stop signs on County Highways; and

WHEREAS, THE COUNTY HIGHWAY Engineering Department has performed a traffic study at the aforementioned road intersection in accordance to the State of Indiana Uniform Traffic Control Manual and hereby recommend "Stop" signs be installed.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Kosciusko as follows:

Kern’s Crossing

1. Install "Stop" sign on the northeast corner of Duffy Drive and Kern Road. Duffy Drive stops for Kern Road.
2. Install "Stop" sign on the southwest corner of Duffy Drive and Magill Court. Duffy Drive stops for Magill Court.
3. Install "Stop" sign on the southeast corner of Annes Way and Magill Court. Annes Way stops for Magill Court.
4. Install "Stop" sign on the southwest corner of Duffy Drive and Magill Court. Duffy Drive stops for Magill Court.
5. Install "Stop" sign on the northwest corner of Abbey Court and Duffy Drive. Abbey Court stops for Duffy Drive.

THIS ORDINANCE shall be in full force and effect on December 22nd, 2006. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 22nd day of December, 2006.

IN THE MATTER OF SNOW PLOWING ROAD MAINTENANCE AGREEMENT WITH CITY OF WARSAW:

Jeff Rohrer, Assistant Highway Superintendent, presented the annual road maintenance/snow plow agreement with the City of Warsaw for the Commissioners approval. Rohrer noted this agreement specifies which roads the city and county will plow and therefore alleviates the city/county overlapping their snow plowing.

MOTION: Brad Jackson

TO: Approve road maintenance/snow plow agreement with the City of Warsaw.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

Road Maintenance Agreement

This agreement made and entered into this 22nd day of December 2006 by and between the Kosciusko County Highway Department, hereinafter referred to as "County Highway", and the City of Warsaw;

WITNESSETH:

Whereas, to avoid plow overlaps, resource waste, and to maintain the highest level of safety possible for snowplow drivers and the motoring public, the following snow and ice control routes have been proposed to the City of Warsaw for the winter season:

1. The County Highway will provide snow and ice control, according to the Kosciusko County Highway Department policy, for the following roads:
 - a) CR 300 N – CR 150 W, west to the Warsaw city Limits.
 - b) CR 200 S – County Farm Road west to the Warsaw City Limits.
 - c) Old Road 30 E – from US 30 to the Warsaw City Limits (Cheyenne Dr.).
 - d) Kosciusko Drive - from Old Road 30 E to E Center Street.
 - e) CR 175 E - from Kosciusko Drive to E Center St.
 - f) Cheyenne Drive - from Warsaw City Limits south to Old Road 30 East.
 - g) Cr 225 E - from Warsaw City Limits south to Old Road 30 East.
 - h) Pontiac Drive - from Warsaw City Limits west to Cr 225 E.
 - i) Rozella Rd - from SR 25 to SR 15.
 - j)
2. The City of Warsaw will provide snow and ice control for the following roads:
 - a) CR 300 N from CR 150 W to SR 15.
 - b) Cr 150 W - from the Warsaw City Limits south to Fox Farm Road.
 - c) Husky Trail (CR 100 E) - from the Warsaw City Limits to CR 200 N.
 - d) Anchorage Road (Cr 200 N) - from SR 15 to Husky Trail (Cr 100 E).
 - e) Center Street Extended – from the Warsaw City Limits to CR 175 E.
 - f) Hepler Drive - form the Warsaw City Limits to Old 30 West.
 - g) Tippecanoe Drive - from the Warsaw City Limits to Hepler Drive.
 - h) Sharon Street, Nye Street, and Cambridge Drive between Green Hill Drive and Tippecanoe Drive.
 - i) Country Club Rd - from the Warsaw City Limits, south to 200 S.

Snowplow damages (such as but not limited to sod, mailboxes, driveway approaches) would be repaired by the entity responsible for providing snow and ice control on that particular road and not the entity that is responsible for normal highway maintenance.

3. The County Highway will provide gravel road maintenance which includes grading and providing dust control according to the Kosciusko County Highway Department policy for the following roads maintained by the City of Warsaw:
 - a) CR 300 N from CR 150 W, west to the Warsaw City Limits.

Unless specifically stated (as in section 3), the above only refers to snow and ice control activities – not normal road maintenance such as, but not limited to, repairing drainage, fixing drainage issue, and / or repaving. This agreement shall supercede all previous agreements and expire one year from the date of acceptance.

In the Witness Whereof, the parties have executed this agreement on said date and year aforementioned.

IN THE MATTER OF ANIMAL WELFARE LEAGUE ROOF:

County Administrator Ron Robinson stated the Animal Shelter is in need of a new roof. Robinson stated he had received a proposal from Bambi's Roofing to fix the roof at a cost of \$14, 528.00 and recommended the Commissioners approve the expenditure.

MOTION:	Ron Truex	TO:	Approve the Animal Shelter roof be
SECOND:	Brad Jackson		repaired at a cost of \$14, 538.00 by Bambi's
AYES:	3	NAYS:	0
			Roofing.
UNANIMOUS			

IN THE MATTER OF BUILDING CODE ENFORCEMENT – BUILDERS ASSOCIATION:

Doug Harvey, Committee Chair for the Builders Association of Kosciusko and Fulton Counties presented a letter of support to the Commissioners in regard to building code enforcement. Harvey noted that code enforcement is not an easy task but feels it is crucial to develop a building code that would meet safety standards for remodeling and new construction. Harvey thanked the Commissioners who have taken time to meet with the Builders Association over the past year and again offered the Association's support.

Commissioner Truex stated that he and Joanie Truex have with other counties and plan to have a draft put together shortly that can be taken back to the Builders Association. Truex also noted his desire to see all parties work together on this task and thanked Harvey for his work on the project.

IN THE MATTER OF PRIMIX CORP. – HARRISON TOWNSHIP REZONING REQUEST:

Dan Richard, Area Plan Director, presented a request from Primix Corporation, Harrison Township to rezone a parcel in Atwood from Agricultural to Industrial III. Richard stated Primix has a buyer interested in the site but the proposed development is contingent upon the rezoning. Richard went on to say that it was the recommendation of the APC to approve the rezoning request.

Steve Snyder, Attorney for Nature’s Fuel, a manufacturer of fuel pellets for stoves stated his client is interested in the Primix building but only if the all of the property is zoned the same; that being Industrial III.

IN THE MATTER OF PRIMIX CORP. – HARRISON TOWNSHIP REZONING REQUEST CONTINUED:

No one in attendance spoke in opposition to the rezoning request.

MOTION: Ron Truex TO: Accept APC recommendation to rezone
SECOND: Brad Jackson Primix parcel from Agricultural to Industrial III.
AYES: 3 NAYS: 0
UNANIMOUS

**ORDINANCE 06-12-22-001 Z Record #200600017397
AN ORDINANCE AMENDING, AND TO AMEND
THE ZONING ORDINANCE 75-1 MISC REC 53 PG 130 JACKETS 20-A & 20-B
OF KOSCIUSKO COUNTY, INDIANA**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF KOSCIUSKO COUNTY, INDIANA:
ARTICLE 1.

Section 1. That the Kosciusko County Zoning Ordinance heretofore passed and adopted by the Board of Commissioners of Kosciusko County, Indiana, and recorded under Miscellaneous Record 53, Page 130 as Ordinance 75-2, be and the same is hereby amended in the particulars hereinafter set forth.
Section 2. That certain tract of land situate in Kosciusko County, Indiana, now lying without the corporate limits of any City or Town and under the jurisdiction of the Kosciusko County Area Plan Commission, as a part of the Comprehensive Plan for Kosciusko County, Indiana; to-wit:

A tract of land in the Northwest Quarter of Section 5, Township 32 North, Range 5 East, commencing at a point 81 rods and 22 links West of the Northeast corner of the Northwest Quarter of said Section; thence East 163 feet to a point for a principal place of beginning; thence East 371.1 feet to a point; thence South to a point on the North line of the right of way of the Pittsburgh, Fort Wayne and Chicago Railway, also known as the Pennsylvania Railway; thence North 70 degrees West and along the North line of said railway right of way 568.4 feet to a point on said right of way; thence North 281 feet to a point; thence East 163 feet to a point; thence North 160 feet, more or less to the South right of way line of the East-West public highway known as U.S. Highway 30, and continuing North an unknown distance to the principal place of beginning.

Be, and the same is hereby, removed from classification as a **Agricultural** and subject real estate shall be reclassified and rezoned as **Industrial III** within the limitations, definitions and description of the Kosciusko County Zoning Ordinance.
Section 3. That the Ordinance Administrator, pursuant to said Zoning Ordinance be, and he is hereby authorized to issue Location Improvement Permits and Certificates of Occupancy with reference to the construction and improvements upon said described real estate so long as applications therefore comply with the Kosciusko County Zoning Ordinance and upon compliance with all applicable rules and regulations of the State of Indiana and local authorities, as the same may be applicable to the construction of streets, parking facilities, storm sewers, drains, sidewalks and sewer and water facilities.

ARTICLE 2.
Section 1. This ordinance shall be in full force and effect from and after its passage.
Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana on the 22nd day of December, 2006.

IN THE MATTER OF AVIS GUNTER RECOGNITION:
In recognition of Commissioner Avis Gunter’s last meeting; Sue Ann Mitchell, County Auditor, noted that Gunter is well known throughout the County as well as the State. Mitchell stated Gunter had received the highest award given out by the Association of Indiana Counties and has been a friend and mentor to many people, calling Gunter the “Poster Child of Public Service” and stated she will be missed.

Being no further business to come before the Commissioners the meeting was adjourned.

Brad Jackson, President

Ron Truex, Member

Avis Gunter, Member

ATTEST:_____
Sue Ann Mitchell, Auditor