

KOSCIUSKO COUNTY COMMISSIONERS

January 8, 2008

The Kosciusko County Commissioners met for their regular meeting on January 8, 2008 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

Bob Conley

Ron Truex

Mike Miner – County Attorney

Marsha McSherry – 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 ELECTION OF OFFICERS:

President Brad Jackson called for nominations for 2008 Officers.

MOTION: Bob Conley

TO: Nominate Brad Jackson as President for 2008.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

MOTION: Ron Truex

TO: Nominate Bob Conley as Vice President for 2008.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF PUBLIC DEFENDERS BOARD APPOINTMENTS:

County Administrator Ron Robinson recommended Jane Kauffman, John Hall and Alan Alderfer be appointed to serve on the Public Defenders Board for 2008.

MOTION: Ron Truex

TO: Approve recommendation and appoint

SECOND: Bob Conley

Kauffman, Hall and Alderfer to Public

AYES: 3 NAYS: 0

Defenders Board as requested.

UNANIMOUS

IN THE MATTER OF CARPET REPLACEMENT IN TREASURER AND AUDITOR OFFICES:

Ron Robinson, County Administrator, stated he had received an estimate of \$5,700.00 to replace the carpeting in the Treasurer and Auditor offices. Robinson noted the carpet in the Assessor's office had been replaced in 2007 and he would like to continue to replace the worn carpets.

Robinson requested permission to proceed.

MOTION: Bob Conley

TO: Approve replacing carpet in the

SECOND: Ron Truex

Treasurer and Auditor's offices at a cost of

AYES: 3 NAYS: 0

\$5,700.00.

UNANIMOUS

IN THE MATTER OF SOLID WASTE DISTRICT INTER-LOCAL AGREEMENT:

Auditor Marsha McSherry presented an Inter-Local Agreement between the Solid Waste District and the County Highway for the Commissioner's approval. It was noted this agreement was for exchange of services between the two entities.

MOTION: Ron Truex

TO: Approve Inter-Local Agreement as

SECOND: Bob Conley

presented.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF RD 15 N TIF ORDER:

Marsha McSherry, Auditor, presented an order approving the Declaratory Resolution and the Economic Development Plan of the Redevelopment Commission for the RD 15 N TIF for the Commissioners approval. It was noted the TIF area is progressing according to the timeline.

MOTION: Bob Conley

TO: Approve Order for the Leesburg TIF as

SECOND: Ron Truex

presented.

AYES: 3 NAYS: 0

UNANIMOUS

ORDER NO. 08-01-08-001- TIF

As recorded in of the office of the Kosciusko County Recorder

IN THE MATTER OF BARRINGTON HILLS SUBDIVISION – PHASE II HIGHWAY ACCEPTANCE:

Dennis Pletcher, Highway Superintendent, presented an Acceptance for Highway Maintenance Agreement for Barrington Hill – Phase II Subdivision. Pletcher stated all work had been completed and was in compliance for county maintenance. Commissioner Truex asked Pletcher if it would be possible for Pletcher to get a list of the subdivisions that have been accepted for county maintenance within the last five years. Pletcher noted he could get that information to the Commissioners.

MOTION: Bob Conley

TO: Approve Barrington Hill – Phase II for highway maintenance as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF KABS 2008 OPERATIONAL GRANT:

Rita Baker, KABS Director, presented the 2008 KABS Operational Grant Application for the Commissioners approval. Baker noted Mike Miner, County Attorney, had also reviewed the application.

MOTION: Bob Conley

TO: Approve grant application for 2008 for KABS operational budget as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF WAWASEE/SYRACUSE TRAIL COMMITTEE PRESENTATION:

David Brandes, member of the Wawasee/Syracuse Trail Committee, appeared before the Commissioners to brief them on a possible Transportation Enhancement Grant made possible by INDOT. Brandes stated according to the grant, the County would act as the fiscal body for the grant and would need to have the Commissioners approval to proceed with the project. He went on to say that INDOT oversees the project (building/engineering, etc.) and that no money can be released by the County until INDOT approves and signs off of the work. Brandes also said he was not sure what the grant would total, noting there must be matching funds from the Committee. Brandes and Spike Ford, Committee member discussed progress that had been made and what they would like to be able to accomplish with the grant and reiterated they were speaking as a courtesy to the Commissioners in advance to their formal grant application request.

The Commissioners thanked Brandes and Ford for their work on the project and noted how good it is to see volunteers working to make good things happen in the County. They also requested Brandes get a copy of the grant information to Auditor McSherry for her to review in regards to the administration of the grant.

IN THE MATTER OF BASS - SEWARD TOWNSHIP VACATION REQUEST:

Matt Sandy, Assistant Area Plan Director, presented a vacation request from Jerry and Bettye Bass, Roy Hohman Subdivision on Yellow Creek Lake, Seward Township. Sandy stated Mr. & Mrs. Bass were requesting to have the roadway vacated and rededicated to the proper location. Sandy noted this request was similar to vacations previously granted. He added there was no remonstrance received.

Representing Jerry and Bettye Bass was Attorney Rick Helm who stated this was the third segment of the relocation of Roy Drive and request to vacate the platted right-of-way. Helm noted a deed of dedication had been prepared as well. He went on to question the possibility of an amendment to the zoning ordinance that would allow additional properties to be vacated at one time rather than piece meal.

Commissioner Truex suggested that Helm work with Sandy to see if an amendment or policy on this type of vacation could be drafted.

Property owner Bettye Bass stated they had not owned the property when the previous vacations were done. If they had they would have made their request at that time.

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

MOTION: Ron Truex

TO: Accept APC recommendation and allow vacation as requested.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 08-01-08-001 V

As recorded in the Office of the Kosciusko County Recorder

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

KOSCIUSKO COUNTY COMMISSIONERS

January 22, 2008

The Kosciusko County Commissioners met for their regular meeting on January 22, 2008 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

Bob Conley

Ron Truex - Absent

Mike Miner – County Attorney

Marsha McSherry – 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: WORK RELEASE EXPENSE REPORT:

Rocky Goshert Sheriff, presented a summary of the work release expenses along with 2007 Sheriff's Commissary report.

IN THE MATTER OF: 911 UPDATE:

Tom Brindle 911 Director, shared his concerns about Senate Bill 359, presented by Senator Herschman. Mr. Brindle stated there are 17 members on the 911 board which he thought were too many and there should be no more than 9. As of July First Two Thousand twelve limit 911 centers to one per county. The Department of Homeland Security is receiving \$350,000.00; Mr. Brindle does not feel they should be getting 911 money. Mr. Brindle asked permission to attend the Hearing for the second reading of the SB359. The Commissioners stated they supported Mr. Brindles' efforts.

IN THE MATTER OF: KOSCIUSKO COUNTY BOARD OF FINANCE:

President Jackson recognized Kent Adams, Kosciusko Co. Treasurer, for the purpose of convening and election of officers for the 2008 Board of Finance and to review the 2007 investment report of county funds. Mr. Adams reported less interest earned on CD in 2007 down 12.3% from 2006. Mr. Conley commended Mr. Adams for good investment practices.

MOTION: Brad Jackson

SECOND: Bob Conley

AYES: 2 NAYS: 0

UNANIMOUS

TO: Elect Mr. Bob Conley to serve as

President & Treasurer and Mr. Kent Adams to

serve as Secretary of the 2008 Kosciusko

County Board of Finance.

IN THE MATTER OF: FORGIVABLE PROMISSORY NOTE FORMER GATKE DUMP BROWNFIELD SITE (BROWNFIELD SITE NUMBER 4010028):

Mike Miner Kosciusko County Attorney, reported all requirements of Promissory note were met and as agreed the note was forgiven.

IN THE MATTER OF: AERIAL PHOTOGRAPHY:

Ron Robinson, County Administrator, asked permission to engage in an Inter-Local Agreement with Marshall County. Providing aerial photographs at a savings of up to \$4,000.00 to the County.

MOTION: Bob Conley

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

TO: Accept inter-local agreement with

Marshall County.

IN THE MATTER OF: INTER-LOCAL AGREEMENT WITH THE CITY OF WARSAW:

Ron Robinson, County Administrator, asked to continue to observe an Inter-Local agreement that allows the city to keep monies received from tickets in exchange for patrolling Old Jail & Munson Building parking lots.

MOTION: Bob Conley

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

TO: Continue to allow the City to keep money from tickets issued in Old Jail and Munson building parking lots, in exchange for patrolling county lots.

IN THE MATTER OF: COMMON WAGE COMMITTEE APPOINTMENTS:

Ron Robinson, County Administrator, asked that Mr. Don Searce be appointed to the Common Wage Committee.

MOTION: Bob Conley

TO: Appoint Mr. Don Searce to the
Wawasee Common Wage Committee.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF: KOSCIUSKO COUNTY CONVENTION & VISITORS BUREAU APPOINTMENTS:

Ron Robinson, County Administrator, recommended John Elliott and Mike Stetzel to serve on the board of the KCCVC.

MOTION: Bob Conley

TO: Appoint Mr. John Elliott and Mr.
Mike Stetzel to the KCCVC board.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF: DRAINAGE BOARD APPOINTMENTS:

Ron Robinson, County Administrator, recommended to reappoint Dorris Harrold to the drainage board.

MOTION: Bob Conley

TO: Reappoint Dorris Harrold to Drainage
Board

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF: HOMESTEAD CREDIT REBATE:

Marsha McSherry, Auditor, stated Homestead Credit Rebate checks will go in the mail tomorrow January 23, 2008. More information on those checks can be found on the County web site.

IN THE MATTER OF: LOW SOFTWARE SERVICE AGREEMENT:

Marsha McSherry, Auditor, presented Low software 2008 service agreement for the Auditors office for approval.

MOTION: Bob Conley

TO: Approve Low Software 2008 Service
Agreement for the Auditor's office.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF: DISTRICT 2 TRAINING FACILITY:

Jim Lopez, South Bend Assistant Fire Chief, presented a proposal for a training facility to be built in South Bend. Mr. Lopez stated all funding so far has been through donations. Mr. Lopez said the project will cost 12-15 million dollars and he wasn't asking for money at this time. State and federal funding earmarked for this project.

Some items mentioned in the presentation were:

Current Donations:

- \$1.5 Million Committed to project by the City of South Bend
- South Bend Airport has donated 50+ acres for the Training Facility

Uses for the Training Facility:

- Training for Hazmat
- LP gas training for fire fighters
- Law enforcement training
- Public Safety
- Ivy Tech would like to offer credited classes in the building

Lopez stated it would be much more convenient to have this facility in our region, at this time city employees travel long distances for the training they could be getting right here.

IN THE MATTER OF: REZONING ROYBAR ENTERPRISES, TIPPECANOE TOWNSHIP:

Dan Richard Area Plan Commission, presented a rezoning request for RoyBar Enterprises in Tippecanoe Township. Mr. Richard explained the owners of the property have a marina and would like to add a snack bar changing zoning from residential to commercial. His recommendation was to allow the rezoning request.

IN THE MATTER OF: REZONING ROYBAR ENTERPRISES, TIPPECANOE TOWNSHIP CONTINUED:

Rick Helm, Attorney for the Petitioner, stated property has been used commercially for many years long before the county had zoning. Under the current Conformity Rules the establishment cannot grow without being in violation of those rules. Mr. Helm would like to rezone so it won't be necessary to go to the BZA after that growth has occurred.

Brad Jackson because of the large attendance asked for a show of hands in favor of rezoning many people raised their hands.

The floor was turned over to Jack Birch, Attorney for the property owners to the north of the Marina. Mr. Birch stated the problem with rezoning is, it will open the door for future commercial growth more than what the current marina owner is asking for. These residents don't feel commercial zoning will benefit the lake. An option was suggested to go to the BZA for variance on expanded snack bar/eating establishment. Concerns were raised about a possible liquor license in the future. Mr. Birch asked the Commissioners to deny the request and let the owners go to the BZA for non-conformity use variance.

Bob Conley suggested letting things remain as they have been and operate as a snack bar.

Curtis Haunley, community member opposed to rezoning, shared his concerns about possible liquor license in the future. Mr. Haunley also stated he thought people might try to cross his yard which could possibly turn into a lawsuit if someone got hurt

Dan Drock shared concern about traffic increase on a basically one lane road.

Jenny Haunley concerned about parking in front of the restaurant, traffic safety and hours of operation. She also reiterated the fear of the establishment becoming a bar.

Rick Helm Stated marina has been there for many years, neighbors knew when they bought the property the marina was there. Liquor license is not a zoning issue. Petitioner agreed to self imposed restrictions.

Jack Birch stated they had no problem with restrictions, with the exception of a liquor license. Rick Helm stated they will not agree to restrictions on a liquor license.

Jenny Haunley shared concerns about hours of operation and traffic. Curtis Haunley mentioned people using their yards to cross and possible lawsuits stemming from this.

Zoning Hearing closed to public input. Commissioners discussed rezoning.

Dan Richards was asked about restrictions on growth, he stated there is no restriction on growth (only on parking lot and lighting)

Brad Jackson feels opponents are mainly afraid of the establishment becoming a bar. Brad stated he was trying to look at the situation as to how he would feel if it were him. It's not bad for a marina or restaurant his main concern would be the hours of operation and possible late nights. .

Bob Conley made a motion to accept the Area Plan Commissions recommendations to allow rezoning with the understanding of the good neighbor policy.

The motion died due to lack of a second

Brad Jackson suggested Rick Helm and Jack Birch on behalf of their clients to work to find common ground and come back at another time.

The Attorneys agreed to return on March 18, 2008.

MOTION: Bob Conley

TO: Table Rezoning request and return on
March 18, 2008.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

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

KOSCIUSKO COUNTY COMMISSIONERS

February 5, 2008

The Kosciusko County Commissioners met for their regular meeting on February 5, 2008 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

Bob Conley

Ron Truex

Mike Miner – County Attorney

Marsha McSherry – 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 MICRO-VOTE SOFTWARE AGREEMENT:

Sharon Christner, County Clerk, presented annual Micro-Vote software agreement.

MOTION: Bob Conley

TO: Continue to observe software agreement

SECOND: Ron Truex

Approve agreement as presented

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF JOHN KROUSE RECOGNITION:

Rocky Goshert, Sheriff, presented John Krouse a plaque of appreciation for efforts in foiling an attempted robbery in Pierceton in December of 2007.

IN THE MATTER OF MOTOROLA REFUND CHECK:

Mike Miner, County Attorney, reviewed the Motorola settlement. Motorola had agreed to settle for \$20,000.00. However they determined the county owed \$31,000.00 in another matter.

Motorola agreed to void the charges owed by the county if the county was agreeable to call it even.

MOTION: Ron Truex

TO: Approve settling claim as presented

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF WORK RELEASE CENTER:

Ron Robinson, County Administrator, requested \$8,000.00 for a new washing machine for the Work release center. The money will come from CCD fund.

MOTION: Bob Conley

TO: Approve \$8,000.000 to purchase

SECOND: Ron Truex

commercial washing machine for the work

AYES: 3 NAYS: 0

release center.

UNANIMOUS

IN THE MATTER OF CARPET REPLACEMENT IN TREASURER AND AUDITOR OFFICES:

Robinson stated carpet will be laid in the Auditor's and Treasurer's offices beginning Friday, February 5 and finish Friday February 15th. Robinson requested permission to close Auditor's front office during transition, allowing limited help to the public.

IN THE MATTER OF SOLID WASTE DISTRICT INTER-LOCAL AGREEMENT:

Marsha McSherry, County Auditor, submitted Inter-Local Agreement with the Solid Waste District for approval. This agreement allows the auditor to be the Controller for the District.

MOTION: Ron Truex

TO: Approve Inter-Local Agreement as

SECOND: Bob Conley

presented.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF SOLID WASTE DISTRICT BOARD MEMBERS

RETROACTIVE:

Marsha McSherry, County Auditor, presented the 2008 of Solid Waste Board members for the Commissioners approval. Board members include: Brad Jackson, Terry A. Howie, John Kinsey, Ron Truex, Ernest B. Wiggins, George Clemons, and Robert Conley

MOTION: Ron Truex

TO: Approve 2008 Solid Waste District board

SECOND: Bob Conley

members. McSherry, requested the approval

AYES: 3 NAYS: 0

be retroactive from 01-01-08.

UNANIMOUS

IN THE MATTER OF DE-OBLIGATION AGREEMENT FOR KABS 2007 CAPITAL GRANT:

McSherry presented De-Obligation agreement for the 2007 KABS Capital Grant for approval.

MOTION: Bob Conley

TO: Approve agreement as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF SR. 15 RE-ROUTING REQUEST:

Dennis Pletcher, Highway Superintendent, stated he had received a request from the Town of Silver Lake to re-route traffic on SR. 15 for their annual Silver Lake Days celebration.

MOTION: Ron Truex

TO: Approve request as presented.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

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

**KOSCIUSKO COUNTY COMMISSIONERS
February 19, 2008**

The Kosciusko County Commissioners met for their regular meeting on January 8, 2008 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

Bob Conley

Marsha McSherry – 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 KABS QUARTERLY REPORTS:

Rita Baker, KABS Director, submitted her quarterly reports for approval.

MOTION: Ron Truex

TO: Approve KABS quarterly reports as

SECOND: Bob Conley

presented.

AYES: 3 NAYS: 0

UNANIMOUS

Baker also thanked Dennis Pletcher and the Highway Department for their efforts in keeping the roads cleared and passable this winter.

IN THE MATTER OF FUNDS FOR JAIL KITCHEN:

Ron Robinson, County Administrator, requested \$17,000.00 to purchase stainless steel for the kitchen walls in the jail. Robinson stated there is an ongoing water problem and he would like to refurbish the kitchen with stainless steel walls and paint the concrete to alleviate the problem.

MOTION: Bob Conley

TO: Approve \$17,000.00 for jail kitchen

SECOND: Ron Truex

repairs.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF INSURANCE QUOTES:

Ron Robinson, County Administrator, stated the RFP for liability insurance quotes are ready to go out to local insurance agents.

IN THE MATTER OF COUNTY GOVERNMENT WEEK:

Ron Robinson, County Administrator, said County Government week is the week of April 6th through the 12th. An employee breakfast is being planned in celebration. Robinson would like to schedule the breakfast for Friday April 11th.

MOTION: Ron Truex TO: Approve an employee breakfast on
SECOND: Bob Conley April 11, 2008 in observance of County
AYES: 3 NAYS: 0 government week.
UNANIMOUS

IN THE MATTER OF LEESBURG TIF DECLARATORY RESOLUTION:

Marsha McSherry, County Auditor, presented a Declaratory Resolution to establish the Leesburg Economic Development area to the Commissioners for approval.

MOTION: Ron Truex TO: Approve Declaratory Resolution
SECOND: Bob Conley as presented.
AYES: 3 NAYS: 0
UNANIMOUS

RESOLUTION #08-02-19TIF

As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF TEMPORARY WARNING SIGNS:

Dennis Pletcher, Highway Department Superintendent, asked permission to put up temporary "Travel at own risk" signs. Pletcher questioned Mike Miner, County Attorney, about the legality of the signs. Mike Miner stated from a legal standpoint it would be wise to notify people of hazardous conditions.

MOTION: Ron Truex TO: Approve Highway Department's request
SECOND: Bob Conley to place temporary warning signs in hazardous
AYES: 3 NAYS: 0 areas.
UNANIMOUS

IN THE MATTER OF HIGHWAY TRUCK MAINTAINANCE:

Dennis Pletcher, Highway Department Superintendent, requested permission to purchase belts for two of the dump trucks. Pletcher noted the belts were \$7,000. a piece.

MOTION: Ron Truex TO: Approve purchase of two dump truck
SECOND: Bob Conley belts.
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF LAKEVIEW DRIVE BRIDGE CHANGE ORDER:

Dennis Pletcher, Highway Department Superintendent, submitted a Bridge Change Order for C-S1 Lakeview Dr. Syracuse for approval.

MOTION: Ron Truex TO: Accept Bridge Change Order as
SECOND: Bob Conley presented.
AYES: 3 NAYS: 0
UNANIMOUS

**IN THE MATTER OF LAWRENCE GADZALA VACATION REQUEST -
TIPPECANOE TOWNSHIP:**

Matt Sandy, Assistant Area Plan Director, presented a vacation request for Lawrence Gadzala Lot 47; Miller's Landing in Tippecanoe Township. Sandy stated the project received negative feedback from the highway department. The Area Plan Commission unanimously recommended the vacation be denied. Steve Snyder, Attorney for the Gadzala's, stated due to the fact that a resident of the neighborhood could not be contacted, he would like to request a two week continuance.

MOTION: Bob Conley TO: Allow a two week continuance until
SECOND: Ron Truex March 4, 2008
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF DUANE & SANDRA BARTELS REZONING REQUEST - TIPPECANOE TOWNSHIP:

Area Plan Commission Director Dan Richard, presented a request from Duane & Sandra Bartels to rezone 5.7 acres from agricultural to residential in Tippecanoe Township. Richard's recommendation was to allow the rezoning request.

MOTION: Bob Conley TO: Approve rezoning of 5.7 acres in
SECOND: Ron Truex Tippecanoe Township from Agricultural to
AYES: 3 NAYS: 0 Residential as requested.
UNANIMOUS

ORDINANCE #08-02-19-001 Z

As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF KERLIN REZONING REQUEST - WAYNE TOWNSHIP:

Dan Richard, APC Director, presented a rezoning request from Ed & Norma Kerlin to rezone approximately 107 acres in Wayne Township from Agricultural to Residential. The Area Plan Commission's recommendation was to allow the rezoning request.

MOTION: Bob Conley TO: Allow Kerlin rezoning requests as
SECOND: Ron Truex presented.
AYES: 3 NAYS: 0
UNANIMOUS

ORDINANCE #08-02-19-002 Z

As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF KZO LLC REZONING REQUEST WAYNE TOWNSHIP:

Area Plan Commission Director Dan Richard, presented a request from KZO, LLC to rezone 32 acres in Wayne Township from Agricultural to Residential. Area Plan Commission's recommendation was to allow rezoning.

MOTION: Bob Conley TO: Approve KZO, LLC rezoning request as
SECOND: Ron Truex presented.
AYES: 3 NAYS: 0
UNANIMOUS

ORDINANCE #08-02-19-003Z

As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF HARLAN BEER REZONING REQUEST - VANBUREN TOWNSHIP:

County Commission President Brad Jackson, asked Dan Richard, Area Plan Commission Director, to educate those present on the Beer rezoning request. Richard stated Harlan Beer's original rezoning request was to have the entire parcel rezoned Industrial/I-3 from Agricultural. Richard stated the APC had denied the request and suggested Beer come back with some I-2 buffering for a portion of the parcel. Richard then explained the difference between I-1, I-2 and I-3 classifications – I-1 being limited commercial, I-2 as light commercial that also requires a 20' setback and I-3 as heavy commercial requiring a 50' setback. Richard then presented Beer's new proposal which was requesting 45.2 acres be zoned I-2 and the remaining 175 acres zoned I-3. He noted the APC heard extensive comments regarding the request at their zoning meeting. Richard stated the APC had voted 6-2 to allow the rezoning from Agricultural to I-2 and I-3. President Jackson expressed the need to resolve this issue, which would require a compromise on both sides. Jackson stated the Beers are members of the community which is a positive point in this matter. Jackson also noted the Commissioners want to do what is in the best interest for County development.

Jackson stated he would like to conduct this zoning hearing in a different manner than usual and inquired if Steve Snyder, Attorney for the Beers would be agreeable to that. Snyder stated his client had already compromised with this amended rezoning request but noted he would be willing to listen to any community comments, however he was not willing to give up any more land to I-2 zoning than was already purposed.

Jackson then opened the hearing for community members to express their concerns and/or comments. Local residents who expressed concerns included: Adam Nussbaum, William Bess, Theresa Brito, Todd Clouse, Becky Doll, Bill Appenzeller and Tina Fraley.

Their concerns included:

- The proximity of the railroad tracks to their homes.
- Safety for their children, i.e. Air quality, increased traffic, etc.
- The possibility of water pooling in yards from mound buffer system.
- The loss of property value.
- The location and type of buffers.

IN THE MATTER OF HARLAN BEER REZONING REQUEST - VANBUREN TOWNSHIP CONTINUED:

Discussion continued between the Commissioners, local residents and Attorney Snyder.

Jackson stated the Commissioners want to come up with an acceptable solution for all those concerned and reiterated compromises will need to be made by all involved..

Commissioner Truex expressed concerns regarding the I-2 buffer noting nothing had been done to protect the residential areas. Snyder stated he felt his client did what was requested by coming back with a proposal to rezone a portion of the land I-2 which would buffer the area zoned I-3. He suggested there had been a misunderstanding on what was wanted. Jackson stated he would prefer to see an earthen buffer as opposed to a setback buffer. Truex added he would be supportive of the proposal if the Commissioners were allowed to define the buffer lines.

Snyder noted the rail business would require the full length of the tract one way or the other. He then added he would be willing to leave the I-2 zoning and add 10' – 12' mounding for the residential area.

Residents were allowed to view the map and Snyder's proposal. Residents noted their main concern was to protect their property and their view from the industrial site.

Snyder then came back with an offer to put in a 6' high mound buffer, with reasonable plantings to maintain the mounding around the entire sight excluding the rail way. Residents would have the option to have the mound buffer or not. Snyder stated another option would be to increase the setback to 75' and buffer with 6' mounds with the entire property zoned I-3.

Additional discussion ensued with Snyder suggesting a continuation until the Planning Commission can review the proposed changes at their March 5th meeting.

MOTION: Ron Truex TO: Approve continuation until March 18th
SECOND: Bob Conley Commissioners meeting.

AYES: 3 NAYS: 0

UNANIMOUS

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

**KOSCIUSKO COUNTY COMMISSIONERS
March 4, 2008**

The Kosciusko County Commissioners met for their regular meeting on March 4, 2008 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
Bob Conley
Ron Truex

Mike Miner – County Attorney
Marsha McSherry – 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 REPORT:

Emergency Management Director Ed Rock, submitted the Emergency Management Report for January & February. Rock stated 22 homeowners had visited the FEMA Disaster Recovery Office that had been located at Winona Lake and applied for assistance due to the recent flooding. Rock went on to explain FEMA had also accepted \$400,000.00 in claims for public assistance for Kosciusko County. He noted that public assistance was for municipalities, not individual home owners. Rock also noted the State must have 7.5 million dollars in claims before the President would declare the recent flooding to the State a national disaster. Rock added Kosciusko County's \$400,000.00 in claims will go toward the State total.

IN THE MATTER OF 911 DISPATCH GRANT:

Ed Rock, Emergency Management Director, stated a grant is available to District II to help with the cost of installing 800 Mega Hertz consoles in the dispatch centers located in District II. Rock questioned the Commissioners if Kosciusko County would be willing to be the fiscal agent for the grant.

IN THE MATTER OF 911 DISPATCH GRANT CONTINUED:

Commissioner Truex questioned Rock if the grant was strictly a pass through grant and if the County would have any financial responsibilities. Rock noted there would be no financial obligations to the County if the grant application was not accepted.

Further discussion ensued regarding the need for the consoles. It was noted the State is pushing for the change and it would be likely the County would be forced to make the change within a few years regardless of the satisfaction the County has with its current system.

Mayor Ernie Wiggins added that if the County/District II does not apply for the grant it would be likely that State would force the County to install the consoles at the County's own expense. After further discussion the Commissioners noted it would be wise to apply for the grant as opposed to the County incurring the costs at a later time.

MOTION: Ron Truex

TO: Proceed with District II grant application for dispatch console upgrades.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF TORNADO PREPAREDNESS DRILL:

Ed Rock, Emergency Management Director, stated a county wide tornado awareness drill was scheduled for Wednesday, March 5th and all County offices were encouraged to participate.

IN THE MATTER OF SYSTEMS ADMINISTRATION REQUEST:

Bob Momeyer, Systems Administrator, stated it was time for an update to the County's network infrastructure. Momeyer noted the network consists of seven switches that every computer on the network is connected to. He added three of the switches need to be replaced. Momeyer went on to say he had received quotes and was recommending the switches be purchased from Wabash Electric as they came in with the lowest quote. Momeyer added the County has used Wabash Electric in the past and has been pleased. Momeyer went on to say the purchases have been planned for and were included in the 2008 budget.

MOTION: Bob Conley

TO: Approve purchase of network switches from Wabash Electric as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF BOWEN CENTER PRESENTATION:

Kurt Carlson, representative of the Bowen Center, gave a brief presentation on the Federal Budget Reduction Act and the potential affect it might have on future services in Indiana. Carlson stated the Bowen Center's goal is to preserve as many of the local services as possible. He went on to say that in order to compensate for the reductions, Indiana legislation has passed Senate Bill 350 (SB350). Carlson stated the bill would allow the State to bill Counties for mental health services. Those services would be the same as what the County had budgeted for. Those dollars would then be qualified for matching State fund dollars. Carlson requested the County support the bill in whatever manner they could as the bill had passed in the House and was now before the Conference Committee.

Carlson went on to say other changes in the Medicaid system included what services would now qualify for payment. He noted that if a patient becomes "stable" the mental health care facilities would no longer be able to bill for their services. Carlson added there are many people in Kosciusko County in the county residential programs that would no longer qualify for services. Carlson concluded the Bowen Center wants to position itself so that services to the County will not have to be cut. He stated the Center is not requesting additional dollars, they merely wanted to give the Commissioners and the County a heads up on what was happening in the Mental Health field.

IN THE MATTER OF OLD GAS TANKS:

Ron Robinson, County Administrator, stated he had been working with IDEM regarding testing on the old gas tank site. Robinson noted IDEM has asked the County to continue to monitor those wells before they will allow them to be closed. He stated the approximate cost to monitor the well for the maximum eight quarters requested would be \$18,720.00. Robinson reported it may be possible to get the matter settled in three quarters at \$2,340.00 per quarter for the lab work. Robinson added the County must work with a lab that IDEM recognizes. Robinson noted the County has no choice but to comply with IDEM's requests or risk a possible loss of funding from the State.

IN THE MATTER OF OLD GAS TANKS CONTINUED:

Discussion ensued regarding the waste of taxpayer dollars being spent on the testing when previous tests showed no contamination.

The Commissioners were in agreement that a letter be drafted to the local Senators and Representatives inviting them to a Commissioners meeting to discuss the County's concern regarding the unnecessary spending of taxpayer dollars.

Robinson reiterated his feeling that if the testings were clear for three quarters, the matter could be closed.

MOTION: Ron Truex

TO: Approve continued testing as requested

SECOND: Bob Conley

and draft a letter to Elected State Officials

AYES: 3 NAYS: 0

regarding the matter.

UNANIMOUS

IN THE MATTER OF CONFLICT OF INTEREST STATEMENT:

County Auditor, Marsha McSherry presented a conflict of interest statement for Angela Stillson who is the owner of Stillson Studio and is contracted by the Nappanee Public Library for graphic art services. Stillson is also a Nappanee Public Library Board member..

MOTION: Bob Conley

TO: Approve conflict of interest statement

SECOND: Ron Truex

for Angela Stillson.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF 2007 HIGHWAY ANNUAL REPORT:

Dennis Pletcher, Highway Superintendent, submitted the 2007 Highway Annual Report for the Commissioners approval. The Commissioners requested time to review the report before making a recommendation.

MOTION: Bob Conley

TO: Accept Annual Report for review with a

SECOND: Ron Truex

recommendation to be made at the March 18,

AYES: 3 NAYS: 0

2008 meeting.

UNANIMOUS

IN THE MATTER OF POT HOLES ON COUNTY ROADS:

Dennis Pletcher, Highway Superintendent, reported on the conditions of local roads and the number of pot holes. Pletcher noted the County is expending many resources to try to keep the pot holes patched. He also noted the MVH fund peaked back in 2004 and has steadily declined since that time; however expenses have not.

**IN THE MATTER OF LAWRENCE GADZALA VACATION REQUEST-
TIPPECANOE TOWNSHIP:**

Matt Sandy, Assistant Area Plan Director, stated he believed the vacation petition from Lawrence Gadzala had been withdrawn. Sandy noted Steve Snyder, Attorney for the Gadzalas had indicated the petition was being withdrawn due to the remonstrance against it. The Gadzalas were not in attendance, nor was their Attorney, Steve Snyder.

IN THE MATTER OF POND REGULATION/ ORDINANCE UPDATE:

Ron Truex Commissioner, questioned Matt Sandy on the status of the pond ordinance. Sandy replied the Technical Committee would be meeting at the end of the month and a Chemist from the State office will be attending. Sandy noted the committee needed some clarification of the state ruling on regulations for farming chemical applications. He added it could be a month or six weeks before a final county ordinance might be ready for approval.

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

**KOSCIUSKO COUNTY COMMISSIONERS
March 18, 2008**

The Kosciusko County Commissioners met for their regular meeting on March 18, 2008 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
Bob Conley
Ron Truex

Mike Miner – County Attorney
Marsha McSherry – 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 KUZMA WELL REQUEST:

Bruce Hammer, Environmental Scientist, Kosciusko County Health Department, presented a request from Peter Kuzma – 60 EMS B51A Ln, Warsaw to allow a well to be installed in a right-of-way. Hammer stated the Kuzma's property is surrounded on three sides by water and the property does not meet the 50' setback requirement for the well. Hammer noted the requested location was acceptable to meet county requirements. Hammer also stated the Kuzma's understand if the right-of-way is needed in the future it would be their responsibility to move the well.

County Attorney Mike Miner stated this would be an acceptable use for the right-of-way with an encroachment agreement.

MOTION: Ron Truex

TO: Accept recommendation from Health

SECOND: Bob Conley

Department allowing well to be installed in

AYES: 3 NAYS: 0

right-of-way with encroachment agreement.

UNANIMOUS

IN THE MATTER OF CHILD ABUSE AWARENESS MONTH:

Ron Robinson, County Administrator, stated he had received a request for ribbons to be put up around the Courthouse in recognition of Child Abuse Awareness month. It was the Commissioner's consensus to allow the ribbons, etc. to be placed around the Courthouse.

IN THE MATTER OF VIDEO REPLACEMENT FOR JAIL:

County Administrator Ron Robinson requested permission to replace the computer and video equipment at the jail. Robinson stated the equipment is five years old and is failing. Robinson estimated the cost to be approximately \$5,600.00. He noted service and installation costs were the majority of the expense.

MOTION: Ron Truex

TO: Approve purchase of computer and video
for the jail as requested.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF VOTER REGISTRATION EQUIPMENT AGREEMENT:

County Auditor Marsha McSherry presented the Statewide Voter Registration System Agreement for the Commissioners approval. McSherry stated per letter from County Clerk Sharon Christner, the agreement is a renewal of the contract with the State for the county's voter registration equipment.

MOTION: Ron Truex

TO: Approve contract as presented pending
County Attorney's review.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF BRIDGE REPORTS:

Dennis Pletcher, Highway Superintendent, stated the bridge reports mandated by the Federal government have been revised. Pletcher noted the county's books have been printed; however a signature was required for the title page. Pletcher presented the title page for the Commissioners signature.

IN THE MATTER OF HIGHWAY ANNUAL REPORT:

Highway Superintendent Dennis Pletcher requested his annual report be approved. It was noted the report had been presented at the Commissioner's March 4, 2008 meeting and at that time the Commissioners requested time to review it.

MOTION: Ron Truex

TO: Approve Annual Highway Report as
submitted.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF HIGHWAY EMPLOYEE RECOGNITION:

Dennis Pletcher, Highway Superintendent, presented a certificate of recognition to Lennie Young who recently retired after thirty six years of service to the highway department.

IN THE MATTER OF SIGN REGULATION LETTER:

Dan Richard, Area Plan Director, presented a letter that his office had mailed out to both political parties regarding the regulation of campaign signs. Richard stated while the county does not have an official ordinance regarding the placement of signs there are county regulations that prohibit signs being placed in right-of-ways and/or near intersections. Richard stated he wanted to make the Commissioners aware of what had been mailed out regarding this issue.

IN THE MATTER OF HARLAN BEER REZONING REQUEST – VAN BUREN TOWNSHIP:

Area Plan Director Dan Richard presented a request from Harlan Beer, Van Buren Township to rezone 225 acres from Agricultural to Industrial III. Richard noted this request had been before the Commissioners at their February 19, 2008 meeting; however at that time the request was for Industrial II and Industrial III classification. There had been lengthy discussion at that meeting and compromises had been suggested. Steve Snyder, Attorney for the Petitioner had requested a continuation of the matter in order to go back to the Area Plan Commission with a revised rezoning request. Richard stated the latest request was to rezone the entire 225 acres I-3 with buffering and mounding stipulations. He went on to say the APC's recommendation was to allow the rezoning with additional consideration to the mounding issue.

Steve Snyder, Attorney for the Petitioner, stated his client had negotiated compromises since the original rezoning request with those including an additional 500' of mounding. Snyder noted this mounding would extend 250' north and east from the corner of Old Rd 15 and CR 1300 N. Snyder stated even with the additional considerations his client would be willing to listen to other thoughts on the matter. Tracy Beer, Petitioner, stated they would be willing to add screening around tracts as they were developed and also were willing to work around line of site issues.

Snyder then outlined the provisions his client had also agreed to:

- 50' wide buffer along right-of-way
- 75' buffer along the five residential properties
- 6' high/36' wide mounding
- establish mounding as development occurs in addition to the 250' mounding north and east of Old Rd 15 and CR 1300 N when the first tract begins development
- plantings to each mound
- mounding and/or line of site screening can be denied by individual homeowner if owner so chooses
- drainage issues caused by mounding will be resolved between the homeowner and developer with necessary tiles installed by developer as needed
- entire 225 acres to be rezoned Industrial III

Questions were raised regarding a reasonable time frame for mounding and line of site screening to be completed in. It was noted mounding and line of site screening would be completed at the back of residential property lines within five years of beginning development. Discussion continued regarding the mounding and line of site issue. The Commissioners requested buffers be installed and extend an additional 250' beyond any tract when development of tract begins. The floor was then opened to those in attendance who wished to speak.

Bill Appenzeller requested clarification on where the line of site plantings would be located as well as where the mounding would begin. It was noted the mound would begin at the back of the 75' setback and come forward the 36' feet giving the residential owners an additional 39 feet of property. It was also noted line of site plantings must be a minimum of 6' tall and would be installed at the back of the setback if mounding were not done.

Becky Doll expressed concern with the buffers being installed in a timely manner as well as possible "piece meal" of buffers as development occurred. She also requested clarification on the 250' mounding from the corner of Old Rd 15 and CR 1300 N. Doll noted she wanted to make sure the residential property owners as well as the developers both understood the agreement regarding the mounding and plantings.

Tina Fraley stated it was her understanding from the previous hearing that a 75' setback had been agreed upon with mounding to begin at the back of the setback. It was noted again for the record the mounding would begin at the back and come forward.

IN THE MATTER OF HARLAN BEER REZONING REQUEST – VAN BUREN TOWNSHIP CONTINUED:

Fraleay requested additional discussion regarding the agreement that an ethanol plant would not be developed on the property and then asked if a bio-diesel plant was a possibility. Snyder stated there would not be an ethanol plant developed on the site.

The hearing was then closed to the public. Commissioner Jackson thanked all those who had come to the meeting and the cooperative efforts put forth by all involved.

MOTION:	Ron Truex	TO: Accept APC recommendation and allow	
SECOND:	Bob Conley	rezoning from Agricultural to Industrial III	
AYES:	3	NAYS: 0	with stipulations as agreed upon by Petitioner
UNANIMOUS			and Board of Commissioners.

Ordinance 08-03-18-001 Z

As recorded in the office of the Kosciusko County Recorder.

IN THE MATTER OF DON BEER REZONING REQUEST – VAN BUREN TOWNSHIP:

Dan Richard, APC Director, presented a request from Don Beer, Van Buren Township to rezone two small strips of land to Residential. Currently one strip is zoned Agricultural and one is zoned Industrial II. Richard stated it was the unanimous recommendation of the APC to allow the rezoning to Residential. Richard noted the close proximity of these parcels to the previous rezoning hearing (Harlan Beer property) and stated the APC had considered those factors when rendering their decision.

Steve Snyder, Attorney for the Petitioner, stated the rezoning would allow the roadways to be platted within the plat. Snyder noted a previous parcel that had been sold by the Petitioner had been split by the new owner thus eliminating any further sell offs. If the rezoning were allowed with new plats being created the Petitioner would then have the option to sell off additional lots.

MOTION:	Bob Conley	TO: Accept APC recommendation and allow	
SECOND:	Ron Truex	rezoning from Ag and Industrial II to	
AYES:	3	NAYS: 0	Residential as presented.
UNANIMOUS			

Ordinance 08-03-18-002 Z

As recorded in the Office of the Kosciusko County Recorder.

IN THE MATTER OF ROY BAR ENTERPRISES, LLC REZONING REQUEST – TIPPECANOE TOWNSHIP:

Dan Richard, APC Director, presented a request from Roy Bar Enterprises, LLC to rezone a parcel located in Tippecanoe Township from Residential to Commercial. Richard stated this request was a continuation from the January 22, 2008 Commissioners meeting at which time it was suggested both the petitioner and the remonstrator work together on an acceptable solution. Richard went on to say it had been the APC's recommendation to allow the rezoning.

Representing the petitioners was Attorney Richard Helm. Helm stated in his opinion there had been "good faith" discussions between the parties but they had not been able to reach an acceptable agreement. He went on to say the rezoning to Commercial made sense as it fits the site which is a Marina with accessory uses relating to the operation of the Marina. Helm added the site was being used commercially before zoning was established by the County. Helm also noted that his clients were willing to tender restrictions on any future sale of the site that it must remain as a Marina.

Helm continued by saying his client could go to the BZA for an expansion for non-conforming use allowance but would be required to do so each time they wanted to do something with the property. Rezoning the property to Commercial would eliminate that need and was in Helm's opinion why the APC favored the rezoning.

Commissioner Truex questioned if all Marinas on the lake were zoned Commercial. It was noted they were not due to the fact they were pre-existing non-conforming uses.

To expedite the hearing, the Commissioners asked for a show of hands of those in attendance who supported the rezoning and also a show of hands of those who lived directly in the Marina area. It was noted the majority of attendees supported the rezoning from Residential to Commercial.

Attorney Jack Birch, representing property owners across the channel from the Marina, referenced procedures used by the BZA for establishing non-conforming uses. Birch went on to say there is no Commercial zoning on Tippecanoe Lake and according to the Kosciusko County APC Technical Review Committee's report dated January 2, 2008; Commercial and Residential are not compatible uses for a property.

**IN THE MATTER OF ROY BAR ENTERPRISES, LLC REZONING REQUEST –
TIPPECANOE TOWNSHIP CONTINUED:**

Birch admitted that while residents knew the Marina was there when they purchased their properties, they did not expect other types of Commercial uses to be established there. Other concerns expressed by Birch included current lot size, increased traffic and liquor licensing. Birch concluded that even if the property were rezoned, the Petitioner must still go back to the BZA for classification on dual uses for the property; therefore the rezoning was not appropriate. In rebuttal, Helm argued that Marina use included food service sales, retail sales, repairs and fuel sales. He noted because it had been labeled a non-conforming use 30 years ago; does not warrant it remaining so today. Helm reiterated his client's willingness to include restrictions that the property will remain a Marina and/or Marina operation.

Further discussion ensued regarding the matter with APC Director Richard noting the Marina is a conforming use and has been sanctioned on two prior occasions for expanded use. It was also noted that even if rezoned, the Petitioner would be required to go back to the BZA for a variance for two principal uses on one tract of land (Marina/Restaurant).

Commissioner Conley noted it was obvious from the attendance that those who live there are in favor of the rezoning adding it would be in the best interest of the property to keep it operating as a Marina with likewise uses.

MOTION: Bob Conley

TO: Accept APC recommendation with stipulations for Marina Use only.

SECOND: Ron Truex

AYES: 2 NAYS: 1

MOTION CARRIED

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

**KOSCIUSKO COUNTY COMMISSIONERS
April 1, 2008**

The Kosciusko County Commissioners met for their regular meeting on April 1, 2008 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

Bob Conley

Marsha McSherry – 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 PRELIMINARY ENGINEERING SEWER LAYOUT:

Bruce Woodward, Redevelopment Commission, presented a request for preliminary engineering layout to secure sewer locations and easements in the 1,600 acre industrial corridor on the west side of Warsaw. Woodward requested use of the fund used by Area Plan for reviewing drainage and engineering and development of plats of subdivisions. The request was for two (2) \$500 draws (maximum), totaling \$1,000. Woodward noted that Area Plan agreed with the use of the funds. Truex further stated that if any additional funds are needed to return and update the Commissioners with their progress.

MOTION: Bob Conley

TO: Approve two (2) draws of \$500 each

SECOND: Ron Truex

from Area Plan fund to be used for securing

AYES: 3 NAYS: 0

sewer locations and easements along west side of Warsaw-western industrial corridor.

UNANIMOUS

IN THE MATTER OF EMERGENCY MANAGEMENT REPORT:

Emergency Management Director, Ed Rock, submitted the Emergency Management Report for March. Rock stated an unknown person dumped biological waste along State Road 14. This waste has since been properly cleaned up. Rock then stated the DNR received a report of large release of raw sewage from a Milford business. The release happened due to heavy rains and IDEM was already aware of the problem. Lastly, Rock noted the fire with explosions at the old Tinkey building in Warsaw was due to unknown chemicals. Those chemicals and debris will be removed and cleaned up at no cost to the City or County.

IN THE MATTER OF LAKELAND REGIONAL SEWER DISTRICT:

David Doctor of the Lakeland Regional Sewer District (LRSD) presented the document: Findings of Fact and Recommended Order of the Hearing Officer. The Order stated that LSRD is approved by IDEM. Doctor stated that there is an appeal period 33 days from March 14, 2008. Doctor also stated that the next step is to appoint a District Board. Doctor stated the deadline of the end of 2008 to have an engineering plan submitted to IDEM. The County Council shall appoint three (3) trustees and the County Commissioners shall appoint four (4) trustees. Recommended Commissioner appointees were David Doctor, Bob Weaver, Dave Tyler and Dan Lee. Doctor stated that he and Weaver completed the sewer board training. Recommended Council appointees were Stu Lambert, Bob Sanders and Jim Haney. Commissioners stated the importance of an open line of communication to keep public informed and updated on LSRD.

MOTION: Ron Truex TO: Review names to be appointed to Board
SECOND: Bob Conley of Lakeland Regional Sewer District with
AYES: 3 NAYS: 0 Council and make recommendation at next
UNANIMOUS meeting.

IN THE MATTER OF STOP SIGN REQUEST AT 175E AND 75N:

Dennis Pletcher, Highway Superintendent, presented Ordinance 08-04-01-001 establishing a stop sign on the northwest corner of CR 175E and CR 75N. Said stop sign shall complete a joint effort with the City of Warsaw to create a 4-way stop at this intersection.

MOTION: Ron Truex TO: Approve stop sign Ordinance at
SECOND: Bob Conley intersection of CR 175E and CR 75N.
AYES: 3 NAYS: 0
UNANIMOUS

ORDINANCE 08-04-01-001 Stop

IN THE MATTER OF SPEED REDUCTION ON WOOSTER ROAD:

Highway Superintendent, Dennis Pletcher, stated that the condition of Wooster Road has worsened over the winter creating many potholes. Pletcher requested a speed reduction on Wooster Road between CR 250E and CR 325E from 35 mph to 20 mph.

MOTION: Bob Conley TO: Approve speed reduction on Wooster
SECOND: Ron Truex Road between CR 250E and CR 325E from
AYES: 3 NAYS: 0 35 mph to 20 mph.
UNANIMOUS

IN THE MATTER OF WORK RELEASE CENTER ROOF:

Ron Robinson, County Administrator, presented quotes for a roof at the Work Release Center. Robinson recommended a steel roof, a more durable material, be used and also recommended accepting the lowest quote.

MOTION: Ron Truex TO: Allow Robinson to proceed with lowest
SECOND: Bob Conley quote for a steel roof on Work Release Center.
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF SRI TAX SALE CONTRACT:

Marsha McSherry, County Auditor, presented 2008 Tax Sale Workplan Kosciusko County (Contract) from SRI Services. McSherry stated SRI will perform the tax sale for the County.

MOTION: Ron Truex TO: Approve SRI Contract as presented.
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF KIM SLOCUM VACATION:

Matt Sandy, Area Plan Commission, stated that he had not spoken to the attorney, Steve Snyder, but thinks a continuance until April 15, 2008 will be needed due to improper publication dates.

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

KOSCIUSKO COUNTY COMMISSIONERS

April 15, 2008

The Kosciusko County Commissioners met for their regular meeting on April 15, 2008 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
Bob Conley
Ron Truex

Mike Miner – County Attorney
Marsha McSherry – 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 911 AWARD TO BRIANNE JOHNSON:

Tom Brindle, Emergency Communications Supervisor, stated that as a part of Telecommunications Week, he would like to present Brianne Johnson with a 911 award and medal. Johnson called 911 for her ill mother and then stayed on the line with the 911 operator and relayed medical information regarding her mother. She also assisted dispatch with locating the residence and readied the house for emergency help to arrive.

IN THE MATTER OF LAKELAND REGIONAL SEWER DISTRICT:

David Doctor of the Lakeland Regional Sewer District (LRSD) re-stated his request from the April 1, 2008 Commissioner's meeting for the Commissioners to appoint a District Board for LRSD. The County Council appointed three (3) trustees: Jim Haney, Bob Sanders (County Council Representative) and Stu Lambert. The recommended Commissioner appointees were Bob Weaver (Health Department), Lowell Gilmore, Dave Doctor and Ron Truex. Doctor will contact appointees to schedule first meeting. Brad Jackson expressed the Commissioner's appreciation for the hard work of David Doctor and Dave Tyler on the LRSD.

MOTION: Ron Truex

TO: Appoint Bob Weaver, Lowell Gilmore,
Dave Doctor and Ron Truex to District Board
of Lakeland Regional Sewer District.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF WORK ON KITCHEN AT COUNTY JAIL:

Ron Robinson, County Administrator, stated that the work on the kitchen at the County Jail had begun and is progressing.

IN THE MATTER OF COUNTY EMPLOYEE APPRECIATION BREAKFAST:

County Administrator, Ron Robinson, stated that the county employee appreciation breakfast held on Friday, April 11, 2008 was well attended by approximately 130 people. Robinson also thanked Sheriff, Rocky Goshert, for the use of the kitchen at the County Jail for the preparation of the breakfast.

IN THE MATTER OF HIGHWAY DEPARTMENT UPDATE:

Highway Superintendent, Dennis Pletcher, stated that the Highway Department is struggling financially with decreased revenues from the State of Indiana and increased costs from materials and fuel. Pletcher warned the Board of potential telephone calls regarding the conditions of county roads. Pletcher stated the Highway Department is making cost cutting measures to cover increased cost of materials and fuel. Pletcher further stated there are enough funds in the budget to patch potholes and possibly re-surface two (2) roads and plow snow for the upcoming winter.

IN THE MATTER OF KIM SLOCUM VACATION REQUEST-TURKEY CREEK TOWNSHIP:

Matt Sandy, Assistant Area Plan Director, stated APC heard and approved a petition to re-plat a right-of-way located on Slocum's property. The adjacent lot owner, Jerry Shilling, would not sign-off on the re-plat. In lieu of the re-plat, Sandy stated Slocum filed a vacation and relocation of the right-of-way. Sandy also stated the vacation is similar to the re-plat in that the vacation relocates the right-of-way (ROW).

IN THE MATTER OF KIM SLOCUM VACATION REQUEST-TURKEY CREEK TOWNSHIP CONTINUED:

As background, Steve Snyder, Attorney for Slocum, stated the previous property owners wanted to sell as two (2) lots, so according to County Subdivision Control Ordinance, there must be a fifty (50) foot ROW with a cul-de-sac since it is not a through road. This ROW was never actually installed and/or used.

Thereby, the vacation and relocation is merely a formality but allows for ROW to be installed if needed by the County in the future. Snyder then stated the vacation and relocation was filed due to Lot 1 owner, Shilling, not wanting any greater set back than ten (10) feet on his property.

Snyder also stated Harder, property owner to the south, is amenable to the vacation and relocation of the ROW and wants only his gravel drive. Snyder further stated that none of Shilling's property would be used for the ROW relocation.

Sandy stated his concern was that APC was not informed of the new vacation and relocation and subsequent Shilling ten (10) foot setback.

Shilling's Attorney stated Shilling has no objection to the vacation and relocation of the right-of-way as long as the set back on his property is no more than ten (10) feet.

Mike Miner, County Attorney, was consulted and confirmed the Commissioner's authority to vacate the ROW and modify the set back for Shilling's property.

Highway Superintendent, Dennis Pletcher, stated the County does not maintain the road and has no problem with vacation and relocation of the ROW.

The County Commissioners saw no problem with vacating and relocating a ROW that was never installed as long as Shilling's ten (10) foot setback was met.

Snyder stated that he will re-draft the ordinance to include the stipulation of no more than a ten (10) foot setback on Lot 1, the Shilling property, for the vacation and relocation of the ROW and creation of a cul-de-sac by the County if ever needed.

MOTION: Ron Truex

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve vacation and relocation of right-of-way with stipulation of no more than a (10) foot set back on Lot 1 (Shilling property). Snyder to re-draft ordinance to present to Commissioners for signature.

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

**KOSCIUSKO COUNTY COMMISSIONERS
April 29, 2008**

The Kosciusko County Commissioners met for their regular meeting on April 29, 2008 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

Bob Conley - Absent

Ron Truex

Mike Miner – County Attorney

Marsha McSherry – 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. Commissioner, Bob Conley, was at a meeting in Ft. Wayne regarding the Claypool overpass.

IN THE MATTER OF PRESIDENTIAL DECLARATION FOR FEMA FUNDS:

Ed Rock, Emergency Management Director, stated that Kosciusko County did receive the Presidential Declaration for Public Assistance. That Declaration provides funds from FEMA to repair roads damaged by flooding.

IN THE MATTER OF COUNTY ASSESSOR UPDATE:

County Assessor, Laurie Renier, stated that the State House of Representatives and Senate passed Bill 1001 that states any township with less than 15,000 parcels will cease to exist as of July 1, 2008. Renier said that all County Auditors had to report to the State of Indiana listing any townships that had 15,000 or less parcels by April 15, 2008. All assessing responsibilities will divert to the County Assessor's office.

IN THE MATTER OF COUNTY ASSESSOR UPDATE CONTINUED:

Township Trustee's offices will exist solely to complete trustee duties but will no longer perform any assessing duties. Renier stated that all outlying township assessor offices, including Wayne, Plain, Tippecanoe and Turkey Creek, will close. Renier further stated that the lease for the Plain Township office ends June 30, 2008; and, the leases for Tippecanoe and Turkey Creek will need to be negotiated since they will end after the July 1, 2008 date.

IN THE MATTER OF ABATE PROCLAMATION:

Don Barton, representative of Kosciusko County ABATE, introduced Cheyenne Stewart, Safety Instructor for ABATE. Stewart stated that ABATE stands for American Bikers Aimed Toward Education and the organization is non-profit and promotes education, safety and charity. Stewart read the Proclamation declaring May, 2008 as Motorcycle Awareness Month. The Proclamation was accepted and signed by the Commissioners. Commissioner, Ron Truex, stated his full support of ABATE and the proclamation.

IN THE MATTER OF COUNTY JAIL KITCHEN REMODEL:

County Administrator, Ron Robinson, stated that the kitchen in the County Jail has been completed and the flooring installed which should solve previous problems.

IN THE MATTER OF COUNTY LIABILITY INSURANCE:

County Administrator, Ron Robinson, stated his office put out an RFD regarding the liability insurance for the County Courthouse to four (4) local insurance agents. One of the agents declined, one had to decline due to conflict of interest and the last two (2) presented proposals on time. Robinson had the two (2) proposals reviewed by an independent agent to be sure comparisons were accurate. Robinson stated the replacement limit was raised on the County Courthouse [to Eighteen Million Dollars (\$18,000,000)]. There was also question as to the meaning of "functional replacement costs".

Mike Hall of Hall & Marose Insurance Agency explained the difference in meaning between "functional replacement costs" versus "replacement costs" and how it applies to the County Courthouse. Hall stated "functional replacement costs" means the building would be reconstructed to its same size and matched "as best as they can" inside and out using today's materials.

Truex questioned Hall on whether this policy would pay the full cost for a contractor to replace and/or rebuild the structure, or any part of the structure, back to its original state or would the taxpayer have to pay the balance of the amount not covered by the insurance policy.

Hall re-stated that the building or any part of the building would be reconstructed back to match its original state "as best as they can" using today's materials.

Truex questioned again, that for example, it cost an extra million dollars to cover the balance to rebuild, who would be responsible for that amount.

Hall stated that it would be the insurance carrier who would cover that amount.

Robinson questioned Hall whether there was coverage for sewer back-up within the policy since that had previously happened at the Courthouse.

Hall stated that sewer back-up was covered within the policy and he thought the coverage was for \$50,000 but was not positive of the amount.

Truex first motioned for the Commissioners to review the questions on the policy again and render a decision at the next Commissioners meeting on May 13, 2008.

Robinson then stated that the existing policy expired on May 8, 2008, which is before the next Commissioners meeting.

There was discussion whether to go past the expiration date of the existing insurance policy.

Mike Miner, County Attorney, was asked as to whether Randy Telto, another agent at Hall & Marose, should be consulted. He said the information provided was adequate.

Truex stated in favor of the Hall & Marose policy citing the higher building replacement limit for the County Courthouse, the "functional replacement costs" and sewer back-up coverage as most desirable.

MOTION: Ron Truex

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

TO: Accept proposal from Hall & Marose Insurance Agency based on Hall's comments outlining "functional replacement costs" as described within the policy and that sewer back-up is also covered within the policy.

IN THE MATTER OF MILEAGE INCREASE:

County Administrator, Ron Robinson, stated that due to the rising fuel costs, his office is looking into verifying the amount paid per mile by the State of Indiana. The current rate paid is 40 cents per mile.

IN THE MATTER OF KABS 2008 QUARTERLY REPORT:

Rita Baker, KABS Director, presented the Quarterly Operating Financial Statement and the Indiana Department of Transportation Contract Invoice-Voucher for review and signature.

MOTION: Ron Truex

TO: Approve and sign the Quarterly

SECOND: Brad Jackson

Operating Financial Statement and the Indiana

AYES: 2 NAYS: 0

Department of Transportation Contract

UNANIMOUS

Invoice-Voucher.

IN THE MATTER OF KIM SLOCUM VACATION REQUEST-TURKEY CREEK TOWNSHIP:

Stephen Snyder, attorney for Kim Slocum, re-drafted the modified Vacation Ordinance as was stated in the Commissioners meeting on April 15, 2008. The Ordinance was signed by the Commissioners present.

Ordinance 08-04-29-001V

As Recorded in the Office of the Kosciusko County Recorder.

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

**KOSCIUSKO COUNTY COMMISSIONERS
May 13, 2008**

The Kosciusko County Commissioners met for their regular meeting on May 13, 2008 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

Bob Conley

Marsha McSherry – Auditor - Absent

Ron Truex - Absent

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 EMERGENCY MANAGEMENT REPORT:

Emergency Management Director, Ed Rock, submitted the Emergency Management Report for April. Rock stated that FEMA will hold a meeting on Thursday, May 15, 2008 for Northern Indiana for public assistance from flooding and possibly obtain funds for road damages.

IN THE MATTER OF POLICE MEMORIAL DAY:

Kosciusko County Sheriff, Rocky Goshert, stated that Thursday, May 15, 2008 will be police memorial day throughout the State of Indiana where all flags should be flown at half mast in honor of all deceased police officers.

IN THE MATTER OF ANTI-VIRUS/ANTI-SPYWARE SOFTWARE:

Bob Momeyer, Systems Administrator, presented quotes for Anti-virus/Anti-spyware software to replace existing software (that has been in place for 8-10 years). Momeyer stated that after downloading the latest upgrade, he has not been satisfied with the product. Momeyer found a software system, Sophos Endpoint Security & Control through Secure Content Technologies, that is highly rated by current users and industry reviews. He has also tested the software in a limited environment and liked the results. Momeyer requested authorization to switch to the Sophos software for a four (4) year subscription since the fourth year is free if signed up by May 29, 2008. The cost of the new software was \$15,700 for a three (3) year subscription and if signed up by May 29, 2008, the fourth year is free. The cost per PC was \$12.46 for the four (4) year subscription.

MOTION: Bob Conley

TO: Accept Momeyer's recommendation to

SECOND: Brad Jackson

switch to Sophos Endpoint Security & Control

AYES: 2 NAYS: 0

for a four (4) year subscription in the amount

UNANIMOUS

of \$15,700.00, contingent upon contract

review of County Attorney, Mike Miner.

IN THE MATTER OF BUSCH WELL REQUEST:

Bruce Hammer, Environmental Scientist, Kosciusko County Health Department, presented a request from Aaron Busch - 122 EMS D18 Lane, Syracuse to allow a well to be installed in a right-of-way. Hammer stated there are holding tanks surrounding the house. Hammer also stated the Busch's understand if the right-of-way is needed in the future, it would be their responsibility to move the well. Hammer noted the requested location was acceptable to meet county requirements.

Dennis Pletcher, Highway Superintendent, reviewed the request for the right-of-way and stated the request was acceptable.

County Attorney Mike Miner stated this would be an acceptable use for the right-of-way with an encroachment agreement.

MOTION: Bob Conley

TO: Accept recommendation from Health

SECOND: Brad Jackson

Department allowing well to be installed in

AYES: 2 NAYS: 0

right-of-way with encroachment agreement.

UNANIMOUS

IN THE MATTER OF ANNUAL SCHOOL REPORT:

Peg Shewman, Secretary to Marsha McSherry, Auditor, presented the Annual School Report for signature of the Commissioners.

IN THE MATTER OF MANATRON CONTRACT FOR ASSESSOR'S OFFICE:

Ron Robinson, County Administrator, sent the Manatron Contract to the Commissioner's meeting for approval by the County Commissioners. County Attorney, Mike Miner, had reviewed the Contract and Commissioner, Brad Jackson signed same.

MOTION: Bob Conley

TO: Accept the Manatron Contract for the

SECOND: Brad Jackson

Assessor's office as presented.

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF CSI-COMPUTER SYSTEMS CONTRACT FOR RECORDER'S OFFICE:

Ron Robinson, County Administrator, sent the CSI-Computer Systems Contract to the Commissioner's meeting for approval by the County Commissioners. County Attorney, Mike Miner, had reviewed the Contract and the Commissioners, Brad Jackson and Bob Conley signed same.

MOTION: Bob Conley

TO: Accept the CSI-Computer Systems

SECOND: Brad Jackson

Contract for the Recorder's office as

AYES: 2 NAYS: 0

presented.

UNANIMOUS

IN THE MATTER OF PRESENTATION OF FACT TEAM:

Lance Grubbs, Law Enforcement Liaison for Northeast Region of Indiana for the Governor's Council, Division of the Indiana Criminal Justice Institute presented the Kosciusko County FACT (Fatal Accident Crash Team) Team. Grubbs stated that within the first year the Indiana Criminal Justice Institute through a grant, funded training, equipment, and having a deputy prosecutor present at the crash site through the trial. Grubbs further explained the FACT team has worked out very well with no vital evidence becoming lost in any investigation. Grubbs stated the FACT team is trained to interview all parties involved in an accident and time at accident sites has been cut in half. Grubbs introduced Chris McKeand, FACT Team leader through the Kosciusko County Sheriff's Department and the other team members present: Kip Shuter, Mike Cox, Jeff Shaw and Rick Shepherd

Grubbs further stated that all overtime necessary for the FACT team is paid for through the grant from the Indiana Criminal Justice Institute.

Grubbs stated there will be a "Click It or Ticket" Blitz from May 16, 2008 through June 1, 2008 throughout Kosciusko County.

Commissioners expressed their appreciation and that of the citizens of Kosciusko County for the efforts of the FACT team.

IN THE MATTER OF COUNTY HIGHWAY NEW MOWER PURCHASE:

Highway Superintendent, Dennis Pletcher, presented a request to purchase a new lawn mower that will cost over the \$5,000 limit the County Administrator can approve.

Bob Conley reiterated that the existing mower is antiquated and for safety purposes as well as a time issue, a new mower is necessary.

MOTION: Bob Conley

TO: Allow the purchase of a new mower with a price of up to \$8,000.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF MEETING REGARDING CLAYPOOL OVERPASS:

Commissioner, Bob Conley, attended an INDOT meeting during the last Commissioner's Meeting on April 29, 2008; regarding the Claypool overpass at State Road 15 and County Road 700S. Conley stated that INDOT was putting together a bid for the process and procurement of real estate to reconstruct the overpass in Claypool. The railroad then requested another two (2) rails underneath the overpass. Conley further stated that a more thorough look at possibly repositioning County Road 700S from the east as it approaches State Road 15 needs to be done. Conley stated that the egress and regress on 700S will also need to be researched as well as possibly changing the line of sight. Conley stated that since that process is costly, he would like to ask the District 22 Representative, Bill Ruppel, to apply for grant monies to relocate and reconstruct that intersection.

MOTION: Brad Jackson

TO: Approve letter to District 22

SECOND: Bob Conley

Representative to apply to the State of Indiana for grant monies to relocate and reconstruct the intersection at State Road 15 and County Road 700S.

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF HIGHWAY BID OPENING FOR PRECAST CONCRETE STRUCTURES FOR 2008:

County Attorney, Mike Miner, opened a sealed bid from Contech Bridge Solutions for a publicized request for bids for pre-cast concrete structures for the 2008 year. Specifications were on file at the Kosciusko County Highway Garage. Dennis Pletcher, Highway Superintendent, stated that he will review the bid and make a recommendation at the next Commissioner's Meeting on May 27, 2008.

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

KOSCIUSKO COUNTY COMMISSIONERS

May 27, 2008

The Kosciusko County Commissioners met for their regular meeting on May 27, 2008 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

Bob Conley

Marsha McSherry – 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 KABS GRANT APPLICATION:

Rita Baker, KABS Director, presented the 2009 KABS grant application for the Commissioner's approval.

MOTION: Ron Truex

TO: Approve grant application as submitted.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF AUDITOR'S SPRING CONFERENCE:

Marsha McSherry, County Auditor, stated that she along with Michelle Puckett and Peg Shewman attended the Auditor's Spring Conference in Indianapolis. McSherry stated one of the items discussed by the State Board of Accounts was the mileage rate increase to .44 cents per mile. If approved, this would take effect July 1, 2008.

MOTION: Bob Conley

TO: Make recommendation to the Council to

SECOND: Ron Truex

follow the State plan for mileage increase to

AYES: 3 NAYS: 0

.44 cents per mile.

UNANIMOUS

IN THE MATTER OF BZA PERMIT FOR MUSIC FESTIVAL:

Dennis Pletcher, Highway Superintendent, presented a permit asking for the use of the side entrance to 4662 N State Road 13, Leesburg (side entrance exits onto 500N, between residences). Commissioner Brad Jackson explained that the BZA gave permission to hold the four (4) day music festival on the property. The State of Indiana preferred that the traffic exit onto 500N as opposed to State Road 13.

County Attorney, Mike Miner, stated that there was not a need for a permit to be issued.

Commissioner Jackson suggested that the property owner get the adjacent homeowner's signatures allowing the use of the exiting traffic onto 500N for the festival only.

MOTION: Ron Truex

TO: Approve the use of emergency entrance

SECOND: Bob Conley

(exiting onto 500N) for festival only with the

AYES: 3 NAYS: 0

approval of adjacent property owners - absent

UNANIMOUS

the consent of the adjacent property owners

State Road 13 shall be used.

IN THE MATTER OF AMERICAN STRUCTUREPOINT, INC PRESENTATION:

Joe Fragomeni, American Structurepoint, Inc., introduced his company stating that his firm is a full-service professional engineering firm that handles engineering, architectural, environmental engineering and landscaping with nearby offices in Ft. Wayne and South Bend. The firm has handled public works and road designs projects and also has done work for the public and private sectors. Fragomeni also stated that his company works with clients to help find funding for projects; and also breaking projects up into phases. Fragomeni further applauded the County for the Lakeland Regional Sewer District and would like to discuss matters further regarding the LRSD.

IN THE MATTER OF BASS VACATION CONCERNS - SEWARD TOWNSHIP:

Renea Salyer of 6404 W 850S, Claypool, spoke regarding a previous vacation requested by Jerry and Bettye Bass of 64385 West Roy Drive in January, 2008. Salyer stated that they did not receive any notice of the vacation because their property is not touching the vacated roadway. Salyer researched and found that the Bass' vacation request stated the property was not used by the public. Salyer stated that her husband's family has lived on the property for over 35 years and has had a pier in that location for that amount of time. Salyer further stated that Jack and Kathy Sutton (6428 West Roy Drive), the property owner across from them, allowed the Salyer's to install their pier on their property in Yellow Creek Lake. Salyer stated that the property leading to the lake that was the original platted roadway has always been there and they have always used it. Salyer stated that she does not wish to own the property; she just wants the right to walk on it. She added this past weekend the Bass' removed the Salyer's pier without permission. Salyer asked the Commissioners what her recourse, if any, was.

Dan Richard, Area Plan Director, was brought in by the Commissioners to discuss the details of the Bass vacation. Richard stated that he did not remember the specific details of the vacation but would research same and took Salyer's information to get in contact with her.

Salyer stated that she began a Petition of signatures in her favor for use of the vacated roadway and asked if she should continue with the Petition.

Commissioner Jackson informed Salyer to wait for a response from Dan Richard after he has researched the vacation.

Mike Miner, County Attorney, was consulted as to Salyer's recourse with regard to the pier removal. Miner informed Salyer that just because there is a right-of-way that leads to the water, that does not grant the right to install a pier at the end of that right-of-way. Miner stated further if Salyer has had a pier for a long period of time at the end of that right-of-way that she may be eligible for a proscriptive easement and that she should speak to an attorney about what rights they may or may not have.

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

KOSCIUSKO COUNTY COMMISSIONERS

June 10, 2008

The Kosciusko County Commissioners met for their regular meeting on June 10, 2008 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
Bob Conley
Ron Truex

Mike Miner, County Attorney
Marsha McSherry, 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 STOP SIGN REQUEST AT 700S AND 1000W:

Dennis Pletcher, Highway Superintendent, proposed a four-way stop sign be installed at the intersection of CR 700S and CR 1000W. Currently, there is a two-way stop for 700S only. The Ordinance would establish "stop" signs on the southeast and northwest corners of CR 700S and CR 1000W.

Commissioner Truex questioned whether there would be flags and/or warnings to the public for the new stop signs.

Pletcher informed the Commissioners the Ordinance does not take effect until June 16, 2008 giving ample time to warn the public of the new stop signs.

MOTION: Bob Conley

TO: Approve stop sign Ordinance at

SECOND: Ron Truex

intersection of CR 700S and CR 1000W.

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 08-06-10-001 Stop

IN THE MATTER OF UPCOMING ROAD CONSTRUCTION:

Dennis Pletcher, Highway Superintendent, informed the Commissioners there will be road construction starting on Country Club Road and further construction on Wooster Road. Pletcher warned the Board of potential telephone calls regarding the construction and possible delays on the two (2) roads.

IN THE MATTER OF FIRE DISTRICT II STATE GRANT REQUEST:

Darrell Eiler, Fire District II Coordinator, presented the Indiana Department of Homeland Security grant agreement for renewal. Eiler stated that once the Grant was in place, training went very well last year. Eiler stated there was training time lost due to the late timeframe in obtaining signatures on the Grant. Eiler stated that he is looking forward to working with Kosciusko County again as well as the other six (6) counties in the District.

Marsha McSherry, County Auditor, presented letters of recommendation from Rob Barker, Chief of Training, Warsaw Fire Department and another from Mitch Rader, President of the Kosciusko County Firemens Association.

Eiler further stated there would be no additional funding from the Federal level. Eiler also stated that the Grant monies are used for training, training equipment and materials.

MOTION: Ron Truex

TO: Accept recommendation from Auditor

SECOND: Bob Conley

McSherry that Kosciusko County continue to

AYES: 3 NAYS: 0

be the agent for one (1) additional year for the Grant.

UNANIMOUS

IN THE MATTER OF NON PROFIT 2009 BUDGET REQUESTS:

The following not-for-profit organizations appeared before the Commissioners to request funding for the 2009 budget year.

- Animal Welfare League – Trish Brown, AWL Business Coordinator, requested \$75,000 for 2009. Brown stated that of the 2,500 animals took in last year: 285 were surrendered; 2173 were strays, of that 2173, 1547 were brought in by animal control. Brown stated that the AWL touches one of every three homes in the County. Brown further stated that over the past year, the volunteer program has increased with 157 community service patrons from the judicial system. Brown noted that of the 300 volunteers, 85% are between the ages of 15 and 21. Brown further noted that work is being done through the community to educate children as well as adults regarding animal care as well as an aggressive spay/neuter program.

IN THE MATTER OF NON PROFIT 2009 BUDGET REQUESTS:

Brown went on to say that adoption rates and rescue rates have increased due to an investment put into every animal, e.g., testing, vaccinating and spay/neutering. Brown further stated that through work outside of the shelter, she is being proactive working with area farmers on decreasing the cat population and with International Business College on spaying/neutering. Brown noted that the \$75,000 requested is 25% of the operating budget with staff costs being the highest expense and animal care as the second highest expense. Brown thanked County Administrator Ron Robinson and the Commissioners and invited everyone to come to the shelter and see the new improvements within the last year such as, painting, cleaning, and a new lab.

- Historical Society – Jerry Frush, President, introduced Jack Elam as the new Director at the Museum and June Thomas as Treasurer. Elam requested \$26,000 for 2009 and stated that a current audit will not be completed until July, 2008. Elam stated that expenses have not increased except for two (2) items. Elam explained the cleaning of all three floors of the Museum had been done by the Catholic Charities at no cost but was unsatisfactory. Elam went on to state that the person hired at a cost of \$1200 per year (\$100/month) has done a great job. The second item that will increase is the budget for the gas bill since there is a \$2,900 deficit in the budget now for gas. Thomas also explained volunteers are paid 50% of wages and donate the other 50% and they have been lucky to find such great help.
- Cardinal Center – Jane Greene, Cardinal Center Director, stated that the Center is growing and has leased additional space for training. Greene stated further that the HVAC unit has been installed by incurring a \$500,000 loan. Greene stated that use of the County funds allow for some flexibility; whereby the funds can be used where there is the most need – Head Start, Sus Amigos and KABS. Greene went on to say that Cardinal Center is serving approximately 4,000 people annually with 600 employees (150 part-time employees). Greene requested \$103,704 for 2009.
- St. Joe River Basin – Sandy Seanor informed the Board the Basin's main purpose is water quality and it represents seven (7) counties along the St. Joseph River Basin. The Basin has helped the counties with various water quality programs/activities/education. Seanor stated the Basin provides help with drainage issues as well as providing assistance with GIS. Seanor requested \$500 for 2009.
- Home Health Care – Rick Paczkowski, Administrator, thanked the County for the support received by Real Services for the past 20 years. Paczkowski stated requested funds are used to allow individuals to remain in their homes rather than be institutionalized. Paczkowski further stated there were 2,800 visits to clients driving 46,000 miles. He went on to explain the main expenses are health insurance, wages and mileage paid at a competitive rate. Paczkowski requested \$50,000 for 2009. Paczkowski noted he will continue to search for additional funding to help with the deficit of \$2,500.
- Beaman Home – Jeanne Campbell, Director, thanked the County for its past support. Campbell informed the Board the Beaman Home operates 24 hours a day, 7 days a week serving women and children that have experienced domestic violence. Campbell requested \$45,000 for 2009. Campbell explained expenses remain the same with 3,982 resident stays. Campbell further stated 5,000 calls were received on the crisis line and the Home also served 330 families through the outreach program. Campbell also stated the average stay in the shelter is 21 days per client. She added the Home has felt a tremendous loss of funding from the State and Federal levels. Campbell explained it takes approximately \$45,000 per month to run the programs with ten (10) employees and one (1) emergency fill-in person. Campbell explained further the State mandates a qualified staff member must be present even when volunteers are present.
- KDI – Brad Bishop introduced John Ball who thanked the County for past support of KDI. Ball explained their mission is to promote the economic development in the County through the retention and expansion of existing business also attracting new business to improve the quality of life. Ball further explained their active website is most often the first contact potential businesses have with the County. Ball requested \$34,250 for 2009.
- Bowen Center – Jerry Baumgartner requested \$467,830 based on State Statute guidelines. Baumgartner explained the Center serves lower income families with 58% of people served earning \$20,000 or less. The Center served approximately 3,500 residents just from Kosciusko County.

IN THE MATTER OF 2009 NOT FOR PROFIT BUDGET REQUESTS CONTINUED:

- Council for Aging – Jack Felger requested \$35,000 for 2009. Felger began by thanking the Commissioners for their past support and then reported in the past week a decrease from four (4) handicapped vans to three (3) handicapped vans had to be made due to rising fuel costs. Felger explained the major source of funding comes from Area 2 service center and those monies would be reduced for 2009. Felger went on to say that 93% of all rides given countywide were where the person is helped into the van and driven to medical-type appointments. Felger explained there have been approximately 2,000 fewer rides than last year due to rising fuel costs. Felger further explained the main purpose for the handicapped accessible vans allow the elderly resident(s) to stay in their home and not be placed into a healthcare facility.
- 4-H Council – Sarah Duhamell, Youth Educator, requested \$47,002 for 2009. Duhamell explained the funds are used for use of the fairgrounds, youth programs such as trips and workshops around the State along with sponsoring the ribbons and awards for the youth. Duhamell explained there was an increase in enrollment by approximately 35 youth to the 4-H program. Duhamell then thanked the Commissioners for their past support.
- Arrowhead RC & D – Randy Moore, Director/Coordinator, representing Arrowhead requested \$500 for 2009. Moore referenced their budget as receiving \$500 from ten (10) counties. Moore further noted Arrowhead partners with Nature Resource Conservation Service with majority of operating expenses being insurance, copy costs and newsletter. Moore referenced the annual report from previous year partnering with Nature Conservancy to promote the watershed area. Moore then stated the education committee work with Darci Zolman on river rafting programs for children. Moore stated Zolman was approached by Warsaw Community High School to take the freshman class on a river rafting trip during the last week of August, 2008. Moore further stated Zolman also has an evasive species workshop planned for 2009 to discuss these species in the woods as well as the water. Moore further stated Arrowhead is working on a Tippecanoe River clean-up that can be costly to dispose of items removed from River. Moore then thanked the Commissioners for their past support.

IN THE MATTER OF MACOG PRESENTATIONS:

Sandy Seanor informed the Board that MaCog presentations will be available on-line to watch from a remote location. Seanor also said the presentations are available as a call-in telephone conference if the Commissioners would like to utilize that feature.

IN THE MATTER OF LEESBURG SEWER GRANT:

Mike Miner, County Attorney, presented a letter for signature from the County Commissioners confirming the award of a \$350,000 grant from the County to the Town of Leesburg. Miner stated that Leesburg is ready to present to the USDA Rural Development, who will fund the remainder of the sewer project.

MOTION: Ron Truex

TO: Approve signing of letter to Town of Leesburg confirming grant of \$350,000 for sewer project.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF COUNTY MEDICAL PLAN:

Ron Robinson, County Administrator, requested the following:

- Addition of Rx prescriptions to the Specific plan. Robinson stated the benefits will outweigh the cost up front.
- Changing out-of-network deductible. Robinson stated the present deductible is \$2,500 for single and \$5,000 for family. Robinson stated the new deductibles would be \$4,000 for single and \$8,000 for family for out-of-network only.
- Robinson further stated the prescription-by-mail cost would also go up from \$70 to \$100 on the standard plan.
- Include the “spousal rule”. Robinson explained the “spousal rule” is when the spouse can get insurance elsewhere and the County insurance would be the secondary insurance.
- Change from Lutheran Preferred Exclusive to Lutheran Preferred Exclusive Plus. Robinson explained this change will give the County a 30 – 38% savings.

IN THE MATTER OF COUNTY MEDICAL PLAN CONTINUED:

Robinson further explained the cost of insurance has increased approximately 12%. Robinson also explained that these changes will cover employees using medical services locally as well as Goshen but does not cover Woodlawn Hospital.

MOTION: Ron Truex

TO: Grant Robinson authorization to move

SECOND: Bob Conley

forward with all requests listed above

AYES: 3 NAYS: 0

regarding insurance for County employees.

UNANIMOUS

IN THE MATTER OF WAGE HEARINGS:

County Administrator, Ron Robinson stated that wage hearings are held every third Monday of the month at the Munson Building. Robinson stated he would like to appoint a person to attend those meetings.

MOTION: Ron Truex

TO: Grant Robinson authorization to appoint a

SECOND: Bob Conley

person to attend the monthly wage hearings.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF TREES ON COURTHOUSE LAWN:

County Administrator, Ron Robinson informed the Board that he called the State of Indiana's tree biologist regarding the trees dying on the courthouse lawn. Robinson stated that the tops of the trees are dying and would like to have the State biologist to provide an analysis of action to be taken.

IN THE MATTER OF WCDC USE OF COURTHOUSE LAWN:

Ron Robinson, County Administrator, stated the WCDC has requested the use of the Courthouse lawn for two (2) events on August 9, 2008 and August 23, 2008. Robinson met with the WCDC Director, Cindy Dobbins, and believes the events can be held without problems.

MOTION: Bob Conley

TO: Authorize use of the Courthouse lawn by

SECOND: Ron Truex

WCDC for two (2) separate events on August

AYES: 3 NAYS: 0

9, 2008 and August 23, 2008.

UNANIMOUS

IN THE MATTER OF 2009 HOLIDAY AND MEETING SCHEDULE:

Marsha McSherry, County Auditor, presented the 2009 county calendar for the Commissioners approval, noting the Courts will soon need this information.

MOTION: Ron Truex

TO: Approve 2009 calendar as presented.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

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

**KOSCIUSKO COUNTY COMMISSIONERS
June 24, 2008**

The Kosciusko County Commissioners met for their regular meeting on June 24, 2008 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

Bob Conley

Marsha McSherry – 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 GIS GRANT REQUEST:

Bill Holder, GIS Director, presented a project from the Indiana Geographic Information Council wherein County addresses are incorporated into a statewide layer. Kosciusko County was chosen as one (1) of fifteen (15) counties to participate in this State pilot project. Holder stated there is \$3,000 offered per County to participate in the project. Holder further stated this project is the State's attempt at making addresses a uniform system instead of the system varying between counties. Holder explained this uniform system aids with agencies like Homeland Security.

Commissioner Conley questioned the period of time this information would be available.

Holder explained the County provides a link to the data for approximately one (1) year.

Commissioner Jackson questioned if there is any cost to the County to apply for this grant and to provide the addresses to complete the project.

Holder stated there would be a cost to establish a link to the data which should be covered by a future grant through the Indiana Department of Homeland Security. Holder further stated the minimal cost to establish the link would be at least \$2,000.

MOTION: Ron Truex

TO: Approve the grant project as requested.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF 911 COMMUNICATIONS UPDATE:

Tom Brindle, Emergency Communications Director, provided the following updates on the 911 System:

- In May, 2008, Brindle was one (1) of ten (10) Directors in the State to attend a meeting at Ball State University. BSU Homeland Security received a \$2.5 million grant to set-up a national standard for 911 to train personnel and their directors.
- Brindle also met with the Association of Public Safety Communications officials where certifications are completed for Emergency Medical Dispatch, Fire Certification Dispatch and Telecommunication Officers. Brindle explained the 911 Center applied to be a regional training center and was approved. There will be three (3) weeks in October and three (3) weeks in March wherein the 911 Center will be used as a training facility therefore personnel will not have to travel to receive training.
- Brindle then said the State Wireless Board received funding from the State for a language line wherein a call is transferred to a translator based on the foreign language of the caller. Brindle explained the call then becomes a three-way call with the 911 operator never losing the call. Brindle further explained this service is provided at no charge.
- An invitation was received from the U.S. Department of Transportation wherein a proof of concept is being tested regarding the use of next generation internet protocol instead of land lines. Brindle stated the 911 Center was one (1) of five (5) centers picked in the U. S. to test this system.
- On July 10, 2008 from 1:00 to 4:00p.m., the 911 Center will host State officials and local County government to view a presentation on the next generation internet protocol. An invitation was extended to the Commissioners to attend that presentation.
- Brindle also said the State Treasurer requested the 911 Center host a class on July 29, 2008 from 8:30 a.m. to 4:30 p.m. regarding a PSAP Consolidation class sponsored by the National Emergency Numbering Association.

IN THE MATTER OF DLZ PRESENTATION:

Laurie Johnson, DLZ South Bend office, introduced the company and stated the issues and projects handled by her office are primarily bridge and road designs. Johnson further stated she is safety certified.

Andy Dodzik, DLZ Ft. Wayne office, stated his office primarily handles public works issues. Dodzik then stated he worked on the early stages of the sewer district in and around the Barbee Lakes chain. Dodzik also said the company would like the opportunity to become involved in that project again. Dodzik further stated the company also works with wastewater and sewer plants, dams and dam inspections and drainage issues. Dodzik also stated he is familiar with obtaining monies from funding agencies. He added he was familiar with wetlands and their restoration and conservation as well.

IN THE MATTER OF DLZ PRESENTATION CONTINUED:

Bob Kirkley, DLZ South Bend office, explained he has worked with drainage issues from storm water and also completed drainage studies. With regard to GIS, Kirkley has worked with Lake County to develop the GIS system there. Kirkley stated their firm's responsiveness, staff and in-house capabilities make them stand apart from other firms. Kirkley further explained the firm is experienced with working with State agencies and federally funded projects. Kirkley then stated it is the firm's goal to develop long-term relationships, with 85% of its business being repeat business.

IN THE MATTER OF COUNTY HIGHWAY UPDATE:

Dennis Pletcher, Highway Superintendent, provided an update on paving both Country Club Road and Wooster Road. Pletcher stated those two (2) projects are scheduled to begin tomorrow but the weather could delay paving.

IN THE MATTER OF WURSTER VACATION – TURKEY CREEK TOWNSHIP:

Matt Sandy, Assistant Area Plan Director, presented a vacation request from Bobby Lee Wurster, Trustee, Madelyn Sue Wurster, Trustee and Michael L. Neff to vacate the public right-of-way between lots 8 and 9 in the Plat of Peach Point at Oakwood Par, Turkey Creek Township. Sandy stated no negative response was received from any service providers and/or neighboring property owners.

Both Steve Snyder, Attorney for Wurster and Sandy agreed there was no way to know what the right-of-way was originally platted for.

Sandy then stated it was the unanimous recommendation of the APC to approve the vacation.

MOTION:	Bob Conley	TO:	Accept the recommendation of APC to	
SECOND:	Ron Truex		approve the vacation of the public right-of-	
AYES:	3	NAYS:	0	way in Turkey Creek Township.

UNANIMOUS

ORDINANCE NO. 08-06-24-001V

As recorded in of the office of the Kosciusko County Recorder

IN THE MATTER OF REZONING OF TRACT IN PLAIN TOWNSHIP OWNED BY ANDREA BOLINGER:

Dan Richard, Area Plan Director, presented a rezoning request from Andrea Bolinger to rezone a parcel located at 4192 North Runkle Drive in Plain Township from Agricultural to Residential. Richard stated the main reason for the rezoning request is to reduce the setback requirements from Agricultural to Residential setbacks. Richard stated it was the unanimous recommendation of the APC to approve the rezoning request.

MOTION:	Ron Truex	TO:	Accept the recommendation of the APC	
SECOND:	Bob Conley		to approve the rezoning of 4192 North Runkle	
AYES:	3	NAYS:	0	Drive, Plain Township from Agricultural to
UNANIMOUS				Residential.

ORDINANCE NO. 08-06-24-001Z

As recorded in of the office of the Kosciusko County Recorder

IN THE MATTER OF UPDATE ON POND/WELL ORDINANCE:

Matt Sandy, Assistant Area Plan Director, explained he was approached by a group of farmers to work up an ordinance that would regulate ponds. Sandy stated there have been good discussions at APC meetings with input from area farmers; although the issue has not been advertised for public hearing. Sandy further stated the purpose of the ordinance is to regulate the installation of ponds on private property; and, would establish minimum setbacks for the ponds. Sandy explained this discussion started from a chemical label wherein it states the chemical should not be used within 200 feet of a public water source. Sandy stated another concern was the use of the chemical near public wells.

Neal Brown, Health Department, stated with regard to the chemical label that the pond ordinance is as important as a well ordinance.

Sandy stated this issue will be advertised for public hearing and APC will hopefully bring the issue back to the Commissioners, possibly in August, 2009.

Commissioner Jackson questioned the setbacks for the different types of property stating he would prefer to see the setbacks for the right-of-way and other property be the same.

Commissioner Truex stated the wording is good regarding "productive agricultural ground" and its setback of 200 feet. Truex also stated CRP ground by definition was productive agricultural ground when it was entered into the program and will be again if it is removed from the program.

IN THE MATTER OF UPDATE ON POND/WELL ORDINANCE CONTINUED:

Jackson questioned the setback issue regarding drainage ponds in subdivisions.

Sandy stated the ordinance will not include drainage ponds in subdivisions.

Jackson stated he would like the ordinance to be able to be tightened when needed rather than set so strict there is no leeway.

IN THE MATTER OF UPDATE ON BASS VACATION CONCERNS - SEWARD TOWNSHIP:

Matt Sandy, Assistant Area Plan Director, explained as background, the request of Jerry and Bettye Bass was the third segment of the relocation of Roy Drive and request to vacate the platted right-of-way. Sandy then stated the original right-of-way was not installed where it was originally platted thereby causing the prior multiple vacation requests. Upon researching the issue and discussion between the Commissioners and APC, it was found the Bass vacation of Roy Drive, was written as if had been presented by Attorney Rick Helm.

Commissioner Truex stated the goal was to get the road back to where it should have been.

County Attorney, Mike Miner stated there is nothing further that can be done.

Truex asked Sandy to have APC highlight all previously vacated areas in any future vacation requests.

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

KOSCIUSKO COUNTY COMMISSIONERS July 8, 2008

The Kosciusko County Commissioners met for their regular meeting on July 8, 2008 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

Bob Conley

Ron Truex

Mike Miner – County Attorney

Marsha McSherry – 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 COUNTY VISITOR'S BUREAU APPOINTMENT:

President, Brad Jackson, stated a request was received from the CVB regarding the appointment of a replacement for Reggie Smith. Jackson then stated there was another request from the CVB to table that appointment until the Commissioner's Meeting on July 22, 2008.

MOTION: Brad Jackson

TO: Table the appointment of a replacement

SECOND: Ron Truex

for Reggie Smith to the CVB to the July 22,

AYES: 3 NAYS: 0

2008 Commissioner's Meeting.

UNANIMOUS

IN THE MATTER OF BUGGY PLATE ORDINANCE:

County Auditor, Marsha McSherry, stated there is a need to amend the existing Buggy Plate Ordinance since the duty of selling the buggy plates no longer lies with the Township Assessors due to House Enrolled Act 1001 that eliminated Township Assessors in townships with less than fifteen thousand (15,000) real property parcels effective July 1, 2008. McSherry further stated these duties are now the responsibility of the County Assessor. McSherry informed the Commissioners the current annual fee for each buggy plate is \$25.00 for the first plate with each additional plate being \$7.50 each. McSherry further stated there had not been an increase in the cost of the plates since 1984.

Commissioner Truex asked McSherry the number of buggy plates sold last year. McSherry responded that the number is approximately 1,000 (one thousand) total.

Prairie Township Trustee, Julie Goon, stated that she sold approximately 45 buggy plates total in Prairie Township.

Discussion was held among the Commissioners regarding the pricing of the plates and whether or not there should be an increase.

IN THE MATTER OF BUGGY PLATE ORDINANCE CONTINUED:

Dennis Pletcher, Highway Superintendent, stated the revenue collected from the sale of buggy plates does not impact the Highway Department but the horse and buggy cause considerable damage to county roads. Pletcher explained the damage done by the carbide on the horse's shoes (instead of rubber shoes) and the buggy wheels can be worse on the asphalt than a motorized vehicle.

MOTION: Ron Truex

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Amend Buggy Plate Ordinance placing responsibility of collecting fees on the County Assessor; also increasing the buggy plate fee to a flat fee of \$30.00 each.

**RESOLUTION NO. 08-07-08-001 Buggy
As Recorded in the Kosciusko County Recorder**

IN THE MATTER OF SPEED LIMIT REDUCTION REQUEST IN LAKE FOREST ADDITION - PLAIN TOWNSHIP:

Dennis Pletcher, Highway Superintendent, stated he received a request to reduce the speed limit in the Lake Forest Addition on Chapman Lake, Plain Township. Pletcher further stated Lake Forest Addition consists of the EMS Lanes: C29, C29A, C30 and C31. Pletcher then stated he received a letter from the neighborhood association with resident signatures requesting a reduction in the speed limit to 20mph and the installation of 20mph signs throughout the Addition. Pletcher explained he did not perform the normal traffic studies since there are not multiple entrances to the Addition. Pletcher then said the State Statute is 35mph without requiring that speed limit to be posted.

Commissioner Jackson expressed concern if 20mph signs were posted in Lake Forest Addition in order to be uniform, 20mph signs would have to be posted around all of the lakes.

Commissioner Truex suggested the Board stay with their previous speed limit project of 35, 45 or 55mph on county roads.

County Attorney, Mike Miner, concurred with Truex regarding the speed limit and keeping with the speed limit project previously followed.

IN THE MATTER OF NO PARKING SIGNS IN FOXWOOD ESTATES - WAYNE TOWNSHIP:

Highway Superintendent, Dennis Pletcher, stated he received a request from Bill Batalis to install no parking signs on Riviera Drive in Foxwood Estates, Wayne Township (off Country Club Road). Pletcher stated Batalis said he has had trouble with some neighbors parking on Riviera Drive and is requesting the installation of no parking signs on Riviera Drive in Foxwood Estates. Pletcher then informed the Commissioners that Foxwood Estates does not contain any houses yet and Batalis had previously petitioned to have Riviera Drive a county maintained road.

Commissioner Conley stated he has seen vehicles parked on Riviera Drive but usually never more than three (3) or four (4) at a time and they are parked back from the intersection.

Commissioner Truex asked if there are warnings that there is no parking on county maintained roads. Pletcher said not to his knowledge.

County Attorney, Mike Miner, stated if no parking signs were installed and not enforced then the County could incur some liability.

Pletcher stated due to the width of the county roads, they are not designed to handle both traffic and parked vehicles.

Truex reiterated that if someone parks on a county road, they are assuming that risk of liability.

Truex then stated if Batalis would like to withdraw Riviera Drive from county maintenance and make it a private drive and subdivision, he can control whether or not vehicles park there.

IN THE MATTER OF INTERSECTION CR 700N AND CR 300E - PLAIN TOWNSHIP:

Dennis Pletcher, Highway Superintendent, stated he was approached by a resident regarding the intersection at County Road 700N and County Road 300E, Plain Township with concerns that it is a dangerous intersection. Pletcher presented pictures of the intersection showing stop sign placement. Pletcher explained there are stop signs on:

- CR 700N heading east;
- On CR 700N (on curve) heading north; and,
- On CR 300E (in front of EMS T33 Lane – Patona Bay) heading north.

Pletcher further explained heading south on CR 300E, traffic does not have to stop whether they follow the curve and go west CR 700N or go straight (south) on CR 300E into Oswego. Pletcher suggested only traffic on CR 300E going westbound onto CR 700N be allowed to use the curve making all traffic on CR 700N go to a stop sign at CR 300E in order to go north or south.

IN THE MATTER OF INTERSECTION CR 700N AND CR 300E - PLAIN TOWNSHIP
CONTINUED:

Pletcher also advised installing a “one-way – do not enter” so CR 700N traffic does not take the curve but is routed to a stop sign at CR 300E. Pletcher also suggested squaring up the intersection and installing stop signs on CR 300E for both north and southbound traffic at CR 700N and EMS T33 Lane.

Commissioner Truex suggested taking out or closing the curve thereby making all traffic go to the proposed stop signs above.

Pletcher stated that solution could be used although it is a more costly solution and slows traffic coming from the north. Pletcher further stated the curve could not be “closed”; it would have to be removed completely so traffic does not drive around signs, etc. Pletcher was not sure, when questioned by Commissioner Conley, as to the number of accidents at that intersection.

Commissioner Jackson suggested he and Pletcher meet at the intersection to discuss possible changes and make a recommendation to the Board at a later date.

IN THE MATTER OF HIGHWAY BID OPENING FOR SMALL STRUCTURE
REPLACEMENT ON FAIRLANE DRIVE - WAYNE TOWNSHIP:

Mike Miner, County Attorney, opened all sealed bids received for a small structure replacement (bridge) on Fairlane Drive, Wayne Township (next to Kosciusko County Fairgrounds). The bids were as follows:

- JCI Bridge Group for \$428,233.40
- PrimeCo, Inc. for \$286,409.13 (has a bid bond)
- Pioneer Associates for \$513,257.24 (has a bid bond)

Pletcher stated the engineer’s estimate was \$249,563.54 for construction only – the County is responsible for the pre-made concrete structure. Pletcher stated all bids were over the estimate and he will make a recommendation at the July 22, 2008 Commissioner’s meeting.

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

KOSCIUSKO COUNTY COMMISSIONERS

July 22, 2008

The Kosciusko County Commissioners met for their regular meeting on July 22, 2008 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
Bob Conley
Ron Truex

Mike Miner – County Attorney
Marsha McSherry – 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, presented the District II Exercise Homeland Security Grant for renewal stating additional funds had been added to the Grant. Rock stated this is an existing grant wherein the County is the fiscal body for the grant.

MOTION: Ron Truex

TO: Approve grant renewal as presented.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF UPDATE ON UPCOMING GRANTS:

Ed Rock, Emergency Management Director, presented a list of grants that the County would be handling. Rock referenced the list given to the Commissioners for their information.

IN THE MATTER OF PROFORMA SERVICE AGREEMENT:

Kent Adams, County Treasurer, requested approval of a service agreement with PROforma with regard to printing tax bills and tax certification. Adams stated this company will improve the accuracy and efficiency of the tax bills and will work with the current LOW tax system. Adams then stated the estimated cost would be \$17,750 based on the County's parcel count since PROforma charges on a "per tax bill" basis. Adams further stated this is a one (1) year contract that can be voided with a ninety (90) day notice. Adams explained the State is requiring the County to send a comparison form in addition to their tax bill to each taxpayer and mortgage company.

MOTION: Ron Truex

TO: Approve agreement with PROforma for one (1) year term as presented.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF RENEWAL OF TRAFFIC ENFORCEMENT GRANTS:

Sheriff, Rocky Goshert, and Sergeant Chad Hill, requested the renewal of the following traffic enforcement grants: D.U.I. Taskforce Patrol, Aggressive Dangerous Driving, Operation Pull Over (City/County), and F.A.C.T.

MOTION: Ron Truex

TO: Approve grants as presented.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF COUNTY VISITOR'S BUREAU APPOINTMENT:

Mary Kittrell, County Visitor's Bureau, stated the previous Commissioner appointment: Reggie Smith left his position on the Board. Kittrell recommended Mary Mills be appointed as she fills the State requirement of being in the business of renting rooms. Kittrell stated Mills is the supervisor at the Zimmer Hotel. Kittrell further stated the term of the appointment would end December 31, 2008, but requested Mills then be appointed to another term.

MOTION: Bob Conley

TO: Appoint Mary Mills to the County Visitor's Bureau.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF REDEVELOPMENT COMMISSION APPOINTMENT:

County Auditor, Marsha McSherry, stated pursuant to House Enrolled Act 1001, the Commissioners must appoint a non-voting member from a school corporation within the County. Recommendations were received from three (3) of the six (6) school corporations within the County. After discussing the candidates, Commissioner, Bob Conley, recommended Ron Yeiter, Warsaw Schools be appointed due to his centralized location and his willingness to serve.

MOTION: Bob Conley

TO: Appoint Ron Yeiter to the Redevelopment Commission as a non-voting member

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF MAPLE LEAF FARMS TAX ABATEMENT:

Steve Snyder, Attorney for Maple Leaf Farms, and Don Ratliff, Vice-President of Operations for Maple Leaf Farms, stated due to House Enrolled Act 1001 and that Maple Leaf is in a TIF district, approval must be received from the Commissioners before any abatement request can be presented to County Council. Snyder explained all operations are being moved to the Milford location from the Wisconsin location, hence the request for the additional abatement regarding the equipment expansion. Snyder further stated the improvements to the real estate would total \$1,809,000; with 81 additional employees with payroll of \$1,778,553. Snyder added personal property improvements will be \$2,149,000 and will be part of what is necessary to provide a third shift to run additional processing machinery. Snyder stated the total project cost would be \$3,958,000. Snyder then stated the request being made to the Council for the tax abatement is attached to both the real estate improvements and personal property with a term of ten (10) years on both. Snyder reiterated County Council will have the final decision; however the Commissioners must agree that the Statement of Benefits reflects sufficient property to justify the abatement.

IN THE MATTER OF MAPLE LEAF FARMS TAX ABATEMENT CONTINUED:

Snyder then stated however if the Commissioners do not approve the Statement of Benefits, the tax abatement could not proceed to County Council. Snyder went on to say County Council also has the authority to set the time frame for the abatement for both real and personal property within which certain improvements must be made.

County Attorney, Mike Miner, reiterated what Snyder had said in that the abatement request stops if the Commissioners deny it but if approved, the abatement request moves to the Council for approval.

Commissioner Truex questioned capturing tax revenue within the current TIF.

Snyder explained the TIF was established for the construction of County Road 900N to State Road 15. Snyder further explained the abatement depreciation schedule for personal property. President Jackson felt since Council has the financial responsibility, the abatement should be allowed to proceed to them.

MOTION: Bob Conley

TO: Allow Maple Leaf Farms abatement to proceed to County Council for final determination.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF ELI LILY ROAD NEIGHBORHOOD ISSUE:

Chris Dumford and Larry Mock requested a permit to upgrade/improve the entrance and curve of Eli Lilly Road as it leads to their residences. Dumford stated there are ten (10) properties that use that road. Dumford then presented a petition signed by eight (8) of the ten (10) property owners also stating those eight (8) property owners agreed to split the cost of improving (paving) the road. Dumford explained there is twenty-five (25) foot right-of-way according to the plat that was never installed; the existing road is approximately 11-12 foot wide. Dumford further explained they would like to pave the road at the entrance and around the curve and taper it down after the curve. Mock read a letter he had prepared regarding the road improvements, the history of the road and project.

Dennis Pletcher, Highway Superintendent, stated the County has no jurisdiction over the road, it is a private road and not maintained by the County.

Josh Barrett, Attorney for Alex and Judith Pursley, stated his client had a survey done that was delivered to Dennis Pletcher at the Highway Department for his review. Barrett stated he did not believe Pletcher had a chance to review the survey. Barrett then stated it was his understanding that this issue was not to be on the agenda until August 19, 2008. Barrett asked the matter be tabled until the August 19, 2008 meeting although he was prepared to discuss the matter. Barrett said as far as he knew, there was no other survey done by Dumford. Barrett explained the Pursleys do not have an issue with the paving of the road, just with the widening of the curve on Eli Lilly Road as it attaches to their property. Barrett recapped the past history of the project (tree removal and compensation to Pursleys from Dumford for landscaping) dating back to the summer of 2007. Barrett detailed the work done by Mock that was not within the scope of the approval received from the Commissioners in any past meetings such as removing dirt with a backhoe the width of the right-of-way according to a survey and filling it with limestone. Barrett also referenced the petition signed by the eight (8) property owners that was never shown to or received by his clients.

President Jackson clarified the issue regarding whether the two (2) surveys line up with one another and asked Mock if he would be amenable to following the Pursley's survey. Mock stated he would follow the Pursley's survey.

Judith Pursley expressed her concerns with paving in regards to what would happen to their property if asphalt is installed. Pursley relayed her concerns regarding proper drainage of the water from the asphalt directly into the grass and also allowing access for utilities.

President Jackson asked Pursley what width of road she would be comfortable with.

Pursley responded she would be comfortable with 15-20 feet and had checked with the fire chief regarding equipment fitting on the road. Pursley then stated she did not feel it fair that a considerable portion of her property be taken away; nor fair to the property owners on the curve just to benefit the other property owners further down the road.

President Jackson suggested a compromise of 21 feet for the width of the road (paved in the center) with 2 feet of limestone on either side for drainage.

Pursley opposed the suggestion stating that the Crimmins and Pursleys are being asked to make all of the concessions.

When questioned by President Jackson, Pletcher stated 20 feet wide for the road around the curve should be adequate to keep a vehicle on the road and again, the County does not maintain the road thereby not giving his department jurisdiction over the road.

IN THE MATTER OF ELI LILY ROAD NEIGHBORHOOD ISSUE CONTINUED:

Commissioner Truex suggested the road be 20 feet wide using the Pursley's choice of survey and removing the limestone and have grass planted up to the road. Truex then stated all parties should understand the right-of-way is actually wider than the suggested width of the road and there should not be any construction i.e. irrigation, landscaping, etc. within that right-of-way extending beyond where the road will be installed. Truex asked Mock if he would be willing to prepare the area for grass and/or plant the grass and also have a contractor remove the limestone and replace it with topsoil to prepare for seeding with grass up to asphalt.

Mock agreed to remove the limestone and prepare the area with topsoil for seeding with grass planted up to the asphalt.

MOTION: Ron Truex

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve permit for a 20 feet road using the Pursley's choice of survey with Mock removing the previous limestone and preparing the area with topsoil for seeding with grass planted up to asphalt.

IN THE MATTER OF UPDATE ON OUTLYING TOWNSHIP ASSESSOR OFFICE LEASES:

County Administrator, Ron Robinson, stated on April 29, 2008, the County Assessor informed the Commissioners that the three (3) outlying Township Assessors' offices would be closed due to House Enrolled Act 1001. Robinson then stated letters were sent within that time frame to the landlords for those outlying offices with Plain Township's lease ending June 30, 2008 making that lease a non-issue. Robinson further stated a buy-out of the lease was negotiated in the amount of \$2,800 (\$700 per month through October, 2008) for the Tippecanoe Township office. Robinson then stated he sent a letter to and had spoken with Henry DeJulia of the Town of Syracuse regarding the lease issue for the Turkey Creek Township office. Robinson was informed the Town of Syracuse only has one (1) meeting a month and the issue has not gone before their Board. Robinson explained the County was going to negotiate with the telephone company regarding the term of that lease also.

MOTION: Bob Conley

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve negotiations for Tippecanoe and Turkey Creek Townships outlying offices to buy-out the leases.

IN THE MATTER OF WORK ON COURTHOUSE:

County Administrator, Ron Robinson, stated his office is looking into having work done on the courthouse such as repair and painting of the courthouse dome and some other drainage issues. Robinson then stated the cost for repairs and painting could be over \$75,000 and he does not feel comfortable making architectural decisions; he would rather have an architect and/or engineer make those structural decisions.

Commissioner Truex told Robinson to do whatever needs to be done to keep the Courthouse and the dome in top shape.

IN THE MATTER OF ROAD REPAIR ON COUNTY ROAD 150W:

Dennis Pletcher, Highway Superintendent, thanked the Commissioners for allowing the funds to be used for road work on County Road 150W between US 30 and Fox Farm Road.

IN THE MATTER OF GUARANTEED VENDOR PRICING:

Highway Superintendent, Dennis Pletcher, stated he received calls from vendors stating they will no longer be able to provide guaranteed pricing on a monthly basis and they cannot hold pricing or materials. Pletcher then stated pricing will be on a day to day basis for materials and there could be a potential for shortages of material.

IN THE MATTER OF PEDESTRIAN BRIDGE – TURKEY CREEK TOWNSHIP:

Dennis Pletcher, Highway Superintendent, stated there is an issue with the installation of a pedestrian bridge near Pickwick Place in Syracuse, Turkey Creek Township. Pletcher then stated there is an existing County bridge on Pickwick Place that could be compromised with the installation of a pedestrian bridge by the trail committee of Syracuse. Pletcher explained the trail committee would like to install a pedestrian bridge along side the county bridge. Pletcher then said he explained to the trail committee that the pedestrian bridge should not compromise the county bridge at all and to keep that in mind when speaking with architects and planners for the project.

IN THE MATTER OF PEDESTRIAN BRIDGE – TURKEY CREEK TOWNSHIP
CONTINUED:

Commissioners verified that the pedestrian bridge will be along side the existing county bridge and public safety is top priority.

County Attorney, Mike Miner, stated he received a letter from attorney, Steve Snyder, regarding the bridge project.

MOTION: Bob Conley

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

TO: Allow trail committee to construct the pedestrian bridge with the County Highway Department's approval according to specifications to be approved by APC.

IN THE MATTER OF HIGHWAY BID ACCEPTANCE FOR SMALL STRUCTURE
REPLACEMENT ON FAIRLANE DRIVE - WAYNE TOWNSHIP:

Dennis Pletcher, Highway Superintendent, recommended accepting the low bid for the small structure on Fairlane Drive from PrimeCo, Inc. even though their bid is over the engineer's estimate. Pletcher then stated he did not bring the Contract to be signed since the pre-cast concrete structure is not finished.

MOTION: Ron Truex

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Accept the bid from PrimeCo as presented for the replacement of the pre-cast small concrete structure on Fairlane Drive.

IN THE MATTER OF ANTHONY AND AMY SOMMERS VACATION REQUEST-
PLAIN TOWNSHIP:

Matt Sandy, Assistant Area Plan Director, presented a vacation request from Anthony and Amy Sommers to vacate the 20' public right-of-way between lots 22 and 23 in the Plat of Island Park Annex, Plain Township. Sandy stated no negative response was received from any service providers. Sandy then stated it was the unanimous recommendation of the APC to approve the vacation.

Justin Rees, President of the Island Park Property Owner's Association, stated according to the by-laws for Island Park Subdivision, all rights-of-way, easements and common ground shall remain open and available to be used by all members of Island Park. Rees then stated these rights-of-way and common ground are used for overflow parking and access to the waterfront. Rees presented a Petition signed by property owners in opposition to the vacation of the right-of-way requested by Sommers. Rees then stated his home is directly across from the right-of-way and expressed concern as to traffic and parking congestion. Rees further stated the Sommers' are currently using the right-of-way for their own overflow parking and said it would only get worse once their eight (8) children begin to drive. Rees then stated the Sommers were aware of their lot size when they purchased their property and should not be allowed to take the right-of-way, which belongs to everyone in the Association, to expand their current home.

In response to President Jackson's inquiry, Sandy stated there was no remonstrance to this vacation at the BZA hearing wherein the subject was tabled waiting for a response/ruling from the Commissioners regarding the right-of-way.

Commissioner Truex questioned whether there was an actual document stating the restrictions and by-laws of the Association previously referenced by Rees.

Rees responded by saying the by-laws state common ground is to be maintained for the use of all property owners within Island Park Subdivision.

Mike Miner, County Attorney, stated the property owners knew up front what restrictions were in place. Miner explained that without a copy of the plat, he has no way of knowing what is stated in the plat but only that whatever the plat provided would not be affected by the Commissioner's decision. Miner noted the Commissioners cannot change the plat. Miner then stated as an example; even if the right-of-way is vacated for use by the general public, property owners within Island Park can still use that "common ground" property if allowed by the plat. Truex confirmed the explanation of Miner by saying the Commissioners can vacate that land as a public road but it doesn't change the plat of the subdivision; the land may still be "common ground" as stated in the by-laws and restrictions of the subdivision and plat.

Anthony Sommers questioned if the vacation is allowed, is property split between the two (2) adjacent property owners.

Truex and Jackson suggested tabling the subject to send back to the BZA since there are too many unknowns on how the plat reads and would like more information regarding the plat restrictions.

IN THE MATTER OF ANTHONY AND AMY SOMMERS VACATION REQUEST-PLAIN TOWNSHIP CONTINUED:

Miner cautioned the Commissioners against possible County liability. Miner then stated the Commissioners are dealing with one issue – whether this is or is not a county road regardless of what the plat says.

MOTION: Ron Truex

TO: Accept the recommendation of APC to

SECOND: Bob Conley

approve the vacation of the public right-of-

AYES: 3 NAYS: 0

way in Island Park, Plain Township and the

UNANIMOUS

plat stands as written.

ORDINANCE NO. 08-07-22-001V

As recorded in of the office of the Kosciusko County Recorder

IN THE MATTER OF E & L RENTALS, LLC VACATION REQUEST-PLAIN TOWNSHIP:

Matt Sandy, Assistant Area Plan Director, presented a vacation request from E & L Rentals, LLC to vacate a strip of land adjacent to property owned by E & L Rentals, LLC and bound on the south by a property owned by Douglas A. Reed, Plain Township. Sandy requested the matter be tabled until August 19, 2008 until the APC has a chance to make their recommendation. Vern Landis, Attorney for E & L Rentals, LLC, was present for the petitioner and agreed on tabling the matter.

IN THE MATTER OF KAY PROMKHIEO REZONING REQUEST - TIPPECANOE TOWNSHIP:

Dan Richard, Area Plan Director, presented a rezoning request from both Kay Promkhieo and Area Plan Commission to rezone three (3) parcels in Tippecanoe Township from Agricultural to Residential. Richard stated there are three (3) persons or entities that can initiate a rezoning request: property owner, Area Plan Commission and Commissioners. Richard explained the APC joined in with Promkhieo to have the other two (2) properties to the south rezoned so as not to create an island of agricultural land surrounded by residential land. Richard then stated there was some controversy and remonstrance on the rezoning. Richard further stated it was the unanimous recommendation of the APC to approve the rezoning request.

IN THE MATTER OF KAY PROMKHIEO REZONING REQUEST - TIPPECANOE TOWNSHIP CONTINUED:

No one in attendance spoke in opposition or in favor to the rezoning.

MOTION: Ron Truex

TO: Accept the recommendation of the APC

SECOND: Bob Conley

to approve the rezoning of three (3) parcels in

AYES: 3 NAYS: 0

Tippecanoe Township from Agricultural to

UNANIMOUS

Residential.

ORDINANCE NO. 08-07-22-001Z

As recorded in of the office of the Kosciusko County Recorder

IN THE MATTER OF RICHARD SURFACE REZONING REQUEST - SEWARD TOWNSHIP:

Dan Richard, Area Plan Director, presented a rezoning request from Richard Surface to rezone a parcel in Seward Township from Agricultural to Residential. Surface stated the property is located off the northwest corner of Hill Lake. Richard then stated Surface had one previous sell off from the original plat with 29.11 acres remaining. Richard further stated there was a lot of discussion among APC on different scenarios and options to help the property owner. Richard then stated APC will forward this matter on to the Board of Zoning Appeals to consider a variance from the terms of the subdivision control ordinance allowing the sell-off of the northern 18.5 acres as a separate fourth tract of land under twenty (20) acres. Richard further stated it was the unanimous recommendation of the APC to deny the rezoning request.

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

MOTION: Ron Truex

TO: Accept recommendation of APC to deny

SECOND: Bob Conley

rezoning request.

AYES: 3 NAYS: 0

UNANIMOUS

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

KOSCIUSKO COUNTY COMMISSIONERS

August 5, 2008

The Kosciusko County Commissioners met for their regular meeting on August 5, 2008 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
Bob Conley
Ron Truex

Mike Miner – County Attorney
Marsha McSherry – 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 2009 INDOT GRANT:

Rita Baker, KABS Director, presented the 2009 INDOT grant application for the Commissioners' approval. Baker also presented the KABS 2nd quarter Quarterly Report in the amount of \$480,000 for the Commissioners' approval.

MOTION: Ron Truex

TO: Approve 2009 INDOT grant application as presented as well as the 2nd quarter Quarterly Report as presented.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF SYRACUSE-WAWASEE TRAIL INDOT APPLICATION:

Marsha McSherry, County Auditor, presented the INDOT application from Syracuse-Wawasee Trail Committee for the County to hold the funds and pay out said funds upon inspection from INDOT. President Jackson stated there are no county funds being expended at this time.

MOTION: Ron Truex

TO: Approval of project grant application and administration of grant.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF GIS REQUEST:

Ron Robinson, County Administrator, stated GIS Director, Bill Holder, requested permission to attend a National GIS conference in Colorado from September 7-11, 2008. Robinson then stated Holder had obtained funding through a grant to pay for expenses; he was merely asking for the time to attend the conference.

MOTION: Bob Conley

TO: Approval of Bill Holder's request to attend National GIS conference.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF WORK ON COURTHOUSE:

County Administrator, Ron Robinson, stated during the storm last night (August 4, 2008), a large tree limb came down on the north side of the courthouse lawn; it will be cut up and removed as well as other dead limbs within existing trees.

IN THE MATTER OF WORK RELEASE ROOF PROJECT:

Ron Robinson, County Administrator, stated the roof project is complete on the Work Release Center. Robinson then stated the cost of the project was \$195 more than the bid due to the necessity of replacing a piece of sheeting on the roof. President Jackson stated the type of roof installed will last a long time.

IN THE MATTER OF INDOT GRANT:

County Administrator, Ron Robinson, stated the County has received notification that it was awarded a \$2,000,000 grant from INDOT for the Old US 30 project.

IN THE MATTER OF POLICY MANUALS:

Ron Robinson, County Administrator, stated his office is working on four (4) new policy manuals for the following departments: Sherriff, Highway, Dispatch and a General Policy manual for the remainder of County employees.

IN THE MATTER OF WAR MONUMENT:

County Administrator, Ron Robinson, informed the Commissioners that the American Legion is developing a committee to look after the war monument on the southwest corner of the Courthouse lawn. Robinson then stated the committee would come before the Commissioners to request any changes, etc. Robinson further stated the committee will look into funding for the upkeep and work on the addition of any names that were inadvertently omitted.

IN THE MATTER OF REDEVELOPMENT COMMISSION APPOINTMENT:

County Auditor, Marsha McSherry, stated pursuant to House Enrolled Act 1001, the Commissioners had previously appointed a non-voting member from a school corporation within the County to the Redevelopment Commission. McSherry presented a Certificate of Appointment for Ron Yeiter, Warsaw Schools to serve a term commencing immediately and ending on June 30, 2010 for the Commissioners' signatures.

IN THE MATTER OF REDEVELOPMENT COMMISSION APPOINTMENTS:

Marsha McSherry, County Auditor, presented an Order to retain and appoint the three (3) following members to the Redevelopment Commission: Max Courtney, Lowell Owens and Bruce Woodward.

MOTION: Ron Truex

TO: Accept the reappointment of Max

SECOND: Bob Conley

Courtney, Lowell Owens and Bruce

AYES: 3 NAYS: 0

Woodward to the Redevelopment

UNANIMOUS

Commission.

IN THE MATTER OF HIGHWAY BID ACCEPTANCE FOR SMALL STRUCTURE REPLACEMENT ON FAIRLANE DRIVE - WAYNE TOWNSHIP:

Dennis Pletcher, Highway Superintendent, presented the contract with PrimCo for the small structure replacement on Fairlane Drive. Pletcher stated this matter was previously approved by the Commissioners and the project is ready to commence.

IN THE MATTER OF HIGHWAY UPDATES:

Highway Superintendent, Dennis Pletcher, stated a chip and seal project will begin next week on Old Road 30 West.

Commissioner, Ron Truex, stated he has received many telephone calls on the good results from the resurfacing of both Wooster Road and Country Club Road.

Pletcher then stated he received some calls on the good results from the resurfacing of County Road 150W.

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

**KOSCIUSKO COUNTY COMMISSIONERS
August 19, 2008**

The Kosciusko County Commissioners met for their regular meeting on August 19, 2008 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

Bob Conley

Marsha McSherry – 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 MANAGEMENT PERFORMANCE GRANT:

Ed Rock, Emergency Management Director, presented the Emergency Management Performance Grant explaining this grant reimburses the County for half of both his and his administrative assistant's wages.

MOTION: Ron Truex

TO: Accept the grant as presented.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF ST. JOSEPH AND ELKHART COUNTIES' GRANT REQUEST:

Emergency Management Director, Ed Rock, presented a request from Elkhart and St. Joseph Counties to manage two (2) HAZMAT and two (2) Explosive Ordinance Disposal funding initiatives. Rock explained this is a request to manage the grants and, other than calling those agencies for assistance, the grant does not benefit Kosciusko County.

President Brad Jackson clarified this is not a renewal of an existing grant but a new grant. Rock replied this is an additional grant.

Commissioner Bob Conley questioned whether the County could be reimbursed for managing the grant. Rock responded reimbursement of 2–2½% of administrative fees may be possible if all time spent managing said grant is documented.

Conley expressed concern as to administering a grant for another county that does not affect Kosciusko County.

MOTION: Ron Truex

TO: Deny St. Joseph and Elkhart Counties' request to administer and manage the presented grants.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF GIS REQUEST:

Bill Holder, GIS Director, stated a letter was sent and signed by four (4) State agencies to the Commissioners of every county in Indiana requesting the addition of GIS layers to assist various state agencies but also to build an Indiana map. Holder then stated the layers requested are: parcels, roads, addresses and local boundaries. Holder explained the information requested is useful in emergency situations. Holder reported he met with the GIS committee (Auditor, County Administrator, County Assessor, Surveyor, Area Plan, Systems Administrator, and Highway Department with the request for Emergency 911 to attend also) regarding the request for mapping layers. Holder explained the GIS committee recommended the Commissioners sign the letter allowing his office to provide the data to the State.

MOTION: Ron Truex

TO: Accept GIS committee's recommendation to allow Holder to provide the State with requested mapping data.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF ARROW HEAD COUNTRY RC & D APPOINTMENT:

County Auditor, Marsha McSherry, presented a letter from Arrow Head Country RC & D requesting the appointment (re-appointment) of Stanley Moore to their Board.

MOTION: Bob Conley

TO: Re-appoint Stanley Moore to Arrow Head Country RC & D Board.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF WAR MONUMENT:

County Administrator, Ron Robinson, presented criteria from the American Legion that they will abide by when considering a name addition to the War Memorial on the Courthouse lawn. Robinson stated the American Legion will work to be sure the criteria are met before presenting any recommendations to the Commissioners for engraving on the War Memorial. Robinson requested the Name Addition Criteria from the American Legion be added to the Commissioner's Minutes for future reference.

Commissioner Ron Truex agreed with the addition of the Criteria to the Minutes and also stated a letter should be sent to the American Legion acknowledging the work done in the community.

Reference: Kosciusko County War Memorial Name Addition Criteria
As recorded in of the office of the Kosciusko County Recorder

IN THE MATTER OF WORK ON COURTHOUSE:

County Administrator, Ron Robinson, stated the tree damaged in the storm on August 4, 2008 was removed and the stump will be ground up once Downtown Days is complete. Robinson further stated there may be two (2) other maple trees lost due to disease.

IN THE MATTER OF MILFORD PUBLIC LIBRARY BOARD MEMBER APPOINTMENT:

County Auditor, Marsha McSherry, presented a letter from the Milford Public Library requesting the re-appointment of Margaret Cousins to the Milford Public Library Board of Trustees.

MOTION: Bob Conley

TO: Re-appoint Margaret Cousins to the Milford Public Library Board of Trustees.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF HIGHWAY UPDATES:

Highway Superintendent, Dennis Pletcher, stated the road striping will begin toward the end of September as the vendor contracted is behind due to this summer's inclement weather. Pletcher explained the striping should not be done now since striping new asphalt will cause the striping to turn green and fade. Pletcher further explained the use of thermoplastic is best but too costly. Pletcher also stated the chip and seal project on Old Road 30 West is progressing.

IN THE MATTER OF E & L RENTALS, LLC VACATION REQUEST-PLAIN TOWNSHIP:

Matt Sandy, Assistant Area Plan Director, presented a vacation request from E & L Rentals, LLC to vacate a strip of land adjacent to property owned by E & L Rentals, LLC and bound on the south by a property owned by Douglas A. Reed, Plain Township. Sandy stated the right-of-way was difficult to research to clarify whether it was part of the original plat or went to the old mill. Sandy further stated there is a structure built in the 1940s or 1950s that sits on the right-of-way. Sandy noted no negative response was received from any adjacent property owners, service providers or emergency service providers. Sandy then stated it was the unanimous recommendation of the APC to approve the vacation.

Vern Landis, Attorney for E & L Rentals, LLC, stated the information Sandy provided was true and accurate adding there is a garage on this right-of-way.

No one in attendance spoke in opposition to the vacation.

MOTION: Bob Conley

TO: Accept the recommendation of APC to approve the vacation of the public right-of-way as requested by E & L Rentals, LLC.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE NO. 08-08-19-001V

As recorded in of the office of the Kosciusko County Recorder

IN THE MATTER OF CAPITAL GROWTH REZONING REQUEST - TIPPECANOE TOWNSHIP:

Dan Richard, Area Plan Director, presented a rezoning request from Capital Growth to rezone 1.6 acres in Tippecanoe Township from Agricultural to Commercial. Richard explained this property is to the north of the town of North Webster on State Road 13.

Richard then stated a public meeting was held and there was no negative response received from any adjacent property owners, service providers, emergency service providers or the Town of North Webster. Richard further stated it was the unanimous recommendation of APC to approve the rezoning request.

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

MOTION: Ron Truex

TO: Accept the recommendation of APC to approve the rezoning of the 1.6 acres in Tippecanoe Township from Agricultural to Commercial.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE NO. 08-08-19-001Z

As recorded in of the office of the Kosciusko County Recorder

IN THE MATTER OF POND/WELL ORDINANCE AMENDMENTS:

Matt Sandy, Assistant Area Plan Director stated there have been good discussions at APC meetings with input from area farmers regarding a pond ordinance; also stating the purpose of the ordinance is to regulate the installation of ponds on private property and to establish minimum setbacks for ponds. Sandy explained this discussion started from a chemical label wherein it states the chemical should not be used within 200 feet of a pond and 50 feet from a well. Sandy stated another concern was the use of the chemical near public wells.

IN THE MATTER OF POND/WELL ORDINANCE AMENDMENTS CONTINUED:

Neal Brown, Health Department, stated with regard to the chemical label that the pond ordinance is as important as a well ordinance.

Sandy further explained the APC and Health Department thought if the ordinance for ponds is being addressed then the ordinance for wells should be addressed at the same time.

Sandy then stated there was much discussion among APC members on subdivision retention ponds and the consensus was they are not subject to the pond ordinance.

Sandy further stated the technical committee recommended a setback of 35 feet for ponds except where the tract abuts agriculturally zoned ground in which case it may not be constructed any closer than 200 feet to property lines. Sandy then stated the wording was changed to read “agriculturally zoned ground” instead of “productive agricultural ground” leaving less room for confusion. Sandy further stated there will be an option for a variance but three (3) criteria must be met: any relief given from a right-of-way is supported in writing by the highway department of the area affected, the installation does not affect any drainage issues and it must receive a favorable review from the technical committee of APC.

President Brad Jackson reiterated the setbacks will not apply to subdivision retention ponds with Sandy agreeing.

Commissioner Ron Truex felt subdivisions should be held to follow the same guidelines and setbacks for retention ponds as other property owners. Truex expressed concern as to what protection an adjacent farmer has when a subdivision wants to install a pond within 50 feet of the property line. Sandy stated as the ordinance reads now, there is nothing protecting that farmer other than the technical committee’s review. Truex wanted to know what guidelines the technical committee will follow to look at the request of a subdivision requesting the installation of a pond within 50 feet of agricultural ground. Sandy stated part of the criteria the committee would look at is what type of agricultural ground the pond will be adjacent to. Truex stated for the farmer to farm and also spray any chemicals, the environmental law states the farmer must adhere to a setback of 200 feet. Truex expressed his concern if the technical committee makes an exception; it will affect the farmer’s right to farm his ground. Sandy then stated the affected parties will have the opportunity to go before the Board of Zoning Appeals to resolve any disputes.

President Jackson questioned the setbacks for wells. Brown responded the setback is 50 feet from agriculturally productive ground and five (5) feet from property lines. Jackson expressed concern as an example: to build a house on “agriculturally zoned” versus an “agriculturally productive” property and whether a well could be installed on that property, according to the wording in the ordinance. Brown agreed the wording may have to be changed to “agriculturally zoned”.

County Attorney, Mike Miner, suggested if the land is zoned agricultural to allow the installation of a well but with a setback of 50 feet from the property lines.

County Administrator, Ron Robinson, expressed concern as to installing a well on agricultural ground that is surrounded by agricultural ground. Brown stated the guidelines are for new lots and new homes with no exceptions. Brown further stated there are many existing homes that may be eligible for an exception.

President Jackson stated the wording of the ordinance needed to be re-worked regarding agricultural zoned property, set backs and exceptions to eliminate the gray areas.

Commissioner Truex suggested adding the wording “with the discretion of the health department” and also adding “if a property owner signs off”. Truex further stated additional language needs to be added so if a property owner does not sign off, then the Health Department can step in and make the decision. Truex also stated additional language should be added clarifying the health department cannot overrule a property owner that signed off.

After further discussion on the pond and well ordinance wording, the Commissioners suggested re-drafting the ordinances, giving them to the County Attorney for review and then present the Ordinance(s) at the September 2, 2008 Commissioners Meeting.

MOTION: Ron Truex

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Grant a continuance to allow for ordinance to be re-drafted and reviewed and then presented at the September 2, 2008 Commissioners Meeting.

IN THE MATTER OF AUTO SALES LOT ORDINANCE AMENDMENT:

Matt Sandy, Assistant Area Plan Director, presented an amendment to clarify the ordinance regarding auto sales lots. Sandy stated the word “auto” is being replaced with “motorized vehicle”. Sandy also stated there is also a clarification on the “Lot and Yard Requirements” section wherein a setback of 35 feet from the waters edge is added regardless of if homeowner owns all the way to the waters edge.

MOTION: Ron Truex

TO: Approve replacement of “motorized

SECOND: Bob Conley

vehicle” and lot setback on waters edge

AYES: 3 NAYS: 0

amendments to ordinance as presented.

UNANIMOUS

Reference: Misc 75-1 Book 53, Page 130

As recorded in of the office of the Kosciusko County Recorder

IN THE MATTER OF RECORDING BOARD OF ZONING APPEALS’ FINDINGS:

Assistant Area Plan Director, Matt Sandy, stated there has been discussion with the Board of Zoning Appeals (BZA) about recording the BZA findings with the County Recorders office thereby cross-referencing with a deed. Sandy explained the purpose is to assist a new property owner with any BZA findings regarding their property since title searches do not include BZA findings. Sandy further explained there are recording fees to record the BZA findings therefore, the APC would need to increase their filing fee from \$75 to \$90.

Commissioner Ron Truex questioned whether the property owner would need to provide a copy of the deed to APC along with the application and filing fee. Truex expressed concern with adding a burden to the property owner of going to multiple offices instead of “one-stop shopping”.

Area Plan Director, Dan Richard, clarified that the BZA findings, if filed with the recorder’s office, would then show up when a property is researched in the future; thereby, showing any restrictions, etc. from those BZA findings. Richard explained this process would help the property owner know and understand any limitations that may be on his property when purchasing. Richard further explained Area Plan, Health and Highway Departments have discussed “streamlining the process” for property owners; however computer software issues would need to be addressed in order to not violate HIPPA laws.

MOTION: Ron Truex

TO: Continue for one (1) month on recording

SECOND: Bob Conley

BZA findings with County Recorders Office.

AYES: 3 NAYS: 0

UNANIMOUS

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

KOSCIUSKO COUNTY COMMISSIONERS September 2, 2008

The Kosciusko County Commissioners met for their regular meeting on September 2, 2008 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
Bob Conley
Ron Truex

Mike Miner – County Attorney
Marsha McSherry – 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 POOR HEARING RELIEF FOR TYRONE LISENBEE –
WAYNE TOWNSHIP:**

Sheila Burner, Wayne Township Trustee, informed the Commissioners that Tyrone Lisenbee passed away on a Monday evening (in June, 2008). Burner said she first learned of the death on Thursday morning at 9:00 a.m. when Ronald Wright, representative for Lisenbee, submitted an application for assistance for Lisenbee’s funeral expenses. Burner noted that normal procedure is that she and the funeral director would meet with the family and discuss the funeral arrangements.

**IN THE MATTER OF POOR HEARING RELIEF FOR TYRONE LISENBBEE –
WAYNE TOWNSHIP CONTINUED:**

Burner stated one of the criteria to determine eligibility for assistance is whether the person owned any property. Burner then stated she was informed Lisenbee's property was currently in foreclosure and he did not own any other assets upon his death. Burner then noted she received the application for assistance on Thursday morning thereby calling the funeral director and was informed the visitation was taking place. Burner further stated she spoke with various State agencies and was told that due to the \$9,000.00 cost of the funeral, her office should not use taxpayer funds to assist with the funeral expenses.

Commissioner Truex referenced the current Ordinance stating an application for assistance must be made prior to funeral arrangements.

Burner stated normal procedure would have dictated her meeting with the family and the funeral director to discuss the funeral arrangements prior to any plans being made.

Ronald Wright, representative for Tyrone Lisenbee and family, informed the Commissioners he picked up the application on Tuesday morning and was not informed by the Wayne Township Trustee's office of any required meeting prior to making funeral arrangements for the deceased. Wright stated he then dropped off the application Thursday at 9:00 a.m. since the Trustee's office was closed on Wednesday. Wright then stated the deceased's sister and his wife, Peggy Lisenbee-Wright, spoke with Burner concerning the application and also Lisenbee's property ownership. Wright further stated Peggy was told Burner would look into the situation and see what, if any, assistance could be provided. Wright then stated Burner and his wife exchanged phone messages for about six (6) weeks; then, the family received a letter from the Trustee's office that no financial assistance would be provided. Wright noted the family went with the cheapest funeral arrangements but were shocked at the cost of \$9,000.00.

Burner stated one (1) issue was the \$9,000.00 cost of the funeral arrangements. Burner further stated there are other inexpensive services, such as no funeral service, no viewing and no flowers. Burner also stated she is on call 24/7 and can be contacted on days when the office is closed.

Wright stated the funeral director told the family where to obtain a form for assistance but never informed the family Burner or her office should be present at the meeting for funeral arrangements.

Commissioner Truex stated a death is very difficult for the family and is not sure why so many things went wrong with this case; but, he also does not want to place blame on one (1) office or another.

When questioned by the Commissioners, Wright responded he was only asking for the usual amount for assistance, not the full amount owed the funeral home. Wright then stated the family has paid on the balance for the funeral arrangements.

Discussion ensued as to whether the Commissioners needed to be involved in the decision. County Attorney, Mike Miner, stated since the Wayne Township Trustee denied the initial request for assistance and the matter has come before the Commissioners, a motion should be made as to the decision.

MOTION: Ron Truex

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Allow the payment of \$1,000.00 from Wayne Township Trustee to Titus Funeral Home for previous funeral arrangements for Tyrone Lisenbee, deceased.

IN THE MATTER OF HIGHWAY UPDATES:

Highway Superintendent, Dennis Pletcher, informed the Commissioners of the status of the work on County Road 250E. Pletcher stated the work is not a County Highway project but being done by the Town of Winona Lake; however, he is monitoring the work being done. Pletcher noted the work is being done with federal funds and the contractor underestimated the depth of the peat moss causing the road to fail (sink) which resulted in further work needing to be done.

IN THE MATTER OF HIGHWAY BRIDGE COMMITTEE APPOINTMENTS:

County Administrator, Ron Robinson, stated the Commissioners needed to appoint three (3) people to a selection committee to handle the ranking of the consultants for all Indiana Department of Transportation projects.

MOTION: Ron Truex

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Appoint County Auditor, Marsha McSherry, County Administrator, Ron Robinson and the Commissioner of the district where the project is located to the selection committee to handle the ranking of the consultants for all INDOT projects.

IN THE MATTER OF POND AND WELL ORDINANCE AMENDMENTS:

Matt Sandy, Assistant Area Plan Director presented the revised Pond and Well Ordinances for the Commissioners' review stating the wording changes requested in the August 19, 2008 Commissioner's meeting were completed.

Neal Brown, Health Department, stated with regard to the Well Ordinance, the changes were made to pages three (3) and six (6) of the Ordinance to reflect the recommendations from the Commissioners.

President Brad Jackson expressed concern as to the wording of paragraph 3.28.5.1 of the Pond Ordinance. Jackson stated involving the Indiana Department of Transportation or other appropriate governing body could cause a project to be caught in paperwork with the State for an extended period of time. Jackson suggested removing the "INDOT and other governing body" wording and keeping the Kosciusko County Highway Department in the paragraph. Sandy responded INDOT has been involved with previous pond installations built up to a right-of-way but the wording could be removed.

Sandy then questioned the effective date for the pond ordinance and whether there would be a grace period since permits are not required at present for pond installation.

Discussion ensued regarding different options for an effective date for the Pond Ordinance.

Brown stated a little time may be needed to send notice to builders of the new Ordinances.

County Attorney, Mike Miner, clarified with regard to the effective date that if, for example, someone inquired two (2) weeks ago and was told they did not need a permit to install a pond, that pond is "grandfathered in". Miner further clarified that anyone who has started digging (installing) their pond is "grandfathered in" and would not need a permit per the current Ordinance.

MOTION: Bob Conley

TO: Approve the Pond and Well Ordinances
with wording changes as recommended,
including the grandfathering clause for ponds.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

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

KOSCIUSKO COUNTY COMMISSIONERS September 16, 2008

The Kosciusko County Commissioners met for their regular meeting on September 16, 2008 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
Bob Conley
Ron Truex

Mike Miner – County Attorney
Marsha McSherry – 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 LOCAL EMERGENCY RESPONSE PLAN:

Ed Rock, Emergency Management Director, presented the Local Emergency Response Plan for signature, stating the Plan has been updated and complies with the National Incident Management System. Rock explained that submitting this Plan is one (1) of seven (7) steps needed to receive funding back from the Indiana Emergency Response Commission.

MOTION: Ron Truex

TO: Approve the Local Emergency Response
Plan as presented.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF FARM BUREAU MEETING:

Commissioner Ron Truex noted he and Commissioner Brad Jackson attended the County Farm Bureau meeting. Truex stated it was satisfying to be appreciated and recognized by the farmers who supported the Pond and Well Ordinance.

IN THE MATTER OF POND AND WELL ORDINANCE AMENDMENTS:

County Auditor, Marsha McSherry, presented the Pond and Well Ordinance for signature stating the Ordinances were previously approved at the Commissioners' September 2, 2008 meeting.

IN THE MATTER OF ELI LILY ROAD NEIGHBORHOOD ISSUE:

County Attorney, Mike Miner, stated he received an email from an attorney representing a resident of Eli Lily Road regarding the neighborhood issue previously heard by the Commissioners, asking for a decision on whether or not Eli Lilly Road was a public road. Miner noted he could research the issue but believes the issue was left up to the residents and/or their attorneys and is not one for the County to research.

The Commissioners agreed the issue is for the residents and/or their attorneys to research and, if they chose, the matter then becomes a civil issue for the courts to decide.

IN THE MATTER OF COUNTY BOARD OF HEALTH APPOINTMENT:

County Administrator, Ron Robinson, presented information from Bob Weaver, County Health Administrator, requesting the appointment of Karen Scripture, DDS, to the County Board of Health due to the resignation of John Jones, DDS. Robinson stated Scripture is willing and able to fill the Board position.

MOTION: Bob Conley

TO: Approve the appointment of Karen Scripture, DDS to the County Board of Health.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF COUNTY JOB DESCRIPTION UPDATES:

Ron Robinson, County Administrator, stated the elected officials and department heads have reviewed and updated the job descriptions for their respective department employees. Robinson noted the only major change is the chief deputies are now an exempt, instead of a non-exempt, employee. Robinson further noted updates and changes are made periodically due to changes made to the employees' respective duties.

MOTION: Ron Truex

TO: Approve the changes and updates to County Job Descriptions as presented.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF WAX FLOOR STRIPPER PURCHASE:

County Administrator, Ron Robinson, requested approval to purchase a wax floor stripper for an approximate cost of \$5,700.00. Robinson noted the purchase would be a cost and time savings in stripping the wax off of the marble floors within the Courthouse.

MOTION: Bob Conley

TO: Approve the purchase of a wax floor stripper if funding is within the existing 2008 budget.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF JUSTICE BUILDING ISSUE:

Ron Robinson, County Administrator, stated there was an issue with the sewage pump in the Justice Building over the weekend. Robinson extended the County's appreciation to Mayor Ernie Wiggins and the City of Warsaw Street Department for their help with this matter.

IN THE MATTER OF WAGE HEARING COMMITTEE APPOINTMENT FOR THE TOWN OF WINONA LAKE:

County Administrator, Ron Robinson, stated the Town of Winona Lake requested an appointment to their Wage Hearing Committee. Robinson further stated Al Disbro was recommended for this position and is willing and able to hold this position.

MOTION: Ron Truex

TO: Appoint Al Disbro to the Wage Hearing Committee for the Town of Winona Lake.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF POSTAGE MACHINE LEASE:

County Auditor, Marsha McSherry, requested approval to proceed with a lease on a new postage machine. McSherry noted there will be a savings with the lease of a new postage machine.

MOTION: Bob Conley

TO: Allow the County Auditor to proceed with lease of new postage machine.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF COUNTY HIGHWAY UPDATE:

Highway Superintendent, Dennis Pletcher, noted the chip and seal work is complete on Old Road 30.

IN THE MATTER OF SPEED LIMIT POSTING REQUEST ON EAST CHEROKEE ROAD – TURKEY CREEK TOWNSHIP:

Dennis Pletcher, Highway Superintendent, presented a request to post 20mph speed limit signs on East Cherokee Road in Turkey Creek Township. Pletcher noted East Cherokee Road is off of Eli Lilly Road in Syracuse and is within a subdivision. Pletcher further noted the road is not in an incorporated area but is considered an “urban area” and according to Indiana Code the speed limit, even though not posted, is 30mph. Pletcher stated he would not recommend the 20mph speed limit signs due to past precedent of 35-45-55 previously set by Commissioners. Pletcher then stated a new “No Outlet” sign will be installed to deter speeding on East Cherokee Road. The Commissioners did not recommend installing the 20mph speed limit signs.

IN THE MATTER OF SPEED LIMIT POSTING ON EMS B38 LANE – TIPPECANOE TOWNSHIP:

Highway Superintendent, Dennis Pletcher, presented a request to post 35mph speed limit signs on EMS B38 Lane between McKenna Road and County Road 450N. Pletcher, after driving through the area, recommended posting the 35mph signs along EMS B38 Lane due to its winding nature and the amount of driveways exiting onto the road. Pletcher further mentioned a statement from the Sheriff’s department notes there is moderate traffic and winding road signs in place, but no posted speed limit. Pletcher recommended posting the 35mph speed limit signs as requested.

MOTION: Bob Conley

TO: Approve posting speed limit signs along EMS B38 Lane between McKenna Road and County Road 450N.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF DEAF CHILD AREA SIGN REQUEST ON COUNTY ROAD 400S – MONROE TOWNSHIP:

Dennis Pletcher, Highway Superintendent, presented a request for the installation of a “deaf child area” sign on County Road 400S and County Road 600E. Pletcher however did not recommend the installation of the signage due to past precedent and the recommendations of INDOT.

Commissioner Ron Truex stated the safety of a child is the issue and not following INDOT recommendations since the Commissioners have the authority to override their past precedent.

MOTION: Ron Truex

TO: Approve installation of “deaf child area” signage on County Road 400S.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF STOP SIGN REQUEST AT ADAMS ROAD AND COUNTY ROAD 900E – WASHINGTON TOWNSHIP:

Dennis Pletcher, Highway Superintendent, presented a request to make the intersection at Adams Road and County Road 900E a three-way stop. Pletcher stated although it is not a heavy traffic area, there is a big hill on the west side of the intersection on Adams Road making it difficult to pull out from CR 900E without a stop sign on Adams Road. Pletcher clarified that the Adams Road is cut through the hill thereby making a newly installed stop sign would be visible. Pletcher recommended the installation of the stop sign as presented.

MOTION: Bob Conley

TO: Approve stop sign Ordinance at intersection of Adams Road and County Road 900E.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF COUNTY HIGHWAY DRIVEWAY PERMITS:

Highway Superintendent, Dennis Pletcher, requested clarification on requiring a driveway permit on roads not maintained by KCHD. Pletcher noted the thought behind requiring the permit on roads not maintained by the KCHD was to watch for encroachment on behalf of neighbors and for water drainage issues. Pletcher further noted the KCHD has no authority over violators of that permit since the drive not on a County maintained road. Pletcher then stated with regard to subdivisions, a waiver is issued since there are curbs and gutters on the subdivision roads and questioned if a waiver with guidelines for driveway installation could be used for roads not maintained by the County.

MOTION: Ron Truex

SECOND: Bob Conley

AYES: 2 NAYS: 0; 1 Abstain

MOTION PASSED

TO: Approve providing a waiver for driveway permits on roads not maintained by the County; to be treated the same as subdivision permits.

IN THE MATTER OF COUNTY HIGHWAY BUDGET QUESTIONS:

Highway Superintendent, Dennis Pletcher, provided copies of the KCHD 2009 budget for the Commissioners and requested a review of same with regard to a lack of funding. Pletcher noted services will soon have to be cut to have funding for daily operations. Pletcher requested suggestions regarding “contractual plowing” which costs roughly \$30,000 to \$60,000 per year. Pletcher explained that “contractual plowing” allows the County plow trucks to be on County roads faster as the subdivisions are contracted out. Pletcher further explained each driver takes a truck home daily during the winter months so they can get out on the roads sooner.

Commissioner Ron Truex expressed concern with cutting contractual plowing stating he believes it will not save the County money, it may end up costing more in overtime since County plow truck drivers would be out on the road for longer periods.

President Brad Jackson suggested he meet with Pletcher to discuss options and look for ideas on how to save money or cut costs within the budget.

IN THE MATTER OF COUNTY HIGHWAY SNOW PLOW TRAINING:

Highway Superintendent, Dennis Pletcher, thanked Warsaw Mayor Ernie Wiggins and the City of Warsaw for allowing the County snow plow drivers to attend the snow plow training held by the City of Warsaw. Pletcher noted the County does not have the facilities to hold their own training but the City of Warsaw allowed the County drivers to attend their training.

IN THE MATTER OF GOOD NEWS MISSION, INC. TRANSFER OF REAL ESTATE REQUEST:

Steve Snyder, Attorney for Good News Mission, Inc., stated his client owns a camp on Backwater Lake and is attempting to straighten out the title in preparation for auction of the property. Snyder then stated his client currently owns tract 1 and tract 3; however there is a small triangular piece as well as 10’5” section between the two tracts that went to the Commissioners through a 1994 tax sale. Snyder noted those two (2) pieces have no value to anyone other than his client, and the only way to access them is through the camp road. Snyder went on to say he had spoken with County Attorney Mike Miner hoping to find a solution to the matter. Snyder stated Miner responded that recent modifications to Indiana Statute allows for the transfer of a deed to a 5013C charitable organization by the County Council and Commissioners. Snyder added his client meets those guidelines and is a 5013C organization. He added no other requirements have to be met before a transfer could be completed other than the approval and signatures of County Council, obtained on September 11, 2008, and the Commissioners; and was therefore requesting the Commissioners transfer the pieces in question to Good News Mission, Inc.

MOTION: Bob Conley

SECOND: Ron Truex

AYES: 3 NAYES: 0

MOTION CARRIED

TO: Approve Resolution and Deed of transfer from Commissioners to Good News Mission, Inc.

**Resolution 08-09-16-001 Transfer
As recorded in the office of the Kosciusko County Recorder**

IN THE MATTER OF O.W. BEHNY VACATION REQUEST-TIPPECANOE TOWNSHIP:

Matt Sandy, Assistant Area Plan Director, presented a vacation request from O.W. Behny to vacate the right-of-way (EMS B6C Lane) as it enters lots 1, 2, 3 and 4 owned by O.W. Behny. Sandy stated the Behny's have acquired the home at the end of the right-of-way as well as the home in the middle of the lots. Sandy noted no negative response was received from any adjacent property owners, service providers or emergency service providers. Sandy then stated it was the unanimous recommendation of the APC to approve the vacation with two (2) stipulations:

- Lots 1-4 be combined and cannot be sold separately unless approval is received from the Area Plan Commission; and,
- The home at the end of the right-of-way (lot 1 and ½ of lot 2) is torn down.

Steve Snyder, Attorney for O.W. Behny, agreed with the APC recommendations stating that removing the home at the end of the right-of-way reduces the property density in the area further noting the property would not have access once the right-of-way is vacated.

No one in attendance spoke in opposition to the vacation.

MOTION: Bob Conley

TO: Accept the recommendation of APC to

SECOND: Ron Truex

approve the vacation of the public right-of-

AYES: 3 NAYS: 0

way as requested by O.W. Behny.

UNANIMOUS

ORDINANCE NO. 08-09-16-001V

As recorded in the office of the Kosciusko County Recorder

IN THE MATTER OF BOARD OF ZONING APPEALS' REPORT FINDINGS AND RECORDING:

Assistant Area Plan Director, Matt Sandy, requested a continuance concerning the BZA Report Findings and Recording due to the desire of the APC and BZA to research matters further.

MOTION: Bob Conley

TO: Allow continuance for BZA Report until

SECOND: Ron Truex

research is complete by APC and BZA.

AYES: 3 NAYS: 0

UNANIMOUS

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

**KOSCIUSKO COUNTY COMMISSIONERS
September 30, 2008**

The Kosciusko County Commissioners met for their regular meeting on September 30, 2008 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*

Bob Conley

Marsha McSherry – 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 911 COMMUNICATIONS REQUEST:

Tom Brindle, Emergency Communications Director, stated he was asked to be part of a three (3) county negotiation team to work with Verizon in the transfer of land-line 911 calls to INdigital. Other counties involved in the negotiations include Cass and Tippecanoe. Brindle explained costs will be reduced if Verizon is agreeable to the transfer of calls to INdigital. Brindle requested the approval of the Commissioners to be a part of this negotiation team and to proceed with the negotiation process.

IN THE MATTER OF 911 COMMUNICATIONS REQUEST CONTINUED:

The Commissioners questioned Brindle if the transfer of calls from Verizon to INdigital would cut costs but not reduce service. Brindle agreed no reduction of service will be felt by this modification.

MOTION: Ron Truex

TO: Allow Brindle to proceed with

SECOND: Bob Conley

negotiations with Verizon as requested.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF GIS EXPENSE REQUEST:

President, Brad Jackson, stated Bill Holder, GIS Director, informed him while attending a recent GIS conference, his rental expense exceeded the County allotment. Jackson then stated Holder requested the County reimburse him for the minimum amount for the rental expense and Holder will cover the balance.

MOTION: Ron Truex

TO: Approve the reimbursement of minimum

SECOND: Bob Conley

travel cost to Holder with Holder to pay the

AYES: 3 NAYS: 0

excess charges.

UNANIMOUS

IN THE MATTER OF CHAPMAN LAKE AREA'S PETITION FOR ANNEXATION TO LAKELAND REGIONAL SEWER DISTRICT:

Dan Lee, a member of the Chapman Lakes Environmental Watch (CLEW), an association of property owners in the Chapman Lakes area, presented a Petition for Annexation to an Existing Regional Sewer District. Lee requested the Commissioners carry this Petition as a body of politics to the Lakeland Regional Sewer District (LRSD) asking that Chapman Lakes become part of the LRSD. Lee noted the Petition also requests a CLEW member be appointed to the LRSD Board for representation. Lee explained the documentation is included in the Petition to support the request to annex into the LRSD. Lee further explained there are many reasons to consider the annexation namely the overdevelopment of the shoreline, small lot sizes, poor soil types, flood plain and saturation of disposal and septic tank areas. Lee referenced the Petition and its explanation of the poor soil types for septic systems in the Chapman Lakes area. Lee explained an engineering firm was employed to examine the area and define a minimal area for inclusion in the LRSD. Lee noted the Petition has originated in the local community and would like to see it handled in the local community as opposed to state mandating. Lee reiterated the environmental importance of the expansion of the LRSD to include the Chapman Lakes area due to issues outlined in the Petition.

Commissioner Ron Truex noted the Commissioners would like to take the Petition under advisement, allowing the gathering of public opinion on the matter and provide a decision at the Commissioners meeting on October 28, 2008.

MOTION: Ron Truex

TO: Take the Petition under advisement and

SECOND: Bob Conley

provide a decision at October 28, 2008

AYES: 3 NAYS: 0

Commissioners meeting.

UNANIMOUS

IN THE MATTER OF TIPPECANOE LAKE AREA'S PETITION FOR ANNEXATION TO LAKELAND REGIONAL SEWER DISTRICT:

Dave Tyler, a member of the Lakeland Environmental Task Force, an association of property owners in the Lake Tippecanoe area, presented a Petition for Annexation of the Lake Tippecanoe Area to the Lakeland Regional Sewer District. Tyler requested the Commissioners carry this Petition as a body of politics to the Lakeland Regional Sewer District (LRSD) asking that they become part of the LRSD. Tyler noted the Petition also requests a Task Force member be appointed to the LRSD Board for representation. Tyler explained the documentation is included in the Petition to support the request to annex into the LRSD. Tyler further explained some of the same reasons for annexation occur within their Petition as well as within Chapman Lake's Petition. Tyler explained the Commissioners need not agree completely with the Petition, the Task Force is solely asking they pass the Petition on to the LRSD for their consideration. Tyler further explained the Petition outlines the importance of the Tippecanoe Lake area to be included in the LRSD. Tyler referenced the four (4) week period given to the Chapman Lakes Petition for review and public opinion and requested a decision on the Task Force Petition in two (2) weeks. Tyler explained he felt the LRSD would like to move forward quickly with their decision and felt a two (2) week advisement more appropriate.

Commissioner Ron Truex asked Dave Doctor, LRSD Board Member, if the four (4) week timeframe will effect the decision of the LRSD in these matters.

IN THE MATTER OF TIPPECANOE LAKE AREA'S PETITION FOR ANNEXATION TO LAKELAND REGIONAL SEWER DISTRICT CONTINUED:

Doctor responded the two (2) or four (4) week timeframe will not effect the decision of the LRSD on these matters.

Discussion ensued regarding the logistics of adding additional customers to the District and the cost associated with adding those customers before or after the engineering firm makes their determination for the LRSD.

Tyler reiterated his desire for expediency in presenting the Petition to the LRSD so the Tippecanoe Lakes area is considered for the LRSD.

Doctor stated the LRSD cannot act on the Petition until a recommendation from the Commissioners is received however, LRSD can review the Petition.

Truex stated he hoped to have the opinions of all parties concerned within the four (4) week period allowing the Commissioners to make an informed decision at the Commissioners meeting on October 28, 2008.

MOTION: Ron Truex

TO: Take the Petition under advisement and provide a decision at October 28, 2008 Commissioners meeting.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF WAGE HEARING COMMITTEE APPOINTMENT FOR THE WARSAW COMMUNITY SCHOOL CORPORATION:

County Administrator, Ron Robinson, stated the Warsaw Community School Corporation requested an appointment to their Wage Hearing Committee. Robinson further stated Jack Kelly was recommended for this position and is willing and able to hold this position.

MOTION: Ron Truex

TO: Appoint Jack Kelly to the Wage Hearing Committee for the Warsaw Community School Corporation.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF WCDC USE OF COURTHOUSE LAWN:

Ron Robinson, County Administrator, stated the WCDC has requested the use of the Courthouse lawn for the annual downtown "Spooktacular" event on Friday, October 24, 2008. Robinson spoke with WCDC Director, Cindy Dobbins, and believes the event can be held without issue.

MOTION: Bob Conley

TO: Authorize use of the Courthouse lawn by WCDC for Friday, October 24, 2008.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF POSTAGE MACHINE LEASE AGREEMENT:

County Auditor, Marsha McSherry, presented the lease agreement for a new postage machine for signature. McSherry noted the Commissioners approved this matter at their meeting on September 16, 2008.

IN THE MATTER OF SIGNING OF 2009 NOT-FOR-PROFIT AGREEMENTS:

County Auditor, Marsha McSherry, presented the 2009 Not-for-Profit Agreements for signature, noting the amounts were previously approved by both the Commissioners and County Council.

IN THE MATTER OF SPEED LIMIT POSTING ON EMS B38 LANE – TIPPECANOE TOWNSHIP:

Highway Superintendent, Dennis Pletcher, presented an Ordinance for the posting of 35mph speed limit signs on EMS B38 Lane between McKenna Road and County Road 450N for signature. Pletcher noted this Ordinance was approved at the September 16, 2008 Commissioners meeting.

ORDINANCE 08-09-30-001 Speed
As recorded in the office of the Kosciusko County Recorder

IN THE MATTER OF STOP SIGN REQUEST AT ADAMS ROAD AND COUNTY ROAD 900E – WASHINGTON TOWNSHIP:

Dennis Pletcher, Highway Superintendent, presented an Ordinance for the installation of stop signs on Adams Road at the intersection of Adams Road and County Road 900E for signature. Pletcher noted this Ordinance was approved at the September 16, 2008 Commissioners meeting.

ORDINANCE 08-09-30-002 Stop
As recorded in the office of the Kosciusko County Recorder

**IN THE MATTER OF REPEAL OF SPEED REDUCTION ON WOOSTER ROAD –
WAYNE TOWNSHIP:**

Highway Superintendent, Dennis Pletcher, stated the improvements are complete on Wooster Road between CR 250E and CR 325E and requested the Ordinance establishing a 20mph speed limit be repealed and re-established to 35mph.

MOTION: Ron Truex

TO: Repeal the Ordinance establishing a

SECOND: Bob Conley

20mph speed limit and re-establish the 35mph

AYES: 3 NAYS: 0

speed limit on Wooster Road between CR

UNANIMOUS

250E and CR 325E.

ORDINANCE 08-09-30-004 Speed – 2nd

ORDINANCE 08-09-30-003 – Speed – 1st

As recorded in the office of the Kosciusko County Recorder

IN THE MATTER OF ACCOLADES:

- ❖ Dan Lee, a member of CLEW, thanked County Auditor, Marsha McSherry, for returning his calls in a timely and courteous manner knowing that she is very busy.
- ❖ Commissioner Brad Jackson thanked all those involved with the Lakeland Regional Sewer District and acknowledged the hard work they have done to make the project happen.

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

**KOSCIUSKO COUNTY COMMISSIONERS
October 14, 2008**

The Kosciusko County Commissioners met for their regular meeting on October 14, 2008 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

Bob Conley

Marsha McSherry – 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 COUNTY TAX STATEMENTS:

County Treasurer, Kent Adams, informed the Commissioners his office has been very busy processing tax statements and payments. Adams stated numerous tax statements have been returned for incorrect addresses. Adams noted his office attempts to locate a correct address for as many returned statements as possible. Adams asked the media's help in getting the word out to residents that if they have moved, they need to inform the County Auditor of a new address. Adams reiterated the residents are still responsible for the taxes even if they did not receive a statement due to an incorrect address. Adams also reminded everyone the due date for the first installment of taxes is October 31, 2008.

IN THE MATTER OF EMERGENCY MANAGEMENT GRANT:

Ed Rock, Emergency Management Director, presented the 2007 Public Safety Interoperable Communications Grant for signature. Rock explained the Grant was to purchase 800 MHz handheld mobile radios for response agencies, such as EMS vehicles. Rock further explained this Grant is in conjunction with a future Grant to obtain 800 MHz capability for the dispatch center.

MOTION: Ron Truex

TO: Approve continuing with Grant process

SECOND: Bob Conley

by signing Grant as presented.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF LAKELAND REGIONAL SEWER DISTRICT EXPANSION:

Dr. William Remington, County Health Department, noted from a Health Department point of view, installing sewers around any of the lakes is a desirable act. He then stated the lake areas have seen increased building growth, making the areas very congested with housing. Remington noted this leaves little space available for wells and septic systems that will meet setback requirements. Remington stated not only is a sewer system a good thing now but especially ten (10) years into the future with even more housing expansion. Remington was encouraged by the accomplishments of the LRSD in the Barbee area and hopes the requests for annexation from Chapman and Tippecanoe areas does not slow the process. Remington cautioned moving too quickly recognizing the need to be respectful of the process the LRSD must follow.

Commissioner Ron Truex questioned whether there have been any specific well and/or septic system issues with the Tippecanoe or Chapman Lakes areas. Remington responded any issues with the installation of a well or septic system for new construction or tear down/rebuild was able to be handled. Remington added there may not be a crisis today as to the well and septic system issues on any of the lakes but does feel the installation of sewers will benefit the lake areas in the future.

IN THE MATTER OF THIRD PARTY ADMINISTRATOR REQUEST FOR MEDICAL INSURANCE:

County Administrator, Ron Robinson, requested authorization for the County's Third Party Administrator (TPA) for medical insurance to communicate with Caremark Pharmacy, who handles prescription services. Robinson noted allowing these two (2) entities to communicate will keep the County HIPPA compliant.

MOTION: Bob Conley

TO: Allow TPA to communicate with
Caremark Pharmacy on behalf of County.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF PHEND AND BROWN AND ZIMMER, INC. AGREEMENT:

Ron Robinson, County Administrator, presented an agreement between Phend and Brown, Zimmer, Inc. and the County for the use of Zimmer, Inc.'s retention pond to aid with water run off from Lake Street (Old Road 30). Robinson explained the amount of the Contract is \$27,760.00, which is \$500 less than anticipated and had previously been approved by the Commissioners. County Attorney, Mike Miner reviewed and approved the Contract as presented.

MOTION: Ron Truex

TO: Approve signing of Contract with Phend
and Brown and Zimmer, Inc. as presented.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF DOXPOP, LLC AGREEMENT WITH COUNTY RECORDER:

County Recorder, Deb Wright, presented the Recorded Document Internet Publishing Agreement with Doxpop, LLC for review and signature. Wright explained Doxpop, LLC operates a web development and hosting service making public records available on the internet. Wright further explained by using this service the public does not have direct access to the Recorder's office and/or the County's servers. Wright noted this service is already in place in the County Clerk's office and is also available at no cost to the County.

MOTION: Bob Conley

TO: Accept and sign Agreement with
Doxpop, LLC as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF COMPUTER SYSTEMS, INC AGREEMENT WITH COUNTY RECORDER:

County Recorder, Deb Wright, presented the Premium Software Maintenance Agreement with Computer Systems, Inc. (CSI) for review and signature. Wright explained CSI currently maintains the software system used by the County Recorder. Wright explained this is a Maintenance Agreement for 2009 for CSI to continue providing maintenance for the software system.

MOTION: Ron Truex

TO: Accept and sign Agreement with
Computer Systems, Inc. as presented.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF CORRECTED NOT-FOR-PROFIT AGREEMENT FOR
CARDINAL SERVICES:**

County Auditor, Marsha McSherry, presented the corrected not-for-profit agreement for Cardinal Services for signature noting no action to be taken.

**IN THE MATTER OF KOSCIUSKO COUNTY CONVENTION, RECREATION AND
VISITOR COMMISSION INTER-LOCAL AGREEMENT:**

Marsha McSherry, County Auditor, presented the Inter-Local Agreement with the KCCRVC appointing the County Auditor as controller for the KCCRVC for signature. McSherry noted the Agreement was previously signed by both the KCCRVC Board and County Council.

MOTION: Bob Conley TO: Approve and sign Agreement for County
SECOND: Ron Truex Auditor to act as controller for the KCCRVC.
AYES: 3 NAYES: 0
UNANIMOUS

**IN THE MATTER OF TIPPECANOE LAKE AREA'S PETITION FOR ANNEXATION
TO LAKELAND REGIONAL SEWER DISTRICT:**

Dave Tyler, a member of the Lakeland Environmental Task Force, an association of property owners in the Lake Tippecanoe area, with help from the GIS department, presented a new map that includes the two (2) proposed annexations with respect to the LRSD area. Tyler stated he will provide this new information to the LRSD as soon as possible. Tyler noted there is a two (2) mile boundary of common ground with the LRSD area. Tyler expressed concern as to Dr. Remington's comments on whether the residents in the Tippecanoe and Chapman Lake areas were in favor of the annexation. Tyler explained those areas are only required to demonstrate a need for sewers for consideration to be annexed into the LRSD.

Tyler then referenced a JF New Indiana University study done in 1997 that stated there was a need for sewers around the Tippecanoe Lake area at that time.

Tyler felt there could be a cost savings if engineering is done with the inclusion of Tippecanoe and Chapman Lake areas. Tyler sought consideration for the annexation of the Tippecanoe Lake area before it is too late.

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

KOSCIUSKO COUNTY COMMISSIONERS October 28, 2008

The Kosciusko County Commissioners met for their regular meeting on October 28, 2008 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
Bob Conley
Ron Truex

Mike Miner – County Attorney
Marsha McSherry – County Auditor
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 HEALTH DEPARTMENT – K21 FOUNDATION GRANT
APPLICATION:**

Health Administrator, Bob Weaver, presented a Grant Application from the K21 Foundation wherein the Health Department was asked by Grace College, K21 Foundation and a group of KCH physicians to take part in a Type II diabetes study. Weaver explained his office would serve as “bookkeeper” for the grant monies from K21 Foundation. Weaver further explained no County funds will be used for the study. Weaver noted 2% of the grant will go to the County General fund for accounting costs; and also, no new employees would be needed – all work will be completed using existing Health Department employees.

Commissioner Ron Truex verified the Health Department will serve as bookkeeper for the Grant funds. Weaver concurred.

MOTION: Bob Conley TO: Approve submission of K21 Foundation
SECOND: Ron Truex Grant Application for Diabetes study in
AYES: 3 NAYS: 0 collaboration with Grace College and
UNANIMOUS Kosciusko Community Hospital.

IN THE MATTER OF KABS 2008 QUARTERLY REPORT:

Rita Baker, KABS Director, presented the Quarterly Operating Financial Statement and the Indiana Department of Transportation Contract Invoice-Voucher for review and signature.

MOTION: Ron Truex

TO: Approve Quarterly Operating Financial

SECOND: Bob Conley

Statement and the Indiana Department of

AYES: 3 NAYS: 0

Transportation Contract Invoice-Voucher.

UNANIMOUS

IN THE MATTER OF LIKENS TAX SALE REFUND – TIPPECANOE TOWNSHIP:

Tyler Haines, Attorney for Marti Dewitt Likens, explained his client purchased a property at tax sale in 2005 wherein all documents indicated it as 1.26 acres which his client relied upon when purchasing the property. Haines further explained when his client found the property to be .126 acres; she did not record the Tax Deed. Haines requested a refund of the \$600 purchase price for his client, due to the misrepresentation of the property description at tax sale.

MOTION: Ron Truex

TO: Approve refund of \$600 purchase price

SECOND: Bob Conley

of tax sale property 005-707019-90

AYES: 3 NAYS: 0

to Marti Dewitt Likens.

UNANIMOUS

IN THE MATTER OF TIPPECANOE AND CHAPMAN LAKES AREA PETITIONS FOR ANNEXATION TO LAKELAND REGIONAL SEWER DISTRICT:

- ❖ Dave Tyler, a member of the Lakeland Environmental Task Force, an association of property owners in the Lake Tippecanoe area, recapped their Petition for Annexation that was tabled from the September 30, 2008 meeting. Tyler reiterated their Petition was based on a need for central sewage collection citing: overdevelopment of Lake Tippecanoe area, small lot size, poor soil types, adjacent flood plain and no legislative mandate for change. Tyler noted the desire of the Commissioners from the September 30, 2008 meeting was to receive ample public comment on the issue. In that vein, Tyler further noted the Lake Tippecanoe Property Owner's Association sent notice to all property owners of the time and place of the meeting also placing the Petition on-line for review. Tyler further restated the requests of his group: forward Petition to LRSD in accordance with Indiana Code 1326, supply a recommendation to the LRSD to accept the proposed area for annexation, and appoint a representative of the Lake Tippecanoe area to the LRSD Board.
- ❖ Dan Lee, a member of the Chapman Lakes Environmental Watch (CLEW), an association of property owners in the Chapman Lakes area, thanked the Commissioners for hearing their request. Lee noted CLEW is not a public entity therefore cannot present the Petition to the LRSD; they must rely on the Commissioners. Lee further noted the inclusion of both the Chapman Lake and Tippecanoe Lake areas to the LRSD could help reduce costs for all property owners within the LRSD. Lee referenced studies done in 1994, 1996, 1997, 2001, 2005 and 2006 wherein a need was shown for a sewer system throughout each study. Lee noted the costs outlined in those studies are now outdated. Lee stated the primary concern is the soil conditions in the area and the impact of increasing residential density in the region. Lee stated this issue is the most important environmental decision in the Lakes region in more than 25 years. Lee then reiterated CLEW has asked the Commissioners to submit their Petition for inclusion into the LRSD. Lee then stated – "It's the right thing to do".
- ❖ Steve Henschen, Engineer with Bonar Group, stated his firm was hired by both groups to assist them in establishing boundaries for inclusion into the LRSD. Henschen explained criteria to establish the boundaries: soil type, flood plain information, lot sizes, and overall watershed. Henschen remarked the overwhelming criterion was the unsuitable soil type. Henschen referenced map handouts noting yellow areas as severe soil types for septic systems, stating the soil ratings come from the Soil Conservation service. Henschen defined a severe rating as: soil properties or site features that are unfavorable or difficult to overcome without special design, significant increases in construction cost and possibly increased maintenance. Henschen then listed the severe soil types: soil having excessively slow permeability, extremely sandy or gravely soil, and high water tables. Henschen then stated these boundaries are within the proposed watershed. Henschen again referenced the map handout stating lots marked have less than 20,000 square feet of land noting the County guidelines require 20,000 square feet or more to accommodate both a septic system and well.

**IN THE MATTER OF TIPPECANOE AND CHAPMAN LAKES AREA PETITIONS
FOR ANNEXATION TO LAKELAND REGIONAL SEWER DISTRICT CONTINUED:**

- ❖ Ed Hearn, representative of the Clear Choice Tippecanoe Lake Association, remarked he filed an objection with the County Auditor against the Petition for Annexation of the Tippecanoe Lakes area into the LRSD. Hearn noted this was not the first time the sewer issue has been addressed around the Lake Tippecanoe area. Hearn further noted in a 1995 case, the issue went before the Court and was defeated by majority rule. Hearn then referenced the 1997 JF New report that focused on water quality for Lake Tippecanoe. Hearn stated the report concluded overall water quality was good and the sediment and phosphorus was coming from the east, upstream from Lake Tippecanoe, specifically the Barbee and Chapman chains. Hearn then stated the report did not address the effect of any proposals to deal with those problems. Hearn further noted the report said to install detention basins, sediment traps and wetland filters on the north and east sides of Lake Tippecanoe. Hearn then noted a 1998 feasibility study by JF New comparing the use of the detention basins, etc versus a public sanitary sewer system stating there would be a 3-5% reduction in phosphorus and nitrogen and up to a 30% reduction in suspended solids (sediment) with the use of the detention basins, etc. Hearn then stated the comparison of using a sewer system would remove the same 3-5% of phosphorus and nitrogen and none of the suspended solids. Hearn referenced a 2006 DNR fish management report that stated the fish quality and quantity was satisfactory. Hearn also referenced reports (available through the DNR website) regarding water clarity noting from 1970 to 1990, clarity stayed the same; but from 1995 to 2006, the water clarity has doubled. Hearn further stated there has not been a study done to see the effect of the construction of a sewer system on the lake. Hearn questioned what effect construction of a sewer system would have on run-off, population density and overall density of the lake. Hearn then stated that providing public sewers to an already densely populated area would increase the potential for raising the population density in that area. President Brad Jackson questioned whether the Clear Choice group is completely opposed to public sewers. Hearn answered Clear Choice is not opposed to sewers but believes the issue needs to be looked at scientifically. Jackson referenced an anti-funneling ordinance preventing overdevelopment on the lake. Jackson then stated the effect during construction is inevitable but temporary. Jackson then asked Hearn's opinion regarding the cost savings if ultimately there is a need for sewers for residents to work with the LRSD to engineer the system to handle future growth. Jackson expressed concern with completing studies regarding the effect of sewers on the lake while holding up the Barbee development. Hearn responded the studies do not take a lot of time to complete but they need to be done before installing sewers around the Lake Tippecanoe area. Hearn then responded to Commissioner Truex regarding funding for testing noting there is grant funding available and also noted property owners have contributed to past studies. Commissioner Conley then asked whether Clear Choice believes sewers are a detriment to the lake. Hearn responded no, but there has not been an analysis on the construction of sewers on the density and use of the lake. Conley questioned Hearn if small lot size prohibits a septic system, what option is available to homeowners other than a sewer system. Hearn responded yes a sewer system would be the answer in that case. Hearn also noted, when the option is available, some home owners have purchased an adjoining lot to have enough room for a septic system. Conley then noted if two (2) lots are made into one (1) residence, the number of people (population density) on the lake decreases. Hearn concurred. Hearn expressed concern whether the Commissioners constitute an eligible entity under IC 13-26-8-1 that allows the addition of territory to an existing sewer district. Hearn interpreted the Statute as saying there needed to be an outside municipal entity within the existing sewer district. Hearn then expressed the concern of some residents of the effect of a State mandate on the sewer district and the loss of local control. Hearn responded that while there may be pressure from the State, ultimately control of the project will remain local. Lastly, Hearn stated his clients are not necessarily opposed to sewers; they want to make sure the effect on the lake is looked into and dealt with.
- ❖ President Brad Jackson requested a show of support and opposition to sewers and also those that want to see more research on the effect on the lakes.

**IN THE MATTER OF TIPPECANOE AND CHAPMAN LAKES AREA PETITIONS
FOR ANNEXATION TO LAKELAND REGIONAL SEWER DISTRICT CONTINUED:**

- ❖ John Durham stated he moved here a couple of years ago and has a mound septic system as required by the State. Durham referenced previous discussion stating no one has listed a cost or rate to the home owner. Durham questioned whether the sewer facility will be privately owned and also if there will be any federal or state funding. Durham expressed concern if the sewer facility is privately owned and goes out of business, then who is responsible. Durham expressed further concern as to the cost burden on residents with the status of the economy. Durham thought it bad timing for the project.
- ❖ Jim Newcum stated he is a year round Lake Tippecanoe resident. Newcum referenced the Lake Tippecanoe Petition wherein it states there are an increasing number of year round homes. Newcum felt almost every home on the Lake is a “year round home” and has been for a number of years. Newcum noted the Lake Tippecanoe Property Owners Association membership directory shows two-thirds of the owners have winter addresses. Since that is the case, Newcum then noted the issue of increasing year-round usage of septic systems should not be part of the discussion. Newcum stated in October, 2006, he was invited by Dave Tyler to join the Lakeland Environmental Task Force (LETF). Newcum then stated he was told the objective was to analyze whether or not there should be a central sewer system and, if so, what action should be taken. Newcum was asked to investigate Lake of the Woods in Marshall County which had sewers installed in 1993, wherein he found the water quality had not improved but the water clarity improved 3-5%. Newcum referenced both the LETF and CLEW Petitions and supporting documentation wherein it states that a properly functioning septic system is as good as a sewer system. Newcum stated if installing sewers means increased business development in the Lakes area, then he is against them, noting he does not want to see increased traffic on Armstrong Road between State Roads 15 and 13. Newcum also noted there cannot be the same cost per customer from Barbee to Tippecanoe due to different topography. Newcum felt the cost of any studies should be funded by the proponents of the sewer system. Newcum agreed this may not be the time for this project due to tough financial times.
- ❖ Ralph G stated he lives on Oswego Lake noting he purchased his house in 1971 and it was previously moved there in 1907. Ralph G explained he took a septic system that drained on the ground and built a septic system that was 2-1/2 times state requirements. Ralph G noted he does not mind the installation of sewers but he does not want to pay for a sewer system since he has a working septic system. Ralph then questioned why everyone has to be on a sewer system.
- ❖ Karen Bedwell stated she owns property on Tippecanoe Lake. Bedwell questioned if there had been any studies done regarding the effect of the zebra mussels on the clarity of the lake. Bedwell noted she came in support of the sewer system but after hearing discussion within the meeting, she is not sure if she is still supportive. Bedwell then referenced the “funneling” ordinance that is to prevent multiple dwellings on a property questioning what regulations will be imposed on future multiple dwelling developments on a property because of the sewer system.
- ❖ Steve Parker stated he lives on Chapman Lake where there is a high density of housing. Parker expressed concern that with current State and local regulations regarding septic systems on small lots, he would not be able to install a new septic if his failed. Parker stated he is in favor of a sewer system understanding it will be an expensive process and would prefer the sewer district be self-supporting and locally maintained and operated. Parker hoped for a positive recommendation from the Commissioners and understood it will be at least five (5) years before anything can be done. Parker remarked it wrong to turn down the recommendation today due to the failing economy since it will hopefully improve with time.
- ❖ Rick Helm referenced previous discussion on the underlying Statutes noting there will not be a decision for inclusion into the LRSD made by the Commissioners; solely a recommendation regarding the respective Petitions to the LRSD. Helm further noted the Commissioners are an eligible entity entitled to make that recommendation. Helm then noted Chapman Lake does not flow into Lake Tippecanoe, it flows into Deeds Creek then into Pike Lake. Helm remarked that zoning ordinances address housing density issues and those will still be adhered to.

**IN THE MATTER OF TIPPECANOE AND CHAPMAN LAKES AREA PETITIONS
FOR ANNEXATION TO LAKELAND REGIONAL SEWER DISTRICT CONTINUED:**

- ❖ Mimi Yeakey stated she is a property owner on Lake Tippecanoe noting her concern is a timeline for sewer installation since she is in the process of a teardown and rebuild on a small lot where it will be difficult to install a septic system. Commissioner Ron Truex addressed the question of a timeline by stating there is no definite timeline or whether there will be an option of hooking up to the sewer system when the owner's septic fails.
- ❖ Commissioner Truex then noted he spoke with Soil & Water Department, who should get accolades, along with the farmers, for taking care of run-off from their fields. Truex also spoke with the DNR and IDEM, noting neither agency performs bacteria testing in the lakes, only the local Health Department that tests the beaches. Truex then stated he spoke with Lynn Newlon from IDEM who handles sewer systems in the State and she encourages public input on sewer systems during the process. Truex further stated that input has been left out up to now.
- ❖ Brian V. stated he is a resident of Lake Tippecanoe and is not opposed to the sewer project but does have concerns such as the Barbee chain being topographically above Lake Tippecanoe meaning sewage would travel uphill causing a permanent energy cost problem. Brian V. also referenced houses on the north side of Lake Tippecanoe noting sewage would have to be transferred over Webster Ditch or the Tippecanoe River through a pipe that could freeze or break during the winter causing an environmental disaster. Brian V. further referenced the topology of Lake Tippecanoe noting many hills thereby causing a need for several transfer pumps and lift stations that could breakdown causing further maintenance and cost.
- ❖ Marybeth Ellis stated she is a resident of Lake Tippecanoe and would like to hear more from any scientific studies. Ellis noted her love of the water but disputes the clarity of the lake since her dogs come out of the channel with black tar on their paws and abdomen. Ellis stated she was told by the DNR that the black tar was sewage. She expressed concern whether the fish are edible that come out of Lake Tippecanoe. She further noted her support of additional studies being done on the lake and the effect of a sewer system.
- ❖ David Granger stated he has an interest in a property on Lake Tippecanoe. Granger noted he is proud to see the community can come together and discuss the matter. Granger questioned the number of failing or jeopardized septic systems. Granger also questioned whether residents could hook up to the sewer system when their septic system fails.
- ❖ Tom Reiff, Tippecanoe Township Trustee also a resident of Sechrist Lake, expressed concern on being part of the LRSD. Reiff noted when given a list of possible appointees to the LRSD, he believed there was not a need for a member from Lake Chapman or Tippecanoe on LRSD Board. Reiff stated additional funds were spent to enlarge a sewer pipe from the Barbee chain to the sewer treatment plant in North Webster, reducing the costs to residents in the Barbee chain. Reiff questioned whether there would be a need for a new sewage plant with the inclusion of Tippecanoe & Chapman Lake areas. Reiff relayed further concern regarding the location and cost of a new sewer treatment plant.
- ❖ Stephen Davis stated he lives on Lake Tippecanoe and also owns property on other lakes affected. Davis then stated he gathered 300 signature Petitions of property owners that are opposed to the installation of sewers. Attorney Ed Hearn presented the petitions to the Commissioners.
- ❖ Dave Doctor, LRSD President, addressed Reiff's comments regarding the Barbee chain, stating if Reiff or other residents would attend the LRSD open meetings, they would learn studies are being performed such as whether hooking into the North Webster treatment plant or building a new facility is more cost effective. Doctor believed there was a misapplication of the studies mentioned to justify either view on the issues. Doctor noted cost is a big factor. Doctor outlined the processes that must be completed before an overall cost estimate can be established. Doctor explained funding is then sought from the federal and state levels as well as private enterprise. Doctor further explained there are three (3) costs to the homeowner: monthly sewage treatment cost, overhead maintenance with the largest cost being the infrastructure. Doctor then stated how that infrastructure is funded up front determines the monthly cost to the homeowner. Doctor further noted even if the Commissioners approved the Petitions today, it would still be a minimum of four (4) to five (5) years before beginning construction. Doctor agreed that with the status of the economy, right now is not a good time to begin construction, which is still approximately three (3) years away on the Barbee chain. Doctor addressed previous topics such as water clarity noting septic systems are not solely responsible for water clarity; other things such as bacteria, phosphorus, pharmaceuticals and household

**IN THE MATTER OF TIPPECANOE AND CHAPMAN LAKES AREA PETITIONS
FOR ANNEXATION TO LAKELAND REGIONAL SEWER DISTRICT CONTINUED:**

- chemicals are looked at. Doctor explained lake water quality is secondary when it comes to sanitary sewers; first is the affect on ground water quality and drinking water. Doctor also addressed the topic of Leesburg’s sewer system noting the town still has control but their timetable has been shortened with the involvement of the State. Doctor then addressed the topic of phosphorus stating the majority comes from lake property owners that do not use phosphorus-free fertilizer on their lawn. Doctor further noted studies have shown phosphorus from septic systems is in a soluble state, meaning when it gets into the water, it is ready for plants to use. Doctor then stated phosphorus in fertilizer is in a particulate state that settles to the bottom of the lake and is not usable to the plants until it is agitated and dissolved. Doctor mentioned there have been studies done on other lakes showing the use of sewer systems does improve well water quality as well as lake water quality. Doctor encouraged both sides to get together to understand the issues, noting both have valid points but there has been some misapplication of the data and there is also additional information available to aid in explaining the issues.
- ❖ Daniel Knepper protested the inclusion of his farm in the LRSD through the Chapman Lakes Petition. Knepper stated he has two (2) houses that sit on ninety-two acres of land that are approximately ½ mile from Chapman Lake. Knepper noted it is impossible for their septic system to pollute the lake. Knepper explained his property lies south of the 8 Square Road area and west of the north arm of Chapman Lake.
 - ❖ Dave Tyler presented his rebuttal regarding the comments on Lake Tippecanoe water quality issues. Tyler explained the Petition submitted is not based on lake water quality but on ground water quality. Tyler referenced the Petition stating it is based on small lot sizes contributing to the pollution of well water and soil types that are inappropriate and will not support properly operating septic systems. Tyler reiterated that it is his group’s sole request of the Commissioners to pass on the Petition to the LRSD where they will make the decision.
 - ❖ Mike Miner, County Attorney, referenced IC 13-26-8-1 regarding whether the Commissioners are an eligible entity stating it can be interpreted both ways as done by Rick Helm and Ed Hearn. Miner further stated he would not know which way the Supreme Court would decide. Miner went on to discuss the requirements for filing an application (Petition for Annexation): to set forth a general description of the territory, should find the necessity for inclusion into the District and the inclusion into the District would be conducive to the public health and safety.
 - ❖ Commissioner Bob Conley commented he received a lot of input from parties on both sides of the issue. Conley referenced a 1989 study by Peter Hippensteel regarding water quality in the northeast quarter of Kosciusko County stating nitrates were a problem but further stated farmers and homeowners have worked at correcting those issues. Conley then stated all of the towns referenced in that study that had failing systems have been corrected and are fully compliant.
 - ❖ President Brad Jackson noted the LRSD has a 60 day timeframe once there has been a recommendation. Jackson expressed concern as to starting that 60 day timeframe when there are still open issues. Jackson further stated it would be short-sighted for all parties if there were a positive recommendation and the timeframe is missed to have the systems engineered together, thereby being further cost-effective.
 - ❖ Commissioner Ron Truex noted he will be on one of the Boards that will make the decision on the inclusion of the two (2) areas into the LRSD. Truex noted he has spoken with a lot of different agencies that have stated the lakes are in good shape. Truex then referenced the Petitions stating that there is a majority of septic systems that will fail due to soil types. Truex also discussed the status of the LRSD with regard to the Barbee chain and whether it is more cost-effective to go to the North Webster plant or build a new treatment plant. Truex further noted there is still time for the two (2) parties to have studies completed and present them to the Commissioners and the LRSD. Truex was pleased with the majority of the property owners that just want more information on whether the sewer system is beneficial to the lakes instead of being strictly for or against the issue. Truex stated he would like to table the issue and speak with all groups involved to discuss the necessary studies and also where the funding will come from.
- MOTION: Ron Truex
SECOND: Bob Conley
AYES: 3 NAYS: 0
UNANIMOUS

TO: Table the Petitions until the groups can work to establish studies that will provide necessary information to make a decision.

IN THE MATTER OF SMALLEY REZONING REQUEST - SEWARD TOWNSHIP:

Dan Richard, Area Plan Director, presented a rezoning request from Gary and Debra Smalley to rezone lots 1-5 of Lakewood Addition in Seward Township from Residential to Agricultural. Richard noted the land was subdivided into lots 1-5 of Lakewood Addition. That Plat has previously been vacated by APC and is now one (1) large metes and bounds tract. Richard explained the Petitioners are requesting the land be rezoned from Residential to Agricultural to farm and raise animals.

Richard then stated a public meeting was held and there was no negative response received from any adjacent property owners, service providers, or emergency service providers. Richard further stated it was the unanimous recommendation of APC to approve the rezoning request. No one in attendance spoke in opposition of the rezoning.

Deb Smalley spoke in favor of the rezoning stating she had letters from her neighbors also in favor of the rezoning. Smalley noted they thought the land was zoned agricultural upon purchasing. Smalley stated she raises monkeys and is federally licensed through the USDA.

MOTION: Ron Truex TO: Accept the recommendation of APC to
SECOND: Bob Conley approve the rezoning in Seward Township
AYES: 3 NAYS: 0 from Residential to Agricultural.
UNANIMOUS

ORDINANCE NO. 08-10-28-001Z

As recorded in of the office of the Kosciusko County Recorder

IN THE MATTER OF INDOT UNOFFICIAL DETOUR - WAYNE TOWNSHIP:

Dennis Pletcher, Highway Superintendent, presented a request from INDOT for an unofficial detour for State Road 25 while INDOT completes a small structure replacement, causing SR 25 to be closed. Pletcher stated the unofficial detour will be over CR 400W and CR 200S. Pletcher further stated construction will begin in 2009.

IN THE MATTER OF TRUCK REPLACEMENT:

Dennis Pletcher, Highway Superintendent, stated there was an accident involving a highway truck and the truck was totaled. Pletcher noted he would like to replace the truck with a new one purchased from Lakeside Chevrolet. Pletcher also stated he had discussed the possible purchase of a new truck earlier this year with the Commissioners. Pletcher further needed President Brad Jackson to sign the title of the totaled truck to turn into the insurance company.

MOTION: Ron Truex TO: Approve the purchase of replacement
SECOND: Bob Conley pick-up truck.
AYES: 3 NAYS: 0
UNANIMOUS

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

**KOSCIUSKO COUNTY COMMISSIONERS
November 10, 2008**

The Kosciusko County Commissioners met for their regular meeting on November 10, 2008 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
Bob Conley
Ron Truex

Mike Miner – County Attorney
Marsha McSherry – 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 UPDATE:

Ed Rock, Emergency Management Director, gave the following updates:

- ❖ Introduced Brooke Kobac, a junior at Grace College who is a criminal justice major and taking emergency management courses that is serving an internship with his office.
- ❖ Reminded the Commissioners that November 19, 2008 is the elected officials' workshop in Plymouth, IN at Cristo's at 10:00 a.m.
- ❖ Presented an award letter from the Indiana Department of Homeland Security on a previously submitted grant to upgrade the dispatch centers throughout District 2. Rock then stated the grant application submitted was for \$1.6 million but the District received \$900,000. Rock further stated once the allocations are refigured with the new grant amount, he will present a letter of acceptance for signature. Rock noted that even with receiving a lesser amount, the County can increase their capabilities with that funding.

IN THE MATTER OF GIS UPDATE:

Bill Holder, GIS Director, informed the Commissioners of the Indiana Map Road Show that Kosciusko County is hosting Thursday, November 13, 2008 in the Multi-purpose Room in the Justice Building from 10:00 a.m. to 3:00 p.m. Holder stated this Show is intended to educate the public on mapping layer information to assist various State agencies and also to build an Indiana map. Holder extended an invitation to the Commissioners to attend the informational portion of the meeting from 10:00 a.m. to 12:00 p.m.

IN THE MATTER OF GARBAGE/RUBBISH ORDINANCE:

Bruce Hammer, Environmental Scientist, Kosciusko County Health Department, presented a letter intended to streamline the process within the Ordinance prohibiting garbage and rubbish accumulation. Hammer noted the current process provides for a \$100 fine for the first violation and then a \$200 fine for subsequent violations. Hammer worked with Attorney Chad Miner regarding the verbiage noting the new process would be:

- ❖ First violation – warning letter
- ❖ Second violation upon inspection by Hammer - \$50 fine.
- ❖ Subsequent violations - \$100 fine.

Hammer concurred with Commissioner Ron Truex stating this is a benefit to the neighborhoods since the timeframe for compliance will be shorter, from 2-3 months now to 2-3 weeks with the changes. Hammer noted he believes 90% of offenders will respond to the first letter.

MOTION: Ron Truex

TO: Approve changes to the Garbage and Rubbish Ordinance 03-07-15-Hea as presented.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF FAHL HOMES STANDARDS:

Doug Stephan thanked the Commissioners for allowing him to speak regarding the charges filed by the State against Joseph Callahan on July 14, 2008. Stephan noted Callahan was found incompetent in a lawsuit with regard to his home in Wabash County. Stephan then noted Callahan has since hired sub-contractors to set homes since he is not permitted to do so. Stephan presented further documentation noting Callahan has been turned into the Better Business Bureau and has not responded to those charges. Stephan also presented pictures to President Brad Jackson of a state mediation home that was set improperly and does not meet standards. Stephan then presented an Engineering Report on the Cody residence in Sidney stating the home was uninhabitable. Stephan requested there be a place to post the ruling on Callahan where it cannot be taken down, since it had previously been removed when posted in the Courthouse. Commissioner Ron Truex stated the media has reported on the issue and should take care of notifying the public. Stephan also requested that permits not be issued to Callahan in the future. Commissioners Truex and Jackson felt there are regulations and ordinances in place regarding permits. Stephan went on to say the sub-contractors hired by Callahan are also not following standards. Jackson reiterated there are ordinances that may help in the matter but he will speak to Dan Richard, Area Plan Director, and have him get back to Stephan. County Attorney, Mike Miner, remarked the State licensing board is looking into the issues and the County cannot override the State. Commissioners noted if the County can do anything regarding the matter, they will.

IN THE MATTER OF WORK ON COUNTY COURTHOUSE:

Ron Robinson, County Administrator, stated he is obtaining quotes for work to be completed on the County Courthouse. Robinson requested permission to contact Commissioners by telephone once quotes are received since waiting until the next Commissioners meeting, the weather may become an issue. Robinson estimated the cost of the work could be from \$50,000 to \$60,000 which includes but is not limited to: re-caulking windows, fixing slate on the roof, fixing leaks and a gutter issue. Robinson noted there are three (3) quotes expected by this Friday.

MOTION: Ron Truex

TO: Allow Robinson to use his best judgment on three (3) quotes and move ahead with work to be completed on the County Courthouse as time is of the essence.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF SEWAGE PUMPS IN JUSTICE BUILDING:

Ron Robinson, County Administrator, received a quote for \$28,436 for the sewage pumps and their installation to fix the sewage pump problem in the Justice Building. Robinson explained currently one (1) company makes the pump needed to meet the capacity of the building.

MOTION: Bob Conley

TO: Approve the purchase and installation of sewage pumps for County Justice Building.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF WCDC REQUEST TO PLACE A CHRISTMAS TREE ON THE COURTHOUSE LAWN:

Ron Robinson, County Administrator, stated the WCDC has requested permission to place a twelve foot (12') Christmas tree on the southeast corner of the Courthouse lawn. Robinson spoke with WCDC Director, Cindy Dobbins, and does not foresee any problems.

Commissioner Bob Conley stated as long as it is properly secured for safety issues, he too does not see a problem.

MOTION: Ron Truex

TO: Authorize placement of 12' Christmas tree by WCDC on the southeast corner of the Courthouse lawn.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF CHURCH BUILDING UPDATE:

County Administrator, Ron Robinson, stated he spoke with elders of the First Christian Church across from the Justice Building wherein they are in the process of moving and the County could possibly take possession by December 1, 2008.

IN THE MATTER OF SNOW AND ICE POLICY:

Dennis Pletcher, Highway Superintendent, stated he had revised the Highway Department's snow and ice policy. Pletcher requested the Commissioners review both the current and revised policies and make a recommendation as to which policy they feel would be best for the County.

IN THE MATTER OF FIRST TRAIL ONE-WAY REQUEST – TIPPECANOE TOWNSHIP:

Dennis Pletcher, Highway Superintendent, presented a letter from William Kaster, Vice-President of the Epworth Forest Property Owner's Association requesting that First Trail in Epworth Forest be changed to a one-way street. Pletcher explained First Trail is a platted road but is not county maintained and is approximately ten feet (10') wide.

County Attorney, Mike Miner, stated if it is a platted road, whether or not it is maintained by the County, the Commissioners have the authority to make it a one-way street.

Pletcher noted he has not received any opposition to making First Trail a one-way street.

Pletcher then noted his recommendation would be to make First Trail one-way from Epworth Forest Road and exiting on Second Trail due to traffic issues.

Commissioner Ron Truex suggested Pletcher inform Kaster to get signatures of as many residents who live on the road that are in favor of the one-way designation as well as which direction they would prefer.

President Brad Jackson remarked once a letter with signatures is received then the Commissioners will make a ruling.

IN THE MATTER OF COUNTY HIGHWAY ANNUAL BIDS:

County Attorney Mike Miner and Highway Superintendent Dennis Pletcher opened the annual bids for the Highway department for 2009. Bids were received from the following vendors:

- ❖ Great Lakes Chloride – Dust Control
- ❖ Elkhart County Gravel – Aggregates
- ❖ Hanson Aggregates – Aggregates
- ❖ IMI – Aggregates
- ❖ McCullough – Aggregates
- ❖ Phend & Brown – Aggregates
- ❖ Rock Industries – Aggregates
- ❖ Speedway Sand & Gravel – Aggregates
- ❖ West Plains Mining – Aggregates
- ❖ Zimmerman & Newcomer – Aggregates
- ❖ Dalton's – Weed Spray
- ❖ St. Regis – Structures
- ❖ CPI – Structures
- ❖ Pierceton Trucking – Liquid Bituminous
- ❖ SEM Materials – Liquid Bituminous
- ❖ Niblock Excavating – Plant Rental
- ❖ Phend & Brown – Plant Rental
- ❖ Brooks – Contractor Placed Asphalt
- ❖ Niblock – Contractor Placed Asphalt
- ❖ Phend & Brown – Contractor Placed Asphalt
- ❖ Niblock – County Pick Up Asphalt
- ❖ Phend & Brown – County Pick Up Asphalt
- ❖ North Central Co-op - ULSD Diesel Fuels

It was noted these bids are open ended for the year and the County can choose to use any, all or none of the bids and they will be available for inspection at the Highway Department. Pletcher will make a recommendation at the next Commissioner's meeting.

IN THE MATTER OF FAHL HOMES STANDARDS:

Janet Williams, Sales Manager Fahl Homes and James Cavender, Housing Consultant Fahl Homes, requested to speak in rebuttal of Doug Stephan's statements. Williams stated Fahl Homes used a sub-contractor to set Stephan's home that was a member of the State licensing board. Williams added Stephan has twelve (12) complaints against Fahl Homes. Williams further stated Fahl Homes has sold approximately 400 – 600 homes in that time period noting that is a 2% ratio and they are working on resolving those complaints. Williams further stated Fahl Homes has responded to the complaints they are allowed to since they are not allowed to respond when the complaint is involved in litigation. Cavender added while most customers obtain mortgages for their homes, the mortgage companies and FHA perform inspections and their homes have passed those inspections. Both Cavender and Williams felt the information that has been published in the newspapers has been one-sided.

IN THE MATTER OF NOVEMBER COUNCIL MEETING:

Council Member, Robert Sanders, invited the Commissioners to attend the County Council meeting on Thursday, November 13, 2008 at 7:00 p.m. in the Courtroom of the Courthouse.

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

KOSCIUSKO COUNTY COMMISSIONERS

November 25, 2008

The Kosciusko County Commissioners met for their regular meeting on November 25, 2008 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
Bob Conley
Ron Truex

Mike Miner – County Attorney
Marsha McSherry – 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 2009 INDIANA DEPARTMENT OF HOMELAND SECURITY GRANT:

Ed Rock, Emergency Management Director, presented a grant application from the Indiana Department of Homeland Security for 2009. Rock explained the County would be the fiscal agent for the grant with the intent of the grant the same as 2008. Rock further explained they are completing the last requirements from the 2008 grant with the installation and updating of the 800 MHz radios. Rock then stated he is striving for consistent accountability throughout the County.

MOTION: Ron Truex

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Based on approval of County Auditor, approve applying for 2009 Indiana Department of Homeland Security Grant as presented.

IN THE MATTER OF EMERGENCY MANAGEMENT UPDATE:

Ed Rock, Emergency Management Director, stated with regard to the Grace College Grant, the Warsaw Police Department is looking to establish a USA on Watch program (previously called neighborhood watch groups). Rock explained additional funding will become available to establish and train the citizen core council for the USA on Watch program.

IN THE MATTER OF GARBAGE/RUBBISH ORDINANCE:

Bruce Hammer, Environmental Scientist, Kosciusko County Health Department, presented the previously approved Garbage/Rubbish Ordinance for signature. Hammer noted changes in the language of Sections 5 and 7 clarifying the notice and penalty process within the Ordinance. President Brad Jackson expressed concern for a need to place a cap on the fines assessed to the violator. Hammer remarked his office is willing to work with the property owner regarding the number of days allowed for clean-up.

MOTION: Bob Conley

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve the Garbage and Rubbish Ordinance 08-11-10-001 Garbage as presented.

IN THE MATTER OF KABS 2009 GRANTS:

Rita Baker, KABS Director, presented the 2009 Capital Grant Contract as well as the 2009 Operating Grant Contract through the Indiana Department of Transportation for the Commissioners' signature. Baker also presented for signature: an Invoice newly purchased bus along with vouchers for last quarter.

IN THE MATTER OF INTER-LOCAL AGREEMENT WITH CITY OF WARSAW:

Detective Tony Fawcett, Warsaw Police Department, explained in February, 2006 through a joint investigation, the County and City of Warsaw seized money and property that was placed into the Kosciusko County Drug Task Force Seizure Fund. Fawcett then presented an Inter-local Agreement between the County and the City of Warsaw for the purchase of two (2) vehicles to be used for law enforcement purposes. Fawcett noted the purchase is with the City's portion of the money and property seized. Fawcett further explained the City of Warsaw is working on setting up a similar seizure fund. It was noted the City will assume responsibility for the vehicles.

MOTION: Bob Conley

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve the Inter-local Agreement between the County and City of Warsaw for purchase of two (2) vehicles to be used for law enforcement purposes as presented.

IN THE MATTER OF SYSTEMS ADMINISTRATION PROJECTS:

County Administrator, Ron Robinson, presented the 2008 Year-End Projects list from Systems Administration, noting the actual cost will be lower than the estimated cost. Robinson further noted most of the projects will be updates to the servers used by the offices within the Courthouse. There will also be new software and training for the Highway Department.

IN THE MATTER OF SYSTEMS ADMINISTRATION PROJECTS CONTINUED:

Robinson stated there is enough funding in the budget for these projects, as the funding comes out of the CCD fund.

MOTION: Bob Conley

TO: Allow funding for Year-End Projects as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF HVAC CONTRACT:

Ron Robinson, County Administrator, stated he received four (4) quotes from HVAC vendors for annual maintenance and recommends the lowest quote with local vendor, Johnson Controls for \$34,986.

MOTION: Ron Truex

TO: Approve HVAC Contract with Johnson Controls for 2009 HVAC maintenance as presented.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF WORK ON COUNTY COURTHOUSE:

Ron Robinson, County Administrator, stated he received three (3) quotes to fix the water leaks and seal the windows throughout the Courthouse and recommends proceeding with the lowest quote from Ohio based General Preservation Corporation for \$25,900. When questioned about the reliability of the contractor, Robinson stated he received a recommendation from Marshall County for work completed and noted the company has also completed work in Whitley County.

MOTION: Bob Conley

TO: Allow Robinson to proceed with Contract with General Preservation Corporation for work on the Courthouse as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF CHURCH BUILDING UPDATE:

County Administrator, Ron Robinson, stated the paperwork is complete with the First Christian Church and the County will take possession on December 1, 2008.

IN THE MATTER OF APPROVAL OF ACORN ESTATES – PLAIN TOWNSHIP FOR COUNTY MAINTENANCE:

Highway Superintendent, Dennis Pletcher, requested the county accept Acorn Estates for county maintenance as all issues have been met for the subdivision. Pletcher explained the cul-de-sac meets county requirements.

MOTION: Bob Conley

TO: Accept Acorn Estates for county maintenance.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

**KOSCIUSKO COUNTY HIGHWAY
ACCEPTANCE FOR COUNTY MAINTENANCE**

Name of Subdivision: Acorn Estates

Road Location: Off of Levi Lee Road

Road length Acorn Drive: 940 feet +/-

Person(s) Requesting Acceptance: Doug Holthus

Date of Recommendation: 11-25-2008

Recommendation:

It is the recommendation of the Kosciusko County Highway Department that maintenance for this street commences immediately.

IN THE MATTER OF APPROVAL OF OAKLAND HILLS – TIPPECANOE TOWNSHIP FOR COUNTY MAINTENANCE:

Highway Superintendent, Dennis Pletcher, requested the county accept Oakland Hills for county maintenance with the exception of a “stub road” that is difficult to plow. Pletcher explained the County required the developer to install deceleration lanes along County Road 500N causing the developer to move the main road over further causing the “stub road”. Commissioner Ron Truex expressed concern as to the four (4) property owners that will not have county maintenance in front of their house due to the “stub road”.

IN THE MATTER OF APPROVAL OF OAKLAND HILLS – TIPPECANOE TOWNSHIP FOR COUNTY MAINTENANCE CONTINUED:

Pletcher further explained the developer, per the County's instructions, did install a T-turnaround but there is still not enough room to turn county trucks; the trucks would have to pull in and back out causing a safety issue. Commissioner Bob Conley expressed further concern as to the county requiring the developer to install a T-turnaround and then not allowing county maintenance on that section of road.

Rick Rookstool of Carr Development Group reiterated what Pletcher had said regarding the installation of the deceleration lanes and T-turnaround, noting the issues were handled per County standards.

MOTION: Ron Truex

TO: Accept Phase I of Oakland Hills as

SECOND: Bob Conley

platted for county maintenance as requested.

AYES: 3 NAYS: 0

UNANIMOUS

**KOSCIUSKO COUNTY HIGHWAY
ACCEPTANCE FOR COUNTY MAINTENANCE**

Name of Subdivision: Oakland Hills

Road Location: Off of 500 North, west of State Road 13

Road length Baldwin Road: 1925 feet +/-

Cranbrook Road: 745 feet +/-

Goodison Road: 790 feet +/-

Person(s) Requesting Acceptance: Rick Rookstool

Date of Recommendation: 11-25-2008

Recommendation:

It is the recommendation of the Kosciusko County Highway Department that maintenance for these streets commence immediately.

IN THE MATTER OF COUNTY HIGHWAY 2009 ANNUAL BID RECOMMENDATION:

Highway Superintendent, Dennis Pletcher, presented the 2009 annual bid recommendation for bids heard at the November 10, 2008 meeting.

MOTION: Ron Truex

TO: Accept Highway Department bid

SECOND: Bob Conley

recommendations for 2009 as presented.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF SPEED LIMIT REQUEST - CHEROKEE ROAD – TURKEY CREEK TOWNSHIP:

Highway Superintendent, Dennis Pletcher, presented another request from residents on Cherokee Road in Turkey Creek Township to post 20mph speed limit signs along Cherokee Road. Pletcher noted the installation of the "No Outlet" signs as discussed in the September 16, 2008 meeting did not deter speeding on Cherokee Road. Pletcher further stated he would not recommend the 20mph speed limit signs due to past precedent of 35-45-55mph previously set by the Commissioners. Pletcher noted the road is not in an incorporated area but is considered an "urban area" and according to Indiana Code the speed limit, even though not posted, is 30mph.

Commissioner Ron Truex noted if a driver does not slow down to drive 35mph, they will not slow down to drive 20mph.

President Brad Jackson stated that since it is a dead end street and it is what the majority of the property owners want, he did not see a problem with changing it.

When asked for an opinion, Warsaw Mayor Ernie Wiggins stated there could be problems if subdivisions are allowed to start making their own rules.

Truex further noted if the road is a dead end street and all of the residents want the 20mph speed limit, there should be no need for signs.

MOTION: Ron Truex

TO: Accept Recommendation of the

SECOND: Bob Conley

Highway Department to not allow posting of

AYES: 2 NAYS: 1

20mph speed limit signs on Cherokee Road –

UNANIMOUS

Turkey Creek Township.

IN THE MATTER OF WAIVER/MODIFICATION OF ROADWAY STANDARDS:

Rick Helm, Attorney for Damien Mavis, introduced Chris Chockley, Engineer for Wightman Petrie, stating his client owns property proposed for development in Turkey Creek Township. Helm explained the property has a 30' gravel platted roadway that is currently not county maintained.

IN THE MATTER OF WAIVER/MODIFICATION OF ROADWAY STANDARDS
CONTINUED:

Helm stated one option his client had was to plat the property and leave the existing 30' gravel road. Instead, Helm noted they went before the Technical Review Committee (TRC) within the Highway Department wherein TRC preferred the road remain a "non-county maintained" roadway. Helm further noted the unstable soil content may not sustain the road even if the road is engineered to current county standards. Helm then stated their proposal was:

- ❖ Obtain a waiver from the Commissioners of the standards to which the road must be built to present to Area Plan Commission; then,
- ❖ Expand the right-of-way to 50';
- ❖ Actual design will be built according to recommendations from a Geotech report; wherein they will determine what material will sustain "a floating roadway", utilizing drainage swales instead of curbs and gutters.
- ❖ Eventually subdivide the land to be determined by APC, along with building the roadway.
- ❖ Intent is for road to NOT be a county maintained road due to not being built and/or engineered according to county standards.

Helm explained they do not currently have any Geotech report findings stating what base and/or material will be under the road as they would like to obtain the waiver first before spending the money on the Geotech report.

President Brad Jackson questioned whether this road was to ultimately become a county maintained road. Helm responded that since the road would not be built to county standards, his client does not ever intend to offer the road to the county for maintenance. Helm further responded provisions will be included in the subdivision restrictions wherein the property owners will be obliged to take care of all repair and maintenance for the road.

Highway Superintendent, Dennis Pletcher, remarked the reason for the county standards are to protect the property owner once the developer sells the properties in a subdivision and has no further ties to that land; and also so a road will meet the county specifications once the developer turns that road over to the county for maintenance.

Commissioner Ron Truex questioned where it will state to the homeowner that the road does not meet county standards and will never be county maintained, so a homeowner cannot come back to the Commissioners in ten (10) years and want their road brought up to county standards or to be county maintained. Helm stated the condition will be stated in the platting process and in the restrictions for the subdivision. Helm also noted if there are no curbs or gutters, this will make repairing the road easier.

When questioned by Truex about the roadway, who stated the reason for the county standards is that the developer usually turns the road over to the county for maintenance, Helm responded (specifically on the record): "if we submit a plat with this design with a waiver of your normal county standards, the roadway will be specified as privately maintained, even though it is a public right-of-way and there will be restrictions that describe and define how the county will not maintain it". Truex noted the waiver would be based on the fact that this road will never be presented for county maintenance.

Dan Richard, Area Plan Director, expressed concern that in the future property owners may come to the Commissioners asking why there are county standards if a developer can obtain a waiver especially if they want their road fixed or county maintained.

Truex again questioned whether the subdivision plat will clearly state to each property owner the road is a privately maintained road and will never be county maintained since a waiver was obtained of the county standards for building and engineering the road. Helm reiterated it will state in the subdivision restrictions in bold print that will be submitted to APC for review as well as on the face of the plat this is a privately maintained road and will never be county maintained since a waiver was obtained of the county standards for building and engineering the road.

MOTION: Ron Truex

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve waiver of county road standards for specific road so that subdivision engineering can proceed to APC with the understanding this matter can never be brought back to the Commissioners requesting county maintenance, as the road will not be county maintained due to it not being built or engineered to county standards.

IN THE MATTER OF PRICE REZONING REQUEST – VAN BUREN TOWNSHIP:

Dan Richard, Area Plan Director, presented a rezoning request from Dan and Lee Price for 85/100 of an acre in Van Buren Township from Agricultural to Commercial. Richard noted the surrounding area is zoned commercial or industrial.

Richard then stated a public meeting was held and there was no negative response received from any adjacent property owners, service providers, or emergency service providers. Richard further stated it was the unanimous recommendation of APC to approve the rezoning request. No one in attendance spoke in favor or opposition of the rezoning.

MOTION: Bob Conley

TO: Accept the recommendation of APC to approve the rezoning in Van Buren Township from Agricultural to Commercial.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE NO. 08-11-25-001Z

As recorded in of the office of the Kosciusko County Recorder

IN THE MATTER OF BARBEE LAKE CONSERVATION REZONING REQUEST – TIPPECANOE TOWNSHIP:

Dan Richard, Area Plan Director, presented a rezoning request from Barbee Lake Conservation for 84/100 of an acre in Tippecanoe Township from Public Use to Residential. Richard noted the Conservation club intends to sell the property and would like the property to match the surrounding area that is primarily residential. Richard further noted the Health Department expressed concern as to the septic system if the structure is replaced but believes that issue can be worked out.

Richard then stated a public meeting was held and there was no negative response received from any adjacent property owners, service providers, or emergency service providers. Richard further stated it was the unanimous recommendation of APC to approve the rezoning request.

A board member and officer of the Conservation club spoke stating economically it is no longer feasible to maintain the club and the offer to purchase the property is for residential uses.

No one in attendance spoke in opposition of the rezoning.

MOTION: Ron Truex

TO: Accept the recommendation of APC to approve the rezoning in Tippecanoe Township from Public Use to Residential.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE NO. 08-11-25-002Z

As recorded in of the office of the Kosciusko County Recorder

IN THE MATTER OF FAHL HOMES STANDARDS:

Stacey Page of WRSW noted at the November 11, 2008 meeting, the matter of the Fahl home standards was brought before the Commissioners and asked if there were any new information. Dan Richard, Area Plan Director, stated he called and received no response.

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

KOSCIUSKO COUNTY COMMISSIONERS December 9, 2008

The Kosciusko County Commissioners met for their regular meeting on December 9, 2008 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
Bob Conley
Ron Truex

Mike Miner – County Attorney
Marsha McSherry – 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.

Commissioner Bob Conley introduced Corey Boschet, a senior at Warsaw Community High School who was job shadowing Conley as part of one of his classes.

IN THE MATTER OF HOMELAND SECURITY GRANT:

Ed Rock, Emergency Management Director, presented the District II Exercise Homeland Security Grant for renewal stating the amount was for \$17,400.00. Rock stated this is an existing grant wherein the County is the fiscal body for the grant.

MOTION: Ron Truex

TO: Approve grant renewal as presented.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF CHURCH BUILDING UPDATE:

County Administrator, Ron Robinson, stated the paperwork was signed on December 5, 2008 and the County now owns the building that previously was the First Christian Church.

IN THE MATTER OF 2009 INTER-LOCAL AGREEMENT WITH SOLID WASTE DISTRICT:

Marsha McSherry, County Auditor, presented an Inter-local Agreement between the County and Solid Waste District. McSherry explained the Agreement allows the County Auditor to serve as Controller of the Solid Waste District for 2009.

MOTION: Ron Truex

TO: Approve the Inter-local Agreement

SECOND: Bob Conley

between the County and Solid Waste District

AYES: 3 NAYS: 0

for County Auditor to serve as Controller as presented.

UNANIMOUS

IN THE MATTER OF INTER-LOCAL AGREEMENT WITH TOWN OF SYRACUSE:

Highway Superintendent, Dennis Pletcher, presented an Inter-local Agreement between the County and Town of Syracuse for snowplow maintenance. Pletcher explained the Agreement is for a three (3) year term and can be terminated by either party at any time.

MOTION: Ron Truex

TO: Approve the Inter-local Agreement

SECOND: Bob Conley

between the County and Town of Syracuse for

AYES: 3 NAYS: 0

snowplow maintenance as presented.

UNANIMOUS

IN THE MATTER OF SIGNATURE PAGE FOR BRIDGE REPORT:

Dennis Pletcher, Highway Superintendent, presented the signature page for the INDOT bridge report for the Commissioners' signatures. Pletcher noted he will forward a copy of the bridge report to the Commissioners when he receives same.

MOTION: Bob Conley

TO: Sign the signature page for the INDOT

SECOND: Ron Truex

bridge report.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF ROBERT BURKE TAX ISSUE:

Property owner, Robert Burke, purchased property in April, 2008 receiving a tax credit from the sellers on the closing statement for approximately \$1,500. Burke stated when he received the tax bill it was in excess of \$3,000. Burke explained there was an assessment error in the 2006 pay 2007 taxes, and that has since been corrected for the 2007 pay 2008 tax year causing him to owe additional taxes over the amount credited on the closing statement. Burke further explained the credit for property taxes on the closing statement was taken from the 2006 pay 2007 taxes when the assessment error had occurred, thereby causing the shortage for the balance of the property taxes. Burke noted his main concern was that he did not own the property when the taxes were incurred; therefore, he does not believe he should be responsible for said taxes.

County Attorney, Mike Miner, believed the issue to be one for the County Assessor.

When asked for his opinion on the issue, County Treasurer, Kent Adams explained the Commissioners have no statutory authority over this issue. Adams concurred with Miner stating the issue is one for the County Assessor.

President Brad Jackson questioned whether the homestead credit could be applied retroactive to the property. Adams again noted the issue is to be decided by the County Assessor. Burke then stated the previous owner was not eligible for the homestead credit since this property was not their primary residence.

Commissioner Bob Conley noted the County Assessor has the authority to modify an assessment. Commissioners recommended Burke make an appointment with the County Assessor to discuss the issue.

IN THE MATTER OF MARTIN LONG VACATION REQUEST-TIPPECANOE TOWNSHIP:

Matt Sandy, Assistant Area Plan Director, presented a vacation request from Martin Long to vacate a public right-of-way in Long's Park on the north side of James Lake. Sandy noted all surrounding property owners, service providers and emergency service providers were notified. Sandy then noted letters in opposition were received from property owners, Cernauskas and Calhoun, as well as the North Webster Fire Department. Sandy then stated the road is not a county maintained road. Sandy further stated it was the unanimous recommendation of the APC to not approve the vacation due to the emergency services access and remonstrance letters received from adjacent property owners.

Steve Snyder, Attorney for Martin Long, noted the property surrounding the public right-of-way is owned by the Baptist Camp. Snyder further noted previous right-of-way vacations were done throughout the Baptist Camp. Snyder stated the only access to the property is by an easement created as part of the plat of Long's Park noting there is no public access to this R-O-W only a private road that runs out to Crystal Flash Road. Snyder referenced the objections filed with APC: one from the Long family who own the trailer park to the west noting the Long's belief they still own some interest in that property and its roadways; and, second from property owner, Cernauskas, stating he used the public R-O-W to put his canoe into James Lake. Snyder then stated Cernauskas has lake access through his own property and does not have to use the public R-O-W. Snyder noted the R-O-W serves no purpose for public use, therefore requesting it be vacated.

Martin Long spoke in favor of the vacation noting his family has maintained the public R-O-W for over 40 years. Long questioned if the road remains a public R-O-W; who would be responsible for maintaining it. Long also stated the only public access to the R-O-W is by water and the DNR does not list any public access to James Lake.

Carolyn Long Shepherd (shetmer?) spoke in opposition of the vacation noting her grandparents platted the property. Shepherd referenced a deed from Virginia Kuhn to Contos wherein it states there is a deeded easement to the lake. Shepherd stated if the public R-O-W is vacated then the non-lakefront property owners are denied access to the lake.

County Attorney, Mike Miner stated the County deals with public roadways not deeded easements. Miner further explained if the County was to vacate the public R-O-W, any deeded easement is still in effect and present.

Sandy reiterated APC's position stating once a platted R-O-W is vacated, the R-O-W is gone forever.

Long noted there is a park designated to the west where lake access for the back lot owners could be obtained if Shepherd and her family chose to re-open that area. Long further stated he would be willing to sign a covenant stating he will not build on the platted R-O-W.

Commissioner Jackson stated property owners purchased their property with a platted R-O-W adjacent to their property and vacating the R-O-W takes away access from those property owners.

Snyder stated another reason for vacating the R-O-W is to prevent someone from bringing their boat onto the shore and camping for an extended period of time or someone parking within the R-O-W and launching their boat onto the lake. Snyder reiterated vacating the R-O-W does not eliminate anyone's private right or easement to use that area, it only eliminates public use. Further discussion ensued regarding different options that could be implemented as to the platted R-O-W.

When asked for his opinion, County Surveyor, Dick Kemper concurred with Sandy stating once the R-O-W is vacated the R-O-W is gone.

MOTION: Ron Truex

TO: Recommend Long return to APC and present ordinance with an easement for all adjacent property owners.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

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

KOSCIUSKO COUNTY COMMISSIONERS
December 23, 2008

The Kosciusko County Commissioners met for their regular meeting on December 23, 2008 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
Bob Conley	Marsha McSherry – 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 DEPARTMENT DRIVING SIMULATOR INVITATION:

County Sheriff Rocky Goshert invited the Commissioners and media to take part in a driving simulator on January 2 and 5, 2009 from 7:00 – 9:00p.m. at the Work Release Center. Goshert explained he is making the training mandatory for all Sheriff’s Department employees and has also made time available to the EMS. Goshert further explained the simulator can be used to simulate different types of vehicles as well as road conditions thereby enabling those employees to navigate situations without harm.

IN THE MATTER OF ROBERT BURKE TAX ISSUE:

Laurie Renier, County Assessor, informed the Commissioners she met with Robert Burke regarding the property tax issue Burke brought before the Commissioners at the December 9, 2008 meeting. Renier explained there were minor adjustments made to the property assessment but Burke does understand he is responsible for the property taxes. The Commissioners thanked Renier for meeting with Burke as well as for the update.

IN THE MATTER OF AMATEUR RADIO GRANT:

Ed Rock, Emergency Management Director, presented an Amateur Radio Grant Application for consideration, stating the amount of the Grant was for \$1,071.63. Rock explained there is privately owned radio equipment in the Justice Building for emergency back up situations and this Grant would bring that equipment up to the State’s standards. Rock noted the equipment and volunteers have been used in the past during the tornadoes in Nappanee and in Warsaw at Da-Lite and Donnelly’s.

MOTION: Ron Truex	TO: Approve grant application as presented.
SECOND: Bob Conley	
AYES: 3	NAYS: 0
UNANIMOUS	

IN THE MATTER OF ANNUAL APPOINTMENTS:

The Commissioners considered the following appointments:

County Administrator	Ron Robinson
County Attorney	Mike Miner
County Highway Superintendent	Dennis Pletcher
GIS	Bill Holder
Home Land Security/LEP	Ed Rock
St Joe River Basin (1 year)	John Roberts
Systems Administrator	Bob Momeyer
Veteran Officer	Mike Barnett
Weights and Measures	Larry Marner
Alcoholic Beverage Commission	Gordon Vanator
Redevelopment Commission	Max Courtney
	Bruce Woodward
	Lowell Owens
CVB Commission	John Hall
	Mary Mills
	Wes Stouder
PTABOA	Gerald “Jake” Bitner
	Brock Ostrom
Area Plan Commission Director	Dan Richard
Health Department Administrator	Dr. William Remington, Jr.

IN THE MATTER OF ANNUAL APPOINTMENTS CONTINUED:

County Administrator Ron Robinson indicated he spoke with the CVB appointments and all are willing to serve on the CVB Commission.

MOTION: Bob Conley

TO: Approve all appointments presented for up to one (1) year.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF REQUEST FOR SMOKE-FREE RESOLUTION:

County Administrator, Ron Robinson stated he received a request from Linda Peters Fulton County for Smoke-Free Indiana, requesting Kosciusko County adopt a County-wide smoke-free resolution for any and all businesses. Commissioner Ron Truex opposed the resolution stating government should not dictate whether or not businesses choose to be smoke-free.

Commissioner Bob Conley concurred stating he does not believe it the Commissioners position to dictate to private enterprise what should be done within their business. Truex further stated the Commissioners govern the County and all County offices are smoke-free.

IN THE MATTER OF CHURCH BUILDING UPDATE:

County Administrator, Ron Robinson, stated the process of refurbishing the building that previously held the First Christian Church is underway noting new carpet is needed throughout the building as well as some furniture. Robinson further stated he would like to proceed with the carpet quote for the office areas as well as obtain the needed furniture.

MOTION: Ron Truex

TO: Approve amount for refurbishing church building in an amount not to exceed \$25,000.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF AGREEMENT WITH ZIMMER HOLDINGS, INC.:

Ron Robinson, County Administrator presented an Agreement between the County and Zimmer Holdings, Inc. for a retention pond in the area of Zimmer building #20 to accommodate drainage from future intersection improvements at Old Road 30 and Fox Farm Road. Robinson noted the County will reimburse Zimmer for the cost of increasing the capacity of the retention pond.

MOTION: Ron Truex

TO: Approve Agreement with Zimmer Holdings, Inc. as presented.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF 2009 SHERIFF'S CONTRACT:

Marsha McSherry, County Auditor, presented the 2009 Sheriff's Contract for approval.

McSherry noted the Contract was previously approved by the County Council and is the same as the 2008 Contract.

MOTION: Ron Truex

TO: Approve 2009 Sheriff's Contract as presented.

SECOND: Bob Conley

AYES: 3 NAYS: 0

MOTION CARRIED

IN THE MATTER OF 2009 COUNTY ATTORNEY CONTRACT:

County Auditor, Marsha McSherry, presented the 2009 County Attorney contract for Mike Miner for approval.

MOTION: Bob Conley

TO: Approve 2009 County Attorney Contract as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF GARBAGE/RUBBISH ORDINANCE UPDATE:

Commissioner Bob Conley stated he spoke with Bruce Hammer of the Health Department and referenced their new citation booklet to enforce the Garbage/Rubbish Ordinance previously approved by the Commissioners. Conley noted the three (3) levels of citations include: first – warning; second - \$50 fine and third - \$100 fine.

IN THE MATTER OF HIGHWAY UPDATE:

The Commissioners commended the Highway Department for their hard work during the recent ice storm. When questioned regarding the use and effectiveness of salt on county roads, Highway Superintendent, Dennis Pletcher, noted the use of salt to melt the ice on the roads does not work when the temperature is below 20 degrees. Pletcher also noted when the County is compared to the State with regard to the use of salt; the State has a larger budget than the County. Pletcher explained traffic loads effect how well the salt works on roads noting traffic helps to spread and grind the salt to a larger area. Pletcher then stated snow plow drivers also had to remove numerous tree limbs from roads thereby slowing the process of clearing the roads before re-freezing.

IN THE MATTER OF AREA PLAN COMMISSION AMENDMENT TO BUILDING HEIGHT REGULATIONS:

Matt Sandy, Assistant Area Plan Director, stated APC was approached by the Builder's Association regarding the Ordinance for height regulations. Sandy explained the change in the Ordinance applies to accessory buildings zoned residential having a minimum height of 20 feet. Sandy noted the second part of the Ordinance is based on smaller lots and the existing 1:1 ratio, when a building variance is given for each one foot in height, a foot is taken away on the building setbacks. Sandy explained the second part of the Ordinance was in place to protect aesthetics of a building as well as for neighbors. Sandy further stated it was the unanimous recommendation of the APC to approve the Ordinance Amendment to eliminate the 1:1 ratio. Rich Delagrange, a member of the Builders Association, stated he did not feel he got his point across at the APC meetings. Delagrange explained 25' (at peak) is the preferred height restriction noting time is wasted going before the APC or BZA for approval of a drawing. Rick Helm, a zoning attorney and citizen, noted he felt the amendment was needed however further wording should be added. Helm, regarding accessory buildings, suggested the following:

3.14.2 Variance may also be granted for accessory buildings under section 5.3 if building height exceeds standards listed in section 3.14

Further discussion ensued about making the building height 14' at the eave and 25' at the peak. Dan Richard, Area Plan Director, concurred with Helm's suggestion noting a need to readvertise the changes to the public. President Brad Jackson noted his suggestion for the change would be 16' height at the eave and 25' height at the peak.

Joni Truex, Builders Association, questioned whether the previous advertisement included height specifications or just paragraph changes. Sandy noted the advertised criteria stated to change the height and/or eliminate the section.

Jackson noted the recommendation of the Commissioners was to take the Ordinance amendment back to the APC for revisions with a further recommendation of a 16' height at the eave and 25' height at the peak for accessory buildings.

IN THE MATTER OF SAVE LOCAL GOVERNMENT RALLY:

Prairie Township Trustee, Julie Goon, stated the Kosciusko County Trustee's Association is hosting a Save Local Government Rally on December 28, 2008 at 4:00p.m. at the Atwood Community Building. Goon explained the Association is concerned with the twenty-seven (27) recommendations from the Kernan-Shepherd report wherein the Governor would like to have twenty (20) of those recommendations passed. Goon noted concern regarding the effect these changes would have on local government. The Commissioners concurred with Goon also expressing concern regarding effects on local government.

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