

# KOSCIUSKO COUNTY COMMISSIONERS

## JANUARY 13, 2004

The Kosciusko County Commissioners met for their regular meeting on January 13, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT  
AVIS GUNTER  
BRAD JACKSON

MIKE MINER, COUNTY ATTORNEY  
SUE ANN MITCHELL, COUNTY AUDITOR  
RON ROBINSON, COUNTY ADMINSTRATOR

President Ron Truex invited Rob Ladson to open the meeting with a word of prayer. The pledge to the flag was recited. President Truex called the meeting to order. Minutes were approved as presented. Claims were signed and approved for payment.

### **IN THE MATTER OF COUNTY BOARD OF FINANCE REORGANIZATION FOR 2004:**

Stephanie Esenwein, Kosciusko County Treasurer, notified the board that it was time for the election of the president and secretary for the County Board of Finance for 2004. A motion was made to re-elect the current president, Ron Truex and secretary, Stephanie Esenwein.

MOTION: AVIS GUNTER TO: APPROVE RE-ELECTION OF CURRENT  
SECOND: BRAD JACKSON PRESIDENT AND SECRETARY.

AYES: 3 NAYS: 0

UNANIMOUS

### **IN THE MATTER OF 2003 BOARD OF FINANCE ANNUAL REPORT:**

Stephanie Esenwein, Kosciusko County Treasurer, reported the following investments for 2003:

1<sup>st</sup> Source Bank - \$1,582,930.13

Lake City Bank - \$1,890,961.51

Flag Star Bank - \$6,487,905.25

Esenwein stated 2002 was the last year for the sweep account and the total amount of interest earned was \$234,602.94. The rates have been low but the interest received has increased. Interest earned from the interest bearing checking account and Investor's Weekly was increased by \$91,927.07 over 2002. This fulfills the annual meeting required.

### **IN THE MATTER OF PROPERTY TAX ASSESSMENT BOARD OF APPEALS 2004 APPOINTMENTS:**

Laurie Renier, Kosciusko County Assessor, requested the appointment of Gerald "Jake" Bitner and Richard R. Shipley to the County Property Tax Assessment Board of Appeals for the 2004 year.

MOTION: AVIS GUNTER TO: APPROVE BITNER AND SHIPLEY TO  
SECOND: BRAD JACKSON BOARD OF APPEALS FOR 2004.

AYES: 3 NAYS: 0

UNANIMOUS

### **IN THE MATTER OF SHERIFF'S DEPARTMENT INCOME FOR 2003:**

Aaron Rovenstine, Kosciusko County Sheriff, presented the following information to the Commissioners:

#### **Prisoner Booking and Meal Information for 2003**

Total Meals Prepared .....	211,785
Average Meals Per Day .....	580
Average Meals Per Month .....	17,400
Average Daily Inmate Count .....	194

#### **Money Received for Housing Inmates**

DOC .....	\$355,312.20
Delaware County .....	\$ 45,850.00
Clark County .....	\$ 11,480.00
Elkhart County .....	\$ 1,260.00
<b>Total.....</b>	<b><u>\$413,902.20</u></b>

**The Following are Year-to-Year Comparison from 2003 to 1997**

<u>New Jail</u>	<u>Prisoners Booked</u>	<u>Prisoners Booked</u>	<u>Percentage</u>
2002 Compared to 2003.....	3726 .....	4005.....	+10.7%
2001 Compared to 2002.....	3442 .....	3726.....	+ 8.9%
2000 Compared to 2001.....	3588 .....	3422.....	- 4.6%
1999 Compared to 2000.....	3439 .....	3588.....	+ 4.2%
1998 Compared to 1999.....	3262 .....	3439.....	+ 5.2%
1997 Compared to 1998.....	3312 .....	3262.....	- 1.5%

**IN THE MATTER OF WORK RELEASE INCOME FOR 2003:**

Aaron Rovenstine, Kosciusko County Sheriff, presented the following information to the Commissioners:

Male Work Release Income:.....	\$309,644.00
Male CTP Income: .....	\$ 12,555.00
Female Work Release Income: .....	\$ 11,000.00
<b><i>Total Income for 2003:</i></b> .....	<b><u>\$333,199.00</u></b>

**IN THE MATTER OF COUNTER TERRORISM GRANT MONEY FROM SEMA:**

Edward Rock, Kosciusko County Emergency Management Director, stated he received an additional check in the amount of \$57,000 bringing the total received to \$244,800 to be used to provide a counter terrorism program. Rock presented a map of the county to the Commissioners showing the layout of sirens. The sirens could be used as tornado or any other alert system. The project would cost \$400,000, which would upgrade 10 existing siren systems and add 26 new sirens in various locations to cover the county. The sirens could be controlled locally or at a central location. The Commissioners tabled the issue. It will be addressed at a later date.

**IN THE MATTER OF BOWEN CENTER REQUEST FOR A PASS THROUGH GRANT:**

Robert Murphy, Grant Consultant, was back for an answer concerning the application for a grant on behalf of the Bowen Center. The county would be the pass through entity. After the County Attorney, Auditor, and County Administrator reviewed the information with Murphy, it was decided to approve the Bowen Center’s grant application. Murphy will hold a public hearing on the matter as required by law. Minutes of the meeting will be provided to Sue Ann Mitchell, Kosciusko County Auditor.

MOTION: AVIS GUNTER	TO: SUPPORT BOWEN CENTER’S
SECOND: BRAD JACKSON	APPLICATION FOR A GRANT TO
AYES: 3 NAYS: 0	CONSTRUCT AN INPATIENT FACILITY.
UNANIMOUS	

**IN THE MATTER OF CRIMINAL JUSTICE GRANT FOR BEAMAN HOME:**

Sue Ann Mitchell, Kosciusko County Auditor, presented paper work for the Criminal Justice Grant to the Beaman Home.

MOTION: AVIS GUNTER	TO: APPROVE CRIMINAL JUSTICE GRANT
SECOND: BRAD JACKSON	FOR THE BEAMAN HOME.
AYES: 3 NAYS: 0	
UNANIMOUS	

**IN THE MATTER OF CERTIFICATION OF COVERED BRIDGES IN KOSCIUSKO COUNTY:**

Sue Ann Mitchell, Kosciusko County Auditor, presented a covered bridge certification to the Commissioners. Even though there are no covered bridges in Kosciusko County the county must certify that fact to the State Auditor’s Office.

MOTION: AVIS GUNTER	TO: CONSENSES THERE ARE NO
SECOND: BRAD JACKSON	COVERED BRIDGES IN THE COUNTY.
AYES: 3 NAYS: 0	
UNANIMOUS	

**IN THE MATTER OF CERTIFICATION OF EMPLOYMENT FOR COUNTY HIGHWAY ENGINEER:**

Sue Ann Mitchell, Kosciusko County Auditor, presented a certification of employment for the County Highway Engineer Rob Ladson. This is done annually to receive reimbursement for \$20,000 of the salary paid to the County Highway Engineer. The certification must be sent to the State Auditor's Office annually.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: APPROVE CERTIFICATION OF  
EMPLOYMENT FOR ROB LADSON AS  
COUNTY HIGHWAY ENGINEER.

**IN THE MATTER OF CONTRACT FOR MIKE MINER TO REMAIN THE COUNTIES ATTORNEY:**

Mike Miner, Kosciusko County Attorney, presented a contract to retain Miner as the County Attorney with no raise.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: APPROVE CONTRACT WITH MIKE  
MINER AS COUNTY ATTORNEY FOR  
NEXT YEAR.

**IN THE MATTER OF INTERLOCAL AGREEMENT WITH WARSAW CITY FOR PARKING LOT PATROL:**

Ron Robinson, Kosciusko County Administrator, presented an inter-local agreement between Warsaw City and the County for parking lot patrol. Revenue from tickets issued for illegal parking in the lot next to the Old Jail is retained by the city.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: APPROVE INTER-LOCAL AGREEMENT  
WITH WARSAW CITY FOR PARKING  
LOT PATROL.

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

**KOSCIUSKO COUNTY COMMISSIONERS  
JANUARY 27, 2004**

The Kosciusko County Commissioners met for their regular meeting on January 27, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

AVIS GUNTER  
BRAD JACKSON

SUE ANN MITCHELL, COUNTY AUDITOR  
RON ROBINSON, COUNTY ADMINSTRATOR

Commissioner Avis Gunter invited Rob Ladson to open the meeting with a word of prayer. The pledge to the flag was recited. The meeting was called to order. Minutes were approved as presented. Claims were signed and approved for payment.

**IN THE MATTER OF KOSCIUSKO COUNTY ANNUAL JAIL REPORT FOR 2003:**

C. Aaron Rovenstine, Kosciusko County Sheriff, presented to the commissioners the 2003 Annual Jail Report.

Completion of the jail expansion during 2003 brought county jail bed space to 286. This doesn't include hold cells and two temporary holding tanks.

Total inmate bookings for 2003 were 4005. The top ten are identified as follows:

1. OWI (134 Felony) (183 Per Se) (183 Misd.)
2. FTA (82 Felony) (323 Misd.)
3. Public Intoxication (215 Misd.)
4. Battery (17 Felony) (178 Misd.)
5. Poss. Of Marijuana (35 Felony) (101 Misd.)

6. Check Deception (119 Misd.)
7. Driving While Suspended (86 Misd.)
8. Theft (57 Felony)
9. Resisting/Fleeing Law Enforcement (12 Felony) (32 Misd.)
10. Possession of Narcotic Drugs (28 Felony)

There was one in-custody death of a male inmate in March 2003 which was ruled a natural death by the Kosciusko County Coroner. There were no escapes or attempted escapes in 2003.

Programs offered by local treatment services and churches being utilized most consistently by inmates:

- Administration of GED exams through Warsaw High School
- Alcoholics Anonymous (AA) classes
- Parenting/Anger Management classes through Mental Health Association of Kosciusko Co.
- Drug and Alcohol classes through Mental Health Association of Kosciusko Co.
- Bi-weekly Church Services through several local churches
- Female Work Release program

#### **IN THE MATTER OF THE KOSCIUSKO COUNTY TRUSTEE/ASSESSOR ASSOCIATION:**

Jim Moyer introduced himself to the Board of Commissioners as the new President of the Kosciusko County Trustee/Assessor Association. He has made himself available to answer questions on township government.

#### **IN THE MATTER OF INDIANA HOUSING FINANCE AUTHORITY (IHFA) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG):**

Pam Kennedy from the Warsaw Housing Authority (WHA) presented the following information. The CDBG called for 12 home rehabilitations and the WHA was able to complete 13 homes for the disabled. The original count was for 20 homes and included ramps. It was discovered that mobile homes could not be rehabbed with the grant. K21 gave monies to install ramps in mobile homes which are not covered by the CDBG grant. A lift was installed in the basement of one home to allow access to an office area upstairs. Several bathrooms were retrofitted with handicapped accessible fixtures. Electrical systems and furnaces were also installed.

An audit was conducted by the IHFA. The findings indicated 5 issues with the administration of the grant. Four issues were clerical in nature and have been satisfied. The fifth issue was concerning a remodel of a home in Claypool. The home had had no furnace for the past 5 years due to a fire. There were also issues concerning the home being direct wired with no disconnect. There was a potential for fire or electrocution if the work was not complete. The WHA calculated the homeowners' income using Section 8 rental guidelines, which is income plus 2% of savings less medical bills. The income limit for help in this situation would be \$38,350. When the audit was conducted, WHA found out that the out of pocket medical expenses could not be included for the re-model of the Claypool home. This put the homeowners' income above the guidelines by \$685.

IHFA has stated that Kosciusko County must pay back the \$8465 it cost to remodel the furnace and electrical in the Claypool home. Kennedy noted additional monies will be held until such time as the remodel costs are repaid.

Pam Kennedy states they have no monies at WHA to repay this back. Her recommendation is that the county repay the balance and WHA use monies available in an account designated for future grant matches plus monies taken in on a quarterly basis until the \$8465 is repaid to county funds. The county is ultimately responsible for the repayment of the money.

Discussion on whether or not the decision to make the county repay this money had been appealed. Pam said that she had sent one appeal at the request of Avis Gunter and that the appeal had been denied. Further appeals will have to be made through the Commissioners. Sue Ann Mitchell will contact the IHA and local state legislators to see if a waiver of the repayment can be obtained. Mitchell will report back at the next Commissioners' meeting.

#### **IN THE MATTER OF THE BELL MEMORIAL PUBLIC LIBRARY APPOINTMENT:**

Avis Gunter received a letter from Lorna Klein, Director of the Bell Memorial Public Library stating that Dottie Hoffer had resigned her position on the library board. Dick Webb has agreed to fill the position.

MOTION: Brad Jackson

TO: Appoint Dick Webb to the Bell Memorial Public Library Board of Trustees.

SECOND: Avis Gunter

AYES: 2 NAYS: 0

UNANIMOUS

**IN THE MATTER OF CASA GRANT:**

Sue Ann Mitchell, Kosciusko County Auditor presented paperwork to the Commissioners to approve the CASA grant for renewal.

MOTION: Brad Jackson

TO: Approve the CASA grant.

SECOND: Avis Gunter

AYES: 2 NAYS: 0

UNANIMOUS

**IN THE MATTER OF VOCA GRANT:**

Sue Ann Mitchell, Kosciusko County Auditor presented paperwork to the Commissioners to approve the VOCA grant for renewal.

MOTION: Brad Jackson

TO: Approve the VOCA grant.

SECOND: Avis Gunter

AYES: 2 NAYS: 0

UNANIMOUS

**IN THE MATTER OF PALLET FORKS FOR THE HIGHWAY DEPARTMENT:**

Rob Ladson appeared before the Board of Commissioners with paperwork that would eliminate the purchase of a 3<sup>rd</sup> set of pallet forks from the contract with McDonald Machinery. The Highway Department purchased two (2) loaders under a contract renewal in April 2003. This contract included the purchase of three (3) pallet forks. Ladson feels that two (2) sets of pallet forks will be sufficient for the department. By eliminating one set of pallet loaders the Highway Department can save \$4500. Ladson presented paperwork for the Commissioner's approval.

MOTION: Brad Jackson

TO: To purchase only two (2) sets of pallet loaders from McDonald Machinery rather than the original three (3).

SECOND: Avis Gunter

AYES: 2 NAYS: 0

UNANIMOUS

**IN THE MATTER OF STOP SIGN ORDINANCE FOR SUMMERFIELD ESTATES :**

Rob Ladson requested approval of the stop sign ordinance for the subdivision of Summerfield Estates. Signs are in place.

MOTION: Brad Jackson

TO: Approve the stop sign ordinance as presented.

SECOND: Avis Gunter

AYES: 2 NAYS: 0

UNANIMOUS

**ORDINANCE NO. 04-01-27-001S**

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

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

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

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

For Summerfield Estates off of Ferguson Road:

1. Install "Stop" sign on the northeast corner of Wildflower Court and Ferguson Road.
2. Install "Stop" sign on the northwest corner of Honeybee court and Wildflower Court.

3. Install "Stop" sign on the northwest corner of Summer Breeze Court and Honeybee Court.
4. Install "Stop" sign on the northeast corner of Wildflower Court and Sandal Court.
5. Install "Stop" sign on the northwest corner of Sandal Court and Wildflower Court.
6. Install "Stop" sign on the southeast corner of Raspberry Court and wildflower Court.

THIS ORDINANCE shall be in full force and effect on January 27<sup>th</sup>, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 27<sup>th</sup> day of January, 2004.

**IN THE MATTER OF TIPECANOE VALLEY SCHOOL "FUTURE CITY PROJECT":**

Rob Ladson stated that due to Tippecanoe Valley School closing due to weather that they would present at the next meeting of the Board of Commissioners.

**IN THE MATTER OF SALT CONTRACT EXTENSION:**

Rob Ladson stated that he was able to extend the contract for salt purchase for 1000 tons more at the same price.

**IN THE MATTER OF WARSAW ROTARY CLUB STATUE DONATION:**

Ron Robinson presented a proposal by the Warsaw Rotary Club. The club would like to donate a 36"X50" monument honoring Thadeaus Kosciusko which would be installed on the north side of the courthouse. The only cost to the county would be man hours to prepare the ground.

MOTION: Brad Jackson

SECOND: Avis Gunter

AYES: 2 NAYS: 0

UNANIMOUS

TO: Accept from the Warsaw Rotary club the donation of the monument honoring Thadeaus Kosciusko

**IN THE MATTER OF THE KOSCIUSKO COUNTY ANNUAL FINANCIAL REPORT:**

Sue Ann Mitchell, Kosciusko County Auditor, presented and it was received into record the Annual Financial Report of fiscal year ending 2003.

**IN THE MATTER OF APPOINTMENT OF RON SHARP AS THE OFFICIAL KOSCIUSKO COUNTY HISTORIAN:**

Sue Ann Mitchell presented a letter from the Indiana Historical Society notifying the board that Ron Sharp has been selected to serve as the official Kosciusko County historian.

**IN THE MATTER OF GARY W. GREEN PETITION FOR VACATION OF A PORTION OF CHANNEL DRIVE IN TURKEY CREEK TOWNSHIP:**

Matt Sandy, Kosciusko County Area Plan Commission Assistant Director, presented information concerning a vacation request by Gary W. Green for a portion of Channel Drive, a public way. Sandy heard back from the school, EMS, Sheriff etc. and stated this would bring the property closer to compliance. Attorney Steve Snyder represented Green. Snyder stated Steve Kelly, adjoining property owner, prepared and executed a deed to convey the portion he would receive of the vacation requested to Green. No one present in opposition. Area Plan recommended allowing the vacation.

MOTION: Brad Jackson

SECOND: Avis Gunter

AYES: 2 NAYS: 0

UNANIMOUS

TO: Approve vacation of a portion of Channel Drive.

PETITION FOR VACTION OF A PUBLIC WAY

**ORDINANCE NUMBER 04-01-27-001V**

BE IT ORDAINED by the Board of Commissioners of Kosciusko County, State of Indiana: Section 1.

WHEREAS, Gary W. Green has filed his Petition for vacation of a portion of Channel Drive, a public way with the Board of Commissioners of Kosciusko County, Indian; and

WHEREAS, a hearing on said Petition was set for January 27, 2004 at 9:30 a.m. and notice of said hearing was published in the Warsaw *Times Union* and the Milford *Mail-Journal* as required by law; and

WHEREAS, the time of said hearing has arrived and a hearing is conducted thereon; and  
WHEREAS, the unnamed public way does not serve as access to any property. The owners of real estate adjacent to the public way to be vacated are Petitioner and Steven M. Kelly, who has consented to the vacation, which public way is described as follows, to wit:

Beginning at a point north 75 degrees 28 minutes 29 seconds east 35.98' from the southwest corner of Lot 7 in Jarrett's First Addition to Yacht Harbor, thence south 08 degrees 18 minutes 27 seconds west to a point on the south right-of-way line of Channel Drive; thence north 75 degrees 28 minutes 29 seconds east on and along said south right-of-way to the point of intersection with the northeast line of Lot 8 extended; thence north 56 degrees 58 minutes 01 second to the east corner of Lot 8; thence south 75 degrees 28 minutes 29 seconds west 98.55' to the place of beginning.

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

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

Section 2.

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

ORDAINED AND PASSED this 27<sup>th</sup> day of January, 2004.

**IN THE MATTER OF SUE ANN HUFFMAN REQUEST TO REZONE ACREAGE FROM AGRICULTURAL TO RESIDENTIAL IN PLAIN TOWNSHIP:**

Dan Richard, Kosciusko County Area Plan Director, presented information on rezoning of a tract of land located on north side of 350 E N & 9 feet west of 100 E consisting of 131 acres in Plain Township. Steve Snyder stated that the soil is good, highway access is good and extension of sewage facilities to the area is being negotiated. No one spoke in opposition to the rezoning. Area Plan recommends allowing the rezoning.

MOTION: Brad Jackson

SECOND: Avis Gunter

AYES: 2 NAYS: 0

UNANIMOUS

TO: Allow rezoning of tract of land located on north side of 350 E N & 9 feet west of 100 east from agricultural to residential as presented.

**AN ORDINANCE AMENDING, AND TO AMEND  
THE ZONING ORDINANCE OF KOSCIUSKO  
COUNTY, INDIANA**

**ORDINANCE NO. 04-01-27-001Z**

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

**ARTICLE 1.**

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

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

The West Half of the Northeast Quarter of Section 28; and the East 18.45 acres of the Northwest Quarter of Section 28, all in Township 33 North, Range 6 East.

Less and excepting there from the following described tract:

A part of the northwest Quarter of Section 28, Township 33 North, Range 6 East, Kosciusko County, Indiana, more particularly described as follows:

Beginning at a point on the South Line of the Northwest Quarter of said Section 28, said point being West 2682.65 feet from the Southeast corner of the Northeast Quarter of said Section 28; thence West on and along said South Line 260.0 feet; thence North 1 degree 09 minutes 00 seconds East on and along a line parallel to the East Line of said Northwest Quarter 937.3 feet; thence East 260.0 feet; thence South 1 degree 09 minutes 00 seconds West 937.3 feet to a point on the South Line of said Northwest Quarter and the place of beginning.

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

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

ARTICLE 2.

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

Passes and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana on 27<sup>th</sup> day of January, 2004.

**IN THE MATTER OF RODNEY ALLEN CAREY AND PHYLLIS K. CAREY PETITION FOR VACATION OF A PORTION OF CHANNEL DRIVE:**

Matt Sandy, Kosciusko County Area Plan Commission Assistant Director, presented information concerning a vacation request by Rodney Allen Carey and Phyllis K. Carey for vacation of an alley lying between lots numbered 90 and 104 and between lots numbered 87 and 88, 106 in the Plat of Winona Beach. Attorney Doug Lemon represented the Careys. No one present in opposition. Area Plan recommends allowing the vacation.

MOTION:	Brad Jackson	TO:	Approve vacation of the alley adjacent to
SECOND:	Avis Gunter		lots numbered 90 and 104 and between lots
AYES:	2	NAYS:	0
UNANIMOUS			numbered 87 and 88, 106 in the Plat of Winona Beach.

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

**ORDINANCE NO 04-01-27-002V**

WHEREAS, Rodney Allen Carey and Phyllis K. Carey, husband and wife, filed a *Petition to Vacate a Public Way* with the Kosciusko County Commissioners; and

WHEREAS, notice was published as required by law in the *Warsaw Times-Union*, a newspaper in general circulation and published in the English language in Kosciusko county, Indiana, giving notice of the filing of the verified *Petition to Vacate a Public Way* and giving notice that said petition would be heard by the Kosciusko County Commissioners on the 27<sup>th</sup> day of January, 2004, at 9:30 a.m., in the commissioners' Room in the Old Court Room located on the third floor of the Kosciusko County Courthouse at the corner of North Buffalo Street and West Center Street, Warsaw, Indiana, which notice in the *Warsaw Times-Union* was published on the \_\_\_\_day of January, 2004, which notice was published more than ten (10) days prior to the hearing; and

WHEREAS, notice was mailed by regular mail and by certified mail on the 2<sup>nd</sup> day of January, 2004, to the following adjacent property owners to the public way to be vacated herein:

Dorothy Bush	Ronald J. Cauffman
1415 S. Oak St.	590 E. Winona Beach Dr.
Warsaw, IN 46580	Warsaw, IN 46580

WHEREAS, the Kosciusko county Commissioners have determined, after hearing, that the vacation requested herein should be granted, that the public way for which vacation is sought is not located within any corporate boundaries, and that the vacation sought will not hinder the growth or

development of the neighborhood in which it is located or to which it is contiguous, nor will it result in the creation of any difficulty or inconvenience to the access or any lands by means of a public way, will not hinder the public's access to a church, school, or other public building place, will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous, and there does not appear to be any public utilities located within the public way for which the vacation is sought.

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

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

That certain real estate considered to be an alley, and being approximately twelve feet (12') in width north and south and fifty feet (50') in length east and west, bounded on the north by Lot Numbered 90 in the Plat of Winona Beach, bounded on the south by Lot Numbered 104 in the Plat of Winona Beach, bounded on the east by Dale Street has since been vacated, and bounded on the west by the remaining portion of the alley which was previously vacated, all as is shown on the Plat of Winona Beach, as recorded in Plat Book 1, at Page 95, in the Office of the Recorder of Kosciusko County, Indiana. and which public way lies between those lots identified by Key Number 3-105-41.A and Key Number 3-105-42.E

IS NOW HEREBY VACATED.

Also the following public way site in Kosciusko County, State of Indiana, and more particularly described as follows, to-wit:

That certain real estate considered to be an alley, and being approximately twelve feet (12') in width east and west and two hundred twelve feet (212') in length north and south, bounded on the north by Oak Street, bounded on the south by Grove Street which was unimproved, bounded on the east by Lot Numbered 87 in the Plat of Winona Beach, and bound on the west by Lots Numbered 88 and 106 in the Plat of Winona Beach, all as is shown on the Plat of Winona Beach, as recorded in Plat Book 1, at Page 95, in the Office of the Recorder of Kosciusko County, Indiana.

And which public way lies between those lots identified by Key Number 3-105-49 and Key Number 3-105-48.

IS NOW HEREBY VACATED.

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

Upon motion duly made, seconded and passed by a vote of 2 ayes and 0 nays, the foregoing Ordinance was adopted by the Kosciusko county Commissioners at its regular meeting this 27<sup>th</sup> day of January, 2004.

**IN THE MATTER OF BOARD OF ZONING APPEALS:**

Dan Richard states that Walt Church, Board of Zoning Appeals member, will be absent from the February and March meetings and requests and appointment be made to make a five (5) person board. Ron Sharp has agreed to serve and has served in this capacity previously.

MOTION: Brad Jackson

TO: Appoint Ron Sharp to the Board of Zoning appeals to serve in February and March.

SECOND: Avis Gunter

AYES: 2 NAYS: 0

UNANIMOUS

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

## **KOSCIUSKO COUNTY COMMISSIONERS**

### **FEBRUARY 10, 2004**

The Kosciusko County Commissioners met for their regular meeting on February 10, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT

SUE ANN MITCHELL, COUNTY AUDITOR

AVIS GUNTER  
BRAD JACKSON

RON ROBINSON, COUNTY ADMINSTRATOR  
MIKE MINER, COUNTY ATTORNEY

Commissioner Ron Truex led the pledge to the flag and Rob Ladson opened the meeting with a word of prayer. The meeting was called to order. Minutes were approved as presented. Claims were signed and approved for payment.

**IN THE MATTER OF AWARD PRESENTATION TO ELLSWORTH EVEREST :**

Board of Commissioners President Ron Truex presented a plaque honoring the service of Ellsworth Everest as retiring Civil Defense and Emergency Management Director. Everest had served in the capacity of director for 17 years.

**IN THE MATTER OF COUNTY MISDEMEANANT FUND FOR 2003-2004:**

Sheriff C. Aaron Rovenstine presented a letter from the Indiana Department of Correction that stated Kosciusko County will receive \$49,560.00 of the \$4.1 Million appropriated to the County Misdemeanant Fund for FY 2003-2004. A check in this amount should be sent approximately September 1, 2004.

**IN THE MATTER OF KOSCIUSKO AREA BUS SERVICE (KABS) 2003 VOUCHERS:**

Rita Baker, KABS Director, presented the last of the 2003 KABS operational expense vouchers for approval and signatures.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: To approve and sign the vouchers as presented.

**IN THE MATTER OF CENTER OF HOPE GRANT:**

Sue Ann Mitchell, Kosciusko County Auditor presented the application to renew the Center of Hope Grant. Monies from the grant are used for rape crisis intervention. Mitchell stated that the grant was a continuation of prior grants and no significant changes had been made.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Sign and submit the application for the Center of Hope Grant.

**IN THE MATTER OF CHILD ADVOCACY GRANT:**

Sue Ann Mitchell, Kosciusko County Auditor presented the application for the Child Advocacy Grant. Craig Allebach requested the grant. The grant will be an extension of services provided by the Center of Hope Grant. The Child Advocacy Grant will offer monies to support programs that help women and children who are victims of sexual abuse.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Sign and submit the application for the Child Advocacy Grant.

**IN THE MATTER OF SHADOW LAKE SUBDIVISION BOND:**

County Highway Engineer, Rob Ladson stated that the bond for the subdivison was ready to be released. However, Ladson had received information from the homeowners association that indicated they were unable to obtain the correct lettering for the street signs. Ladson stated that originally the association had requested decorative lettering for the signs. They have been unable to obtain the required 6 inch letters and can only obtain them in a 4 inch size. The association asked Ladson to investigate whether it would be acceptable to use the 4 inch letters. Ladson recommended that he do further investigation regarding the legality of using such letters. He will contact County Attorney Mike Miner before the matter is presented to the Board of Commissioners for vote. Ladson will present further information at the next meeting.

MOTION: AVIS GUNTER

TO: Further investigate the legality of allowing

SECOND: BRAD JACKSON

the change in signage.

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF SHADOW LAKE STOP SIGN ORDINANCE:**

Rob Ladson, County Highway Engineer/Superintendent, presented for approval and signature the stop sign ordinance for Shadow Lake Subdivision. Stops signs are located at the northwest corner of Superior Avenue and Old Road 30 East and at the northeast corner of Ontario Lane and Superior Avenue.

MOTION: AVIS GUNTER

TO: Approve the Stop Sign Ordinance as presented.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

**ORDINANCE 04-02-10-001S**

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

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

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

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

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

Shadow Lake Addition:

1. Install “Stop” sign on the northwest corner of Superior Avenue and Old 30 E.
2. Install “Stop” sign on the northeast corner of Ontario Lane and Superior Avenue.

THIS ORDINANCE shall be in full force and effect on February 10<sup>th</sup>, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 10<sup>th</sup> day of February 2004.

**IN THE MATTER OF BRIDGE 226 REHABILITATION:**

Rob Ladson, County Highway Superintendent/Engineer, stated the County Highway is currently working with the City of Warsaw on the rehabilitation of the deck and approach slabs of bridge 226. This bridge is located on Market Street in Warsaw across from the wastewater treatment plant. Since the expanse on the bridge is greater than 20 feet it is the county’s responsibility for upkeep. Ladson states monies should come from the Cumulative Bridge Fund for rehabilitation. Ladson said they are waiting on information from the Army Core of Engineers and that the project should begin sometime in August 2004. This will alleviate interference with the 150 Year Celebration the City of Warsaw will be holding in June.

MOTION: BRAD JACKSON

TO: Use the Cumulative Bridge Fund to rehabilitate the deck and approach slabs of Bridge 226.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF BID OPENING FOR TWO (2) 2004 TANDEM TRUCKS:**

As previously advertised, sealed bids were opened by Mike Miner, County Attorney for Two (2) units 2004 model Tandem axle cab and chassis truck with bed, hydraulics, sander, and underbody for the County Highway. Three sealed bids were received. Wise International Trucks bid \$127,388.27 per unit and they did have a bid bond. Hill Truck Sales bid \$120,214.00 net unit price and they did have a bid bond. The third bid was from Norris Truck Service for \$255,286.00 for two (2) units and they did have a bid bond. Rob Ladson, County Highway Engineer, will review the bids with the bidders. He will also review the lowest responsive and most responsible bids and make a recommendation to the Board of Commissioners at the next meeting.

**IN THE MATTER OF ARROW HEAD REPORT:**

Tari Bateman, Grant Consultant for Arrow Head Country Resource Conservation & Development Area, Inc., presented the Board of Commissioners with the 2003 Annual Report. Bateman thanked the Board for their support in prior years. Arrow Head RC&D's mission is to promote conservation of natural resources. They conduct grant-writing workshops and are certified grant administrators. Sponsorship in the past year helped them to host several educational and tree planting workshops. In the future the Arrow Head Country RC&D plans to help develop and co-sponsor fundraising projects for small not for profit organizations. Bateman also states that the organization would be happy to accept input from the Board and that they are currently looking for a new board member and would be pleased to accept suggestions for possible candidates to help represent Kosciusko County.

**IN THE MATTER OF TIPPECANOE VALLEY "FUTURE CITY PROJECT":**

Rob Ladson, County Highway Superintendent/Engineer, introduced a group of seven (7) Tippecanoe Valley Middle School students and their sponsor June Yazel. Ladson thanked the Board for allowing him to serve as mentor to the group of students as they worked to compete in a recent contest in Elkhart. The focus of the contest was recycling and conservation in the 21<sup>st</sup> century. The students then presented the project they had used during the competition. The project was a mock up of a 21<sup>st</sup> century city named Belegost. Which one student stated means Great Fortress. Their project included hydro powered utilities, schools and transportation systems. The students stated that the focus for their future city would be technology. The Board of Commissioners and audience were then invited to inspect the project and ask questions of the students. The students were applauded for their efforts.

**IN THE MATTER OF COUNTY BURNS COPIES OF STATUTES:**

County Attorney Mike Miner presented information from Lexis Nexus indicating that the Burns the county has are now out of date. Miner stated Lexus Nexus would replace them for a fee. Sue Mitchell stated she believed that they were already paying for updates and that they did have current ones. Ron Robinson stated that the updates are also available on the Internet. Mitchell will verify the updates and report at the next meeting.

**IN THE MATTER OF BOWEN CENTER GRANT APPLICATION:**

Auditor Sue Ann Mitchell presented a letter from Bob Murphy of R.P. Murphy and Associates. The letter states the Bowen Center did not proceed with the CFF grant applications as originally proposed January 20, 2004 before the Board of Commissioners. The letter further states that KCH had requested an extension and that Murphy would approach the Board in the future for authorization to proceed in the July/September round.

**IN THE MATTER OF REASSESSMENT APPEALS AND CORRECTION OF ERRORS:**

Auditor Sue Ann Mitchell stated that due to the new assessment rates there have been approximately 1800 appeals filed through the County Assessor's and various Township Assessors Offices. The current process for refunding on these claims would be to have the claim presented before the Board of Commissioners prior to issuing a check. Due to the large number of claims being filed Mitchell requests that the Auditors Office be allowed to go ahead and issue checks to the property owners and then present to the Board of Commissioners an accounting of refunds issued. Mitchell states that since interest accumulates on these claims until the checks are issued, this will save the county additional money. When the backlog is made current it will resume that claims are presented directly before the Board of Commissioners prior to checks being issued.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Allow the Auditors Office to issue refunds on appeals until such time as the backlog is made current and an accounting be made to the Board. It will then resume that claims are presented directly before the Board of Commissioners prior to checks being issued.

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

**KOSCIUSKO COUNTY COMMISSIONERS  
FEBRUARY 24, 2004**

The Kosciusko County Commissioners met for their regular meeting on February 24, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT  
AVIS GUNTER  
BRAD JACKSON

SUE ANN MITCHELL, COUNTY AUDITOR  
MIKE MINER, COUNTY ATTORNEY  
RON ROBINSON, COUNTY ADMINSTRATOR

The meeting was opened with the pledge led by Ron Truex and a word of prayer led by Rob Ladson. The meeting was called to order. Minutes were approved as presented. Claims were signed and approved for payment.

**IN THE MATTER OF WARSAW COMMUNITY DEVELOPMENT CORPORATION (WCDC) REQUEST TO USE COURTHOUSE LAWN FOR SESQUICENTENNIAL FESTIVAL:**

Auditor Sue Ann Mitchell presented a letter from the WCDC requesting to use the Courthouse lawn Friday, June 25<sup>th</sup> and Saturday, June 26<sup>th</sup> 2004 for the Sesquicentennial Festival. The Courthouse area would be used for crafters, an entertainment stage and some additional games or activities. They would also need to have access to electrical facilities for lights and a PA system.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON

AYES: 3 NAYS: 0  
UNANIMOUS

TO: Allow the WCDC to use the Courthouse lawn and have access to electrical facilities for the Sesquicentennial Festival on June 26-27<sup>th</sup>, 2004.

**IN THE MATTER OF SHERIFF'S DEPARTMENT WEBSITE:**

Sheriff C. Aaron Rovenstine updated the Commissioners on the status of the Sheriff's Department website. Rovenstine stated that a jailer was currently working on adding information for Sheriff's sale dates which the department hoped would alleviate many of the phone calls they were receiving.

**IN THE MATTER OF EMERGENCY MANAGEMENT STATEMENT OF WORK QUARTERLY REPORT:**

Ed Rock, Director of Emergency Management, presented the 2004 First Quarterly Report to the Board of Commissioners for approval and signature. Rock stated the report was sent to the State to show that the County was meeting all criteria to have reimbursement for wages paid to the Emergency Management Department.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON

AYES: 3 NAYS: 0  
UNANIMOUS

TO: To approve after review of the report.

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

Rob Ladson, County Highway Engineer, presented a request from the town of Silver Lake to have traffic from State Road 14 rerouted to county roadways on June 19, 2004 from 9:30-12:30. A portion of State Road 14 is traditionally closed in June for the Annual Silver Lake Days Celebration. Ladson recommend that the Commissioners approve the rerouting.

MOTION: BRAD JACKSON  
SECOND: AVIS GUNTER

AYES: 3 NAYS: 0  
UNANIMOUS

TO: Approve the request to reroute traffic State Road 14 onto county roadways from 9:30-12:30 June 29, 2004.

**IN THE MATTER OF BID AWARD FOR TWO (2) 2004 TANDEM AXLE DUMP TRUCKS:**

Rob Ladson, County Highway Engineer, presented a recommendation to the Commissioners that they accept the bid of \$240,628.00 for two (2) Tandem Axle Dump Trucks submitted by Hill Truck Sales. The bid included the W.A. Jones bed and hydraulics package. Ladson stated that the bid received was \$14,000.00 lower than the next highest bid. Ladson stated that the bid was the most

responsible and responsive bid received and that Hill Truck Sales had meet all the criteria specified in the original bid requirements.

MOTION: AVIS GUNTER

TO: Approve the bid from Hill Truck Sales.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF TURKEY CREEK SEWER DISTRICT QUARTERLY REPORTS FOR 2003:**

Auditor Sue Ann Mitchell presented the Turkey Creek Sewer District last Quarterly Report for 2003 to the Commissioners for approval and signatures.

MOTION: AVIS GUNTER

TO: Approve and sign the reports as presented.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF COUNTY BURNS COPIES OF STATUTES:**

Auditor Sue Ann Mitchell reported that after checking the county does have copies of all the Burns. She also stated that the copies located in the Courthouse are rarely used and that the Justice Building had their own copies with separate contracts for maintenance. Mike Miner, County Attorney, stated that he also had his own copies and could access the information on the internet. Commissioners questioned whether it would necessary for the Courthouse to renew their contract if the copies located in the Courthouse were not being used. Mitchell stated she did not feel it would be necessary to renew the contract. Miner concurred with Mitchell. Commissioners will not be renewing the contract.

**IN THE MATTER OF VACATION AT 13 SOUTH STORAGE CONDOMINIUMS, INC AND DEBRA K. THOMPSON:**

Matt Sandy, Kosciusko County Area Plan Commission Assistant Director, presented a Petition for Vacation of Public Way by 13 South Storage Condominiums, Inc. and Debra K. Thompson. Petitioners desire to vacate Double D Drive in its entirety. Sandy states there was one letter of remonstrance and there was no negative response from Sheriff, Fire or EMS. There was a letter from Rob Ladson, County Highway Engineers, noting concerns. Sandy states Area Plan Commission (APC) recommends against the vacation. APC feels the vacation needs to be remanded back to APC for further review as to whether all conditions of the original plat have been met.

Attorney Steve Snyder appeared for the petitioners. Snyder stated that the original plat called for six (6) lots plus interior roadway. One (1) lot is already developed. Lot two (2) has been designated for storage units. The plan is for 64 total units. Snyder states the tract behind this acreage, owned by Bruce Cavell, did not have access to State Road 13 and the interior roadway was originally planned to allow a possible future access to Cavell's property. Since then Cavell has otherwise disposed of his property and the access is no longer needed. The cul-de-sac is in place and paved except for curbs and gutters. By vacating the cul-de-sac they would not have to place curbs and gutters, which the petitioners believe cause a water concern, and the county would not have to maintain the roadway. The petitioners would also grant an easement allowing ingress and egress. This would eliminate the public right to use the roadway not eliminate the roadway.

Rob Ladson stated that his concern comes from the fact that he is responsible to give input to APC regarding whether the roadway is completed according to the requirements of the original plat. If the roadway is not curbed and guttered the highway will not take it in for maintenance. Ladson states he does not have the authority to lower the original requirements of the plat.

MOTION: AVIS GUNTER

TO: Send the request back to the Area Plan Commission and deny the Vacation Request recommending denying the maintenance and returning the bond.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF REQUEST BY TOM BROVONT FOR REZONING FROM  
AGRICULTURAL TO RESIDENTIAL:**

Dan Richard, Kosciusko County Area Plan Commission Director, presented a petition by Tom Brovont to rezone land located on Ferguson Road in Wayne Township from Agricultural to Residential. Richard states surrounding area is residential and that APC recommends the Board of Commissioners allow the rezoning. Attorney John Kimple appeared representing the petitioner. There were no negative responses to the rezoning:

MOTION: BRAD JACKSON

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve the rezoning of the land located on Ferguson Road in Wayne Township from Agricultural to Residential.

**ORDINANCE NO: 04-02-24-001Z**

**AN ORDINANCE AMENDING, AND TO AMEND  
THE ZONING ORDINANCE OF KOSCIUSKO  
COUNTY, INDIANA**

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

**ARTICLE I:**

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

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

TRACT I: A part of the Southeast Quarter of the Northeast Quarter of Section 24, Township 32 North, Range 5 East, in Wayne Township, Kosciusko County, Indiana, described as follows:

Commencing at the Southeast corner of the Northeast Quarter of Section 24; thence North 00 degrees 00.0 minutes East, 165 feet (record) to the Point of Beginning; thence south 89 degrees 51 minutes West (record), 948.7 feet to the centerline of Bierce Ditch; thence North 25 degrees 03.4 minutes West, along said ditch centerline, 395.7 feet to the intersection of the South line extended West of a parcel conveyed to James A Rhodes and Bonnie J Rhodes as recorded in Deed Record 251, page 60; thence North 89 degrees 51.0 minutes East, 1116.2 feet along said parcel to the centerline of County Road 200 West; thence South 00 degrees 00.0 minutes West, 360.2 feet (record) to the Point of Beginning.

TRACT II: A tract of land in the Northeast Quarter of Section 24. Township 32 North. Range 5 East, more particularly described as follows, to-wit;

Commencing at the East Quarter Post of said Section; thence North 525.2 feet. Along the centerline of County Road 200 West to an iron spike which is the Point of Beginning; thence Westerly. Along a fence. 1098.7 feet to an iron pipe; thence Northeasterly along the banks of the Bierce Ditch. 388 feet to an iron pipe; thence North 59 degrees 2 minutes East, 478.1 feet to an iron pipe; thence South 30 degrees 58 minutes East. 498.1 feet to an iron pipe; thence North 59 degrees 2 minutes East. 248.8 feet to an iron spike in the centerline of said road; thence South 30 degrees 58 minutes East, along the center of said road, 374.9 feet to an iron spike. Which is the principal Point of Beginning.

LESS AND EXCEPTING THEREFROM that part of the following described tract that falls within the above tract:

Part of the Northeast Quarter of Section 24, Township 32 North, Range 5 East, Kosciusko County, Indiana, more particularly described as follows, to-wit;

Commencing at the Southeast corner of said Northeast Quarter; thence North, on and along the East line of said Northeast Quarter. Being within the right-of-way of Ferguson Road (County Road 200 West). A distance of 528.0 feet (recorded 525.2 feet) to an iron pipe found at the true Point of Beginning; thence North 30 degrees 58 minutes West, on and along the centerline of said Ferguson Road (County Road 200 West) . a distance of 584.7 feet (recorded 585 feet); thence South 59 degrees 49 minutes West (recorded South 59 degrees 02 minutes West), a distance of 245.3 feet (recorded 248.8 feet) to a rail iron post

found; thence South 30 degrees 30 minutes East, a distance of 439.1 feet to a point on the North line of a certain tract of land, as recorded in Deed Record 251, page 60; thence North 89 degrees 27 minutes East, on an along said North line, a distance of 290 feet to the true Point of Beginning.

Subject to any and all easements, rights-of-way, streets, highways and valid restrictions presently existing and of record, any rights of tile and drainage ditches, and any zoning ordinances applicable hereto.

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

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

#### ARTICLE 2.

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

Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana, on 24<sup>th</sup> day of February 2004.

#### **IN THE MATTER OF PETITION BY OPEN BIBLE BAPTIST CHURCH TO REZONE LAND FROM AGRICULTURAL TO RESIDENTIAL:**

Dan Richard, Kosciusko County Area Plan Director, appeared before the Commissioners with a petition for rezoning from Open Bible Baptist Church. The petitioners wish to rezone the following tract of land located in Plain Township from Agricultural to Residential:

Part of the Southwest Quarter of Section 36, Township 33 North, Range 6 East, Kosciusko County, Indiana, more particularly described as follows, to-wit;  
Commencing at an iron pin found over a buried stone at the Southeast corner of said Southwest Quarter; thence South 90 degrees 00 minutes West, on and along the South line of said Southwest Quarter, a distance of 2648.9 feet to a stone found at the Southwest corner of said Southwest Quarter; thence North 00 degrees 08 minutes 20 seconds West, on and along the West line of said Southwest Quarter, a distance of 1314.46 feet to a P.K. nail at the true point of beginning; thence continuing North 00 degrees 08 minutes 20 seconds West, on and along said West line, being within the right-of-way of County Road 300 East, a distance of 662.42 to a P.K. nail, said P.K. nail being situated South 00 degrees 08 minutes 20 seconds East, a distance of 662.42 feet from a railroad spike found at the Northwest corner of said Southwest Quarter; thence North 89 degrees 58 minutes 42 seconds East, a distance of 1183.27 feet to an iron pin, said iron pin being situated South 00 degrees 08 minutes 20 seconds East, a distance of 662.87 feet from a P.K. nail on the North line of said Southwest Quarter; thence South 00 degrees 08 minutes 20 seconds East, and parallel to said West line, a distance of 662.87 feet to an iron pin; thence South 90 degrees 00 minutes West, and parallel to said South line, a distance of 1183.27 feet to the true point of beginning.

Richard stated that the APC is unanimously recommending denying the petition for rezoning.

Richard further states that the current primary use is agricultural and that the long-term comprehensive plan for the county calls for future development to residential after the installation of sewage service to the area. The APC recommendation to the Commissioners states;

1. This rezoning is taking an incompatible 'hop' out into agricultural producing ground. If this property is rezoned the entire surrounding area would be in transitional mode going toward residential growth.
2. Request does not meet the following General Planning Objectives and Land Use Policies of the Kosciusko County Comprehensive Plan:
  - A. Maintain an environment which facilitates agricultural production.
  - B. Attempt to keep negative impacts to a minimum on adjacent properties.
  - C. Encourage residential development near compatibility zoned areas.
  - D. Encourage residential development in areas where public services already existing or in planned service areas.
  - E. Encourage residential development which utilized available land in the most efficient way.

3. When objectively applying “LESA” (Land Evaluation/Site Assessment) system which looks at both physical characteristics of the property as well as impact on adjacent properties and facilities, the score was very poor, (one of the highest scores ever) and well into the “do not rezone” range, (215.5 score). In addition, this acreage has been rated as “Prime Agricultural” by the N.R.C.S.

Breakdown of LESA scores are as follows:

0 to 106.5 – Rezone

106.6 to 203 – Consider Other Factors

203.1 and over – Do Not Rezone

4. This decision would be consistent with a previous rezoning petition on the adjacent acreage to the north. On June 7, 2000 a petition to rezone 9.0 acres from Agricultural to Residential was recommend to be denied by the Kosciusko County Area Plan Commission (Case #0016Z, Steve Savage, 9 to 0 vote). This recommendation was supported by the Board of County Commissioners with a 2-0-1 vote (Creighton & Gunter, with Jackson abstaining).

Steve Snyder appeared representing Open Bible Baptist Church. Snyder states the long-term comprehensive plan calls for residential but does not specify when this plan with proposed residential use should take place. Snyder further states that the county should follow the comprehensive plan and identify the effective date of the plan. Snyder said that Open Bible Baptist Church wants to sell at highest and best use for the property and that this is the opportunity to reach the long term planning goals of the county.

Pastor Carnes appeared in support of the petition. Carnes stated that the church had purchased the land 5 or 6 years ago and had since found a parcel more suited to their needs. He states there are houses currently being built on the north east side of the property and the area is developing residentially. Carnes also stated that they could sell the land to another church for their use to build or they could allow rezoning to residential. Either way, the land will have buildings on it with large sewage demands even though the sewer is not currently in place.

MOTION: AVIS GUNTER

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

TO: Support the recommendation of the Area Plan Commission and deny the rezoning of the property from Agricultural to Residential.

**IN THE MATTER OF PETITION BY DONALD LONGACRE TO REZONE A PARCEL OF LAND LOCATED IN TURKEY CREEK TOWNSHIP FROM AGRICULTURAL I TO AGRICULTURAL II:**

Dan Richard, Kosciusko County Area Plan Director, appeared before the Board of Commissioners presenting a petition to rezone land located in the Dewart Lake area near Quaker Haven from Agricultural I to Agricultural II. Richard states there has been no remonstrance filed and that there were no negative responses from Sheriff, Fire or EMS. Area Plan Commission recommends allowing the rezoning.

Steve Snyder appeared as representative of Donald Longacre. Snyder stated that it is logical to rezone the area for residential.

No one appeared in opposition of the rezoning.

Ron Truex, President of the Board of Commissioners, questioned why the property was being petitioned to rezone to Agricultural II instead of Residential. Richard stated that the original petition requested Agricultural II or Residential and that the recommendation by APC was for Ag II because several parcels surrounding this area were already AG II. Snyder agreed that the original petition said Ag II or Residential and that the petitioners would accept either.

Commissioners questioned what the intended use would be for the property whether it would be a mini-farm or primarily residential. Snyder stated that it would be residential and that two brothers intended to divide the property and build a home on each parcel. Brad Jackson questioned whether the Commissioners could change the rezoning to Residential. Richard stated that the Commissioners can deny the rezoning or they can rezone to Ag II or Residential as they choose. It was simply a recommendation by the APC that it be rezoned as Ag II.

MOTION: AVIS GUNTER

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

TO: Deny rezoning as Agricultural II and to approve rezoning as Residential.

**AN ORDINANCE AMENDING, AND TO AMEND  
THE ZONING ORDINANCE OF KOSCIUSKO  
COUNTY, INDIANA**

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

**ARTICLE 1.**

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

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

N 660' of the west 440' of the east 880' of the NE ¼ of the NE ¼  
Of Section 31, T 34 N, R 7 E

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

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

**ARTICLE 2.**

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

Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana on 24<sup>th</sup> day of February 2004.

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

**KOSCIUSKO COUNTY COMMISSIONERS  
MARCH 9, 2004**

The Kosciusko County Commissioners met for their regular meeting on March 9, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, Indiana. Those present were:

RON TRUEX, PRESIDENT

AVIS GUNTER

BRAD JACKSON

SUE ANN MITCHELL, COUNTY AUDITOR

RON ROBINSON, COUNTY ADMINSTRATOR

President Ron Truex called the meeting to order. The pledge to the flag was recited and Rob Ladson led in a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment.

**IN THE MATTER OF EVACUATION PLANS FOR COURTHOUSE AND JUSTICE BUILDINGS:**

Emergency Management Director Ed Rock presented copies of evacuation plans for the Courthouse and Justice Buildings. Rock stated that copies of the plans are posted in each department. Plans call for specific evacuation routes and meeting sites. Department heads are responsible for verifying that all employees are accounted for during an evacuation.

Rock also stated that the Sheriff's Department and Jail already had evacuation plans in place and he incorporated their plans into the county's overall plan. Rock is currently working on plans for visitor areas and Court Security. During an evacuation, visitors within individual departments should be escorted outside the building by department personnel.

**EVACUATION INSTRUCTIONS  
COURTHOUSE**

1. When fire alarm sounds exit you work area and proceed to the closest exit.

- 2. Instruct all visitors to leave the building and escort them out.
- 3. After you are out of the building go immediately to the meeting place listed below.
- 4. The Department head or their designee shall check to ensure that all personnel are accounted for.
- 5. If personnel are missing report their last known location to emergency responders when they arrive.

<u>COURTHOUSE</u>	<u>MEETING LOCATION</u>
Area Plan Commission	Meet at the Tank
Auditor	Meet at the Tank
County Assessor	Meet at the Cannon
Extension Office	Meet at the Monument on the Courthouse lawn
G.I.S.	Meet at the Cannon
Health Department	Meet at the Tank
Recorder	Meet at the Tank
Surveyor	Meet at the Monument on the Courthouse lawn
Treasurer	Meet at the Cannon
Wayne Township assessor	Meet at the Monument on the Courthouse lawn
Human Resources	Meet at the Tank
Veteran’s Affairs	Meet at the Cannon

TORNADO SHELTER FOR THE COURTHOUSE IS THE TUNNEL

**EVACUATION INSTRUCTIONS**  
**JUSTICE BUILDING**

- 1. When fire alarm sounds exit you work area and proceed to the closest exit.
- 2. Instruct all visitors to leave the building and escort them out.
- 3. After you are out of the building go immediately to the meeting place listed below.
- 4. The Department head or their designee shall check to ensure that all personnel are accounted for.
- 5. If personnel are missing report their last known location to emergency responders when they arrive.

<u>JUSTICE BUILDING</u>	<u>MEETING LOCATION</u>
Circuit Court	Meet by the front door of the church
County Clerk	Meet at the West steps of the Courthouse
Emergency Management	Meet at the Tank
Jail	See Jail Plan
Maintenance Department	Meet in front of the Downtown
Probation Department	Meet in front of the Downtown
Prosecutor	Meet at the Tank
Sheriff	Meet in the parking lot by the spare cars
Systems Administrator	Meet at the Tank
Title IV-D	Meet at the Tank
Superior Court 1	Meet by the front door of the church
Superior Court 2	Meet at the Monument on the Courthouse lawn
Superior Court 3	Meet at the Monument on the Courthouse lawn
Task Force	Meet in the parking lot by the spare cars

TORNADO SHELTER FOR THE JUSTICE BUILDING IS THE BASEMENT

**IN THE MATTER OF CORRECTION TO COUNTY ROAD STATE INVENTORY MAP:**

Rob Ladson, County Highway Engineer, states that in a continuing effort to update mapping he has found an area of roadway East of Syr-Web Road, CR 500 E & CR 1100 N Intersection that is not county maintained. Ladson recommends the board to remove this portion of roadway from the state inventory map.

MOTION:	AVIS GUNTER	TO: Remove the area of roadway East of Syr-
SECOND:	BRAD JACKSON	Web Road, CR 500 E & CR 1100 N
AYES:	3	NAYS: 0
UNANIMOUS		

**KOSCIUSKO COUNTY HIGHWAY**  
**DECLARATION OF NON-COUNTY MAINTENANCE**

Name of Subdivision: xxx

Road Location: East of Syr-Web Road, CR 500 E & CR 1100 N Intersection  
Road Name: State ID 1000 2006 feet (0.38 miles)  
From: State ID 99 To: Dead End

Person(s) Requesting Acceptance: Robert D. Ladson, P.E.  
Date of Recommendation: 2-27-2004  
County Engineer's Declaration: The Department currently does not maintain this stretch.

Signed: Robert D. Ladson, P.E.  
Kosciusko County Hwy. Eng./Supt.

Accepted Date: 3-9-2004 Signed: Kosciusko County  
Board of Commissioners

Attest: Sue Ann Mitchell, Kosciusko Co. Auditor

**IN THE MATTER OF L M CONSTRUCTION REQUEST TO MOVE BUILDING:**

Rob Ladson, County Highway Engineer, presented a request by L M Construction to move a building in the summer of 2004. L M Construction will move the building by taking County Road 1050 North across State Road 19 to County Road 900 West. The distance traveled will be approximately two (2) miles and it will take about four (4) hours. Ladson stated that due to the length of time it will take he would like the approval of the Board of Commissioners prior to granting permission to L M Construction.

Ladson recommends that the usual conditions for moving a building be required. L M Construction must contact the County Highway and Central Dispatch, contact individual owners of properties if trees need to be cut and repair any road damage. Ladson also stated that the usual traffic precautions, including placing signs at the start and end of the proposed route, would be in place.

President Ron Truex questioned whether additional traffic control might be needed. Truex suggested possible escort by the Sheriff's Department. Sheriff Aaron Rovenstine stated that escort could be provided.

MOTION: AVIS GUNTER TO: Grant permission for L M Construction to  
SECOND: BRAD JACKSON use county maintained roadways to move a  
AYES: 3 NAYS: 0 building.  
UNANIMOUS

**IN THE MATTER OF SHADOW LAKES SUBDIVISION PHASE ONE SIGNAGE:**

Rob Ladson, County Highway Engineer, stated that he had further information regarding MUTCD requirements on signage at Shadow Lakes Subdivision Phase One. During the February 10, 2004 Commissioners Meeting Ladson presented a request by the Shadow Lakes Homes Owners Association to use a decorative sign that had 4 inch lettering. At that time Ladson had questioned whether the subdivision could use this sign since MUTCD called for signs to have 6 inch lettering. Ladson stated that after further investigation an exception could be made for roadways with lower volume traffic. The Shadow Lakes Home Owners Association has put in place a restrictive covenant that states the subdivision must maintain the signs. Should the subdivision fail to do so the County Highway will replace the signs with the 6 inch lettered signs recommended by MUTCD.

Ladson recommends to the Commissioners that permission be given to Shadow Lakes Subdivision Phase One to use 4 inch lettered signs and to remove the bond on Shadow Lakes Subdivision Phase One.

MOTION: BRAD JACKSON TO: Allow the use of 4 inch lettered signs and  
SECOND: AVIS GUNTER remove the bond on Shadow Lakes Subdivision  
AYES: 3 NAYS: 0 Phase One.  
UNANIMOUS

**IN THE MATTER OF AGREEMENT WITH STATE OF INDIANA FOR 800 MHZ  
LICENSE:**

Ron Robinson, County Administrator, presented a proposal from the State of Indiana requesting permission to use the two (2) 800 MHZ frequencies whose federal license is assigned to Kosciusko County. The State will be using the license as the backbone for Hoosier Safety Network. In return the State will help the Sheriff's Department set up their mobile data that will use the 800 MHZ frequencies. Robinson stated the County is not currently using the 800 MHZ frequencies.

Robinson's recommendation to the Commissioners is to allow the State to use the license for the two (2) frequencies assigned to Kosciusko County.

MOTION:	AVIS GUNTER	TO:	Allow the State of Indiana to use the
SECOND:	BRAD JACKSON		license for the two (2) 800 MHZ frequencies
AYES:	3	NAYS:	0
UNANIMOUS			

**IN THE MATTER OF 911 AGREEMENT WITH THE CITY OF WARSAW:**

County Administrator Ron Robinson presented for approval and signature a copy of the 911 Agreement between the City of Warsaw and Kosciusko County.

MOTION:	AVIS GUNTER	TO:	Approve and sign the 911 agreement as
SECOND:	BRAD JACKSON		presented.
AYES:	3	NAYS:	0
UNANIMOUS			

**AGREEMENT**

THIS AGREEMENT made this 5<sup>th</sup> day of March, 2004 between the **COUNTY OF KOSCIUSKO, INDIANA** ("County") and the **CITY OF WARSAW, INDIANA** ("City").

**SECTION 1**

**RECITALS**

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

**SECTION 2**

**CONSIDERATION**

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

**SECTION 3**

**TERMS**

- 3.1 City shall provide in 2004, for benefit of County in its operation of a 911 system, sum of three (3) City dispatchers as an integral part of the 911 system.
- 3.2 County, in its administration of the 911 system, shall determine the extent to which services of the City dispatcher shall be utilized.
- 3.3 The intent of the Agreement is to provide maximal benefits to the citizens of Kosciusko County and the City of Warsaw from the usage of the 911 system.
- 3.4 From the proceeds received by County for the implementation and operation of the 911 system, county shall pay City in January of 2004 the sum of \$96,407.22.
- 3.5 This Agreement shall be administered by a joint board composed of the Commissioners of Kosciusko County, Indiana and the board of Public Works and Safety of the city of Warsaw, Indiana. Meetings of such joint board shall occur on an as-needed basis.
- 3.6 The joint board shall not acquire any property nor shall the joint board make any payments, the only payment required being that of the County of the City described herein.

**SECTION 4**

### MISCELLANEOUS

- 4.1 This Agreement shall remain in effect until December 31, 2004.
- 4.2 By this Agreement, neither party shall in any way assume responsibility for payment of employment or other taxes incurred by the other party to this Agreement resulting from the employment of personnel necessary for the implementation of the provisions of the Agreement.
- 4.3 Both parties to this Agreement have been authorized to enter into the Agreement by adoption of proper resolution in accordance with I.C. 36-1-7-2.

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

KOSCIUSKO COUNTY, INDIANA  
BY ITS BOARD OF COMMISSIONERS

CITY OF WARSAW, INDIANA  
BY ITS BOARD OF PUBLIC  
WORKS AND SAFETY

(signed) Ron Truex  
(signed) Brad Jackson  
(signed) Avis B. Gunter

(signed) Ernest B. Wiggins  
(signed) Charlie Smith  
(signed) Jerry Patterson

SHERIFF OF KOSCIUSKO COUNTY,  
INDIANA  
(signed) C. Aaron Rovenstine

ATTEST: Elaine Call, Clerk-Treasurer  
City of Warsaw

ATTEST: Sue Ann Mitchell,  
Kosciusko County Auditor

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

## KOSCIUSKO COUNTY COMMISSIONERS MARCH 23, 2004

The Kosciusko County Commissioners met for their regular meeting on March 23, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT  
AVIS GUNTER  
BRAD JACKSON

MIKE MINER, COUNTY ATTORNEY  
SUE ANN MITCHELL, COUNTY AUDITOR  
RON ROBINSON, COUNTY ADMINSTRATOR

The pledge to the flag was recited and the meeting was opened with a word of prayer led by Rob Ladson. Minutes were approved as presented. Claims were signed and approved for payment.

### **IN THE MATTER OF GRANT APPROVAL FOR 800 MHZ & MOBILE DATA EQUIPMENT:**

Emergency Management Director Ed Rock presented for approval and signature a grant application for \$160,000 to purchase 800 MHZ broadcasting equipment, mobile data equipment and the software to use this equipment. Commissioner Brad Jackson asked to verify that the grant does not require matching county funds. Rock stated the funds from the grant would be entirely grant money and the grant does not require matching funds from the county.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Approve and sign the grant for the 800  
MHZ equipment and software.

### **IN THE MATTER OF CERTIFICATE OF APPOINT FOR DICK WEBB:**

Sue Ann Mitchell, County Auditor, presented the Certificate of Appointment for Public Library Board Member for Dick Webb. Webb was appointed by the Commissioners to the Bell Memorial Library Board on January 27, 2004. The certificate was not prepared at that time.

### **IN THE MATTER OF RESOLUTION APPOINTING INTERIM DIRECTOR FOR BARBEE LAKES CONSERVANCY DISTRICT AREA 1:**

Sue Ann Mitchell, County Auditor, presented for approval and signature a Resolution Appointing Interim Director of Area 1 for Barbee Lakes Conservancy District. Elections had been held for the position but no candidates came forward to run. Richard Long has agreed to serve as Interim Director until the next election. County Attorney Mike Miner stated he has reviewed the request and recommends approving the resolution.

MOTION: AVIS GUNTER

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

TO: To approve and sign the resolution appointing Richard long as the Interim Director for Area 1 for Barbee Lakes Conservancy District.

**BEFORE THE KOSCIUSKO COUNTY COMMISSIONERS  
RESOLUTION APPOINTING INTERIM DIRECTOR OF  
AREA 1 FOR BARBEE LAKES CONSERVANCY DISTRICT**

The Kosciusko County Commissioners, having received a Petition from Barry Hecker, Chairman of Barbee Lakes Conservancy District, which Petition is in conformity with I.C. 14-33-5-10 (g) (1); and,

The County Commissioners having authority under I.C. 14-33-5-12 to appoint a replacement directed for a conservancy district, until the next annual meeting; and,

Having reviewed the Petition of Barry Hecker to appoint Richard Long, now determines that Richard Long is, according to the Petition, a freeholder and resident of Area 1, the district to which his appointment is requested, and is qualified to be appointed.

THEREFORE, BE IT RESOLVED, that Richard Long, 15 EMS B39W Lane, Leesburg, Indiana 46538, is now appointed as the director of Area 1, to serve a such on the Board of Directors of the Barbee Lakes Conservancy District, and to serve until the next annual meeting, at which time the position of the director of Area 1 shall be filled by appropriate election pursuant to the governing statutes.

Done this 23<sup>rd</sup> day of March, 2004.

**IN THE MATTER OF SESQUICENTENNIAL DECORATIONS PURCHASE FOR  
COURHOUSE SQUARE:**

Sue Ann Mitchell, County Auditor, presented information from Paula Bowman, Warsaw Community Development Corporation, regarding flower baskets to be used for decorating during the Sesquicentennial. The county can purchase the baskets to help decorate the light poles around the downtown area during the celebration. The cost of the baskets would be \$35.00 each. Commissioner Brad Jackson asked what normal decorating procedures are. Mitchell stated that normal procedures for the Courthouse include grounds maintenance by county employees with the Master Gardners donating the work for the flower beds.

MOTION: AVIS GUNTER

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

TO: Continue normal grounds maintenance for the Sesquicentennial and not to purchase flower baskets for the Sesquicentennial.

**IN THE MATTER OF CORRECTED ORDINANCE FOR GARY GREEN VACATION  
APPROVED 1-27-04:**

Sue Ann Mitchell, County Auditor, presented a corrected Ordinance for vacation of a portion of Channel Drive. The original ordinance Number 04-01-27-001V contained incorrect calls in the legal description. Mitchell presented to corrected ordinance for Commissioners signatures.

**CORRECTED ORDINANCE NUMBER 04-03-23-001V**

BE IT ORDAINED by the Board of Commissioners of Kosciusko County, State of Indiana:  
Section 1:

WHEREAS, Gary W. Green has filed his Petition for vacation of a portion of Channel Drive, a public way with the Board of Commissioners of Kosciusko County, Indiana; and

WHEREAS, a hearing on said Petition was set for January 27, 2004 at 9:30 am and notice of said hearing was published in the Warsaw *Times Union* and the Milford *Mail-Journal* as required by law; and

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

WHEREAS, the unnamed public way does not serve as access to any property. The owners of real estate adjacent to the public way to be vacated are Petitioner and Steven M. Kelly, who has consented to the vacation, which public way is described as follows, to-wit:

Beginning at a point north 75 degrees 28 minutes 29 seconds east 35.98' from the southwest corner of Lot 7 in Jarrett's First Addition to Yacht Harbor, thence south 08 degrees 18 minutes 27 seconds west to a point on the south right-of-way line of Channel Drive; thence north 75 degrees 28 minutes 29 seconds east on and along said south right-of-way to the point of intersection with the northeast line of Lot 8 extended; thence north 56 degrees 58 minutes 01 second west to the east corner of Lot 8; thence south 75 degrees 28 minutes 29 seconds west 98.55' to the place of beginning.

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

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

Section 2.

That this Ordinance is adopted to correct the legal description contained in Ordinance Number 04-01-27-001V, recorded as Instrument Number 200400001524 in the Office of the Recorder of Kosciusko County, Indiana and shall be in full force and effect from and after its passage.

ORDAINED AND PASSED this 23<sup>rd</sup> day of March, 2004.

**IN THE MATTER OF APRIL 1<sup>ST</sup> PUBLIC MEETING ON THE WESTERN ROUTE:**

Rob Ladson, County Highway Engineer, stated that on April 1<sup>st</sup>, 2004 there would be a public meeting held regarding the proposed Western Route. At the meeting the Troyer Group will present their recommendation for the preferred route. Ladson recommends that the Board set a date and time for the Troyer Group to present the information to the Board. Ladson also requested that the Commissioners set aside a time to meet with public and address comments regarding proposed route. Ladson stated he had discussed a possible June 29<sup>th</sup>, 2004 date. If this date is approved by the Board of Commissioners, it will be announced at the April 1<sup>st</sup> meeting that the public can address comments to the Board during the June 29<sup>th</sup> meeting.

MOTION: BRAD JACKSON

TO: Set June 29<sup>th</sup>, 2004 to meet with the public and address their comments and questions.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF EEOC COMPLAINT:**

County Attorney Mike Miner stated that the county is currently involved with two (2) law suites involving EEOC complaints. At this time the discovery is not yet complete. Miner will keep the Board of Commissioners informed of any progress.

**IN THE MATTER OF MIDWEST TILE VS WEIGAND:**

County Attorney Mike Miner stated that the county is involved in a lawsuit over the construction of the new Justice Building. The suit involves Midwest Tile and Weigand. Miner explained that this is a Subcontractor vs Contractor lawsuit in which the county is the middleman because it involves construction of a county building. Miner will keep the Commissioners informed of any progress.

**IN THE MATTER OF COMPLIANCE WITH HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA):**

County Administrator Ron Robinson stated that the county is on target for the April 13, 2004 deadline for compliance with HIPAA. The required training for employees will be held April 7, 2004.

**IN THE MATTER OF MARKING COUNTY VEHICLES:**

County Administrator Ron Robinson stated that a request had been presented to the Board of Commissioners approximately a year ago to mark all county maintained vehicles. Robinson presented a letter to the Commissioners for approval and signatures requesting all vehicles to have permanent lettering.

MOTION: AVIS GUNTER

TO: To approve and sign the letter as

SECOND: BRAD JACKSON presented.  
AYES: 3 NAYS: 0  
UNANIMOUS

**BOARD OF COMMISSIONER  
KOSCIUSKO COUNTY, INDIANA**

**Commissioners:**  
**Ronald D. Truex, President**  
**Avis B. Gunter**  
**Bradford L. Jackson**

TO: All Departments with county owned vehicles  
DATE: March 23, 2004  
RE: Department/County identification on vehicle

The Board of Commissioners has ordered that all county vehicles have permanent marking and identification on the doors. The only exceptions are those vehicles in the Sheriff's Department specifically designated to be unmarked.

The County is currently negotiating with a business to provide the approved identification for all eligible vehicles. The date the vendor is selected all work will be completed within 30 days from that date.

Any questions, contact one of the Commissioners.

Sincerely,  
Kosciusko County Board of Commissioners

**IN THE MATTER OF COUNTY ADMINISTRATOR AUTHORITY FOR CONTRACT  
NEGOTIATIONS:**

County Administrator Ron Robinson made request that the Board of Commissioners authorize the County Administrator to sign contracts up to \$10,000.00. These are generally annual contracts. The County Administrator has the authority to sign for purchases and would like to include the authority to sign contracts on a limited basis. Robinson stated that the information regarding any signed contract would be presented to before the Board of Commissioners at the next scheduled meeting.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: To grant authority to the County Administrator to sign contracts not to exceed a commitment of \$10,000.00 and with the condition that all information be presented before the Board at the next scheduled meeting.

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

**KOSCIUSKO COUNTY COMMISSIONERS  
APRIL 6, 2004**

The Kosciusko County Commissioners met for their regular meeting on March 23, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT  
AVIS GUNTER  
BRAD JACKSON

MIKE MINER, COUNTY ATTORNEY  
SUE ANN MITCHELL, COUNTY AUDITOR  
RON ROBINSON, COUNTY ADMINSITRATOR

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 SRI, INC. COMMISSIONERS' TAX SALE CONTRACT:**

Holly Theyssen from SRI, Inc. presented a copy of the contract for approval and signature for the Commissioner's Tax Sale. Costs include \$100 fee per parcel for notices, and an 18 % commission. A local abstract company has agreed to do the title search for \$50 per parcel. All back taxes must be paid at the time of purchase. Mike Miner stated he has reviewed the contract and his only questions were regarding the county's liability for environmental issues on any properties.

Theyssen stated that the laws allow for the county to sell the property without cleaning them up but

the new purchaser will be required to do clean up. Theyssen further stated that SRI is working with a company which purchases properties with environmental issues and then does the clean-up and seeks restitution from the companies which caused the contamination. SRI will work with this company for Kosciusko's Commissioners' Tax Sale.

MOTION: AVIS GUNTER

TO: To approve and sign the contract with SRI, Inc. for the Commissioner's Sale as presented.

SECOND: RON TRUEX

AYES: 2 NAYS: 0

UNANIMOUS

### **COMMISSIONERS TAX SALE SERVICES ADDENDUM**

As part of and in accordance with the SRI Services Master Agreement (the "Agreement") between SRI, Incorporated ("SRI") and KOSCIUSKO County (the "County") dated 04-06-2004, the County elects to obtain and, upon acceptance hereof, SRI agrees to provide such services as herein defined in accordance with the terms of the Agreement and this Addendum.

#### **I. Description of SRI Services.**

The Commissioners' tax sale services to be provided by SRI, or as subcontracted by SRI, are more specifically described as follows:

- (a) From various reports, data and information to be provided by the County Auditor, County Treasurer, and County Commissioners, SRI agrees to:
  - (i) Prepare a list of properties eligible for sale at Commissioners sale (the "Tax Sale List");
  - (ii) prepare a work plan of events and procedures required to carry out the sale pursuant to IC36-1-11 (the "Work Plan")
  - (iii) provide for appraisal of the property as provided by statute;
  - (iv) prepare all notices, publications, postings and other documents required to dispose of property pursuant to statute;
  - (v) prepare all applicable forms and records prescribed or approved by the State Board of Accounts;
  - (vi) conduct the sale or auction of properties; and
  - (vii) work with the County Attorney or his designee in preparing all petitions for transfer of property;
  - (viii) provide such other services as detailed in a work plan as approved by the President of the Board of Commissioners.
- (b) SRI further agrees to provide a schedule of properties and sale dates to the County Commissioners for their information prior to the sale. SRI will provide the County with periodic reports of properties offered for sale, properties sold and fees collected. SRI will provide sufficient staff to carry out the sale of properties in accordance with the schedule, the Agreement and this Addendum.

#### **II. Description of County Services**

The County, through the County Auditor, County Treasurer, County Assessor and County Commissioners agree to:

- (a) provide all information as requested by SRI;
- (b) publish and post all notices, including those prepared by SRI, as required by statute;
- (c) file such petitions or other actions with the Court as required
- (d) conduct any and all hearings as required by statute;
- (e) prepare and adopt all resolutions as required;
- (f) review and approve all deeds as prepared by SRI and reviewed by the county Attorney or his designee; and
- (g) contract for or conduct title searches of each property to be sold at Commissioners' Sale;
- (h) provide all information, support and assistance as agreed to in the Work Plan
- (i) work with SRI to assure a timely and valid sale of those properties on the Tax Sale List.

The County agrees to make all efforts to provide Sri with accurate and timely information and prosecute the sales of the properties on the Tax Sale List to the fullest extent provided under Indiana Law.

#### **III. Fees and Expenses**

In consideration for the services provided by Sri pursuant to this Addendum and subject to the terms and conditions of the Agreement, the County agrees to pay to SRI 18% of all amounts collected for all properties sold, but not less than \$3,000.00. If one or more properties are

transferred pursuant to IC6-1.1-25-4.1, then the cost for each of the subject properties will be submitted after said property has been identified.

In addition to the fees set forth above, SRI shall be entitled to \$100.00 to be paid by the County for each property upon which any of the items in Section I (a)(iv) have been prepared and distributed or published.

The County shall pay in addition to the fees and costs outlined above the costs of all appraisals, postage, publication, hearings required by statute, filing fees and all fees payable to legal counsel for review of petitions, deeds and other services.

The County shall pay SRI monthly based on the submission by SRI of fully itemized claims based upon the services and fees set forth herein.

#### **IV. Property Removed From Sale**

The county shall not remove property from the Tax Sale List without written notice to SRI. If the property is removed from the Tax Sale List and not sold or transferred by the County, SRI shall be entitled to \$100 per property for services rendered plus any and all costs of sale due SRI attached to such property. If the property is removed from Tax Sale List and sold or transferred prior to or at sale, the SRI shall be entitled to the following fees for that property:

- 1) where no appraisal is made prior to disposition: 20% of Assessed Value
- 2) where appraisal is made prior to disposition: 18% of Appraised Value

#### **V. Termination**

This addendum may be terminated by either party upon thirty (30) days written notice to the other party at the addresses specified in the Agreement.

In the event this Addendum is terminated by the County, SRI shall be entitled to go forward to sale with all properties upon which a title search has been contracted for or search begun by SRI and collect all fees thereon due and owing. In the event the County elects not to hold the sale then SRI shall be entitled to the fees set forth in the Addendum for notices, plus an additional \$50 per property on which SRI has provided services under the agreement.

In the event the Addendum is terminated by SRI, the County shall be entitled to all documentation prepared by SRI and for which the County has paid the fees set forth in the Addendum.

#### **VI. Ownership**

All software or other intellectual property developed by or for SRI or purchased by SRI and all computer equipment and accessories utilized to perform the services required of SRI under this Addendum shall remain the property of SRI and are not subject to use or dissemination by the County.

#### **IN THE MATTER OF MEDIACOM FRANCHISE AGREEMENT:**

Sue Mitchell, County Auditor, states that County Attorney Mike Miner needs to do further review prior to this agreement being signed. Mitchell recommends tabling this item until the May 3, 2004 Commissioners meeting. This will give time for review of the agreement and publication for any public input.

MOTION: AVIS GUNTER

TO: Table this item until May 3, 2004.

SECOND: RON TRUEX

AYES: 2 NAYS: 0

UNANIMOUS

#### **IN THE MATTER OF CEDAR RIDGE PARK ADDITION STOP SIGN ORDINANCE:**

Rob Ladson, County Highway Engineer, presented an ordinance to the Commissioners for approval and signature. The ordinance is for stop signs on the southwest corner of Leigh Drive and Fox Farm Road.

MOTION: AVIS GUNTER

TO: Approve and sign the ordinance as presented.

SECOND: RON TRUEX

AYES: 2 NAYS: 0

UNANIMOUS

#### **ORDINANCE 04-04-06-001S**

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

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

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

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

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

Cedar Ridge Park Addition

1. Install “Stop” sign on the southwest corner of Leigh Drive and Fox Farm Road. Leigh Drive stops for Fox Farm Road.

THIS ORDINANCE shall be in full force and effect on April 6, 2004. Passed and adopted by the Board of commissioners of the County of Kosciusko this 6<sup>th</sup> day of April, 2004.

**IN THE MATTER OF COUNTY HIGHWAY TANK MONITORING EQUIPMENT:**

Rob Ladson, County Highway Engineer, states that he has two (2) quotes for a faulty probe in the Highway’s tank monitoring equipment. One (1) unit is \$3266 and is the same brand as currently being used and the other unit is \$4845 and is a different brand. County Commissioners request that Ladson use his best judgment and purchase the unit most suited to the needs of the Highway.

**IN THE MATTER OF CLOSURE OF TURNER ROAD FOR PRIVATE WORK:**

Rob Ladson, County Highway Engineer, presented a request for a closure of Turner Road to Swan Court for private work. Ladson states the road is one-way and would therefore require covering signs and allowing two-way traffic for a period of time. Roadway would not be closed during school bus hours. Ladson recommends allowing the closure with standard requirements to be met. Owners would notify neighbors of closure, highway would cover the one-way signs, and present a certificate of liability to the highway.

MOTION: AVIS GUNTER

TO: Allow the closing of Turner Road for private work.

SECOND: RON TRUEX

AYES: 2 NAYS: 0

UNANIMOUS

**IN THE MATTER OF STATE BOARD OF ACCOUNTS BRIDGE CHANGE ORDERS:**

Rob Ladson, County Highway Engineer, presented three bridge change orders for Bridge 94 for the Commissioner’s signatures. Ladson stated that the orders were for work previously completed that the Commissioners had already approved. New forms were recently required by the State Board of Accounts. Ladson indicated the original contract sum was \$116,885.40. Change orders presented and previously approved were as follows:

Change Order 1 \$ 159 Increase

Change Order 2 \$ 6,655 Increase

Change Order 3 \$ 13,215 Increase

The new contract sum including all change orders presented will be \$ 136,914.40

MOTION: AVIS GUNTER

TO: Sign the Bridge Change Orders in the new format as previously approved.

SECOND: RON TRUEX

AYES: 2 NAYS: 0

UNANIMOUS

**IN THE MATTER OF HIGHWAY FUNDING NEWS ARTICLE:**

Commissioner Avis Gunter requested that Rob Ladson write a news article regarding highway funding. Ladson stated that he would work on doing this. Commissioner Ron Truex stated that he had recently had two (2) comments regarding the roadwork being done at CR 450. The roadwork is addressing a safety issue and not the proposed Western Route.

**IN THE MATTER OF COUNTY ATTORNEY CONFLICT OF INTEREST FORM FILING:**

County Attorney Mike Miner presented a Conflict of Interest form for the Commissioner’s approval. Miner is a minority owner of KelCon.

MOTION: AVIS GUNTER

TO: Approved the signing of the Conflict of Interest form for County Attorney, Mike Miner.

SECOND: RON TRUEX

AYES: 2 NAYS: 0

UNANIMOUS

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**IN THE MATTER OF TREES BEING REMOVED FROM THE COUTHOUSE LAWN:**

Ron Robinson, County Administrator, stated that two trees have been removed from the Courthouse lawn due to disease. Robinson stated that the State Biologist recommended removing the trees so the problem would not spread. New trees will be replanted.

**IN THE MATTER OF BUGGY PLATES:**

Sue Mitchell, County Auditor, stated that there has been a change in ordering buggy plates. Currently the county orders plates each year. Mitchell states she was able to save money by ordering plates and stickers as are used on automobiles. This will be a savings of about \$1000.00 per year to the county.

**IN THE MATTER OF CHAPMAN LAKES PARKS VACATION:**

Sue Mitchell, County Auditor, stated that Attorney Steve Snyder has withdrawn the vacation at Chapman Lakes Parks.

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

**KOSCIUSKO COUNTY COMMISSIONERS  
APRIL 20, 2004**

The Kosciusko County Commissioners met for their regular meeting on April 20, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT

AVIS GUNTER

BRAD JACKSON

SUE ANN MITCHELL, COUNTY AUDITOR

RON ROBINSON, COUNTY ADMINSTRATOR

The meeting was opened with the pledge and a word of prayer. Minutes were approved as with the exception to note that Brad Jackson was not present at the meeting held on April 6, 2004. Claims were signed and approved for payment.

**IN THE MATTER OF HOMELAND SECURITY GRANT:**

Ed Rock, Emergency Management Director, presented for approval and signature a grant for \$5076.00 to purchase air respirators. The respirators are approximately \$181 each and are to be used by certified individuals only. Rock will track certified user through the Emergency Management Office. Currently there are several certified individuals in the Fire, Law and EMS departments.

MOTION: AVIS GUNTER

TO: Approve and sign the grant as presented.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF EMERGENCY MANAGEMENT STRATEGIC PLANNING:**

Ed Rock, Emergency Management Director, extended an invitation to the Commissioners to attend a county wide strategic planning meeting at 7:00 pm in the Justice Building on April 26, 2004. Rock stated that the county must have a strategic plan for the next 3 years and the plan needs to be submitted by the end of the month. Much of the work has been done but everything needs to be finalized. Rock is requesting that a representative of each law enforcement agency, fire department, dispatch, EMS, hospital, KABS, Red Cross and other vital departments be present at the meeting. The meeting should last between 2 and 3 hours.

**IN THE MATTER OF PROVISIONAL TAX BILL FOR 2003 PAY 2004:**

Stephanie Esenwein, Kosciusko County Treasurer, appeared before the Commissioners with an update regarding the provisional tax bill. Because of cross county Schools, it has become clear that the county will need to do a provisional tax bill again this year. The benefit of doing a provisional

bill is that the county will be able to distribute money to taxing entities around the normal time of June 30<sup>th</sup>. The provisional bill will be due June 18<sup>th</sup> and will be 45% of last year's taxes. There will be additional costs for mailing to do the provisional bill. This can be paid out of reassessment funds. A reconciling bill will be due November 10<sup>th</sup>. Sue Ann Mitchell, County Auditor, stated that the county would also be able to bill mobile homes and personal property. Mitchell also stated that by doing the provisional billing the taxing entities could know where they are for 2004 and can plan 2005 budgets. Mitchell is planning a meeting with town and city councils around the end of April first of May to discuss provisional billing and other taxing issues.

**IN THE MATTER OF HIGHWAY PETROLEUM STORAGE TANK AGREEMENT:**

Rob Ladson, County Highway Engineer, presented for approval and signature the agreement for the use of a storage tank at no charge from Koch who provides petroleum for the county. The highway needed to provide proof of insurance, which has already been done, and return the signed agreement. Ladson stated that County Attorney Mike Miner has reviewed the contract.

MOTION: BRAD JACKSON TO: Approve and sign the agreement presented.  
SECOND: AVIS GUNTER  
AYES: 3 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF STATE ROAD INVENTORY AND JACKSON HEIGHTS:**

Rob Ladson, County Highway Engineer, presented for signature the Acceptance for County Maintenance for Jackson Street located in the First Addition to Jackson Heights. The county is maintaining 133' of roadway from Jackson Street to the end of First Addition. Ladson recommends accepting the roadway into county maintenance with one stipulation. There has been a basketball hoop placed along the roadway that will need to be removed. Ladson has spoken to the owners and has given 30 days for the removal of the hoop. Ladson also clarified that the Jackson Heights subdivision has no relationship to Commissioner Brad Jackson.

MOTION: AVIS GUNTER TO: Accept 133' of Jackson Street located in  
SECOND: BRAD JACKSON the First Addition of Jackson Heights into  
AYES: 3 NAYS: 0 county maintenance.  
UNANIMOUS

**KOSCIUSKO COUNTY HIGHWAY  
ACCEPTANCE FOR COUNTY MAINTENANCE**

Name of Subdivision: First Addition to Jackson Heights  
Road Name: Jackson Street: 133 feet (0.03 miles)  
From: Jackson Street To: End of First Addition  
Person(s) Requesting Acceptance: Robert D. Ladson, P.E.  
Date of Recommendation: 4-12-2003  
County Engineer's Recommendation: It is the recommendation of the Kosciusko County Highway Department that maintenance by the County for this road commence immediately  
Accepted Date: 4-20-04

**IN THE MATTER OF LAKELAND LANDFILL EPA SUPER FUND CLEAN UP SITE  
MAINTENANCE:**

Rob Ladson, County Highway Engineer, presented a contract for mowing at the Lakeland Landfill. The Landfill was part of the EPA Super Fund cleanup and one of the County's responsibilities is to mow the landfill. Ransbottom mowed the landfill last year and Ladson is presenting a renewal of the contract for signature. Ladson is requesting permission from the Commissioners to sign since funds come from the Commissioner's budget and not the Highway budget. Commissioner Ron Truex asked if the quote could be modified so that Ladson could continue to sign unless Ladson disagreed with the conditions of the contract thereby eliminating the need to present this each year. Ladson and Auditor Sue Ann Mitchell stated that the agreement could be modified and Ladson could sign as long as it was so noted in the minutes that the Commissioners had granted the approval to do so.

MOTION: AVIS GUNTER TO: Approve and sign the Ransbottom  
SECOND: BRAD JACKSON agreement and to allow auto renewal with the  
AYES: 3 NAYS: 0 County Highway Engineer signing the contract

UNANIMOUS

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unless either party wishes to withdraw.

**IN THE MATTER OF COUNTY HIGHWAY JOB DESCRIPTIONS:**

County Administrator Ron Robinson presented a request to amend two job descriptions for the County Highway Department. He noted the GIS Draftsman should be changed to Drainage Supervisor to bring the title in line with the duties. Robinson also requested the Assistant Engineer position title be changed to Drainage Foreman.

MOTION: BRAD JACKSON

TO: Approve titles for job descriptions as presented.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF LIABILITY INSURANCE QUOTES:**

County Administrator, Ron Robinson stated that he is still working on quotes for Liability Insurance and should have additional information at the next Commissioner's meeting.

**IN THE MATTER OF UPS BACKUP CENTER FOR DISPATCH:**

County Administrator, Ron Robinson requested \$13,800 for a UPS Backup for the Dispatch Center. The current backup only holds power 1-1 ½ hours which allows time for the maintenance employees to arrive at the Courthouse and power up the generator system. While Robinson doesn't anticipate the new generator failing, this would add onto existing systems to insure four hours of power. Backup systems are dedicated to 911 services and the County's computer network. Trials have been run to test the back up systems on a regular basis.

MOTION: BRAD JACKSON

TO: Approve \$13,800 for the UPS Backup Center.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF CERTIFIED ASSESSED VALUES:**

Sue Ann Mitchell, County Auditor, stated that assessed values have been certified to the Department of Local Government Finance. The quickest the County may hear back is an estimated four weeks. The rates received back will not include any of the taxing districts that make up Whitko Schools, Triton Schools, or Wa-nee Schools. Whitko is held up by Noble County that is still trying to finish 2002 pay 2003. Triton is being held up because of two school petitions the Marshall County Auditor has been required to certify. Wa-nee will be late because of delays experienced in Elkhart County. There will be additional costs for mailing to do the provisional bill. This can be paid out of reassessment funds.

**IN THE MATTER OF KYLE NEWCOMER REZONING PETITION:**

Dan Richard, Kosciusko County Area Plan Director, presented Kyle Newcomer's petition for rezoning 20 acres from AG to AG 2 or Residential. The land is located in Turkey Creek Township on the west side of 500 E and 900 N near Quaker Haven. Richard stated that the Area Plan Commission (APC) had voted 6-2 to deny the rezoning. The APC felt that there was too dense a concentration of housing. Richard also provided a soil overlay for the Commissioner's consideration. Attorney Steve Snyder appeared for the petitioner. Snyder stated that Jack Angel had previously requested rezoning on an adjacent tract. The Angel request was for rezoning to either AG 2 or Residential and the Commissioners had approved Residential. Snyder states that Newcomer's intent is to keep the back 10 acres for his personal home and subdivide the front 10 acres into 2 or 3 tracts. Snyder states that the adjacent areas are AG but this property is mostly not farmable due to wetlands.

Kyle Newcomer appeared in favor of the rezoning. Newcomer stated that his intent is as stated by Snyder. He will build a home on the back 10 acres and sell the front 10 because he has no use for them. He intends to sell in 2 tracts.

Steve Anderson appeared in opposition of the rezoning. Anderson is one of the property owners adjacent to the West. Anderson wants to know where does rezoning stop? Anderson owns the buffalo farm and is concerned about the environmental impact of additional residences. Anderson states the proposed land has been farmed for over 50 years and is more than half tillable acreage.

Anderson stated that he has no opposition to a couple of houses but does not want the impact of multiple houses.

Commissioner Brad Jackson stated that he felt there would be a better way than either fully accepting or denying rezoning requests. If the County's Ordinance could be looked at to include stipulations placed upon the petition. This would help to insure what is going to be done with the property. When questioned, Newcomer said there was no urgency in the matter.

The commissioners discussed adding additional zoning categories to further direct the number of residences to be constructed. Richard indicated some members of the APC supported that concept. He noted it would require an ordinance amendment.

Snyder stated that Newcomer would be willing to voluntarily place a restrictive covenant to limiting Newcomer to three splits. President Truex stated that it would be better to address the issue now if Newcomer was willing to do the restrictive covenants rather than wait on the ordinance revision.

MOTION: BRAD JACKSON

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve rezoning to AG II with the restrictive covenant allowing 3 splits.

**IN THE MATTER OF INEZ & OMER STUTZMAN REZONING PETITION:**

Dan Richard, Kosciusko County Area Plan Director, presented a request by Inez and Omer Stutzman to rezone a tract of land in Van Buren Township from Environmental to Agricultural. The land is located on the north side of 1300 N and 710' east of 100 E. Richard stated the APC had unanimously voted to recommend the rezoning.

Inez Stutzman appeared in favor of the rezoning. Stutzman stated that they bought the property in January in order to build a home. They did not realize it needed to be rezoned. When questioned by the Commissioners, Stutzman stated they intended to use the entire 10 acres for their personal home.

No one appeared in opposition to the rezoning.

MOTION: BRAD JACKSON

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approving the rezoning from Environmental to Agricultural.

**ORDINANCE NO. 04-04-20-001Z  
AN ORDINANCE AMENDING, AND TO AMEND  
THE ZONING ORDINANCE OF KOSCIUSKO  
COUNTY, INDIANA**

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

**ARTICLE 1.**

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

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

A tract of land in the West Half of the Southwest Quarter of Section 3, Township 34 North, Range 6 East, VanBuren Township, Kosciusko County, Indiana, more particularly described as follows:

Commencing at the southwest corner of the southwest Quarter of said Section 3, said point being marked by mag nail set over an iron pin at the centerline intersection of County Road 100 East and County Road 1300 north; thence North 89°37'12" East, along the South line of said Southwest Quarter and within the right-of-way of County Road 1300 north, 673.00 feet to a mag nail for a true point of beginning; thence North 00°13'23" West, parallel with the East line of the West Half of said Southwest Quarter, 691.40 feet to an iron pin; thence North 89°37'12" East, parallel with the South line of said Southwest Quarter, 630.00 feet to an iron pin on the East line of said West Half; thence South 00°13'23" East, along the East

line of said West half, 691.40 feet to a mag nail on the South line of the Southwest Quarter of said Section 3 and within the right-of-way of County Road 1300 North; thence South 89°37'12" West, along said South line and within said right-of-way, 630.00 feet to the Point of Beginning, containing 10.00 acres more or less.

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

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

#### ARTICLE 2.

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

Passed and adopted at a regular and duly constituted meeting of the board of Commissioners of Kosciusko County, Indiana, on 20<sup>th</sup> day of April, 2004.

#### **IN THE MATTER OF CHRIS LOZIER REZONING PETITION:**

Dan Richard, Kosciusko County Area Plan Director, presented a request by Chris Lozier to rezone 10 acres in Wayne Township from Agricultural to Residential. The tract of land is located on the west side of 175 E and 1200' south of 200 N. Richard stated the APC voted unanimously to rezone. Chris Lozier appeared in support of the rezoning. Lozier stated his intent is to sell the property and he is rezoning for a new buyer.

Joyce Herendeen appeared in opposition. Herendeen's property adjoins the tract on two sides. While she does not strictly oppose the rezoning she has questions. She is concerned about the "T" road at 175 E. With increased traffic from the subdivision, trailer court and Walmart, Herendeen is concerned about adding additional traffic if another subdivision is allowed to be built. Also, vision on the roadway where there is a hill is a concern.

Herendeen questioned how many homes could conceivably be built on the 13 acres and whether apartments could be built. Richard stated that a high estimate would be around 26. Richard also stated that apartments would require a special appeal but if lot sizes were large enough duplexes could be built. Drainage was discussed and Herendeen was assured that flooding should not be an issue as new plats would be required to provide holding areas so that ditches would not flood. Herendeen questioned how surrounding property owners would be notified of changes made to the land. Richard stated that public notices would be sent out just as they were for the rezoning.

MOTION: AVIS GUNTER TO: Approve the rezoning from Agricultural to  
SECOND: RON TRUEX Residential.  
AYES: 2 NAYS: 0 ABSTAIN: 1  
PASSED

#### **ORDINANCE NO. 04-04-20-002Z AN ORDINANCE AMENDING, AND TO AMEND THE ZONING ORDINANCE OF KOSCIUSKO COUNTY, INDIANA**

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

#### ARTICLE 1.

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

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

A tract of land in the Southwest Quarter of the Northeast Quarter of Section 3, Township 32 north, Range 6 East, in Kosciusko County, Indiana, more accurately described as follows: Beginning at the Northwest corner of the Southwest Quarter of the Northeast Quarter of said section; thence North 88 degrees 33 minutes East 953 feet to a Railroad iron Spike at

the intersection of the centerline of County Road 175 East and the north line of County 175 North; thence South 6 degrees 27 minutes West along the centerline of County Road 175 East, 315 feet to a point; thence South 88 degrees 33 minutes West 215 feet to an iron pipe; thence South 6 degrees 27 minutes West 205.2 feet to an iron pipe; thence north 81 degrees 44 minutes West 168/8 feet to an iron pipe; thence south 6 degrees 27 minutes West 227 feet to the centerline of the McCarter Ditch; thence North 81 degrees 44 minutes West along the centerline of said ditch 498 feet to a fence; thence North 662.2 feet to the Place of Beginning and containing 13.0 acres.

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

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

#### ARTICLE 2.

Section 1. This ordinance shall be in full force and effect from and after its passage. Passed and adopted at a regular and duly constituted meeting of the board of Commissioners of Kosciusko County, Indiana, on 20<sup>th</sup> day of April, 2004.

#### **IN THE MATTER OF CONSIDERATION OF AMENDMENTS TO ZONING ORDINANCE:**

Dan Richard, Kosciusko County Area Plan Director, stated he needs to look further at amendments to the zoning ordinance before making recommendations to the Commissioners. Richard requested the matter be tabled for two weeks.

#### **IN THE MATTER OF VACATION AT 13 SOUTH STORAGE CONDOMINIUMS, INC AND DEBRA K. THOMPSON:**

Dan Richard, Kosciusko County Area Plan Director, stated that Attorney Steve Snyder and the petitioners appeared before the APC to further discuss the vacation at 13 South Storage Condominiums. Snyder stated that APC agreed to allow the vacation and establish an easement and to return to the Commissioners. There are two ways to handle this. One is through a Vacation the other is through re-platting. Richard recommends re-platting. Richard believes a revised plat needs to be done.

Attorney Steve Snyder stated he appeared for the petitioners. Snyder stated that he does not feel that a replat is necessary. Snyder stated his notes from APC noted the motion was to authorize the vacation subject to establishment of an easement for lots 1 & 2 by a vote of 6-1. Snyder stated he did not understand why there is such a big deal about approving the vacation. Snyder stated that a Vacation is the only way to clearly establish that the roadway is not for public use. Replatting would be an additional unnecessary expense for Snyder's clients. Snyder stated that the petitioners had done what was required by the Commissioners and has the Easement for the property ready to record. He stated that was the Commissioner's wishes. Snyder stated he did not believe the Commissioners denied the request when presented earlier. Richard stated that the APC attorney Mike Reed recommended the replat.

Bob Sanders spoke from an abstractor's perspective. Sanders states that he agrees with Snyder. If Sanders were looking at the original plat and did not find a Vacation he would not consider the roadway vacated.

Matt Sandy stated the Commissioners denied the vacation on February 24, 2004. Commissioner Truex stated that if this were true there is no point in further discussing this issue because the Vacation would have to be re-advertised. Discussion followed and minutes were pulled for the February 24, 2004 meeting. A motion to deny was found. Truex stated the Vacation would need to be re-advertised.

Snyder states that if it is the intent of the Commissioners to approve the Vacation then he will readvertise. He was instructed to re-advertise the vacation.

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

## **KOSCIUSKO COUNTY COMMISSIONERS MAY 3, 2004**

The Kosciusko County Commissioners met for their regular meeting on May 3, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT  
AVIS GUNTER  
BRAD JACKSON

MIKE MINER, COUNTY ATTORNEY  
SUE ANN MITCHELL, COUNTY AUDITOR  
RON ROBINSON, COUNTY ADMINSTRATOR

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 INTEROPERABLE COMMUNICATION GRANT:**

Emergency Management Director, Ed Rock, informed the Commissioners that he had received the check for \$160,000 for the Interoperable Communication Grant for Homeland Security.

### **IN THE MATTER OF 2004 INDIANA HOMELAND SECURITY SUBGRANT:**

Emergency Management Director, Ed Rock, presented for approval and signature a grant application for the 2004 Indiana Homeland Security Sub-grant. The application will be submitted by May 14<sup>th</sup> 2004. Within 60 days the county will be notified if they will receive funding from the grant. There is no cash match for this grant.

MOTION: BRAD JACKSON

TO: Approve and sign the grant application as submitted.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

### **IN THE MATTER OF COUNTY WIDE EMERGENCY MANAGEMENT MEETING:**

Emergency Management Director, Ed Rock, wished to thank the Commissioners for their attendance at the meeting with the emergency responders of the county this past week. Rock stated he thought it was a good time for the emergency responders to voice their opinions and a good chance for the Commissioners to listen and comment. Commissioner Truex wanted to congratulate Rock on a well run and informative meeting. Commissioner Gunter agreed and stated that she would be attending the meetings listed in the letter sent by Rock.

### **IN THE MATTER OF KABS 1<sup>ST</sup> QUARTER OPERATION FUNDS REPORT:**

Rita Baker, KABS Representative, appeared before the Commissioners with the KABS 1<sup>st</sup> Quarter Operational Funds Report. Commissioner Gunter stated that KABS had received a good report for audit this year. Baker stated that only a couple of very small things had been found.

MOTION: BRAD JACKSON

TO: Approve and sign the report as presented.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

### **IN THE MATTER OF AREA PLAN COMMISSION ZONING ORDINANCES AMENDMENT:**

Matt Sandy, Assistant Area Plan Director, appeared before the Commissioners with an amendment to the county zoning ordinance. Issues include signage, lighting on commercial towers, forgiving second owner, multi-family home designation, expanded parking as exception for multi-family homes. Also added penalty to \$2500 cap for flood control. The Commissioners took a break to review the ordinance changes.

After returning from break the motion was made by Brad Jackson to approve the changes and exceptions. Jackson stated he would like to include in this motion the change to add penalties after 30 days notice of violations unless the violation is a public health and safety issue.

MOTION: BRAD JACKSON  
SECOND: AVIS GUNTER  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Approve the changes and exceptions as presented adding a change for penalties to start to accrue after 30 days notice of violation unless they are a public health and safety issue.

**Ordinance #: 04-05-03-001Z**

**AN ORDINANCE AMENDING, AND TO AMEND THE KOSCIUSKO COUNTY ZONING ORDINANCE, ORDINANCE NUMBER 75-1; THE KOSCIUSKO COUNTY SUBDIVISION CONTROL ORDINANCE, ORDINANCE NUMBER 72-2; AND THE KOSCIUSKO COUNTY FLOOD CONTROL ORDINANCE, ORDINANCE NUMBER 87-1**

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

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

**2.13 Uses:**

**2.13.1 Permitted Uses:** The permitted uses for each District are shown in Table A. The uses that are listed for the various districts shall be according to the common meaning of the term or according to the definitions given in Article 8 of this Ordinance. Uses under this section shall not occur or be permitted within any right-of-way, thoroughfare and/or access easement, excluding public utilities.

**2.13.2 Exceptions:** The exceptions for each District that may be permitted by the Board of Zoning Appeals are shown on Table A. The Board of Zoning Appeals shall follow the provisions of the Exceptions sections when considering any application for an Exception. Uses under this section shall not occur or be permitted within any right-of-way, thoroughfare and/or access easement, excluding public utilities.

**Residential**

Permitted Uses	Exception Uses
1. Churches, temples, or other similar places of worship 2. College Buildings & Grounds 3. Public & Parochial Schools 4. Public Parks & Playgrounds 5. Single Family Dwellings 6. Two – Family Dwellings 7. Accessory Uses 8. Essential Uses 9. Private Swimming Pool 10. Grain Farming 11. Home Office	1. Agriculture 2. Multi-Family Dwellings 3. Cemeteries 4. Fire Station 5. Funeral Homes 6. Home Occupations 7. Mobile Home Parks 8. Municipal Buildings & Libraries 9. Nursery Schools 10. Nursing Homes 11. Parking Lots 12. Planned Unit Developments 13. Private Clubs 14. Public Utility Buildings 15. Rooming Houses 16. Public or Semi public Swimming Pools 17. Water & Sewage Treatment Plants 18. Marinas, when this property is adjacent to a lake, river, or stream 19. Accessory uses located on a lot or tract separate from the principal use.

**Table F: Parking Requirements**

Use	<u>Parking Spaces Required</u>
Single Family, Two-Family Residential	2 per dwelling
Multi-family	4 per dwelling unit *
Church, Temple, & School	1 per 4 seats in principal assembly room

Hotel, Motel, & Boarding School	1 for each living or sleeping unit
Private Club or Lodge	1 per 4 members
College, Residential Hall, Fraternity, or Sorority	1 per 4 occupants
Theater	1 per 4 seats
Hospital or Rest Home	1 per 3 beds & 1 for each 2 employees on maximum shifts
Professional Offices, Wholesale Houses, & Medical Clinics	1 for every 250 square feet of floor space
Retail Businesses, Eating & Drinking Places, & Personal Service Establishments	1 for every 100 square feet of area
Bowling Alleys	5 for each lane
Recreational or Assembly Places e.g., Dance Halls, Night Clubs, Funeral Homes, Public Buildings	1 for every 100 square feet of service floor space
Industrial	1 for each 2 employees on maximum shift

- All above parking spaces shall be a minimum of 180 square feet in size.
- In instances, that the above calculations produce a partial space the number will be rounded up.
- For Multi-family parking requirements, any enclosed or covered parking area will be factored toward the total required spaces.

3.19 **Signs:** In order to effectively advance the goals of traffic safety and aesthetics in Kosciusko County, the following regulations apply to the placement and maintenance of signs in the county. All signs listed under this section of the ordinance, with the exception of sections 3.19.1, 3.19.3, and 3.19.11, shall obtain an approved sign permit prior to placement/construction. In order to obtain said permit a completed sign permit accompanied by a site plan shall be provided to our office. For those signs located on or along State Regulated Right-of-Ways, state permits must be obtained and presented prior to the issuance of any county permits.

3.19.2 Thirty-two (32) square foot of signage is permitted in connection with any church, temple, school, or similar public building. No sign under this section may be located closer then thirty-five (35) foot to an intersection. (Signage shall be calculated according to total signage on site.)

3.25 **Communication Towers**

3.25.10 All towers, when required under federal law to be lit, shall be lit in such a fashion that the lighting is non-obtrusive which may include but is not limited to alternating lighting; white light during daylight, red light at night.

4.11 **Fees:** No fee shall be charged if an application is made and Improvement Location Permit/Occupancy Permit/Sign Permit is issued prior to the start of construction or occupancy. Also, no fee shall be charged if an application is made and Improvement Location Permit/Occupancy Permit/Sign Permit is issued to the current property owner subsequent to a prior property owner failing to obtain the proper permits. If construction is commenced or occupancy effected prior to the issuance of the applicable permit, the following schedule shall apply.

**Dwelling, Multi-Family:** A residential building designed for three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided. This may include but is not limited to apartments or condominiums.

**ARTICLE 2: That the Kosciusko County Subdivision Control Ordinance be amended as follows:**

202.27 -**Subdivision**: The division of any parcel of land shown as a unit, part of a unit, or as contiguous unit on the last preceding transfer or property, prior to March 1, 1975, into four (4) or more parcels, sites, or lots for the purpose, whether immediate or future, for the transfer of ownership; or the improvement of one or more parcels of land for Agricultural, Residential, Commercial, or Industrial structures or groups of structures involving the division and allocation of land as streets or other open spaces for common use by owners, occupants, or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

The following shall not be considered a subdivision and shall be exempt from the requirements of this Ordinance:

- a. The division of land for into parcels or tracts of twenty (20) acres or more in size which does not involve any new streets or easements of access (For the purpose of this subsection the road right-of-way shall be included into the calculations as surveyed).

**306 Final Plat:** The final plat shall conform substantially to the preliminary plat as approved. In the instance that a guarantee is posted, as noted in section 306.1c, all improvements shall be completed within a three (3) year period. In the instance that the developer does not complete such improvements the Plan Commission shall draw on the guarantee to install said improvements.

306.1 The final plat shall be accompanied by:

- a. Two (2) black or blue line prints and one (1) 18" x 24" reproducible print of the plat on Mylar or linen.
- b. A certificate that all improvements required by this Ordinance and all other applicable Federal, State, or County laws have been installed in that subdivision in strict accordance with the specifications filed with the Plan Commission; or
- c. An adequate guarantee, approved by the County Area Plan Commission, and drawn to Kosciusko County, that the improvements will be subsequently installed which may be, but not necessarily limited to, the following:
  - 1. A bond, which is automatically annually renewed, which shall be in favor of the Board in an amount to be fixed by the County Area Plan Commission sufficient to complete the improvements in compliance with the terms and provisions of this Ordinance; or

**403 Preliminary Plat:** The following maps and data, prepared and certified by a professional land surveyor licensed in the state of Indiana, shall be submitted with the application for primary approval. These maps and data may be on separate sheets or combined on one sheet, depending upon the size and complexity of the proposed subdivision.

**404 Final Plat:** The final plat and data, prepared and certified by a professional land surveyor licensed in the state of Indiana, shall be drawn to a scale of not less than one hundred (100) feet to one (1) inch. The final plat shall be drawn in ink on tracing cloth or other permanent plastic base that will be eighteen (18) inches by twenty-four (24) inches. The final plat shall show the following:

404.4 IC 36-9-27-33, shall be placed on the face of all recorded plats that are effected by any county maintained or regulated ditches or tiles.

**ARTICLE 3: That the Kosciusko County Flood Control Ordinance be amended as follows:**

2.7 Lowest Floor: The lowest floor of the following:

- a. The top of the basement floor as defined by the Federal Emergency Management Agency;
- b. The top of the garage floor, if the garage is the lowest level of the building;
- c. The top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
- d. The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
  - 1. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square inch for every two (2) square feet of enclosed floor area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above the enclosed area's floor.
  - 2. Such enclosed space be usable for non-residential purposes and building access.

7.3 Violations and Penalties: No person, including but not limited to, any owner or real estate subject to this ordinance, any lessee thereof, or any agent or contractor shall locate, erect, construct, reconstruct, enlarge, change, maintain, or use any structure or land in violation of any regulation or provision of this Ordinance or of any regulation promulgated here under by the Board of Zoning Appeals. Any structure or use that violates this Ordinance shall be deemed to be a public nuisance, and the owner, lessee, agent or contractor, as the case may be, shall be liable for maintaining a public nuisance. Any person who violates any provision of this ordinance shall be guilty of an ordinance violation, and upon conviction, shall be fined not less than ten dollars (\$10.00) and not more than three hundred dollars (\$300.00) with a maximum total penalty not exceeding two thousand five hundred dollars (\$2,500.00). Violation penalties shall begin to accrue thirty days (30) from initial attempted notification. In instances where a violation is found to be injurious to the public health and or safety, penalties shall be incurred from the date of notification. Any

enforcement action may be instituted in the name and against the owner and/or the party actually responsible for the violation of this ordinance.

**ARTICLE 4: ADOPTION**

The Kosciusko County Commissioners shall adopt these Revisions and Amendments on the 3rd day of May 2004. These Revisions and amendments shall be in full force and effective on the 3rd day of May 2004 from and after its adoption and publication.

**IN THE MATTER OF DRAINAGE ONTO RIGHT OF WAY ORDINANCE:**

Rob Ladson, County Highway Engineer, presented a copy of a drainage ordinance to the Commissioners for their review. Ladson stated there are a few wording changes which need to be made and then he will present it at the next Commissioner's meeting. If the Commissioners have other questions or changes they can notify Ladson.

**IN THE MATTER OF INDOT MAPPING OF COUNTY ROADWAYS:**

Rob Ladson, County Highway Engineer, stated he had received a phone call from the INDOT branch that keeps track of road mileage. They are implementing a GIS program and they have several spots which the county does not maintain the roads. Ladson presented paperwork for Commissioners signatures to remove these roadways from the State's mapping.

MOTION: AVIS GUNTER

TO: Sign the paperwork as presented.

SECOND: BRAD JACKSON

AYES: 3            NAYS: 0

UNANIMOUS

**IN THE MATTER OF MCCLURE LAKE SUBDIVISION ROADWAY UPGRADE INQUIRY:**

Rob Ladson, County Highway Engineer, stated the first 700 feet of the road in McClure Lake Sub Division was put in, approved and recorded. The letter of credit was allowed to expire. This all happened many years ago. Ladson received a letter from an attorney because the APC will not issue building permits at this time. The current owner requested information on what they need to do to finish the roads and get permits to build. Based on other conversations on other subdivision it is Ladson's understanding that the county will follow existing requirements for road standards currently in place. Ladson would like verification that this is correct before he responds to the attorney. There was unanimous consensus from the Commissioners that this was correct. The road would need to be brought up to today's standards.

**IN THE MATTER OF SILVER LAKE DAYS ROAD CLOSURE REQUEST:**

Rob Ladson, County Highway Engineer, received a letter from the State stating they will not process the road closure for Silver Lake Days unless the Commissioners sign paperwork stating that the county will not hold the state responsible for any road damage caused during the rerouting of traffic. Ladson gave the paperwork to the Commissioners for their signatures.

MOTION: AVIS GUNTER

TO: Sign the paperwork to not hold the State of Indiana responsible for road damage due to the closing of State Road 14 during Silver Lake Days.

SECOND: BRAD JACKSON

AYES: 3            NAYS: 0

UNANIMOUS

**IN THE MATTER OF WATER OVER ROAD:**

Rob Ladson, County Highway Engineer, presented photographs of an area where water is running over the roadway. Ladson stated that the Highway has done an exploratory dig to see if there was an old tile that was broken or plugged and they could not find one. Ladson questioned the Commissioners as to whether a culvert should be installed. The property owner does not want this to happen. Ladson has spoken with County Attorney Mike Miner and the county does have the right to go ahead and install a culvert. In the past the county has always tried to work it out with the property owner. Mike Miner stated it does not matter whether the water is running over or under the road, it is still the county's responsibility. Ladson has been working with the owner to explain the need and purpose of the culvert. Ladson's recommendation is to go ahead with installation of the culvert. Rip Rap will be used to slow down and disburse the water.

MOTION: AVIS GUNTER

TO: Install the culvert.

SECOND: BRAD JACKSON

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AYES: 3 NAYS: 0  
UNANIMOUS

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**IN THE MATTER OF BRIDGE 250 UPGRADE:**

Rob Ladson, County Highway Engineer, stated that the Highway is in preliminary engineering on bridge 250 in North Webster. Ladson will be meeting with the property owners on May 29<sup>th</sup> 2004 at 6:00 pm.

**IN THE MATTER OF BRIDGE 226 UPGRADE:**

Rob Ladson, County Highway Engineer, stated that the Highway Department has received the DNR permits for bridge 226 in front of the wastewater treatment plant in Warsaw. Ladson will be opening bids in June.

**IN THE MATTER OF EMAIL RECEIVED BY THE TREASURERS OFFICE:**

Sue Ann Mitchell, County Auditor, read an email received by the Treasurer's Office. The email questioned why the employees in the Treasurer's Office still had jobs when the tax bills were not yet sent. The writer stated where they worked if they could not get their jobs complete then they would be fired. The writer wanted to know who to contact about this. Mitchell stated that she wanted to make it perfectly clear that the delay in mailing tax bills was in no way related to the Treasurer's Office. Values were not given to the Auditor's Office until around March 18<sup>th</sup> 2004. These were values that should have been to the Auditor's Office by July 1<sup>st</sup> 2003. Furthermore, Kosciusko County is waiting on surrounding counties to complete their information. Commissioners stated they fully understood the reason for the delay and understood Mitchell's need to clarify the situation for others. They encouraged Mitchell to respond to the email. Mitchell stated she would.

**IN THE MATTER OF COUNTY TAX RATES FOR 2003 PAY 2004:**

Sue Ann Mitchell, County Auditor, stated that the county has received information on the tax rates and Mitchell will give the information to the Commissioners as soon as she processes what was returned.

**IN THE MATTER OF PROVISIONAL BILLING :**

Sue Ann Mitchell, County Auditor, stated that she had been in contact with the Department of Local Government Finance (DLGF). The DLGF is stating that provisional billing must be done at a 90% rate. However, since Kosciusko County has proven in the past that it is capable of doing a provisional bill the DLGF is looking at granting permission to bill at 45%. No final decision has been made at this time.

There was no further business to come before the Commissioners.

## **KOSCIUSKO COUNTY COMMISSIONERS**

### **May 18, 2004**

The Kosciusko County Commissioners met for their regular meeting on May 18, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, Indiana.

Those present were:

RON TRUEX, PRESIDENT

MIKE MINER, COUNTY ATTORNEY

AVIS GUNTER

SUE ANN MITCHELL, COUNTY AUDITOR

BRAD JACKSON

RON ROBINSON, COUNTY ADMINSTRATOR

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 APPLICATION:**

Ed Rock, Emergency Management Director, stated that \$111,000 had been attached to the Homeland Security grant. The monies are for aerial photos. The county would have spent the money to have the photos done in the future but now the grant will cover the cost.

**IN THE MATTER OF KABS LETTER OF INTENT TO APPLY FOR GRANT 2005:**

Rita Baker from  
Kosciusko Area  
Bus Service  
(KABS) presented a  
letter to the  
Commissioners that  
stated KABS intent  
to apply for  
\$600,000 in grant  
money. \$84,000  
would be used for  
operation  
expenses.

BRAD JACKSON

TO: Sign the letter of intent as presented.

MOTION:

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF MEDIACOM FRANCHISE AGREEMENT:**

Sue Ann Mitchell, County Auditor, presented the Mediacom Franchise Agreement for signature. Mitchell stated County Attorney Mike Miner reviewed the agreement. Miner stated the franchise fee was previously set at 3%. This is equal to the other TV cable provider in the county. The agreement is valid through 2019 as long as both parties agree.

MOTION: BRAD JACKSON

TO: Sign and approve the Mediacom Franchise Agreement at 3%.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF BROOKSHIRE SUBDIVISION STOP AND YIELD SIGNS:**

Rob Ladson, County Highway Engineer, presented and ordinance for Brookshire Subdivision stop and yield signs. Ladson stated that the signs had been put in place but the ordinance was never signed. Commissioner Ron Truex questioned how signs could be placed without an ordinance. Ladson stated these signs had been in place for several years and the ordinance was simply overlooked. Today the developer puts up the signs and the County Highway inspects them. Truex questioned whether anyone could purchase signs and put them up. Ladson stated people could purchase signs and if they wanted to use them for wall hangings the County Highway would rather have them contact them to purchase one than have them remove one from a roadway and causing an accident.

MOTION: BRAD JACKSON

TO: Approve the stop sign and yield ordinances for Brookshire Subdivision as presented.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

**ORDINANCE 04-05-18-001STOP**

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

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

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

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

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

**Brookshire Addition:**

1. Install “Stop” sign on the southeast corner of Paxton Drive and Clover Lane.
2. Install “Stop” sign on the southeast corner of Paxton Drive and CR 200 S.
3. Install “Stop” sign on the southwest corner of clover Lane and CR 150 W.

THIS ORDINANCE shall be in full force and effect on May 18th, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 18<sup>th</sup> day of May, 2004.

**ORDINANCE 04-05-18-001Y**

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

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

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

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

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

Brookshire Addition:

1. Install “Yield” sign on the southwest corner of Briaridge Road and Clover Lane.
2. Install “Yield” sign on the northeast corner of Briaridge Road and Paxton Drive.

THIS ORDINANCE shall be in full force and effect on May 18<sup>th</sup>, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 18<sup>th</sup> day of May, 2004.

**IN THE MATTER OF HEPLER DRIVE SPEED LIMIT CHANGE:**

Rob Ladson, County Highway Engineer, stated that he had received a request from the City of Warsaw to change the speed limit on the county portion of Hepler Drive in Brookwood Subdivision from 20 mph to 30 mph to equal the speed limit on the Warsaw City limit sections. Ladson stated that a traffic count had not been done but that it made common sense to change to 30 mph for uniformity. He recommend this to the Commissioners. Commissioners questioned whether the old ordinance would need to be repealed. Ladson stated that the new ordinance being presented would take care of repealing the old ordinance.

MOTION: BRAD JACKSON

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

TO: Repeal the old 20 mph speed limit ordinance on Hepler Drive in Brookwood Subdivision and approve a new 30 mph ordinance as presented.

**ORDINANCE 04-05-18-001S**

An Ordinance establishing speed limits on various County Roads, all within Kosciusko County, Indiana; and

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

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

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

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

1. Repeal ordinance for 20 mph speed limit for Brookwood First Addition. (Recorded date: 25 Com.Rec.373; Aug 2& 3, 1971) State Statue for residential area is 30 mph.

THIS ORDINANCE shall be in full force and effect on May 18<sup>th</sup>, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 18<sup>th</sup> day of May, 2004.

**IN THE MATTER OF COUNTY HIGHWAY ANNUAL OPERATIONAL REPORT:**

Rob Ladson, County Highway Engineer, presented for signature the County Highway Annual Operational Report. Ladson stated the report was ready to send in February but the State changed the forms and the report had to be redone.

MOTION: AVIS GUNTER

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

TO: Sign the report as presented.

**IN THE MATTER OF DRAINAGE DISCHARGE ORDINANCE:**

Rob Ladson, County Highway Engineer, presented an ordinance that regulates the discharge from private drains and tiles to county roads or right-of-way. Ladson stated this ordinance had been presented to the Commissioners for their review prior to the meeting and questioned whether the Commissioners had any changes to the ordinance. The new ordinance decreases fees on violations and clarifies some areas. County Attorney Mike Miner has reviewed. If Commissioners have no changes then Ladson recommends approving the ordinance. Again, this would repeal the old ordinance. No changes were recommended.

MOTION: BRAD JACKSON

TO: Approve the drainage discharge ordinance as presented.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

#### **ORDINANCE 2004-05-18-001DRAINS**

##### **AN ORDINANCE REGULATING DRAINAGE DISCHARGES FROM PRIVATE DRAINS, TILES AND OTHER DISCHARGES ON TO COUNTY ROADS AND / OR COUNTY ROAD RIGHT-OF-WAYS AND FIXING PENALTIES FOR VIOLATION THEREOF**

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

WHEREAS, THE BOARD OF COMMISSIONERS has the authority to establish service charges reasonably related to the cost of services provided; and

WHEREAS, THE BOARD OF COMMISSIONERS has determined that the unregulated drainage discharges from private drains and other sources on to county roads and county road right-of-ways may create a hazard to the health and safety of the users of the county highway system.

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

I. This ordinance replaces Ordinance 87-7 enacted on December 8, 1987.

II. Definitions:

- a. The term "Road" means the driving surface and refers to any type of surface such as asphalt, concrete, or gravel.
- b. The term "Right-of-way" means the land under the driving surface and beyond the edges of the driving surface that the Public has the right to use and the Board of Commissioners has the right to control.
- c. The term "County Highway Engineer" means the Kosciusko County Engineer / Superintendent.
- d. The term "Drainage Discharge" means any draining of water or other liquid from a watercourse, creek, river, stream, ditch, swale, tile, drain, sewer, basement drain, roof drain, sump pump, septic field drain, or similar private drain. It does not include eave spouts from a single-family dwelling or duplex.
- e. The term "Eave spout" means a pipe that drains rainwater from a roof during a rainstorm.
- f. The term "Single Family Dwelling" means a detached residential dwelling unit designed for and occupied by one family unit.
- g. The term "Duplex" means a free standing single dwelling structure designed with two (2) separate living units and having one single contiguous foundation and roof line and whose separate units share at least on (1) common enclosed wall.

III. Section 1. That no person, firm or corporation shall cause drainage discharge on to any county road or any county right-of-way without having first secured a drainage discharge permit.

IV. Section 2. That the Kosciusko County Highway Engineer is hereby authorized to grant a discharge permit to persons, firms and corporations to cause a drainage discharge upon county roads and county road right-of-ways.

V. Section 3. The Kosciusko County Highway Engineer shall, in instances where persons, firms or corporations are currently causing a drainage discharge on to the county road or county road right-of-ways, advise such persons in writing that their continued drainage discharge on to the county road or county road right-of-way is subject to obtaining a discharge permit. Written Notice shall provide a time limit for obtaining said drainage discharge permit or otherwise obtaining conditional approval pending construction of satisfactory facilities to meet the requirements of the County Highway Engineer. (The minimum time limit must be at least 30 calendar days. If weather or other conditions warrant, the County Highway Engineer may extend the time limit.)

VI. Permit Application Fee: Prior to performing any activity resulting in any drainage discharge onto the right-of-way, a permit application shall be approved by the Kosciusko County Highway Engineer. A non-refundable \$40.00 fee must be submitted with the permit application.

- VII. Application Procedure: Unless the County Highway Engineer determines that the permit application is for an entire project, a separate permit is required for each discharge. Applicants shall covenant and agree faithfully to perform and discharge duties and responsibilities required in the application. The County Highway engineer shall have the authority to act upon the application and issue the permit unless some fact of circumstance known to him exists raising a question as to whether or not such permit should be issued, in which event he shall refer the application to the Board of Commissioners.
- VIII. Violations: Any Person, firm or corporation who violates any provision of this Ordinance shall be deemed to have committed an Ordinance violation. Violators shall be fined not more than \$100.00 for the first violation and \$100.00 for the second and each subsequent violation. Each calendar day a violation continues after the expiration of the time set forth in any written notice given by the Kosciusko county highway Engineer hereunder shall be deemed a separate violation. However, the maximum allowable fine shall not exceed \$1000.00 per drainage discharge site.
- IX. Enforcement Expenses: Any person, firm or corporation violating any provision of this Ordinance shall, in addition to any fine, be required to pay unto Kosciusko County any costs, expense, loss or damage suffered by the county due to the violation, including its reasonable attorney fees in the enforcement of this Ordinance.
- X. Effective Date: This Ordinance shall be in full force and effect after its adoption and publication as required by law.

Dated this 18<sup>th</sup> day of May, 2004.

**IN THE MATTER OF BIOMET INQUIRY INTO TRACT OF LAND ON 250 NORTH:**

Rob Ladson, County Highway Engineer, stated that he had received an inquiry from Biomet regarding a tract of land on 250 N adjacent to the Biomet property. Biomet is interested in purchasing the tract. There is a County maintained roadway that dead ends at the back of the Biomet property. Biomet would like to use this tract for access to the back of their building. Ladson questioned whether the Commissioners are interested in pursuing this further with Biomet. Discussion followed regarding how the land was acquired by the County. The decision was made to allow Ladson to do further inquiry and Sue Mitchell, County Auditor, will check to see how the land was acquired.

**IN THE MATTER OF CONGRESSIONAL TOWNSHIP SCHOOL FUNDS:**

Sue Ann Mitchell, County Auditor, presented the report on the condition of Congressional Township Schools Funds. There is a balance of \$28,129.47 with \$705.18 interest collected. The report requires the signatures of the Commissioners.

MOTION: AVIS GUNTER TO: Sign the report as presented.  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF COUNTY LIABILITY INSURANCE:**

County Administrator Ron Robinson updated the Commissioners on the status of the County's liability insurance. Robinson stated that a new insurance had been negotiated. The County will no longer be with St. Paul.

**IN THE MATTER OF THE TAX BILLING CALENDAR:**

Sue Ann Mitchell, County Auditor, stated that she expected the provisional tax bill to be out by the first of June with a due date of June 30, 2004. The second installment will be due November 10<sup>th</sup>. Kosciusko County is still waiting on information from Whitley, Marshall, Fulton and Elkhart Counties.

**IN THE MATTER OF VACATION REQUEST 13 SOUTH STORAGE CONDOMINIUMS, INC. AND DEBRA K. THOMPSON:**

Matt Sandy, Assistant Director of Area Plan Commission, appeared regarding the vacation. Sandy stated that APC is recommending the vacation but does not want the bond to be released until all upgrades are completed. Attorney Steve Snyder appeared for the petitioners. Snyder stated that if the vacation is allowed the easement will be recorded and the north pond drainage will be completed. No one appeared in opposition to the vacation.

MOTION: BRAD JACKSON TO: Approve the vacation and maintain the  
SECOND: AVIS GUNTER bond until improvements are complete.

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AYES: 3 NAYS: 0  
UNANIMOUS

**ORDINANCE NUMBER 04-05-18-001V**

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

Section 1.

WHEREAS, 13 South Storage Condominiums, Inc. and Debra K. Thompson have filed their Petition for vacation of Double D Drive in the Plat of 13 South Storage Condominium Subdivision as recorded in Plat Book 12, page 55 in the office of the Recorder of Kosciusko County, Indiana; and

WHEREAS, a hearing on said Petition was set for May 18, 2004 at 9:30 am and notice of said hearing was published in the Warsaw *Times Union* and the Milford *Mail-Journal* as required by law; and

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

WHEREAS, 13 South Storage Condominiums, Inc. and Debra K. Thompson are the owners of real estate adjacent to the public way to be vacated, which public way is described as follows, to-wit:

Double D Drive as shown on the plat of 13 South Storage Condominium Subdivision as recorded in Plat Book 12, Page 55 in the Office of the Recorder of Kosciusko County, Indiana.

WHEREAS, the Board of Commissioners of Kosciusko County, Indiana, has jurisdiction to vacate the public way described in said Petition, has received a recommendation from the Kosciusko Area Plan Commission to vacate the way and has determined that the vacation will not hinder development in the area and will not make inconvenient access to any property or public place and is in the public interest.

WHEREAS, Petitioners have agreed to provide an easement over the vacated way to provide access to Lots 1 & 2 in 13 South Storage Condominium Subdivision.

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

Section 2.

That this Ordinance shall be in full force and effect from and after its passage, provided, however, this Ordinance shall not be recorded in the Office of the recorder of Kosciusko County, Indiana until such time as an easement for access to Lots 1 & 2 has been properly executed, which easement shall be recorded immediately following the recording of the Ordinance.

ORDAINED AND PASSED this 18<sup>th</sup> day of May, 2004.

**IN THE MATTER OF VACATION REQUEST KAY L. PROMKHIEO TIPPECANOE TOWNSHIP, ROGER'S LAKEVIEW PARK:**

Matt Sandy, Assistant Director of Area Plan Commission, stated that this is a property located in Tippecanoe Township at Roger's Lakeview Park. The vacation would be of J Street and W Street. Sandy stated that 30' on the south side was platted as a right-of-way years ago. The two (2) lots affected are accessible by the west right-of-way. APC has heard from emergency responders and surrounding property owners. There is no opposition. APC recommends vacating the property with no restrictions. Attorney Steve Snyder appeared for the petitioner. Snyder stated that the property has never been developed. No one appeared in opposition.

MOTION: AVIS GUNTER

TO: Approve the vacation without restriction.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

**ORDINANCE NUMBER 04-05-18-002V**

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

Section 1.

WHEREAS, Kay L. Promkhieo has filed her Petition for vacation of a portion of W Street and J Street, public ways with the Board of Commissioners of Kosciusko County, Indiana; and

WHEREAS, a hearing on said Petition was set for May 18, 2004 at 9:30 a.m. and notice of said hearing was published in the Warsaw *Times Union* and the Milford *Mail-Journal* as required by law; and

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

WHEREAS, the public ways do not serve as access to any property. The owners of real estate adjacent to the public ways to be vacated are Petitioner and Cynthia D. Addleman, 514 Cornwall Court, Carmel, IN 46032 and Philip N. Eskew and Ann L. Eskew, 5267 Pursel Lane, Carmel, IN 46033, which public ways are described as follows, to-wit:

J Street from the east line of Lot 1 extended south to the west line of Lot 1 extended south in Roger's Lake View Park

W Street from the south boundary of the Plat of Roger's Lake View Park to the north line extended west of Lot 1 in Roger's Lake View Park

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

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

Section 2.

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

ORDAINED AND PASSED this 18<sup>th</sup> day of May, 2004.

**IN THE MATTER OF MIKE DEWITT – WAYNE TOWNSHIP REQUEST FOR  
REZONING ON US 30 FROM RESIDENTIAL TO INDUSTRIAL II:**

Dan Richard, Director of Area Plan Commission, appeared before the Commissioners to present a rezoning request for property located in Wayne Township. The tract of land is located on US 30 East near the Car Company. The plan for the property is for a car dealership. Richard stated that APC unanimously recommends the rezoning as long as the BZA approves the layout of the proposed building. Steve Snyder appeared for the petitioner. Snyder stated the BZA approved the building and the petitioner could have requested the property be rezoned to Commercial but Snyder feels that I2 is more restrictive and leaves the County with more control. No one appeared in opposition to the rezoning.

MOTION: AVIS GUNTER

TO: Rezone the property in question from  
Residential to Industrial II.

SECOND: BRAD JACKSON

AYES: 3            NAYS: 0

UNANIMOUS

**ORDINANCE NO. 04-05-18-001Z**

**AN ORDINANCE AMENDING, AND TO AMEND  
THE ZONING ORDINANCE OF KOSCIUSKO  
COUNTY, INDIANA**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF KOSCIUSKO COUNTY,  
INDIANA: ARTICLE 1.

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

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

Commencing at the Northeast corner of Section 24, Township 32 North, Range 6 East being an iron pin located in an existing fence row 125.58 feet South of the centerline of County Road 100 South; thence South, a distance of 742.18 feet along the East line of said Section, also being an existing fence row to an iron pin; thence North 89 degrees 55 minutes West, a distance of 413.23 feet to an iron pipe; thence South 02 degrees 46 minutes West a distance of 164.68 feet to an iron pipe, said point being located on the South right-of-way line of an access road; thence South 77 degrees 57 minutes East a distance of 185.02 feet more or less to a point being located on the East right-of-way line of an access road; thence South 03 degrees 10 minutes East to a point on the northerly right-of-way of U.S. Highway 30; thence Northwesterly on and along the Northerly right-of-way of U.S. Highway 30 South 04 degrees 12 minutes West 48.7 feet from the Southwest corner of a tract described in Document Number 9912-0682 in the office of the recorder of Kosciusko County, Indiana; thence North 04 degrees 12 minutes East 48.7 feet to a pin; thence South 67 degrees 12 minutes East 268.10 feet; thence North 03 degrees 10 minutes West 183.39 feet to an iron pipe; thence South 77 degrees 57 minutes East 50 feet more or less to the place of beginning.

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

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

ARTICLE 2.

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

Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana, on 18<sup>th</sup> day of May, 2004.

There was no further business to come before the Commissioners.

## **KOSCIUSKO COUNTY COMMISSIONERS**

### **JUNE 1, 2004**

The Kosciusko County Commissioners met for their regular meeting on June 1, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT

AVIS GUNTER

BRAD JACKSON

MIKE MINER, COUNTY ATTORNEY

SUE ANN MITCHELL, COUNTY AUDITOR

RON ROBINSON, COUNTY ADMINSTRATOR

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 DONATED PORTABLE RADIOS:**

Aaron Rovenstine, Kosciusko County Sheriff, stated to the Commissioners his thanks to the Fort Wayne Police Chief Rusty York. Chief York donated 5 Motorola portable radios and 2 mobile radios at an approximate savings of \$15,000 to the county.

#### **IN THE MATTER OF PHIL HOSTETLER MEMORIAL TRIBUTE:**

Aaron Rovenstine, Kosciusko County Sheriff, stated that on June 29<sup>th</sup> the roadway adjacent to the Justice Building would be closed for 2 hours beginning at 6:00 pm. The Sheriff's Department will be commemorating the 10 year anniversary of the death of Officer Phil Hostetler who was killed in the line of duty. The public is invited to attend.

#### **IN THE MATTER OF STORM DAMAGE FUNDS:**

Ed Rock, Emergency Management Director, stated that the county has previously received funds for storm damage. Rock stated municipalities should to contact him with costs of damages for recent storms. Rock further stated that the public could contact him regarding uninsured damages. Rock will accumulate the value of the damages and submit a report for possible federal assistance for part of the weekend storm damages. Rock may be reached during regular office hours or during the weekend if there is an emergency issue the dispatch center at the Sheriff's Department can contact him.

#### **IN THE MATTER OF OSWEGO FIRST STREET ROAD CLOSURE REQUEST:**

Rob Ladson, County Highway Engineer, has received a request from a property owner to close First Street from Clay to Church Streets in Oswego for an auction. Ladson recommends approving the request as long as normal procedures are followed. Ladson presented two approvals for the Commissioners. One was requesting the homeowner to provided liability insurance the other did not require the insurance. Commissioners asked if the homeowners home insurance would cover possible liabilities. Ladson stated could request a letter from the homeowners insurance verifying liability coverage.

MOTION: BRAD JACKSON

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve the closure with receipt of letter verifying liability coverage.

#### **IN THE MATTER OF BRIDGE 351 GUARDRAILS:**

Rob Ladson, County Highway Engineer, has received a request from a property owner to install guardrails or no parking signs at bridge 351 located on 250 North. The bridge is actually three culverts classified as a bridge. Ladson stated the bridge is due to be replaced in 2010. Ladson does not feel either is necessary at this time and does not make a recommendation to do so. The property owners concern is for vehicles parking on the roadway. Commissioner Truex stated the county does have parking ordinances in place. Ladson also stated there would be guardrails installed when the bridge was replaced.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON

TO: Deny the placement of guardrails or no parking signs at bridge 351.

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AYES: 3 NAYS: 0  
UNANIMOUS

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**IN THE MATTER OF INDIANA DEPARTMENT OF NATURAL RESOURCES DOVE RELEASE:**

Rob Ladson, County Highway Engineer, has received a request from the Indiana Department of Natural Resources to use the Kosciusko County gravel pit located across county lines in Noble County for a dove catch and release program. Ladson recommends approving the request.

MOTION: BRAD JACKSON	TO: Approve the request by the DNR to use
SECOND: AVIS GUNTER	the Kosciusko County gravel pit for the dove
AYES: 3 NAYS: 0	catch and release.
UNANIMOUS	

**IN THE MATTER OF SALE OF LOADER FORKS BY HIGHWAY DEPARTMENT:**

Rob Ladson, County Highway Engineer, stated that when three new loaders were purchased last year, one loader was traded in. Ladson has now received a request from the person who purchased the loader from the dealer to buy the forks that the County Highway still owns. The individual is willing to pay \$250. Ladson stated that the forks will not work on the new loaders and the county can either sell them to the individual or put them in an auction. If the Commissioners choose to put the forks in an auction it may be several years before the Highway is ready since an auction was recently conducted. County Attorney Mike Miner was questioned whether it would be legal to sell the forks to the individual. Miner stated that he saw no problem but could verify further.

MOTION: AVIS GUNTER	TO: Approve the sale of the forks upon
SECOND: BRAD JACKSON	confirmation from County Attorney Mike
AYES: 3 NAYS: 0	Miner.
UNANIMOUS	

**IN THE MATTER OF BIOMET INQUIRY TO PURCHASE LAND ON DOUGLAS ROAD:**

Rob Ladson, County Highway Engineer, presented follow up information on the request by Biomet to purchase the .55A tract of land located behind the Biomet property. This request had been made at the prior Commissioners meeting. Sue Mitchell, County Auditor, stated the land had been acquired from Fred Carey and not at tax sale, therefore the Commissioners may dispose of the property as they wish. Ladson stated he had been in contact with Don Rich at Lake City Builders and has sent letters to adjacent property owners. Rich uses the current roadway for semis to load and unload at his business so he would like to have access to do this even is the sale is approved.

Mike Dilling, adjacent property owner, appeared before the Commissioners in opposition. Dilling stated he has always felt Biomet was a community organization. However, when Biomet began digging they piled the dirt on the property that affected drainage. Biomet erected a fence along the back of Dilling's property attaching to his existing fence without contacting him first. Dilling stated he is planning future expansions of his business and is concerned with semis also being able to access his property from the current roadway.

Bud Brady, Biomet representative, appeared in favor of the sale. Brady stated Biomet wished to purchase the property because access from Rainbow Drive is poor. Douglas Road allows easier access to and from the Biomet parking lot. Brady stated the roadway is torn up because of trucking. Brady stated that if the sale was approved it would not be a private drive and Biomet's intention was not to limit access for other property owners.

Commissioners asked those appearing whether they believed an agreement could be reached if the sale were approved. Both parties present stated they believed it could. Commissioners stated that an agreement would have to be reached prior to a decision being made on the property and that the chances for sale would be good if an agreement could be worked out.

**IN THE MATTER OF PINE ROAD AND BLACKPOINT ROAD STOP SIGN REQUEST:**

Rob Ladson, County Highway Engineer, has received a request for a stop sign to be placed at Pine and Blackpoint Roads. This is a "T" road with visibility problems to the south. Heading west and north visibility is limited because of a hill. The roadway currently has a non-conforming stop sign.

With the traffic count and speed in the area, Ladson recommends moving the current stop sign to the “T”.

MOTION: BRAD JACKSON

TO: Approve the stop sign ordinance as presented

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

#### **ORDINANCE 04-06-01-001STOP**

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

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

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

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

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

1. Relocate “Stop” sign from the northwest corner of Pine Road and Black Point Road to the northeast corner. (Black Point Road stops for Pine Road.)

THIS ORDINANCE shall be in full force and effect on June 1<sup>st</sup>, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 1<sup>st</sup> day of June, 2004.

#### **IN THE MATTER OF INTERSECTION 300 N & 600 E STOP SIGN REQUEST:**

Rob Ladson, County Highway Engineer, presented for approval a stop sign ordinance for the intersection of 300 N and 600 E. Ladson stated visibility is poor in either direction and recommends erecting a four way stop. Ladson does not believe reducing the hill will improve the situation.

MOTION: AVIS GUNTER

TO: Approve the stop sign ordinance as presented.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

#### **ORDINANCE 04-06-01-002STOP**

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

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

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

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

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

1. Install “Stop” signs on the northeast and southwest corner of CR 300N and CR 600E making this intersection a 4-way stop.

THIS ORDINANCE shall be in full force and effect on June 1<sup>st</sup>, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 1<sup>st</sup> day of June, 2004.

#### **IN THE MATTER OF FOX FARM ROAD & CR 200N STOP SIGN REQUEST:**

Rob Ladson, County Highway Engineer, stated a request has been received to install a stop sign at the intersection of Fox Farm Road and CR 200N. Ladson stated traffic counts do not warrant the placement of the stop sign. If a sign was placed there would be visibility issues with seeing the sign. There could be a stop ahead sign placed. Ladson at this point he is unsure of the best way to handle the situation. Commissioner Truex questioned whether this was the best way to handle the

concern and would like to allow Ladson an additional two weeks so that the situation can be handled right the first time. The matter is tabled for two weeks.

**IN THE MATTER OF REDUCTION OF SPEED ON 1200N:**

Rob Ladson, County Highway Engineer, has received a request to reduce the speed limit on CR 1200N from Kern Road to the Syracuse city limits. Regulations state the speed limit should be what 85% of people drive then take into consideration development, pedestrian traffic, etc.

Commissioner Jackson questioned whether the reduction needed to be all the way from Kern Road or could it be at the intersection further east. The intersection is CR 450 E. Ladson stated he has no strong opinion one way or the other but he would like to keep it at a particular road marker rather than a “so many feet from such and such mailbox” situation.

MOTION: BRAD JACKSON

TO: Approve the reduction in speed on 1200 N from 450E to the Syracuse city limits to 45mph.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

**ORDINANCE 04-06-01-001S**

An ordinance establishing speed limits at various County roads all within Kosciusko County, Indiana; and

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

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

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

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

1. Speed limit on CR 1200 N from CR 450E to Syracuse City Limits shall be 45 mph.

THIS ORDINANCE shall be in full force and effect on June 1<sup>st</sup>, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 1<sup>st</sup> day of June, 2004.

**IN THE MATTER OF SPEED LIMIT ON 350N EAST OF SR 15:**

Rob Ladson, County Highway Engineer, has received a request to reduce the speed limit on CR 350 N from SR 15 to 100 E. Ladson stated this request was also made four years ago and since then Ladson has been keeping an eye on the traffic counts. Counts have increased 7% per year over the last four years. A new development is also going in along this stretch of roadway. This is a straight shot and a main artery. It has also been requested to stripe the road with a double yellow line. A member of the audience stated she drives this stretch of road daily. During the winter there are several vehicles in the ditch due to excessive speed and feels it would be a benefit to reduce the speed and line the road. Ladson did request that if the double yellow lines were approved the Highway Department be allowed to wait until August to stripe the road. Paint crews will not have supplies until that time.

MOTION: AVIS GUNTER

TO: Approve the reduction in speed limit and painting of double yellow line from SR 15 to CR 100 E on CR 350 N and allowing County Highway to wait until August 2004 to begin painting lines.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

**ORDINANCE 04-06-01-002S**

An ordinance establishing speed limits at various County roads all within Kosciusko County, Indiana; and

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

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

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

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

1. Speed limit on CR 350 N from SR 15 to Cr 150 E shall be 45 mph.

THIS ORDINANCE shall be in full force and effect on June 1<sup>st</sup>, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 1<sup>st</sup> day of June, 2004.

**IN THE MATTER OF BID OPENINGS FOR BRIDGE 226:**

As previously advertised, sealed bids were opened by Mike Miner, County Attorney for the recap of Bridge 226 located at the Waste Water Treatment plant. Three (3) bids were received. Pioneer Associated presented a bid bond and a bid of \$115,297.70. Prime Co presented a bid bond and bid of \$128,981.78. R.L. McCoy presented a bid bond and bid of \$118,591.56. Rob Ladson, County Highway Engineer, stated all bids exceed the engineer's estimate of \$104,329.35. Ladson will review the bids with the bidders. He will also review the lowest responsive and most responsible bids and make a recommendation to the Board of Commissioners at the next meeting.

**IN THE MATTER OF BRIDGE 250 PUBLIC MEETING:**

Rob Ladson, County Highway Engineer, stated he had met with the public in North Webster on Friday and the meeting had gone well. The property owners had appointed a contact person.

**IN THE MATTER OF COUNTY HEALTH INSURANCE:**

Ron Robinson, County Administrator, stated he has received information regarding the employee health insurance. Robinson's recommendation is to stay with ABC. The increase in cost will be approximately 9% for the administration of the insurance.

MOTION: AVIS GUNTER

TO: Remain with ABC for the administration of the county employee health insurance.

SECOND: BRAD JACKSON

AYES: 3            NAYS: 0

UNANIMOUS

**IN THE MATTER OF ROBERT OLSON APPOINTMENT TO MILFORD PUBLIC LIBRARY BOARD:**

Sue Mitchell, County Auditor, presented a letter from the Milford Public Library requesting reappoint of Robert Olson to the board. Olson has consented to the reappointment.

MOTION: AVIS GUNTER

TO: Reappoint Robert Olson to the Milford Public Library Board.

SECOND: BRAD JACKSON

AYES: 3            NAYS: 0

UNANIMOUS

**IN THE MATTER OF GASB 34 PRESENTATIONS:**

Sue Mitchell, County Auditor, introduced two prospective companies who have provided information concerning the GASB 34 requirements as they relate to inventory for the county. Highlights from presenters and proposals are as follows.

Presenter: Tim Wells

Company: T.M. Wells Valuation Services  
Huntington, Indiana

Wells presented his introductory packet to Commissioners. T.M. Wells is an independently owned firm. If the threshold for fixed assets if those items with known or estimated historical costs of \$5000 or more the quote is \$26,400 (\$22,000 appraisal fee and \$4,400 estimated expenses). Proposal is for \$5000 threshold but can be refigured for any limit the Commissioners choose to set. The services provided shall include:

1. Inventory and appraisal of fixed asset equipment (furnishings, inland marine items and vehicles
2. Inventory and appraisal of items in the open such as radio towers and emergency standby generators
3. Appraisal of all roads, bridges and any culverts with original costs of \$5000 or more

4. Research and data gathering for land and buildings to assist county staff with value estimates for land and buildings
5. Research of county claim forms, minutes of commissioner meetings, council meetings and other relevant documents
6. Inventory of items shall be reported on a department and location basis with funding sources cited wherever such information is available from county records
7. Data sheets listing items by type and department shall be provided for all items
8. Separate data sheets will be provided that track items with original costs of between \$1000 and \$4999 with replacement cost estimates for insurance purposes

If bar code tagging is desired the cost of such tags shall be paid for by Kosciusko County. If research of right of ways is needed the cost for such services will be billed at \$125/hr. Replacement costs shall be provided for each inventoried item other than vehicles. Digital still shot documentation of all fixed assets is included in the appraisal. The appraisal report shall be provided in Excel database. If you have fixed asset software we will coordinate the preparation of the data for uploading to the fixed asset program.

Our fees do not cover any expenses charged by your fixed asset program software provider for actual transfer. Fees cover initial contact with Indiana State Board of Accounts Field Examiners. However, this quote does not include any fees for our further participation in meetings with accounting firms, state personnel or other agency personnel, conflict resolution meetings, preparation for court, pre-trial conferences or testimony in court or related services on behalf of the county.

Fee policy is that ½ of the appraisal fee plus actual expenses through the billing date are due at the completion of fieldwork. The second ½ of the fee plus any remaining expenses is due on delivery of the appraisal report.

Presenter: Mike Nielson  
 Company: Government Fixed Asset Services, Inc.  
 Chicago, Illinois

Nielson presented his introductory packet to the Commissioners. Nielson stated this is a new proposal. Nielson had met with County Auditor Sue Mitchell in March to obtain general information and had presented separate proposals at that time. This proposal supercedes prior proposals and includes a reduction in cost to the county.

The services provided shall include:

Capital Assets – General Infrastructure

Our role as facilitator in the County's process of meeting the financial reporting standards related to general infrastructure assets as delineated in GASB Statement No. 34 will assist by:

- Conducting a formal discussion and review of the requirements of GASB Statement No. 34 relating to general infrastructure with accounting staff and representatives of the Engineering, Department of Highways, and others deemed appropriate
- Providing input as the County prepares an inventory of its general infrastructure which may include defining general infrastructure subsystems, networks, and classifications and defining units of measure
- Providing input regarding the inventory of the County's rights-of-way and in the establishment of the estimated historical cost and estimated fair value of rights-of-way
- Providing general infrastructure and rights-of-way templates to facilitate the recording of necessary accounting and financial reporting data elements e.g., year of acquisition, historical cost, estimated useful asset life, etc.
- Providing input as to the county's aging of general infrastructure assets and the allocation and aging of rights-of-way
- Providing input as to general infrastructure asset lifing
- Making available input and resources regarding the County's estimation of historical cost
- Giving consideration to the Government Finance Officers Association Strategy on Infrastructure as it relates to the County and the potential election of limiting retroactive reporting to major classes of infrastructure, defining classes of infrastructure narrowly, using estimates whenever possible, using composite approaches to depreciation, and other issues

- Providing input as to a County capital asset policy for financial reporting purposes in light of the disclosure requirements of GASB Statement No. 34 and the focus on major capital assets
- Discussing with the current independent auditors your implementation regarding general infrastructure and your assumptions, reasoning, use of estimates, and intended results and reports

Capital Assets – Land, buildings, machinery and Equipment, and Vehicles

Our services would:

- Assist establishment of a property record by providing input as to inclusion and exclusion of assets and the County's establishment of an asset inventory
- Provide asset templates to facilitate the recording of necessary data elements
- Provide input in the establishment of current replacement cost to be utilized in the normal costing process
- Provide input and resources as to the aging of assets
- Provide price trends and cost indexes to facilitate deflating replacement cost to estimated historical cost
- Provide input and resources to assist establishing estimated useful lives for depreciation purposes
- Include discussion with the County's current independent auditors to review the GASB Statement No. 34 capital asset implementation regarding general capital assets and assumptions, reasoning, use of estimates and intended reports to be prepared by the County

Again, the understanding is that we will be assisting Kosciusko County in its creation of final data elements and reports. Our intention is to provide considerations and direction for this project. Our fee for this engagement is \$9,850 plus expenses (per Nielson expenses would be mileage which he would estimate to be around \$200). Invoices will be payable as our work proceeds.

Commissioners thanked both parties for their presentation. County Auditor Sue Mitchell will review both proposals and make a recommendation to the Commissioners at a later date.

There was no further business to come before the Commissioners.

## **KOSCIUSKO COUNTY COMMISSIONERS JUNE 15, 2004**

The Kosciusko County Commissioners met for their regular meeting on June 15, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, Indiana.

Those present were:

RON TRUEX, PRESIDENT  
AVIS GUNTER  
BRAD JACKSON

MIKE MINER, COUNTY ATTORNEY  
SUE ANN MITCHELL, COUNTY AUDITOR  
RON ROBINSON, COUNTY ADMINSTRATOR

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 PHIL HOSTETLER MEMORIAL:**

Kosciusko County Sheriff, Aaron Rovenstine, again extended the invitation to the Commissioners to attend the memorial services planned for Phil Hostetler on June 29<sup>th</sup> 2004 at 6:00 pm.

### **IN THE MATTER OF EMERGENCY MANAGEMENT TIER II MONEY:**

Emergency Management Director, Ed Rock, presented a cover letter for Commissioners signatures. Rock stated the County could possibly recoup a percentage of Tier II reporting monies that have been spent on hazardous materials training. Commissioners' signatures indicate approval of the LEPC plan. Commissioner Truex questioned when the letter needed to be sent to the state. Rock stated as soon as possible. Commissioners will review the plan and give the signed letter to County Auditor Sue Mitchell when completed. Mitchell questioned what the monies could be used for. Rock stated use of the money would be restricted to hazardous materials training.

### **IN THE MATTER OF REPEALING STOP SIGN ORDINANCES:**

County Highway Engineer, Rob Ladson, presented two (2) stop sign ordinances for repeal. Ladson stated the stop signs are at railroad crossings and lights and gates are now up so the stop sign ordinance can be repealed.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Repeal the stop sign ordinances as presented.

#### **ORDINANCE 04-06-15-001S**

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

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

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

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

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

1. Repeal “Stop” signs on the southeast and northwest corners of the railroad tracks on Davis Road, east of CR 800 W. Item #3 Ordinance #00-S015.
2. Repeal “Stop” signs on the southeast and northwest corners of the railroad tracks on CR 900 S, east of SR 13. Item #11 Ordinance #00-S015.
3. Repeal “Stop” signs on the southwest and northeast corners of the railroad tracks on CR 400 S, east of SR 15. Item #3 Ordinance #00-012S.

THIS ORDINANCE shall be in full force and effect on June 15<sup>th</sup>, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 15<sup>th</sup> day of June, 2004.

#### **ORDINANCE 04-06-15-002S**

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

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

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

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

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

1. Repeal “Stop” signs on the southeast and northwest corners of the railroad tracks on VanNess Road. Item #8 of Ordinance #00-S016. New Lights and gates installed and operational 6/10/04.

THIS ORDINANCE shall be in full force and effect on June 15<sup>th</sup>, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 15<sup>th</sup> day of June, 2004.

#### **IN THE MATTER OF PAINT STRIPING/STREET SWEEPING AGREEMENT WITH TOWN OF SYRACUSE:**

County Highway Engineer, Rob Ladson, presented for approval an agreement with the Town of Syracuse for exchange of services. Ladson stated the agreement was for the County Highway to do paint striping in exchange for the Town of Syracuse to street sweep several sub divisions. Ladson stated it was the same agreement that had been approved the prior year. Ladson recommends approving the agreement for one more year.

MOTION: BRAD JACKSON  
SECOND: AVIS GUNTER  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Approve the agreement as presented.

#### **PAINT STRIPING / STREET SWEEPING AGREEMENT**

It is the mutual agreement between the Kosciusko County Highway Department and the Town of Syracuse for exchange of like services for paint striping and road sweeping as follows:

The Kosciusko County Highway Department will provide the equipment, personnel, and materials to stripe the road down the center of identified sections of Bowser Road, Chicago Street, Harkless Drive, Long Drive, Main Street, North Shore Drive, Pickwick Drive, and Syracuse-Webster Road. (If the Town desires to close the street, the Town would be responsible for providing the necessary barricades and signs.) The sections of

the above-mentioned streets are identified on the enclosed map. In return, The Town of Syracuse Street Department will sweep the subdivisions of Fox Run, Country Cove, and Woodland Acres; along with Shore Lane, Kings Drive, Garden Avenue, Island Avenue and Pickwick Park Drive twice a year. This Agreement shall expire one year from the date of issuance.

**IN THE MATTER OF WATER ON DEFREES ROAD:**

County Highway Engineer, Rob Ladson, updated the Commissioners regarding the area on Defrees Road where, as previously discussed in Commissioners Meeting, the water runs over the roadway. Ladson has sent letters to property owners down stream of the problem area.

**IN THE MATTER OF BRIDGE 250:**

County Highway Engineer, Rob Ladson, stated he had met with property owners and discussed possible options for Bridge 250 I.E. pre-cast, arched structure. Ladson stated letters had been sent and the next step would be to meet with the North Webster Town Council.

**IN THE MATTER OF DAMAGED ROADWAY PROCEDURE:**

County Highway Engineer, Rob Ladson, presented examples of damage caused to county roadways by contractor equipment. Tracks on the equipment cause the damage and the County Highway is seeking guidance from the Commissioners on how to proceed regarding requesting contractors paying for the damages. Ladson questioned whether an ordinance needed to be in place or is there a better way. After discussion with County Attorney Mike Miner the Commissioners agree that a blanket letter should be sent to contractors stating department policy regarding road usage and repair of damages. If further problems occur the Commissioners will look at what additional steps need to be taken.

**IN THE MATTER OF STONE PLACED TOO CLOSE TO EDGE OF ROADWAY:**

County Highway Engineer, Rob Ladson, presented photographs of an area of roadway where the homeowner has placed stone within the County right-of-way. Ladson states that the County Highway is concerned because of snow plows being unable to see the stones when snow falls. Ladson stated he has sent letters to the homeowner requesting the stone be removed. The last letter was sent certified and was returned unopened. Commissioners questioned County Attorney Mike Miner about the legalities of the situation. Miner stated that the stone was clearly on the county right-of-way and could be removed by the county. Miner suggested sending a final letter to the homeowner stating a deadline for removing the stone and mentioning the fact that the county would file suit to recover the costs to remove the stone. A reasonable length of time of 30 days to remove the stone should be given. Ladson and Miner will work to get the letter to the homeowner.

**IN THE MATTER OF BRIDGE 226 BIDS:**

County Highway Engineer, Rob Ladson, stated he has reviewed the submitted bids for Bridge 226. Pioneer had the lowest bid of \$115,297.70 and Primco had the highest bid of \$128,981.78. Ladson recommends the Commissioners accept the bid from Pioneer as it is the lowest responsible and responsive bid.

MOTION:	AVIS GUNTER	TO: Accept the Pioneer bid of \$115,297.70 for
SECOND:	BRAD JACKSON	Bridge 226.
AYES:	3	NAYS: 0
UNANIMOUS		

**IN THE MATTER OF STOP SIGN AT 200N AND FOX FARM ROAD:**

County Highway Engineer, Rob Ladson, presented for approval and signatures the Stop Sign Ordinance for the intersection of 200 North and Fox Farm Road as previously discussed in Commissioners meeting.

MOTION:	BRAD JACKSON	TO: Approve and sign the Stop Sign Ordinance as
SECOND:	AVIS GUNTER	presented
AYES:	3	NAYS: 0
UNANIMOUS		

**ORDINANCE 04-06-15-003S**

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

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

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

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

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

1. Install “Stop” signs on the northwest and southeast corners of Fox Farm Road and CR 200 N, making it a 3-way stop.

THIS ORDINANCE shall be in full force and effect on June 15<sup>th</sup>, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 15<sup>th</sup> day of June, 2004.

**IN THE MATTER OF WESTERN ROUTE PRESENTATION:**

County Highway Engineer, Rob Ladson, informed the Commissioners that there would be a power point presentation on the proposed Western Route during the June 29<sup>th</sup> Commissioners meeting. Ladson inquired whether the meeting should be held in the multi-purpose room located in the Justice Building for better lighting conditions. Commissioner Truex stated the Commissioners Meeting would be held in the multipurpose room at the regularly scheduled time of 9:00 am.

**IN THE MATTER OF BOWEN CENTER 2005 BUDGET REQUEST:**

Jay Baumgartner, CFO for the Otis R. Bowen Center, appeared before the Commissioners with their budget request for 2005. Otis R. Bowen Center is requesting \$401,440. Baumgartner stated per state statute 12-29-2-2 the county is required to fund a mental health center. Baumgartner further stated of Bowen Centers clients, 65% had a family income of less than \$20,000 and 80% had an income of less than \$30,000. Baumgartner said the Bowen Center strives to give good value for the money allocated by the Commissioners.

**IN THE MATTER OF CARDINAL CENTER 2005 BUDGET REQUEST:**

Jane Greene appeared before the Commissioners on behalf of Cardinal Center. Cardinal Center is requesting \$110,000 which includes \$15,000 for Sus Amigos. Cardinal Center serves the community in a variety of fashions. Head Start serves 231 children of preschool age. Head Start is required to test just as the public schools are required. Job Placement placed 24 persons with disabilities. Community Living serves 60 people. KABS in the past nine months has given 15,000 rides. Sus Amigos served 641 people with translation advocacy and referrals. Greene stated that in 28 years with Cardinal Center this is the worst she has seen the budget situation. With state budget cuts many of their programs will have to be reduced or cut completely unless other sources provide the funds. With a growing Hispanic population, Sus Amigos is in its third year and without funding the service will go away. Greene requested if the county cannot fund the entire \$15,000 please fund something.

**IN THE MATTER OF REZONING NORTH SIDE CROW RD IN TURKEY CREEK TOWNSHIP:**

Area Plan Commission Director, Dan Richard, appeared before the Commissioners with a unanimous recommendation from the Area Plan Commission to rezone a parcel of land located on the North side of Crow Road & 150’ West of East Wawasee Drive located in Turkey Creek Township from Commercial to Residential. Richard stated the rezoning would put the property more in line with surrounding properties. Larry Lyon appeared in favor of the rezoning. Lyon stated that plans are to remove a mobile home and add duplexes. No one appeared in opposition.

MOTION: BRAD JACKSON

TO: Approve the rezoning as recommended by Area Plan Commission.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF HISTORICAL SOCIETY 2005 BUDGET REQUEST:**

William Frush appeared on behalf of the Historical Society. The Historical Society is requesting \$21,850 for 2005. Frush stated that in the past year the Historical Society has dealt with higher maintenance costs and a large expense for elevator repairs. Funding for a maintenance man was lost and the Historical Society has been keeping up maintenance with volunteers. The requested budget for 2005 would cover maintenance, upkeep and salaries.

**IN THE MATTER OF ANIMAL WELFARE LEAGUE 2005 BUDGET REQUEST:**

Steve Foegley and Miranda VanDoren appeared on behalf of Animal Welfare League. Animal Welfare is requesting \$78,734 for 2005. Foegley stated the increase in the request of 2004 is to cover increased insurance premiums. The percentage of increase will bring the county’s portion back into line with what it was in 2003. Foegley also stated Animal Welfare has a new one year agreement with Nappanee to house their animals.

VanDoren updated Commissioners on 2004 accomplishments. There has been installation of a concrete wheelchair ramp. The interior of the building has been painted. There have been kennel repairs and new

outside kennels and chain link fence installed. Animal Welfare is working with Ron Robinson regarding exhaust fan repairs. The shelter has six fans and three of them are not working.

Planned expenses include a perimeter fence to help prevent animals that escape the building from leaving the property. The parking lot needs to have the pot holes repaired with either stone or paving. These items are not included in the budget but are presented to the Commissioners for informational purposes only. Budget requests are for payroll expenses only.

**IN THE MATTER OF KDI 2005 BUDGET REQUEST:**

Roger Moynahan, Chairman, appeared for KDI. KDI is requesting \$60,000 for 2005. KDI strives to bring new jobs and new employers to Kosciusko County. Moynahan stated if the county took a look at major employers from 20-25 years ago they would not be the same as today. KDI's goals include planning for 20 years into the future and attracting new employers and expanding existing employers. Moynahan stated KDI has sent letters to 34 prospective businesses, conducted a wage survey and created a website to promote vacant properties. KDI has received a CDFG Grant. KDI must receive \$10,345 in new money to receive a matching grant. To receive \$20,000 \$40,000 must be received. KDI is also looking at funding from the state for Life Sciences.

**IN THE MATTER OF 4H 2005 BUDGET REQUEST:**

Mark Montel, Willis Ault and Steve        appeared on behalf of 4H. 4H is requesting \$47,400. This is 55% of the 4H budget. The remainder comes from donations and fees. Ault stated that 4H is an educational program where kids learn by doing. 4H uses the money it gets for fair expenses, building rentals for meeting, workshops, etc. There are no salaries paid from the 4H budget. Ault wanted to make note that 4H held its budget even though the fair board wants more money.

**IN THE MATTER OF HOME HEALTH CARE & HOSPICE 2005 BUDGET REQUEST:**

Rick Paczkowski appeared for Home Health Care & Hospice. Home Health is requesting \$53,000. Paczkowski stated that due to loss in state funds money from the Commissioners will be needed to continue to support services to the elderly and disabled. Many of these clients would have to go to a nursing home without the help of Home Health Care. If no new money comes from the Commissioners, Home Health will have to reject new clients or even possibly eliminate some current clients.

**IN THE MATTER OF BEAMAN HOME 2005 BUDGET REQUEST:**

Jeannie Campbell appeared for the Beaman Home. The Beaman Home is requesting \$33,500. The Beaman Home will be operating with the same budget as last year. The Beaman Home ended in the red last year by \$8,000. A \$50,000 grant was lost and since it is a two year grant the Beaman Home knows it will be short by this \$50,000 next year. The Beaman Home has not yet received approval for the ICJI Grant. The state is also changing how it funds by going to a payment point system which is based on the population and number of services. Being a rural community this will greatly affect state funding. Beaman Home served 200 people last year. Campbell stated the Beaman Home currently has 10 employees and will have to look at a reduction of staff. The Beaman Home will appreciate any funding they can receive.

**IN THE MATTER OF COUNCIL ON AGING 2005 BUDGET REQUEST:**

Jack Felger appeared for the Council on Aging. Council on Aging is requesting \$34,273. Felger stated no other agency is providing the services provided by the Council on Aging. The Council drives elderly to appointments and does personal services such as letting animals out, picking up prescriptions etc. There were 14,000 rides given this year 98% related to medical issues. The balance of rides were related to shopping and helping the elderly. The Council is seeking to work more closely with KABS to help provide services. The Council has had a decrease of \$3,400 from United Way contributions and would experience a serious deficit. 80% of the people served would have to move to another home or health care facility without the services provided by Council on Aging.

**IN THE MATTER OF UMBAUGH MORTGAGE:**

County Auditor, Sue Mitchell, presented annual paperwork from Umbaugh to the Commissioners for approval and signature. The paperwork is for the mortgage on the Justice Building.

MOTION:    AVIS GUNTER

TO: Approve the paperwork as presented.

SECOND:    BRAD JACKSON

AYES:        3                NAYS:        0

UNANIMOUS

**IN THE MATTER OF GASB 34 BIDS:**

County Auditor, Sue Mitchell, stated after reviewing the bids presented during the last meeting her recommendation is to table a decision until further investigation could be completed. Mitchell stated that the bids were \$26,400 and \$9,850. Mitchell felt the bids were too far apart for similar services and should be looked into further to make sure the county was comparing "apples to apples".

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

## **KOSCIUSKO COUNTY COMMISSIONERS JUNE 29, 2004**

The Kosciusko County Commissioners met for their regular meeting on June 29, 2004 at 9:00 A.M. in the meeting room located in the basement of the Justice Building, 121 N. Lake Street, Warsaw, IN. Those present were:

RON TRUEX, PRESIDENT  
AVIS GUNTER  
BRAD JACKSON

MIKE MINER, COUNTY ATTORNEY  
SUE ANN MITCHELL, COUNTY AUDITOR  
RON ROBINSON, COUNTY ADMINISTRATOR

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

### **IN THE MATTER OF ELECTION MEALS CLAIM PAYMENT:**

Prior to the opening of the meeting, Sue Mitchell, County Auditor, presented a claim received from Clerk of Courts Sharon Christner. The claim is to pay Penguin Point for meals provided during the May election. Mitchell stated that inadvertently two meals were ordered for Van Buren Precinct 2. The Commissioners approved the payment of the claim but stated that in the future duplicate meals would need to be paid for by the Clerk. .

### **IN THE MATTER OF BOWEN CENTER GRANT APPLICATION:**

Bob Murphy and Curt Carlson from Bowen Center appeared before the Commissioners with an update of future plans and to request signatures to send a letter and proposal to Indianapolis for grant application.

Murphy passed a sign up sheet through the audience regarding a public hearing on the future plans of the Bowen Center Inpatient Unit. Currently Bowen's plans are to sell the existing facility, attached to Kosciusko Community Hospital (KCH), to the hospital. KCH plans to use the facility to expand their emergency care and inpatient areas. Murphy stated that if this plan goes through Bowen will have to relocate its inpatient services. Bowen served approximately 848 chronic care patients from five (5) counties in 2003. Bowen is requesting signatures from the Commissioners to apply for a \$500,000 grant to fund the building of a new facility. The future land and sell of the current facility to KCH is dependent upon Bowen receiving the grant money.

Carlson stated Bowen is working cooperatively with KCH to improve the quality of care within the community. Bowen does not need to relocate its facility but in working with KCH it is believed that by selling to KCH for expansion of their facility the community will benefit.

Commissioner Truex requested that Murphy explain to those present why the County Commissioners needed to sign for the grant. Murphy explained that the grant can only be applied for by city or county governments. Kosciusko County will act as a funnel for the grant money. There will be no cost to the county all matching funds will come from Bowen Center.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Approve and sign the letter and proposal as presented by Bowen Center.

### **IN THE MATTER OF TROYER GROUP WESTERN ROUTE PRESENTATION:**

Steve Benczik appeared for the Troyer Group. Benczik explained the presentation being made is essentially the same presentation that was made at the April 1<sup>st</sup> 2004 meeting. Troyer was hired to act as a consultant on a solution to the Western Route Alternative. There have been four (4) public meetings held and various proposals were presented. The corridor study was done with a preliminary width of 1000'. Considerations included future local plans, safety, traffic capacity, economic development, environmental impact and historical.

Benczik presented the Power Point presentation showing all the alternatives presented. The Troyer Groups recommendation is Alternative #5 which will cut across from SR 15 South, west on CR 300 S, following power existing power lines northwest then north to CR 400 N then east to SR 15. Benczik concluded his presentation.

Commissioner Truex opened the floor to public comment.

The following is a list of citizens in order of appearance before the Commissioners. The list includes the name, address and summary of comments.

NAME	ADDRESS	COMMENTS
Bruce Woodward	1515 E. Main Street Warsaw	Woodward distributed notes to each of the Commissioners plus a petition signed by 119 county residents. No one opposed to bypass around Warsaw which would be quicker route North. Concerns include additional stoplights north, congestion at Leesburg, CCAC traffic having to cross 4 lanes, route so close to Goose Lake and bisecting a residential area causing safety concerns. Need a bypass around with limited access to area. Suggest looking further West and South for future growth and generations.
Joe Shepherd	200 South	Route affects his property but tried to look at objectively. Concerned that Route #5 is just a recent new idea to save money. Cheapest not always the best. He has heard cost of \$28M. There seems to be a lack of concern for the residential area being bisected. Doesn't believe land acquisition will be less money simply because running along power lines. Suggest using alternate route #4. No doubt Warsaw needs a bypass but need to look at future 20-30-100 years down the road.
Tom Bauter	3113 W 200 N	Home is in pathway of proposed #5. Questions the proposed time frame for starting. Does not receive newspaper so this is first time heard of meeting. Wanted to know if letters could be sent.  <i>Response by Commissioner Truex is that could not send letters to everyone have made publication of meetings in all local papers. Referred potential start date to Troyer Group who made it clear there is no contract with the county to begin this project. If contract were signed today would be several months to even begin planning. Looking at conservative start date of 2 years.</i>
Dennis Holder	2077 W 400 N	States there are 18 homes on the stretch of 400 N connecting proposed Route #5 back to SR 15. His home is currently 70' from center line of 400 N. Major concern that roadway will be too close. Also affect on historical homes. Many close to 100 years old. Concerned with decreased property values. Suggest moving to use farmland rather than affecting 18 homes.
Nick Deeter	30 Acres on 400 N	Land was purchased from grandfather. Deeter is a 5 <sup>th</sup> generation owner of land. Send letter to Commisisoners prior to meeting. Can't think of a worse spot to reconnect to SR 15 N than @ 400. Believes it was an after thought. Roadway has businesses, farms, cemetery, Blue Heron habitat. Suggests further investigation of northern connection.
Jerry Deeter	400 N	Home located 25-30' from center line. Land was granted in 1884 by President Tyler to family. Believes Commissioners need to consider historical value of properties. Suggests reevaluating north route of proposal.
Tom Moorehouse	8492 N SR 15	Believes bypass is a great idea but why reconnect at 400 N. Why not take straight to CR17 in Elkhart County if the future is to connect to that roadway? Makes more sense to simply continue north.
Ken Bixler	Melody Acres	Concerns are safety for CCAC traffic. Proposed plan would require at least two bridges and stop light. Would like route further west near Park Schram Rd. There could be no stop light because could overpass.
Judy Wentz	1825 E 400 N	Spoke to INDOT engineer who told her the state plans to expand SR15 within the next few years from current Walmart location to 600 N. Why not work with them to solve the problem? Believes the county needs to look at making a true bypass away from the city. Believes the proposed plan is very short sighted. Concerned with having to disclose proposed highway through areas lowering property values.
Mervil	1256 W 400 N	Concerned about affect on home values. Would like a true

Whitehead		bypass.
Doug Fretzel	Warsaw Bible Church SR 25 & CR 150 S	Gave information to Commissioners regarding property impact. Alternate #5 too near high voltage, cuts through wet lands and residential is not a wise economical choice. Due to safety issues, unable to expand residential area and loss of farmland request that Alternate #5 not be selected. Suggests true bypass further west.
Paul Munding	2189 W 400 N	Does not want roadway to reconnect at 400 N. Road needs to prevail toward CR 17 in Elkhart County using fence row.
John Mock	W Center Street Warsaw	Owens property that could be affected by proposed routes. Wants a real bypass as far south to as far north as possible. Need to work together with the state. Doesn't want residential growth choked off by current proposal. Also questioned whether Troyer Group was doing survey work last fall and cut a line? His fence was damaged.  <i>Response from Commissioners was that no work had been done.</i>
Tom Morehouse (again)		Believes that since part of the property was granted new eminent domain would have to be established.
Kip Thorn	Leesburg	Questioned the proposal for SR 15 north of CR 400 N. Will there be enough right of way or will further property need to be acquired? Would like to make sure that appropriate zoning is maintained. Seems that every correction is a 20-30 year fix wants to be sure that the problem is taken care of for long enough.  <i>Response by Troyer Group is that there appears to be enough right- of -way currently on the SR 15 North proposed route.</i>
Judy Wentz (again)		Again stated that INDOT is planning on taking care of the SR 15 North issue within the next 5 years. Was told the road would be 4 lanes all the way to 600 N.
Tom Moorehouse		Suggest using US 30 at the newly developed clover leaf. This is a good area why not use it?  <i>Truex stated that no decision has been made that is why looking at everything.</i>
Phil Kline	1408 W 1250 Milford	Please consider the impact to the Milford area since only one proposal is presented for that area for a bypass to CR 17. Milford is barely sustaining because of SR 15 traffic. Please look at a different route north.

Commissioner Truex stated he appreciated all the public comments and they will all be considered. Truex questioned the audience to be clear that “No one said we ‘don’t need to do something’? If we do something it has to be somewhere.”

Being no further comment, the Western Route Presentation was closed.

**IN THE MATTER OF VEGETATION REMOVAL ALONG RIGHT-OF-WAY:**

Rob Ladson, County Highway Engineer, stated he has drafted a policy, which County Attorney Mike Miner reviewed, regarding mowing one standard mowers width along county maintained roadways. Ladson would like the approval of the Commissioners to institute the policy.

MOTION: AVIS GUNTER TO: Approve the policy as presented.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

**Vegetation Removal along Rights-of-Way**

**The Kosciusko County Board of Commissioners, through the Kosciusko County Highway Department, has established a program to mow vegetation along County Maintained Roads. In an effort to clarify those procedures, the following policy has been established:**

- I. The Kosciusko County Highway Department shall mow, trim, or otherwise remove vegetation within the right-of-way of the County Maintained Road in a reasonable and prudent manner so that

the visibility at the intersections of County Maintained Roads with County Maintained Roads is not unreasonably hindered.

- II. The Kosciusko County Highway Department shall not mow, trim, or otherwise remove vegetation within the right-of-way of any non-county maintained road, private driveway, easement, or other similar areas.
- III. When a non-county maintained road, private driveway, easement, or other similar points of access intersects with a County Maintained Road, the Kosciusko County Highway Department shall not mow, trim, or otherwise remove vegetation within the right-of-way of the County Maintained Road for the purpose of improving the visibility of non-county maintained roads or other areas. Such intersections are to be privately maintained.

**IN THE MATTER OF REPEALING STOP SIGN ORDINANCES:**

Rob Ladson, County Highway Engineer, presented an Ordinance repealing stop signs at CR 75 W north of 1350 N and also at 200 W north of 1350 N. Ladson stated gates and light had been installed at the railroad crossing and stop signs are no longer needed.

MOTION: BRAD JACKSON TO: Approve the ordinance as presented.  
SECOND: AVIS GUNTER  
AYES: 3 NAYS: 0  
UNANIMOUS

**ORDINANCE 04-06-29-001S**

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

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

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

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

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

1. Repeal “Stop” signs on the southeast and northwest corners of the railroad tracks on CR 75W north of CR 1350 N. Item #4 Ordinance #00-010S. New lights and gates installed.
2. Repeal “Stop” signs on the southeast and northwest corners of the railroad tracks on CR 200W, north of CR 1350 N. Item #5 Ordinance #00-010S.

THIS ORDINANCE shall be in full force and effect on June 29<sup>th</sup>, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 29<sup>th</sup> day of June 2004.

**IN THE MATTER OF COUNTY RIGHT-OF-WAY DEAD ENDING INTO LAKE:**

Rob Ladson, County Highway Engineer, stated the question had arisen where a private property owner had erected a pier on a lake not on the county right-of-way and Ladson suspects the question will be directed whether other property owners can do the same. Ladson would like direction on how the Commissioners wish to proceed should the question arise. Commissioner consensus is to let this be a private matter between the property owners.

**IN THE MATTER OF WESTERN ROUTE MEETING:**

Rob Ladson, County Highway Engineer, asked when Commissioners would like to set the next meeting for the Western Route. Commissioners stated they wished to review all materials. Discussion could happen during the Commissioner meeting on July 13<sup>th</sup> 2004 with a public meeting to be established soon after that date.

**IN THE MATTER OF MAXIMUS CONTRACT:**

County Auditor, Sue Mitchell, present the contract from Maximus for approval and signature. Mitchell stated Maximus does the county audit and it is the same contract essentially as last year. County Attorney Mike Miner has reviewed.

MOTION: AVIS GUNTER TO: Approve and sign the contract 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 JULY 13, 2004**

The Kosciusko County Commissioners met for their regular meeting on July 13, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT

MIKE MINER, COUNTY ATTORNEY

AVIS GUNTER

SUE ANN MITCHELL, COUNTY AUDITOR

BRAD JACKSON

RON ROBINSON, COUNTY ADMINSTRATOR

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

### **IN THE MATTER OF ASSESSOR REQUEST TO TRAVEL OUT OF STATE:**

Laurie Renier, County Assessor, stated that she would like for her Chief Deputy, Kathy Sponseller and her to attend a Proval conference October 24<sup>th</sup>-28<sup>th</sup>, 2004 in Portland, Oregon. The conference is being conducted by Proval users and Renier believes the conference will be beneficial in allowing the Assessors to understand the system's capabilities. Renier presented hand outs regarding the conference. Renier stated the money is in her budget for the conference. She requested permission from the County Council at their July meeting.

MOTION: AVIS GUNTER

TO: Approve out of state travel for the County

SECOND: BRAD JACKSON

Assessor and her Chief Deputy for Proval

AYES: 3 NAYS: 0

conference in Portland, Oregon.

UNANIMOUS

### **IN THE MATTER OF JOB WORKS PRESENTATION:**

Steve Corona, President, and Tom Kavanagh, Vice President of Job Works, presented information regarding available Job Works programs. Job Works is a not for profit, federally funded program. Locally Job Works provides tuition assistance to those seeking a degree or certificate in a program beneficial to the economic growth of the community. Job Works provides job analysis assessments to determine matches between basic skills of those seeking employment with the needs of the employer. Web Camp is offered to teens too young for regular employment. The camp matches teens with Ivy Tech instructors and is designed to develop technical skills and basic job skills. Assistance is provided to dislocated workers and those seeking career changes. Basic services include resume and cover letter writing. Corona believes the services offered in Kosciusko County would be a draw to employers looking to relocate or even keep their business in this area. Corona encouraged Commissioners to contact either himself or Kavanagh with questions and input.

### **IN THE MATTER OF QUESTION OF OWNERSHIP CRESTWOOD SD LOTS:**

David Pollard, a resident of Crestwood SD in Tippecanoe Township, appeared before the Commissioners requesting information on how to acquire ownership of abandoned lots adjoining his lot. Pollard stated the lots are not on the county tax rolls and are abandoned with no owner. Sue Ann Mitchell, County Auditor, confirmed that the lots were not on the tax rolls but believes ownership belongs to the person(s) who originally platted the subdivision. Mike Miner, County Attorney, suggested Pollard do a title search to determine the ownership. Commissioner Ron Truex stated that while the lots were not on the tax rolls they were owned by someone. The Auditor's office will research the property and add to the tax rolls.

### **IN THE MATTER OF BOVINE BRUCELLOSIS AND TUBERCULOSIS ERADICATION CONTRACT:**

Sue Ann Mitchell, County Auditor, presented for approval and signatures, the annual contract of the Bovine Brucellosis and Tuberculosis Eradication with the Indiana State Board of Animal Health.

MOTION: AVIS GUNTER

TO: Approve and sign the contract as

SECOND: BRAD JACKSON

submitted.

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF COMMISSIONER’S BUDGET, EDIT BUDGET, CUM JAIL BUDGET, CUMULATIVE CAPITAL DEVELOPMENT BUDGET:**

Sue Ann Mitchell, County Auditor, presented the 2005 budgets for the Commissioners approval and signatures. The budgets presented included the Commissioner’s budget for County General, Cumulative Jail, Cumulative Capital Development and the Economic Development Income Tax Budget. Mitchell stated the figures are the ones that had been discussed prior with each Commissioner. They will be submitted to the County Council for final budget approval.

MOTION: AVIS GUNTER TO: Approve and sign the budgets as  
SECOND: BRAD JACKSON presented.  
AYES: 3 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF BID OPENING FLAGSTONE TERRACE SD DRAINAGE AND PAVING PROJECT:**

Mike Miner, County Attorney, opened all sealed bids for the Flagstone Terrace SD Drainage and Paving Project. The following bids were received:

LDP Excavating	\$149,990.00	Bid Bond received
Cripe Excavating	\$165,740.74	Bid Bond received
Phend & Brown	\$267,778.10	Bid Bond received
1 <sup>st</sup> Brooks Construction	\$245,938.05	Bid Bond received
Hamman Excavating	\$133,750.00	No Bid Bond

Rob Ladson, County Highway Superintendent, stated the engineers estimate for the project was \$146,538.00. Ladson made the bids available for contractor review. Ladson will review the bids and bring a recommendation before the Commissioners at their next meeting.

**IN THE MATTER OF FINAL INVOICE FOR WESTERN ROUTE:**

Rob Ladson, County Highway Superintendent, stated he received the final invoice from the Troyer Group for their work on the Western Route proposal. Final reports have been submitted to the Commissioners. Ladson stated he feels all work has been completed and payment should be approved.

MOTION: BRAD JACKSON TO: Approve payment of final invoice from  
SECOND: AVIS GUNTER Troyer Group.  
AYES: 3 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF SALT PURCHASE:**

Rob Ladson, County Highway Superintendent, has received quotes for salt for winter snow plowing. Ladson provided the following information for the Commissioners:

Morton	\$39.38/ton
Cargill	\$41.32/ton
Detroit	\$41.40/ton
North American	\$42.04/ton

Ladson stated the lowest responsive and responsible bid was from Morton. Ladson has ordered salt and it should arrive in October.

**IN THE MATTER OF SUBDIVISION CONTRACTED SNOW REMOVAL:**

Commissioner Truex inquired about County Highway plans for contracted snow removal in the subdivisions. Rob Ladson, County Highway Superintendent, stated plans are to continue contracts in the same subdivisions as last winter. Ladson will be sending letters to those involved in the contracts last year to get their bids. If the budget permits, additional subdivisions will be contracted. Ladson asked if any Commissioner had received feed back on the plowing. Truex stated he had heard only positive comments and felt this was a better way to utilize the county’s own trucks.

**IN THE MATTER OF ROAD FAILURE AT 100 E AND 1000 S:**

Rob Ladson, County Highway Superintendent, stated due to recent rainfall there had been a road failure at county roads 100 E and 1000 S causing a hole in the roadway. An emergency repair was

needed and the closest contractor was contacted. The cost of the repair was \$10,331.07. Ladson requested the Commissioners declare this an emergency situation and approve the payment of the claim.

MOTION: AVIS GUNTER

TO: Declare the road failure an emergency

SECOND: BRAD JACKSON

condition and approve payment.

AYES: 3 NAYS: 0

UNANIMOUS

#### **IN THE MATTER OF 2005 HIGHWAY BUDGET:**

Rob Ladson, County Highway Superintendent, inform the Commissioners he would be seeking an increase in the 2005 Highway budget. Increases are for consulting engineers to look at the intersection of Old Road 30 and Fox Farm Road and determine a more efficient movement of traffic. Consulting engineers will also be looking at the hill located on CR 150 W. This section of roadway is partially County responsibility and partially the responsibility of the City of Warsaw. Ladson will be investigating whether the hill can be lowered prior to repaving.

#### **IN THE MATTER OF WESTERN ROUTE APPROVAL:**

Commissioner Ron Truex stated all information has been received from the Troyer Group regarding the Western Route. Truex thanked the Troyer Group and feels they did a good job based upon the guidelines and expense limits given to them. Truex said Commissioners have reviewed the information and have taken it into consideration public comments. Additional considerations such as neighborhoods and safety have been considered.

The Commissioners will vote on a proposal to have the Western Route begin near CR 400 S on the west side of Goose Lake, continue near CR 300 W going north across US 30 at the closed rest park and reconnecting to SR 15 between 450 N and 600 N using back property fence line as much as possible. The roadway would then go west around the Town of Milford. There would be a corridor of approximately ¼ mile to work with and would cause as little disruption to individuals as possible. The plan would call for staying 1000' from homes as much as possible. By the time the route would reach the stage of connection with SR 15 the county will have a chance to see what INDOT is doing with their proposed changes to SR 15. The proposed route will take into consideration going over the roadway at Old 30 near the CCAC and railroad. This will be more expensive but safer.

Truex requested Troyer group review the proposal from the Commissioners looking for shortcomings and barriers to the proposed route. Truex stated that a vote will be taken at the next Commissioners meeting. Truex further stated all public comment has been taken and the route is not final until the vote at the next meeting.

#### **IN THE MATTER OF TOWN OF SIDNEY SEWER LINE:**

Rob Ladson, County Highway Superintendent, and Ken Koontz, Sidney Town Council President, appeared before the Commissioner to discuss obtaining a permit for right of way for sewer lines along CR 900 S up to 700 E a distance of approximately 2 ½ miles.

Ladson has no problem with granting the right of way to the Town of Sidney but is concerned with the damage to and the repair of the roadway. Ladson stated if the ditch is approved there will be approximately \$95,000 in repairs to the roadway from heavy equipment. Koontz stated the Town of Sidney was not financially able to pay this amount with the funding being provided for the project.

Discussion between Commissioners and Koontz brought up the possibility of directional drilling. Directional drilling would minimize damage to the roadway and possibly lower the cost of the project. Koontz stated if directional drilling could be done then additional funds may be available for roadway repair. Koontz stated the Town of Sidney was willing to have the project bid two ways. The project could be bid for ditching along CR 900 S and also bid for directional drilling.

Koontz stated the town has a time line of approximately 18 months to complete the project and they need approval from the Commissioners before they can have the project bid. Ladson stated the costs for repairs needed to be considered prior to granting approval of the right of way.

Commissioners gave conditional approval to the Town of Sidney for a right of way along CR 900 S for the purpose of installing sewer lines. The Town of Sidney must bid the project including directional drilling to minimize road damage. The Commissioners will send a letter. After bids are received the Commissioners will review the information and further discuss the costs for road repair.

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

**ADDITION TO MINUTES – THE FOLLOWING ITEM WAS OMITTED FROM THE JULY 13<sup>TH</sup> MINUTES:**

**IN THE MATTER OF DRAINAGE ISSUE FOR LOT IN SUBDIVISION:**

Rob Ladson, County Highway Superintendent asked for direction concerning a drainage issue. A lot in a subdivision needs the Board of Health approval. The property owners are being required to install a mound system. They would be required to have a perimeter drain around the mound system that would have to run off to a county drain. Ladson noted it would not be known whether it would be constant discharge until installed. There is some question concerning run off to other property owners because lots are in close proximity to each other. Ladson felt a tile to field tile would be a better solution. The commissioners instructed Ladson to get with Bob Weaver, Health Department to work together for a solution.

**KOSCIUSKO COUNTY COMMISSIONERS  
JULY 27, 2004**

The Kosciusko County Commissioners met for their regular meeting on July 27, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center Street, Warsaw, Indiana.

Those present were:

RON TRUEX, PRESIDENT  
AVIS GUNTER  
BRAD JACKSON

SUE ANN MITCHELL, COUNTY AUDITOR  
RON ROBINSON, COUNTY ADMINSTRATOR

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 CLERK'S OFFICE FILE SYSTEM:**

Sharon Christner, Kosciusko County Clerk, updated the Commissioners on the search for a vendor to provide a file system for the Clerk's Office storage space in the basement of the Justice Building. One vendor has completed an estimate for installing shelving. Christner requested a second vendor to redo their estimate based upon shelving as opposed to storage units. Christner plans to use the Document Preservation Fund to pay for the increased storage.

**IN THE MATTER OF STATE SHERIFF'S ASSOCIATION OFFICER OF THE YEAR:**

Kosciusko County Sheriff Aaron Rovenstine publicly acknowledged Chris McKeand as the recipient of the State Officer of the Year Award. McKeand will receive the award at the annual Sheriff's Conference. Sergeant McKeand is the first ever Kosciusko County Sheriff's Deputy to receive the award. Commissioners extended their congratulations to McKeand.

**IN THE MATTER OF APPROVAL OF PLANS FOR BRIDGE 289:**

Ladson stated plans were ready for Bridge 289 located on Cedar Point Drive. Ladson is seeking Commissioners approval of the plans. He has been working with Auditor Sue Ann Mitchell to establish common wage. A meeting is scheduled for August 9<sup>th</sup>. Ladson is still waiting for Army Corp. of Engineer permits and anticipates they will arrive any day. There will be disruption to properties and the bridge is the only access to the island. Ladson anticipates construction to begin after Labor Day to allow for summer residents to depart the area.

MOTION: BRAD JACKSON

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve the Bridge 289 plans as presented.

**IN THE MATTER OF FLAGSTONE TERRACE BIDS:**

Ladson stated bids received for the Flagstone Terrace drainage and paving project during the July 13<sup>th</sup> Commissioner's meeting had problems. The lowest bid did not include a bid bond and the 2<sup>nd</sup> lowest bid had issues with required form 96. Ladson is recommending the bids be rejected and the project be re-bid on August 10th. Ladson will send new packets to all the bidders.

MOTION: AVIS GUNTER

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

TO: Reject bids received at the last meeting and re-bid the Flagstone Terrace drainage and paving project.

**IN THE MATTER OF CHANGE ORDER FOR BRIDGE 226:**

Bridge 226 near the waste water treatment plant in Warsaw has a change in plans required by the utility company. Ladson sought approval to spend \$2,638.69 for required plan change.

MOTION: AVIS GUNTER

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve the change order and expenditure.

**IN THE MATTER OF BRIDGE 289 UTILITY REALIGNMENT AGREEMENT:**

Bridge 289 requires a utility realignment agreement that requires the Commissioner's signatures.

MOTION: BRAD JACKSON

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

TO: Sign the agreement as presented.

**IN THE MATTER OF REMOVAL OF ROADWAY FROM ROAD INVENTORY:**

A section of roadway located at CR 1000S and 750W near Loon Lake needs to be removed from the State road inventory. The section is .11 miles long and the County Highway does not maintain this section.

MOTION: AVIS GUNTER

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

TO: Remove the section of roadway from inventory.

**IN THE MATTER OF REMOVAL OF ROADWAY FROM ROAD INVENTORY:**

A section of road with State ID 713 & 706 needs to be removed from inventory. The road is not maintained by the County Highway.

MOTION: AVIS GUNTER

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

TO: Remove the section of roadway from inventory.

**IN THE MATTER OF 4-WAY STOP AT PACKERTON ROAD & CR 225 S:**

A request has been made by the residents of Packerton to install a 4-way Stop sign at the intersection of Packerton Road and 225S. The request has been made because of a fence that has been installed. Ladson believes this issue was discussed with the Commissioners previously but could not find reference in the minutes. Ladson is verifying that Commissioners DO NOT want a 4-way Stop installed at this intersection.

MOTION: AVIS GUNTER

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

TO: Not install a 4-way Stop at Packerton and 225 S.

**IN THE MATTER OF MULTI-WAY STOP AT CR 250N AND CR 100E:**

A request was received to install a multi-way Stop sign at the intersection of CR 250N and CR 100E near the airport. Ladson has done traffic studies at the intersection and while the numbers do not meet the recommendation for installing such a sign they are close. Ladson recommends not installing the sign at this point but to revisit the issue in the future if necessary.

MOTION: BRAD JACKSON

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

TO: Follow the recommendation of the County Highway Superintendent and not install a multi-way stop.

**IN THE MATTER OF TRAFFIC COUNTS AND GIS:**

Ladson stated the County Highway is in the process of having all traffic counts loaded on the GIS system. Ladson feels this will allow easier access to the information.

**IN THE MATTER OF BARRICADES AT CR 450E AND CXS RAILROAD CROSSING:**

Commissioners had given approval approximately two years ago to close the road at CR 450 E and CXS Railroad crossing south of US 30 once lights and gates were installed. The State is requesting this happen ASAP. The County Highway has been waiting on the proper barricades to close the road and believes they should be in place by this Friday as long as the weather permits. The road can then be vacated from Wooster to the crossing. The State will then remove the approach lanes to the closed road at some point. Ladson reported it was his understanding that the property owner on the south side plans to erect a fence.

**IN THE MATTER OF WESTERN ROUTE:**

Ladson stated that members of the Troyer group were present to answer Commissioners questions concerning the Western Route. Commissioner Ron Truex led the discussion. Truex stated the Troyer Group was to investigate the feasibility of the route proposed by the Commissioners at the July 13 regular meeting. John Lezinsky of the Troyer Group stated their firm had looked at the proposed plan and it does meet the criteria. The cost will be greater but the safety would be better. Troyer Group heartily recommends the route proposed by the Commissioners.

Truex stated that while the public concerns were taken into consideration at some point a decision has to be made on approximately where the road will go. Delyn Geiger questioned the tie in onto State Road 15 at the South end of the project being on a curve. Truex stated all issues will be addressed. The goal is to improve any existing problems. Truex emphasized the Commissioners are proposing a corridor that can go a quarter mile in either direction. The goal is to let everyone know a road will be there sometime in the future. It is not written in stone the exact location.

Chris Garza inquired if the plans were to still cross US 30 at the rest area. If so then CR 350 W and Fox Farm road will dead end? Truex stated that was the plan and it is the understanding of the Commissioners that the State will not allow three intersections onto US 30 within ½ mile distance.

Commissioner Brad Jackson stated he understands there are still concerns regarding the Milford area and the goal is not to alarm anyone but to inform of the possibilities.

Larry Kinsey questioned whether there is a schedule or time line regarding construction. Truex stated there would be several stages based upon available funding. One possibility would be to do the central section first from US 30 to SR 25. The section from SR 25 to SR 15 second and the section north of US 30 last. There could be a possibility of acquiring the right of way North for 4 lanes but initially only constructing two.

Deb Wittle stated she was unable to attend the prior meeting and would like to know the route from CR 400 S. Truex stated west around Goose Lake then north approximately along CR 300W.

Carl Diehl questioned where the center of the east to west section of the road connecting back to SR 15 north of US 30 would be. Truex stated that plans are currently for the road to be between 400N and 500 N depending on homes, wetlands, construction costs, etc. Diehl stated he hoped Commissioners would take into consideration woodlands, historic homes and prime farm ground.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON

TO: Accept the proposed Western Route.

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AYES: 3 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF NORTON REZONING SEWARD TOWNSHIP:**

Dan Richard, Area Plan Director, presented petition information on a request by Michael and Laura Norton to rezone a tract of land located south of Palestine Lake in Seward Township from Agricultural to Residential. The tract is 3.25 acres and the Norton's plan to subdivide the tract into two lots. The Area Plan Commission unanimously recommends the rezoning.

MOTION: AVIS GUNTER TO: Support the decision of the APC and allow  
SECOND: BRAD JACKSON the rezoning.  
AYES: 3 NAYS: 0  
UNANIMOUS

ORDINANCE NO. 04-07-24-001Z

AN ORDINANCE AMENDING, AND TO AMEND  
THE ZONING ORDINANCE OF KOSCIUSKO  
COUNTY, INDIANA

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

**ARTICLE 1.**

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

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

Point of the east half of the south half of the northeast Quarter of Section 2, Township 31 North, Range 5 East, Kosciusko county, Indiana, more particularly described as follows, to-wit:

Commencing at a P.K. nail found marking the southwest corner of the east half of the south half of said northeast quarter; thence north 00 degrees 00 minutes east (deed bearing), on and along the west line of said east half a distance of 143.79 feet to a P.K. nail found at the northwest corner of a certain 5.00 acre tract of land as recorded in Document #95-01-0911 of the records of Kosciusko County, Indian, said northwest corner being the true point of beginning; thence continuing north 00 degrees 00 minutes east, on and along said west line, being within the right-of-way of County Road 525 west, a distance of 245.31 feet to a P.K. nail at the southwest corner of a certain 5.00 acre tract of land as recorded in document #72-09-0260 of said records; thence north 70 degrees 00 minutes east, on and along the south line of said 5.00 acre tract in document #92-07-0260, a distance of 558.0 feet to an Iron Pin, thence south 37 degrees 17 minutes 05 seconds east, a distance of 245.47 feet to an Iron Pin on the north line of said 5.00 acre tract in document #95-01-0911; thence south 85 degrees 54 minutes 43 seconds west, on and along said north line, a distance of 708.5 feet to the true point of beginning.

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

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

**ARTICLE 2.**

Section 1. This ordinance shall be in full force and effect from and after its passage.  
Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana, on 27<sup>th</sup> day of July, 2004.

**IN THE MATTER OF TOM REZONING TIPPECANOE TOWNSHIP:**

Dan Richard, Area Plan Director, presented a petition by Chad Tom to rezone a tract located near Tippecanoe Lake from Environmental to Agricultural. The 2.1 acre tract was classified forest in the 1970's. Tom plans to build a single family dwelling on the property. Chad Tom was present but did not make comment. Richard stated APC voted 6-1 in favor of the rezoning.

MOTION: BRAD JACKSON

TO: Approve the rezoning from Environmental to Agricultural.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE NO. 04-07-24-002Z

AN ORDINANCE AMENDING, AND TO AMEND  
THE ZONING ORDINANCE OF KOSCIUSKO  
COUNTY, INDIANA

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

**ARTICLE 1.**

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

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

A tract of land located in the Northeast Quarter of Section 7, Township 33 North, Range 7 East, Tippecanoe Township, Kosciusko County, Indiana, further described as follows: Commencing at a round-headed bolt marking the East Quarter Post of said Section 7; thence North 89 degrees 28 minutes 40 seconds West 2032.15 feet to a 3 inch iron pipe; thence North 46 degrees 48 minutes 54 seconds West 483.41 feet to a railroad spike on the centerline of a 40 foot road (Kalorama Road) and being the point of beginning; thence North 47 degrees 32 minutes 40 seconds West (record and basis of bearings) along said centerline, 200.00 feet to a railroad spike; thence North 22 degrees 25 minutes 57 seconds East 465.71 feet to a 5/8 inch capped iron rebar; thence South 56 degrees 19 minutes 08 seconds East 200.00 feet to a 5/8 inch capped iron rebar; thence south 23 degrees 23 minutes 13 seconds West 495.26 feet to the point of beginning, and containing 2.123 acres, more or less.

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

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

**ARTICLE 2.**

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

Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana, on 27<sup>th</sup> day of July, 2004.

**IN THE MATTER OF JASPER VACATION TURKEY CREEK TOWNSHIP:**

Matt Sandy, Area Plan Assistant Director, presented a request by Ronald & Raeann Jasper and William & Tonya Zehner to vacate a 5' tract of land along their adjacent properties in Stroh's Evergreen Addition at Turkey Creek. Sandy states APC unanimously recommends against the vacation. The roadway is not county maintained but is undersized. There was no remonstrance against the vacation by Wawasee Schools but Sandy stated the letter from the bus driver indicated the school would not be able to send a bus to pick up special needs children. Also, there is a 20'

right of way required. Sandy stated prior variances had been granted to the area and this vacation would negate those variances. There was one letter of remonstrance received by APC from a neighbor.

Attorney Steve Snyder appeared for the petitioners. Snyder stated the 20' right of way is an arbitrary APC rule. Snyder presented a survey showing the house 21' from the roadway. The cottage was removed because of poor condition. Owners wanted to build a new 24' deep home but because of the 20' R.O.W. they could only build 19' deep. This does not work. Snyder states the BZA wants to hold to current standards an area that was platted in 1921. The lots have access and it has been working for over 80 years. Emergency vehicles can reach the area. Snyder also stated the only objection was from a letter received. Snyder's client wants to improve the value of the land. Sandy stated the BZA made its decision in February and Snyder could have appealed. APC discussed that narrowing the right of way caused congestion. Sandy stated the owners knew what they were getting when they bought the property. Sandy felt that this was a way for Snyder to go around the BZA's decision. Further discussion followed.

Commissioners discussed with Snyder and Sandy the possibility of granting a 15' set back rather than 20'. Truex stated essentially the home would be 2' further back from the roadway than it is currently but the 15' would allow to compliance with requirements of the APC. Brad Jackson made the motion to table the decision until Snyder could meet again with the BZA. If the issue is not resolved the Commissioners will revisit the issue at the next regular meeting after the September BZA meeting.

Dan Richard, Area Plan Director, stated he felt that this was an attempt to undermine the Board of Zoning Appeals. Richard stated the BZA was not the bad guy in this and had not made a bad decision.

Commissioner Jackson stated he did not believe the BZA was the bad guy or had made a bad decision. Jackson stated that he just did not agree with the decision.

MOTION: BRAD JACKSON

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

TO: Table the decision on the vacation until the next regular meeting after the September BZA meeting.

#### **IN THE MATTER OF NEWMAN, ETAL VACATION SEWARD TOWNSHIP:**

Matt Sandy, Area Plan Assistant Director, presented a vacation request from Robert and Shirley Newman to vacate a tract of land adjacent to their lots. The tract of land is undeveloped and APC recommends the vacation as long as lots are combined to prevent land lock in the future.

Janet Leiter, owner of the adjacent property, appeared in favor of the vacation. Leiter believes this will improve the value of all properties. Currently the area in question has trash and debris and Leiter would like to see it cleaned up.

MOTION: BRAD JACKSON

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve the vacation subject to the properties being combined to prevent land lock.

#### **ORDINANCE NO. 04-07-24-001V**

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

WHEREAS, Shirley Newman and Robert Newman, Husband and Wife, filed a Petition to Vacate a Public Way with the Kosciusko County Commissioners, and

As required by law, a notice was published in the Warsaw times-union and The Mail-Journal. Both newspapers are in general circulation and published in the English language in Kosciusko county, Indiana, giving notice that said petition would be heard by the Kosciusko County Commissioners on the 27<sup>th</sup> day of July, 2004, at 9:30 a.m., in the Kosciusko County Court House at the corner of North Buffalo Street and West Center Street, Warsaw, Indiana, which notice in the Warsaw times-Union was published on the 5<sup>th</sup> day of July, 2004, (See Exhibit A) and which notice in The Mail Journal was published on the 7<sup>th</sup> day of July, 2004, (See Exhibit B) both of which notices were published more than ten (10) days prior to the hearing which is required.

WHEREAS, it does not appear that there are any other adjacent property owners to the public way to be vacated herein, other than the petitioners, and Delois and Esther Zimmerman.

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

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

Section1: That the following public way site in Kosciusko County, State of Indiana, and more particularly described as follows, to-wit:

That certain real estate labeled as a "Possible Road". And being approximately forty feet (40') in width north and south, bounded on the north by lot number 8-block number 9 in Oak Grove Beach on Palestine Lake Unite Number 3. It's bounded on the South by lot number 1 Block number 11 in Oak Grove Beach on Palestine Lake Unit Number 3, as recorded in Plat Book Number 4 page Number 121B in the office of the Recorder of Kosciusko County, Indiana.

In addition, which "Public Way" is identified as an unimproved tract of land lying between the real estate commonly known as 4214 and 4246 South Mallard Road Mentone, Indiana 46539.

In addition, which "Public Way" lies between those lots identified by Key Numbers Lot's numbered 1 through 5 In Block 11 Key numbers being 025-006-177 through 025-006-181 And Block 9 Lots numbered 6, 7&8. Key numbers being 025-006-171 through 025-006-173 Also, Lot's numbered 1 and 2. Key Numbers being 025-006-166

IS NOW HEREBY VACATED

Section 2: This Ordinance shall be in full force and effect upon its adoption

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

Upon motion duly made, seconded and passed by a vote of 3 ayes and 0 nays, the foregoing Ordinance was adopted by the Kosciusko County Commissioners at its regular meeting this 27<sup>th</sup> day of July 2004.

#### **IN THE MATTER OF LASH ENCROACHMENT TURKEY CREEK TOWNSHIP:**

Matt Sandy, Area Plan Assistant Director, presented a request by the Estate of Elizabeth Lash. The property is located in Elm Grove First Addition to Lake Wawasee. Sandy stated the encroachment agreement allows for everything APC would ask for and recommends the approving the encroachment agreement.

Steve Snyder appeared for the petitioners. Snyder stated the owners only found out that an agreement was not in place after Mrs. Lash passed away. The only use for the roadway at this point is for a driveway.

No one appear in favor or opposition to the agreement.

MOTION: AVIS GUNTER

TO: Approve the encroachment agreement.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

#### **ENCROACHMENT AGREEMENT**

THIS AGREEMENT, made this 27<sup>th</sup> day of July, 2004, between THE BOARD OF COMMISSIONERS OF KOSCIUSKO COUNTY, INDIANA ("County") and JERRY LASH as Personal Representative of the Estate of Elizabeth Ann Lash, over the age of 18("Lash").

##### **SECTION 1**

##### **RECITALS**

1.1 The following recitals are a material part of this Agreement.

1.2 Lash is the owner of the following described real estate in Kosciusko County, Indiana, to-wit:

Lots 59 and 60 in Elm Grove First Addition to Lake Wawasee ("Lash Lot")

1.3 County maintains jurisdiction over public rights-of-way in Kosciusko County, Indiana

1.4 A portion of the garage on the Lash Lot encroaches onto the right-of-way of a 30' public road, as shown on the survey of Kevin R. Michel dated July 2, 2004, and attached as Exhibit A. ("Encroachment")

1.5 The parties desire to make provision for the continued existence of the Encroachment.

SECTION 2  
CONSIDERATION

2.1 The consideration for this Agreement is One Dollar (\$1.00) and the mutual covenants contained herein.

SECTION 3  
TERMS

3.1 The Encroachment shown on Exhibit "A" shall be allowed to continue in its current location for so long as the Encroachment functions for the purposes intended or can be repaired to continue to so function. In the event County desires to improve the 30' public road, on ninety days written notice, Lash shall remove that portion of the Encroachment located in the right-of-way of 30' public road. In the event the Encroachment cannot be repaired, if they are replaced, they shall be located wholly within the boundaries of the Lash Lot.

3.2 Lash shall be entitled to make routine repairs and perform routine maintenance on the Encroachment.

SECTION 4  
MISCELLANEOUS

4.1 This Agreement shall be binding upon, and inure to the benefit of, the parties hereto, their successors and assigns and shall be enforceable with attorney's fees and without relief from valuation or appraisal laws.

4.2 This Agreement shall be recorded in the Office of the Recorder of Kosciusko County, Indiana.

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

**IN THE MATTER OF ERIC HODSON PRIOR VACATION BEAVER DAM LAKE:**

Matt Sandy, Area Plan Assistant Director, introduced a problem concerning a vacation previously granted in the Beaver Dam Lake area. Sandy stated in 2001 Eric Hodson was granted a vacation. Hodson owned property on either side of the access to walkway to the lake. The vacation was granted by the Commissioners on the condition that an access be moved along either side of Hodson's property. Sandy stated the access was deeded. Sandy turned the discussion over to the property owners.

Patricia Shields, area property owner appeared. Shields stated Hodson had blocked access to the lake. Owners can not get to the lake across the area intended for the walkway. Shield was able to contact another property owner who is in Florida and use their property for access but not all residents can do this. Sandra Maxey, Shield's daughter, is living in Shields home. Maxey stated that last fall she asked Hudson to use his property to access the lake. At the point she tried to cross Hodson's property the Sheriff's Department was called. There is broken glass all along the sea wall and trash and debris strewn everywhere. There has been vandalism to Shield's property. Shields stated she has contacted the DNR, Sheriff and APC. She stated she was encouraged to talk with Commissioners. There are now trees cut and barricaded across the deeded easement. Shields questioned if there was any way to mark the walkway.

Commissioner Truex stated Shields had several issues at hand. One issue the Commissioners created and can direct the other issues are civil issues. The issue of the easement can be handled. Hodson must grant use. Sandy was instructed to contact the APC lawyer to see what it would take and if necessary bill any charges to Hodson's property tax. Sandy stated he will talk with Attorney Mike Reed and County Attorney Mike Miner. Truex assured Shields that the matter would be handled at full speed.

**IN THE MATTER OF SCHEDULED BUDGET HEARINGS:**

County Auditor, Sue Mitchell, reminded the Commissioners that budget hearings are scheduled for August 9<sup>th</sup> & 10<sup>th</sup>. The Commissioners Budget is scheduled to be heard on the 10<sup>th</sup>. Hearings start at 6:00 pm.

**IN THE MATTER OF VOTING MACHINES:**

Sue Mitchell, County Auditor, stated she and Clerk Sharon Christner are scheduling vendors to demonstrate their voting machines. Currently one vendor will be present at 9:00 am on August 26<sup>th</sup> and four others will be present in the afternoon. Mitchell has emailed all County Auditors and Commissioners in the state to invite them to attend the demonstration.

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

KOSCIUSKO COUNTY COMMISSIONERS  
AUGUST 10, 2004

The Kosciusko County Commissioners met for their regular meeting on August 10, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, Indiana.

Those present were:

RON TRUEX, PRESIDENT  
AVIS GUNTER  
BRAD JACKSON - ABSENT

MIKE MINER, COUNTY ATTORNEY  
SUE ANN MITCHELL, COUNTY AUDITOR  
RON ROBINSON, COUNTY ADMINSTRATOR

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 STATUS REPORT:**  
Ed Rock, Emergency Management Director, submitted a status report since his acceptance of the position of director. Commissioners commended Rock for the job he has been doing.

EMERGENCY MANAGEMENT DIRECTOR’S STATUS REPORT							
Year	Grant Title	Award			Training Hours		
2003	Comprehensive Emergency Management Plan	\$ 17,223			2003	2004	Total
2003	Counter-Terrorism Part 1	\$ 57,024		EMA	193	145	338
2003	Counter Terrorism Part 2	\$ 187,823		HazMat	48	56	104
2003	Interoperatable Communication	\$ 160,000		WMD		128	128
2004	Respirators	\$ 5,076		Grand Total	241	329	570
2004	Law Enforcement Terrorism Prevention	\$ 44,876					
2004	Homeland Security Responders	\$ 314,802		Incidents			
2004	GIS Photography	\$ 111,000		2 Drums in Ditch 550 North 3 Drums in Ditch 850 South Diesel Fuel SR 15 North Diesel Fuel US 30 East 20 Drums abandoned on 600 South 3 Batteries abandoned on 800 North Metal Dust Dumped on US 30 Weather Alert at Kosciusko County Fair Fish Kill at North Webster			
2004	Agro-Terrorism Training	\$ 11,111					
	2003 Sub-Total	\$ 422,070					
	2004 Sub-Total	\$ 486,865					
	Total to Date	\$ 908,935					
2003	FEMA Disaster Recovery 7/4/03	\$ 196,000					
	Total to Date	\$ 1,104,935					

**IN THE MATTER OF KABS QUARTERLY REPORT:**  
Rita Baker, Manager of KABS, presented quarterly reports and a grant for 2005 for Commissioners approval and signatures. Baker reported \$328,622 operation balance and \$67,513 capital balance.

MOTION: AVIS GUNTER  
SECOND: RON TRUEX  
AYES: 2 NAYS: 0  
UNANIMOUS

TO: APPROVE REPORTS AND GRANT AS PRESENTED.

**IN THE MATTER OF SHULL ADDITION STOP SIGN ORDINANCE:**  
Rob Ladson, County Highway Engineer/Superintendent stated Shull Addition is ready for installation of stop signs and presented the ordinance for approval.

MOTION: AVIS GUNTER

SECOND: RON TRUEX

AYES: 2 NAYS: 0

UNANIMOUS

TO: Approve the stop sign ordinance for Shull Addition.

#### **ORDINANCE 04-08-10-001S**

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

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

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

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

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

Shull Addition:

1. Install “Stop” sign on the southwest corner of Miami Drive and Ironwood Rd.
2. Install “Stop” sign on the northeast corner of Miami Drive and Indian Trail.
3. Repeal the “Yield” sign and install a “Stop” sign on the northeast corner of Oakwood Drive and Indian Trail.
4. Repeal the “Yield” sign and install a “Stop” sign on the southeast corner of Ironwood Road and Oakwood Drive.

THIS ORDINANCE shall be in full force and effect on August 10, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 10th day of August, 2004.

#### **IN THE MATTER OF REPEAL OF STOP SIGN ORDINANCES AT MOBILE HOME PARKS:**

Rob Ladson, County Highway Engineer/Superintendent, stated the County Highway is in the process of using GIS to assign numbers for Rail Roads known to INDOT and the Rail Roads. In the process the Highway has come across several mobile home parks which have private drives exiting onto county roadways. These drives have in the past had county stop signs. Ladson recommended that the old ordinance passed to install these signs be repealed. Ladson stated the county does not maintain these signs and does not maintain signs for any other private driveway. Ladson recommends leaving the signs but maintenance will be up to the property owner.

MOTION: AVIS GUNTER

SECOND: RON TRUEX

AYES: 2 NAYS: 0

UNANIMOUS

TO: Revoke the stop sign ordinance but leave the signs.

#### **ORDINANCE 04-08-10-002S**

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

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

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

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

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

1. Repeal “Stop” sign at Fahl Mobile Home Park and CR 350W on the southwest corner.
2. Repeal “Stop” sign at Fahl Mobile Home Park and Old 30 on the northwest corner - East entrance.
3. Repeal “Stop” sign at Fahl Mobile Home Park and Old 30 on the northwest corner – West entrance.

4. Repeal “Stop” sign at Lite Breeze Trailer Park and Wooster Road on the northwest corner.
5. Repeal “Stop” sign at Lite Breeze Trailer Park and CR 325E on the southwest corner.
6. Repeal “Stop” sign at Lamplite Trailer Park and CR 250S on the southeast corner.

THIS ORDINANCE shall be in full force and effect on August 10th, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 10th day of August, 2004.

MOTION: AVIS GUNTER  
 SECOND: RON TRUEX  
 AYES: 2 NAYS: 0  
 UNANIMOUS

TO: Approve the repeal of the stop signs with the signs to remain but to be privately maintained.

**IN THE MATTER OF RR CROSSING AT CR 450E AND US 30:**

Rob Ladson, County Highway Engineer/Superintendent, stated the roadway has been closed at CR 450E and US 30. This has been an ongoing project with CSX over the past 2 ½ years. The county is to receive \$20,000. Ladson is in the process of contacting the correct person to obtain the money. Ladson stated the ordinances now needs to be put in place to repeal the stop signs, vacate the public way and declare non-county maintenance on the roadway. Ladson also presented a letter to send to the state requesting the \$20,000.

MOTION: AVIS GUNTER  
 SECOND: RON TRUEX  
 AYES: 2 NAYS: 0  
 UNANIMOUS

TO: Approve and sign ordinances and letter as presented.

**ORDINANCE NUMBER 04-08-10-001V**

An ordinance vacating a road being a part of, Kosciusko County, Indiana.

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

WHEREAS, Yvonne Beyer, has filed a Petition for a vacation of a portion of a road with the Board of Commissioners of Kosciusko County, Indiana; and

WHEREAS, hearing on said Petition was set for December 4, 2001, at 9:30 a.m. and notice of said hearing was sent by certified mail to all abutting property owners and was published in the Times-Union and the Mail-Journal as required by law; and

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

WHEREAS, Yvonne Beyer, is the owner of real estate adjacent to the portion of the road to be vacated, which is described as follows, to-wit:

Cr 450 E – From the north right-of-way line of Wooster Road north to the south right-of-way line of the railroad tracks.

AND WHEREAS, that portion of the road sought to be vacated does not serve as an access route to any real estate other than real estate owned by adjacent landowners; and

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

WHEREAS, the Board of Commissioners of Kosciusko County, Indiana, decided on January 15, 2002 to “...vacate Cr 450 E after new lights and gates are installed at 325 E and Wooster Road.”

WHEREAS, new lights and gates have been installed on 325 E and Wooster Road and

Cr 450 E and CSX crossing has been closed by the Kosciusko County Highway Department;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Kosciusko County, Indiana that the portion of the road herein described is now vacated and title to said vacated road shall vest in the adjacent property owners.

That this ordinance shall be in full force and effect from and after its passage. ORDAINED AND PASSED this 10<sup>th</sup> day of August, 2004.

**ORDINANCE 04-08-10-003S**

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

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

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

WHEREAS, THE COUNTY HIGHWAY Engineering Department has performed a traffic study at the aforementioned road intersection in accordance to the State of Indiana Uniform Traffic Control Manual and hereby recommend “Stop” signs be repealed.  
NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Kosciusko as follows:

1. Repeal “Stop” signs on the southeast and northwest corners of the railroad tracks on CR 450E. Item #7 Ordinance #00-S016. Road closure.
2. Repeal “Stop” sign on the northwest corner of CR 450E and Wooster Road. Road closure.

THIS ORDINANCE shall be in full force and effect on August 10th, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 10th day of August, 2004.

**IN THE MATTER OF WESTERN ROUTE CORRIDOR SCHEDULE:**

Ladson presented the following schedule for the Western Route Corridor. Ladson requested permission to pursue a preliminary design with Troyer Group per the contract.

Phase 1		From	To	Miles	Notes
	Part A	US 30	Crystal Lake Road	2.5	Four Lane Right-of-way & Two Lane Pavement Cover Leaf at Old Road 30 New Bridge over Tippecanoe River
	Part B	Crystal Lake Road	SR 25	3	Four Lane Right-of-way & Two Lane Pavement At Grade Crossing at Crystal Lake Road
	Part C.	SR 25	SR 15	2	Four Lane Right-of-way & Two Lane Pavement At Grade Crossing at SR 25 & SR 15
Phase 2		From	To	7.5	Notes
	Part A	US 30	SR 15		Four Lane Right-of-way & Two Lane Pavement To SR 15 North Of Warsaw
	Part B	SR 15	Milford		Four Lane Right-of-way & Two Lane Pavement Along SR 15
	Part C	Milford	Elkhart County Line		Four Lane Right-of-way & Two Lane Pavement From SR 15 South of Milford To the north County line
Phase 3					Adding the 3rd & 4th Lanes

MOTION      AVIS GUNTER  
SECOND      RON TRUEX  
AYES:      2              NAYS:      0  
UNANIMOUS

TO: Allow Ladson to pursue preliminary designs with Troyer Group following schedule as presented.

**IN THE MATTER OF POSSIBLE INSTALLATION OF ROUND ABOUT AT OLD 30 AND FOX FARM RD:**

Ladson stated the County Council had given approval to the County Highway for the 2005 budget. Ladson requested Commissioner's approval to pursue a design with the Troyer Group for a round about at Old 30 and Fox Farm Road.

MOTION: AVIS GUNTER

TO: Pursue design for round about at Fox Farm Rd and Old Rd 30 with Troyer Group.

SECOND: RON TRUEX

AYES: 2 NAYS: 0

UNANIMOUS

**IN THE MATTER OF 150W LOWERING OF MCELROY HILL:**

Ladson stated this is a joint project with the City of Warsaw. He would like to meet with the city prior to continuing with the project. Ladson is not ready to proceed with the project at this time but wanted to make the Commissioners aware that he would be presenting information in the future.

**IN THE MATTER OF COMMON WAGE HEARING FOR BRIDGE 289:**

Ladson stated the Common Wage Hearing for Bridge 289 was held on 8-09-2004. Of the five member board, four members were in attendance. The board failed to act upon a common wage because of voting grid lock. Ladson would like to bring this back to the Board of Commissioners to set a wage. County Attorney Mike Miner felt the Commissioners had no authority to act until 10 days before the letting of the bid per statute. The matter was tabled until the next Commissioners meeting to allow Ladson a chance to schedule another meeting with the Common Wage Board. Following are the minutes from the initial wage hearing.

**KOSCIUSKO COUNTY  
COMMON WAGE DETERMINATION HEARING  
AUGUST 9, 2004  
MUNSON BUILDING**

In Attendance: Governor Appointment, Gary Cahill  
AFL-CIO Appointment, Mike Compton  
Industry Representative Appointed by Owner, J. R. Gaylor  
Legislative Body Representative Appointed by Owner, Don Searce  
Rob Ladson, County Highway Superintendent/Engineer  
Kosciusko County Auditor, Sue Ann Mitchell

The fifth member appointed by the Owner, Jack Kelley failed to attend the meeting due to a family emergency. The meeting was scheduled for 10 AM but was delayed until 10:30 AM waiting for Gary Cahill's arrival.

The first order of business was the nomination of a chairperson. JR Gaylor nominated Don Searce. The vote was 4-0 in favor of Searce being the Chairperson.

The meeting was called to order by Searce. He noted all proper notices had been supplied to the media in accordance with state statutes. He noted Robert's Rules of Order would be observed. He noted those in attendance and their positions as listed above.

Searce called for Rob Ladson to provide the information on the project. Ladson indicated this was a Bridge Project 289. He indicated this was a small structure requiring replacement. He noted it would be a three sided structure on pilings. He displayed the plans. The estimated cost was \$217,716.25 which did not include the pre cast portion of the structure to be purchased separately and not a part of the bid. The pre-cast estimate was \$50,000. Ladson indicated the bid openings would be held on September 7<sup>th</sup> at 9:30 AM in the old Courtroom, 3<sup>rd</sup> Floor of the Kosciusko County Courthouse during the Kosciusko County Commissioner's meeting. The project will be funded by the Kosciusko County Cumulative Bridge Fund.

No public attended the meeting therefore, there were no comments from the public. The public portion of the meeting was closed.

Searce then opened the floor for presentation of the most commonly paid wages in Kosciusko County.

Mike Compton, the AFL CIO Union Representative, presented information concerning the most recent wages for bridge work as of this summer. He noted they were updated last week. He provided supporting evidence of building projects. He also had a list of 484 names and addresses of people who live in Kosciusko County. He was presented the two most recent wages adopted for Kosciusko County on July 28<sup>th</sup> for the High School and the Flat Belly Lake Dam. He requested the wages be set at the level he presented.

Gary Cahill, the Governor's appointment, presented figures from Workforce Development. He noted they were compiled from surveys done county by county thru January of last year. He requested the wages be set based on the Workforce Development figures.

J. R. Gaylor, Industry Representative appointed by the owner, presented current figures as compiled by the Associated Builders and Contractors. The figures were listed by classification and included fringes and totals. The figures were compiled from contractors who actually pay wages in Kosciusko County. He stated the figures most accurately represent the common wage for the county paid by non union contractors.

(See Attachment)

Gaylor was asked the number represented by his figures. It was noted the figures complied could be from anywhere. Gaylor stated that the data was strictly Kosciusko County data but that the number of employees was not identified. Gaylor indicated the people on the listing the state provided could all live in Kosciusko County, but does not necessarily mean they worked in Kosciusko County to earn the wages listed. Gaylor noted there was an assumption being made that they worked local, but it was not a proven fact.

Compton noted the ABC figures were in his opinion incomplete and not correct. He noted they were consistent because of union contracts. Gaylor expressed the same concerning the union wages. He noted the wages being set were for Kosciusko County and there was no verification that the figures being presented were actually for salaries paid for work done in Kosciusko County. Cahill noted the Work Force Development figures are in fact county by county. Gaylor indicated that contractors are reluctant to participate in the Work Force Development surveys because this would open their business to public scrutiny.

It was moved by Cahill to adopt the AFL CIO wages as presented. The motion was seconded by Compton. The vote was 2 to 2 creating an impass on the motion.

It was moved by Gaylor to adopt the ABC wages as presented. Searce seconded the motion. The vote was 2 to 2 creating an impass on the motion. Compton called to the group's attention that Robert's Rules of Order the Chairman was only entitled to vote if there was a tie and could not second motions. Searce then noted Gaylor's motion would die for the lack of a second.

It was moved by Compton to adopt the Work Force Development wages as presented. The motion was seconded by Cahill. The vote was 2 to 2 creating an impass on the motion.

It was agreed that per IC 5-16-7-G the issue will go back to the Commissioners as the owner of the project to set the wages. Being no further business, the meeting was adjourned.

Respectfully Submitted,

Sue Ann Mitchell

Kosciusko County Auditor

Recording Secretary

#### **IN THE MATTER OF OPENING OF FLAGSTONE TERRACE RE-BIDS:**

Ladson and County Attorney Mike Miner opened the re-bids for the Flagstone Terrace Project.

LDP Excavating	Cashiers Check	\$142,000.00
1 <sup>st</sup> Brooks Construction	Bid Bond	\$245,938.05
Craig Excavating	No Bid Bond	\$145,622.90 (can't accept bid)

Ladson stated the engineer's estimate was for \$146,538.00. Ladson will review the bids with the contractors and will make a recommendation to the Commissioners at the end of the meeting.

#### **IN THE MATTER OF TOWNSHIP ASSISTANCE HEARING FOR PATRICK BOYER VS WAYNE TOWNSHIP TRUSTEE:**

Due to the failure of Mr. Boyer to appear before the Commissioners, the matter was dismissed.

#### **IN THE MATTER OF ERIC HODSON VACATION AT BEAVER DAM LAKE CONTINUED FROM A PREVIOUS MEETING:**

Matt Sandy, Assistant Area Plan Director, appeared before the Commissioners with an update regarding the last meetings discussion of the Eric Hodson's vacation at Beaver Dam Lake. Sandy stated he had visited the sight. He noted there are some logs on the easement. He was able to speak with Hodson and was informed that the logs would be removed within a couple of weeks. The rest of the blockage along the easement is scrub brush. Once the logs are removed Hodson has no obligation to remove the scrub brush. Hodson is to contact Sandy when the logs are removed so that another inspection may be done. Anyone can then go onto the easement and remove the scrub brush. Commissioners requested Sandy notify the complainants from the last meeting regarding the findings.

**IN THE MATTER OF CONTRACT FOR ATM MACHINE AT JUSTICE BUILDING:**

County Administrator, Ron Robinson, stated he had been negotiating an agreement with Mutual Federal Savings Bank to install an ATM machine in the lobby of the Sheriff's Department. Robinson stated this would be of great benefit to those visiting the facility. Sheriff Rovenstine approved of the placement of the ATM. Robinson requested permission from the Commissioners to approve the lease agreement.

MOTION: AVIS GUNTER

TO: Allow Robinson to approve the ATM lease agreement with Mutual Federal Savings Bank.

SECOND: RON TRUEX

AYES: 2            NAYS: 0

UNANIMOUS

**IN THE MATTER OF BUDGET UPDATES:**

Sue Ann Mitchell, County Auditor, stated the first night of budget hearings had been held on 8-9-2004. The Council has tentatively set a 2% pay increase for all regular full-time salaried employees for 2005 budget year. There will be no increase for part-time wages.

**IN THE MATTER OF FLAGSTONE TERRACE RE-BID:**

Rob Ladson, County Highway Superintendent, reappeared before the Commissioners with his recommendation following the earlier opening of bids. Ladson stated there was a math error on the LDP bid which was the lowest bid. After correcting the bid it would be \$138,916.85. Ladson stated that Larry Phillips, representing LDP, was willing to contract the job for the corrected amount. Phillips, who was in the audience, affirmed this to the Commissioners. Ladson's recommendation is to accept the LDP bid.

MOTION: AVIS GUNTER

TO: Accept the LDP Excavating bid for Flagstone Terrace repaving for \$138,916.85.

SECOND: RON TRUEX

AYES: 2            NAYS: 0

UNANIMOUS

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

**KOSCIUSKO COUNTY COMMISSIONERS  
AUGUST 24, 2004**

The Kosciusko County Commissioners met for their regular meeting on August 24, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT

MIKE MINER, COUNTY ATTORNEY

AVIS GUNTER

SUE ANN MITCHELL, COUNTY AUDITOR

BRAD JACKSON

RON ROBINSON, COUNTY ADMINSTRATOR

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 BOWEN CENTER GRANT APPLICATION:**

Bob Murphy appeared on behalf of the Bowen Center. Murphy stated the Bowen Center's appearance before the Commissioners had been advertised as required by law. Murphy opened the public meeting portion of his presentation. Murphy stated the intent of Bowen Center is to sell their current inpatient unit to Kosciusko Community Hospital and purchase land across from Med-Stat for a new inpatient facility. The grant application must be signed by the Commissioners. Bowen Center is a 501(3)C foundation and cannot file for the federal money. All matching funds required by the grant will be provided by Bowen Center. No County funds will be used.

Several pieces of information will still need to be submitted to Bowen Center in order for the application to be filed by the September 3<sup>rd</sup> deadline. Bowen still needs the hospitals signed option to purchase, state clearance on historic preservation and endangered species clearance, Kosciusko County's Fair Housing Resolution and the County's Drug Free Workplace Policy.

Murphy opened the floor for public comment. There was no comment and the floor was closed.

MOTION: BRAD JACKSON  
SECOND: AVIS GUNTER  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Sign the application as presented after review by County Attorney Mike Miner.

**IN THE MATTER OF UDATE OF STOP SIGN ORDINANCES:**

Rob Ladson, County Highway Engineer, stated the Highway Department is in the process of adding stop signs to the layers in the GIS system. In doing research for this project, the department was unable to locate ordinances for 176 stop signs and 7 stop signs had incorrect ordinances. Ladson stated this could pose potential liability for the County if not corrected. Ladson presented an ordinance to add the 176 signs, which are already in place, and an ordinance to repeal the incorrect signs.

MOTION: BRAD JACKSON  
SECOND: AVIS GUNTER  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Approve and sign the ordinances as presented.

**ORDINANCE 04-08-24-001S**

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

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

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

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

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

1. Install “Stop” sign at the intersection of Hepton Rd. and 900W in the northeast corner.
2. Install “Stop” sign at the intersection of 650W and 1050N in the northwest corner.
3. Install “Stop” sign at the intersection of 650W and 1050N in the southeast corner.
4. Install “Stop” sign at the intersection of Orn Rd. and 900N in the northwest corner.
5. Install “Stop” sign at the intersection of 750N and 200E in the southwest corner.
6. Install “Stop” sign at the intersection of Creek Bend Ln W and 1250N in the southeast corner.
7. Install “Stop” sign at the intersection of Zims Ct. and Creek Bend Ln in the northeast corner.
8. Install “Stop” sign at the intersection of Creekbend Ln E and 1250N in the southeast corner.
9. Install “Stop” sign at the intersection of South St. and Old State Rd. 15 in the southwest corner.
10. Install “Stop” sign at the intersection of South St. and Main St in the northeast corner.
11. Install “Stop” sign at the intersection of North St. and Main St. in the northeast corner.
12. Install “Stop” sign at the intersection of North St. and Main St. in the southwest corner.
13. Install “Stop” sign at the intersection of Woodland Acres Dr. and Syracuse Webster Rd. in the southwest corner.
14. Install “Stop” sign at the intersection of Constitution Dr. and Cherokee Rd. in the northwest corner.
15. Install “Stop” sign at the intersection of Walnut Dr. and Pine Dr. in the southwest corner.
16. Install “Stop” sign at the intersection of Elm Grove Dr. and Blackpoint Rd. in the northeast corner.
17. Install “Stop” sign at the intersection of Cedar Point Rd. and Crow Rd. in the southeast corner.
18. Install “Stop” sign at the intersection of 1150N and 200E in the southwest corner.
19. Install “Stop” sign at the intersection of 250E and 1050N in the northwest corner.
20. Install “Stop” sign at the intersection of 250E and 1050N in the southeast corner.
21. Install “Stop” sign at the intersection of Hasse Ct. and 1000N in the northwest corner.

22. Install “Stop” sign at the intersection of Syracuse Webster Rd. and 500E in the northeast corner.
23. Install “Stop” sign at the intersection of 500E and 1100N in the southeast corner.
24. Install “Stop” sign at the intersection of Hiawatha Ln. and Hatchery Rd. in the southeast corner.
25. Install “Stop” sign at the intersection of 1000N and Hatchery Rd. in the northeast corner.
26. Install “Stop” sign at the intersection of Unnamed Rd. and 1000N in the southwest corner.
27. Install “Stop” sign at the intersection of Natticrow Rd. and Turkey Creek Rd. in the southwest corner.
28. Install “Stop” sign at the intersection of Woody's Ln. and Turkey Creek Rd. in the southwest corner.
29. Install “Stop” sign at the intersection of Sandpoint Dr. and 1000N in the southeast corner.
30. Install “Stop” sign at the intersection of 1000E and 1000N in the northwest corner.
31. Install “Stop” sign at the intersection of 1000N and 1000E in the southwest corner.
32. Install “Stop” sign at the intersection of EMS D23A Ln. and EMS D24 Ln. in the southeast corner.
33. Install “Stop” sign at the intersection of EMS D23A Ln. and EMS D23 Ln. in the northwest corner.
34. Install “Stop” sign at the intersection of EMS D22B Ln. and EMS D23 Ln. in the southeast corner.
35. Install “Stop” sign at the intersection of EMS D22B Ln. and EMS D22 Ln. in the northwest corner.
36. Install “Stop” sign at the intersection of EMS D24B Ln. and EMS D22 Ln. in the northwest corner.
37. Install “Stop” sign at the intersection of EMS D24 Ln. and EMS D22 Ln. in the northwest corner.
38. Install “Stop” sign at the intersection of Venetian Dr. and Sunrise Dr. in the northwest corner.
39. Install “Stop” sign at the intersection of Cassandra Dr. and Venetian Dr. in the northeast corner.
40. Install “Stop” sign at the intersection of Debra Dr. and Venetian Dr. in the northeast corner.
41. Install “Stop” sign at the intersection of 750N and 200E in the northeast corner.
42. Install “Stop” sign at the intersection of EMS T36 Ln. and Kalorama Rd. in the southwest corner.
43. Install “Stop” sign at the intersection of 400E and Kalorama Rd. in the northwest corner.
44. Install “Stop” sign at the intersection of EMS T38 Ln. and Kalorama Rd. in the southeast corner.
45. Install “Stop” sign at the intersection of EMS T46 Ln. and 650N in the southeast corner.
46. Install “Stop” sign at the intersection of EMS T47 Ln. and 650N in the southeast corner.
47. Install “Stop” sign at the intersection of Second Tr. and Epworth Forest Rd. in the southeast corner.
48. Install “Stop” sign at the intersection of Sumac Ln. and Epworth Forest Rd. in the southwest corner.
49. Install “Stop” sign at the intersection of Second St. and Rader St. in the northwest corner.
50. Install “Stop” sign at the intersection of Third St. and Rader St. in the northwest corner.
51. Install “Stop” sign at the intersection of Stanton Dr. and Stanton Rd. in the southeast corner.
52. Install “Stop” sign at the intersection of EMS T13 Ln. and EMS T13B Ln. in the northeast corner.
53. Install “Stop” sign at the intersection of EMS W29 Ln. and Backwater Rd. in the northwest corner.
54. Install “Stop” sign at the intersection of EMS W30 Ln. and EMS W30B Ln. in the northeast corner.
55. Install “Stop” sign at the intersection of EMS W30A Ln. and EMS W30 Ln. in the southwest corner.
56. Install “Stop” sign at the intersection of EMS W29 Ln. and EMS W29B Ln. in the southeast corner.
57. Install “Stop” sign at the intersection of 500N and 1000E in the northeast corner.
58. Install “Stop” sign at the intersection of Burkhart Dr. and 20E in the northeast corner.

59. Install “Stop” sign at the intersection of Burkhart Dr. and Runkle Dr. in the southwest corner.
60. Install “Stop” sign at the intersection of Deer Run and 100E in the southwest corner.
61. Install “Stop” sign at the intersection of EMS C28A Ln. and EMS C28 Ln. in the southeast corner.
62. Install “Stop” sign at the intersection of EMS C31 Ln. and 450N in the southeast corner.
63. Install “Stop” sign at the intersection of Chapman Lake Dr. and 450N in the southeast corner.
64. Install “Stop” sign at the intersection of EMS B28 Ln. and South Barbee Dr. in the northeast corner.
65. Install “Stop” sign at the intersection of EMS B26 Ln. and South Barbee Dr. in the northeast corner.
66. Install “Stop” sign at the intersection of Riverlawn Dr. and Woodland Dr. in the southeast corner.
67. Install “Stop” sign at the intersection of Chapman Lake Dr. and Stoneburner Rd. in the southwest corner.
68. Install “Stop” sign at the intersection of 300N and 325E in the northeast corner.
69. Install “Stop” sign at the intersection of Kyle Rd. and 250N in the southeast corner.
70. Install “Stop” sign at the intersection of Vicky Ln. and 200N in the southeast corner.
71. Install “Stop” sign at the intersection of Brook Blvd. and 200N in the southeast corner.
72. Install “Stop” sign at the intersection of Brook Blvd. and 175E in the southwest corner.
73. Install “Stop” sign at the intersection of Vicky Ln. and 175E in the southwest corner.
74. Install “Stop” sign at the intersection of Persimmon Dr. and 75N in the northwest corner.
75. Install “Stop” sign at the intersection of Barbeery Dr. and Persimmon Dr. in the southwest corner.
76. Install “Stop” sign at the intersection of Persimmon Dr. and Old Orchard Dr. in the southeast corner.
77. Install “Stop” sign at the intersection of Old Orchard Dr. and 75N in the northwest corner.
78. Install “Stop” sign at the intersection of 175E and Kosciusko Dr. in the northwest corner.
79. Install “Stop” sign at the intersection of Kosciusko Dr. and Old State Rd. 30 in the northwest corner.
80. Install “Stop” sign at the intersection of EMS R2 Ln. and 850E in the northeast corner.
81. Install “Stop” sign at the intersection of Adams Rd. and 1000E in the southwest corner.
82. Install “Stop” sign at the intersection of Old Trail and Old State Rd. 30 in the northwest corner.
83. Install “Stop” sign at the intersection of 250W and 900N in the southeast corner.
84. Install “Stop” sign at the intersection of 800N and 500W in the northwest corner.
85. Install “Stop” sign at the intersection of Doe Ct. and Dovewood Tr. in the southwest corner.
86. Install “Stop” sign at the intersection of Dovewood Tr. and 500N in the northwest corner.
87. Install “Stop” sign at the intersection of 850W and 400N in the southeast corner.
88. Install “Stop” sign at the intersection of Monoquet Rd. and Prairie St. in the northeast corner.
89. Install “Stop” sign at the intersection of Lakeview Dr. and Hoffman Lake Rd. in the northeast corner.
90. Install “Stop” sign at the intersection of Murphy Ln and 300N in the southeast corner.
91. Install “Stop” sign at the intersection of Beechwood Ave. and Hoffman Lake Rd. in the northeast corner.
92. Install “Stop” sign at the intersection of Forest Ave. and Hoffman Lake Rd. in the northeast corner.
93. Install “Stop” sign at the intersection of Forest Ave. and Grandview Dr. in the northeast corner.
94. Install “Stop” sign at the intersection of Forest Ave. and Grandview Dr. in the southwest corner.
95. Install “Stop” sign at the intersection of Lutes Dr. and Grandview Dr. in the northeast corner.
96. Install “Stop” sign at the intersection of 200W and 300N in the northwest corner.
97. Install “Stop” sign at the intersection of 300N and 150W in the northeast corner.
98. Install “Stop” sign at the intersection of 300N and 150W in the southwest corner.
99. Install “Stop” sign at the intersection of 1000W and Old State Rd. 30 in the southeast corner.

100. Install “Stop” sign at the intersection of 300N and Old State Rd. 30 in the northwest corner.
101. Install “Stop” sign at the intersection of 300N and 950W in the northeast corner.
102. Install “Stop” sign at the intersection of 300N and 950W in the southwest corner.
103. Install “Stop” sign at the intersection of 750W and Old State Rd. 30 in the northwest corner.
104. Install “Stop” sign at the intersection of East High St. and South Wray St. in the northeast corner.
105. Install “Stop” sign at the intersection of 650W and Old State Rd. 30 in the northwest corner.
106. Install “Stop” sign at the intersection of Hoffer Rd. and Old State Rd. 30 in the northwest corner.
107. Install “Stop” sign at the intersection of Fox Farm Rd. Cut Off and 200W in the southwest corner.
108. Install “Stop” sign at the intersection of Westside Dr and Fox Farm Rd. in the southeast corner.
109. Install “Stop” sign at the intersection of Southside Dr. and Fox Farm Rd. in the southwest corner.
110. Install “Stop” sign at the intersection of Fox Farm Rd. Cut Off and 150W in the southwest corner.
111. Install “Stop” sign at the intersection of Penny Dr. and John Rd. in the southeast corner.
112. Install “Stop” sign at the intersection of Penny Dr. and Warren DR. in the northwest corner.
113. Install “Stop” sign at the intersection of Meadow Lark Blvd. and Old State Rd. 30 in the northwest corner.
114. Install “Stop” sign at the intersection of Hartzler St. and Old State Rd. 30 in the northwest corner.
115. Install “Stop” sign at the intersection of Riverwood Ranch Rd. and Old State Rd. 30 in the northwest corner.
116. Install “Stop” sign at the intersection of Oakwood Dr. and Indian Tr. in the northeast corner.
117. Install “Stop” sign at the intersection of Ironwood Rd. and Oakwood Dr.
118. Install “Stop” sign at the intersection of Ferguson Rd. and 200S in the southeast corner.
119. Install “Stop” sign at the intersection of Old State Rd. 15 and 200S in the northwest corner.
120. Install “Stop” sign at the intersection of 150W and 200S in the southeast corner.
121. Install “Stop” sign at the intersection of Eastbrook St. and Southwood Dr. in the southwest corner.
122. Install “Stop” sign at the intersection of 175W and 300S in the southeast corner.
123. Install “Stop” sign at the intersection of 350S and 450W in the northeast corner.
124. Install “Stop” sign at the intersection of Lore Ln. and Woodland Hills Dr. E in the northeast corner.
125. Install “Stop” sign at the intersection of Nina Ln. and Wildwood Tr. in the northwest corner.
126. Install “Stop” sign at the intersection of Oak St. W and Wildwood Tr. in the northwest corner.
127. Install “Stop” sign at the intersection of Oak St. E and Wildwood Tr. in the northwest corner.
128. Install “Stop” sign at the intersection of Oak Ln. and Hunters Ridge in the northwest corner.
129. Install “Stop” sign at the intersection of East Ridge Dr. N and East Ridge Dr. in the northwest corner.
130. Install “Stop” sign at the intersection of Oak St. and Winona Beach Dr. in the northwest corner.
131. Install “Stop” sign at the intersection of Elm St. and Winona Beach Dr. in the northwest corner.
132. Install “Stop” sign at the intersection of Woodfield Tr. and 75E in the southwest corner.
133. Install “Stop” sign at the intersection of Country Club Rd. and 225S in the southeast corner.
134. Install “Stop” sign at the intersection of Stonebridge Rd. and Wildwood Dr. in the northwest corner.

135. Install “Stop” sign at the intersection of Old Ditch Rd. and Wildwood Dr. in the northwest corner.
136. Install “Stop” sign at the intersection of Washington Rd. and Wooster Rd. in the southeast corner.
137. Install “Stop” sign at the intersection of 725E and Ryerson Rd. in the northwest corner.
138. Install “Stop” sign at the intersection of 400S and 400E in the northeast corner.
139. Install “Stop” sign at the intersection of 525E and 500S in the southeast corner.
140. Install “Stop” sign at the intersection of 500S and 650E in the northeast corner.
141. Install “Stop” sign at the intersection of 500E and 600S in the southeast corner.
142. Install “Stop” sign at the intersection of Thomas Dr. and 800S in the southeast corner.
143. Install “Stop” sign at the intersection of Jackson St. and Packerton Rd. in the northeast corner.
144. Install “Stop” sign at the intersection of Pearl St. and Packerton Rd. in the northeast corner.
145. Install “Stop” sign at the intersection of Elm Ln. and Packerton Rd. in the northeast corner.
146. Install “Stop” sign at the intersection of Davis Rd. and 800W in the northeast corner.
147. Install “Stop” sign at the intersection of 600S and 1000W in the northeast corner.
148. Install “Stop” sign at the intersection of 600S and 1000W in the southwest corner.
149. Install “Stop” sign at the intersection of 900S and 700W in the northeast corner.
150. Install “Stop” sign at the intersection of Grimme Ln. and 850S in the southeast corner.
151. Install “Stop” sign at the intersection of 300W and 950S in the northwest corner.
152. Install “Stop” sign at the intersection of 300W and 950S in the southeast corner.
153. Install “Stop” sign at the intersection of 1300S and 700W in the northeast corner.
154. Install “Stop” sign at the intersection of Grouse Ct. and Dovewood Tr. in the northwest corner.
155. Install “Stop” sign at the intersection of Bobwhite Dr. and Dovewood Tr. in the northwest corner.
156. Install “Stop” sign at the intersection of Bobwhite Dr. and 500N in the northwest corner.
157. Install “Stop” sign at the intersection of Rosella St. and Ogden Point Rd. in the southeast corner.
158. Install “Stop” sign at the intersection of Terrace Dr. and 750S in the northwest corner.
159. Install “Stop” sign at the intersection of Packerton Rd. and 300S in the northwest corner.
160. Install “Stop” sign at the intersection of 1000E and 200N (Noble Co.) in the northwest corner.
161. Install “Stop” sign at the intersection of McClure Dr. and 675W in the northeast corner.
162. Install “Stop” sign at the intersection of RHK Dr. and Fox Farm Rd. in the northeast corner.
163. Install “Stop” sign at the intersection of Old Shoe Rd. and EMS B40 Ln. in the southeast corner.
164. Install “Stop” sign at the intersection of Old Trail Rd and 900E in the northeast corner.
165. Install “Stop” sign at the intersection of 750N and 1000E in the northwest corner.
166. Install “Stop” sign at the intersection of Camden Dr. and Kelly Dr. in the southwest corner.
167. Install “Stop” sign at the intersection of 525N and Pound Rd. in the southwest corner.
168. Install “Stop” sign at the intersection of Grandview Dr. and Beechwood Dr. in the southeast corner.
169. Install “Stop” sign at the intersection of Southwood Dr. and Rosewood Dr. in the northeast corner.
170. Install “Stop” sign at the intersection of Birdview Dr. and Deer Run in the northeast corner.
171. Install “Stop” sign at the intersection of Country Club Ln. and Constitution Dr. in the northwest corner.
172. Install “Stop” sign at the intersection of Pleasant Grove Rd. and Cornelius Rd. in the southeast corner.
173. Install “Stop” sign at the intersection of EMS W19 Ln. and Backwater Rd. in the southwest corner.
174. Install “Stop” sign at the intersection of Main Ln. and Wooster Rd. in the northwest corner.
175. Install “Stop” sign at the intersection of Hepler Dr. and Old State Rd. 30 in the southeast corner.

176. Install “Stop” sign at the intersection of Swick Rd. and Field Ln. in the southwest corner.  
THIS ORDINANCE shall be in full force and effect on August 24<sup>th</sup>, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 24th day of August, 2004.

**ORDINANCE 04-08-24-002S**

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

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

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

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

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

1. Repeal line item from ORDINANCE 1988-8 establishing 200E stops for 750N.
2. Repeal line item from ORDINANCE 1988-8 establishing 1050N stops for 250E.
3. Repeal line item from ORDINANCE 1988-8 establishing 325E stops for 300N.
4. Repeal line item from ORDINANCE 1988-8 establishing Rader St. stops for Third St.
5. Repeal line item from ORDINANCE 1988-8 establishing 150W stops for 300N.
6. Repeal line item from ORDINANCE 1988-8 establishing Wildwood Dr. stops for Stonebridge Rd.
7. Repeal line item from ORDINANCE 1988-8 establishing Wildwood Dr. stops for Old Ditch Rd.

THIS ORDINANCE shall be in full force and effect on August 24<sup>th</sup>, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 24th day of August, 2004.

**IN THE MATTER OF BRIDGE 289 COMMON WAGE:**

In a continuation from the Commissioner’s meeting which was held on 8-10-04, Rob Ladson, County Highway Engineer/Superintendent, stated that a common wage was not reached for Bridge 289 during the Common Wage Hearing. Three separate wages were submitted. Ladson gave copies of Union Wages, Work Force Development Wages and ABC Wages. Ladson stated it is now within the authority of the Commissioners to set a common wage for the project. Ladson presented a copy of common wages from a similar structure completed in 2003 and wages from the Town of Winona Lake for a project on Kings Highway one month ago. However, not all categories were included in the Winona Lake wages. Wages adopted by the Commissioners would be the minimum that can be paid on the project.

MOTION: BRAD JACKSON

TO: Adopt the wages of the last similar project completed by the county.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

**Kosciusko County, State of Indiana**

On August 9, 2004, the members of the Common Construction Wage Committee, appointed pursuant to I.C. 5-16-7, failed to act to fix and determine the common construction wage for the Bridge No. 289 (Cedar Point Drive Bridge) Kosciusko County, Indiana undertaken by Kosciusko County, by and through the Board of Commissioners.

Therefore, pursuant to I.C. 5-16-7, the Kosciusko County Board of Commissioner, as the Awarding Agency, at its August 24, 2004 public meeting, fixed and determined the common construction wage for the following classifications:

	Skilled	Semi-Skilled	Un-Skilled	Fringe
Carpenter	18.00	15.00	10.00	3.00
Operating Engineers	15.50	14.00	10.50	3.50
Iron Workers	18.00	16.00	14.00	3.80
Truck Driver	14.04	12.00	10.00	2.90

Mason/Concrete	16.00	13.00	12.00	2.90
General Labor	12.00	10.00	8.00	2.90

The wage rates as set forth by the Kosciusko County Board of Commissioners are the minimum and shall not prevent the contractor or subcontractor from paying a higher rate of pay. Furthermore, the wage rates are established on the date signed August 24, 2004.

**IN THE MATTER OF UNITED WAY SIGN ON COURTHOUSE LAWN:**

Sue Ann Mitchell, Kosciusko County Auditor, presented a request by United Way of Kosciusko County to place their sign on the Courthouse lawn from September 9<sup>th</sup> thru November 19<sup>th</sup>. It is the same sign that has been approved in the past.

MOTION: BRAD JACKSON  
SECOND: AVIS GUNTER  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Grant permission to United Way to place  
their sign on the Courthouse lawn.

**IN THE MATTER OF VOTING MACHINES:**

Sue Ann Mitchell, Kosciusko County Auditor, reminded the Commissioners that a representative from Secretary of State Todd Rokita’s Office and voting equipment vendors would be in the basement of the Justice Building on Thursday August 26<sup>th</sup> to give presentation on voting machines.

**IN THE MATTER OF VACATION REQUEST JANNIE WARREN NORTH SHORE SD:**

Matt Sandy, Area Plan Commission Assistant Director, presented a request by John L. and Norma A. Deeds to vacate part of a platted gravel roadway located in Jannie Warren North Shore SD on the north side of Diamond Lake. Sandy stated this is a dead-end road. It is not a County maintained roadway. APC has spoken with adjoining neighbors who voiced concerns regarding losing access to the lake. APC had no response for or against from fire or EMS. Sandy stated the roadway is used and the recommendation by APC is to deny the vacation request.

Attorney Steve Snyder appeared on behalf of the petitioners. Snyder stated he did not understand the denial by APC when they are the ones who recommended the vacation to the Deeds. The vacation request is made to comply with set backs required by APC. Snyder stated that while he has not personally visited the property his clients inform him that they put the gravel there to have access to the property. Snyder states the vacation will not hinder the growth or development of the area because Warren Street and High Street provide access to all lots. The roadway is not suitable for fire and EMS to turn around. Snyder stated his clients inform him that the roadway is not used by others in the area. No one else appeared in favor of the vacation request.

The following appeared in opposition:

Tom Alexander	Property was purchased in 1954. The easement right-of-way was given to allow access to lake. Alexander spoke with Kevin McSherry at fire department and says McSherry is opposed to vacation. Roadway is used by fire, REMC, telephone and others for turn around. The roadway is maintained by all property owners. If vacated it could eliminate lake access for 2 <sup>nd</sup> tier lots because others will want to follow suit and vacate the other lake access areas. Access by other property owners is blocked because of a burn pile and parked vehicles.
Deborah McQueen	Lives at lot 8 and has been friends with the Deeds for years. States the Deeds have not maintained the roadway. Deeds have mowed on occasion but the property is usually mowed by others in the area.
Joleen Dowling	Mother has owned property since 1954. This is supposed to be an easement. The Deeds are using as a burn pile and parking area. The Deeds have a gate on their property which they could open and park on their property.
Janice Manerd	Owner of lot 6. Agreed with prior comments and opposes vacation.
Wesley Shaffer	Owns 5.2A west of area. There are two accesses available including the one in question. Shaffer was concerned that if this access is closed they could lose the other accesses in the future. The access in question is the only high area where fire department can set up.
Wilbur Miller	Bought property in 1990. Miller stated “Once you lose access you never get

	back.” Wants to retain lake rights.
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MOTION: BRAD JACKSON  
SECOND: AVIS GUNTER  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Accept the recommendation of Area Plan  
and deny the vacation request.

**IN THE MATTER OF PUBLIC COMMENT ON BRIDGE 289 COMMON WAGE:**

Michael Compton from the AFLCIO approached the Commissioners regarding the common wage set for Bridge 289. Compton stated the decision would affect many within the county. Compton stated AFLCIO wages are the most current and accurate because they are represented by contracts. Workforce Development sets wages by a survey. ABC’s wages are the same for Kosciusko, Lake, St. Joseph, Elkhart and Porter County. Compton has questioned how many employees are actually represented by the ABC information and has had not reply. Compton stated that Highway Engineer Rob Ladson is correct that other ABC wages were used on prior projects but that those are not the most common, current wages. Compton stated he had 484 actual employees under contract and others in attendance who could attest to the wages proposed by the AFLCIO. Compton stated that while he understands the issue has already been decided for this project he is concerned about future projects and hopes the Commissioners will take this information into consideration.

Commissioner Ron Truex stated that it was unfortunate that the committee could not come up with a common wage. Truex stated it was the role of the Commissioners to set a wage after a review of the information presented. County Attorney Mike Miner stated the Commissioners rely upon the County Engineer to supply them with the information necessary to come to a decision.

Michael Crook wage setter for State Federation of Labor who sets wages for Elkhart County and Lagrange County stated that the wage adopted is not the most commonly paid wage. Crook stated he is frustrated to come to a meeting with evidence put together in a fashion that is to the letter of the law and then not have the information even looked at. He would like direction on what evidence the committees would like to see. He noted the committee is supposed to be looking at the most commonly paid wage. Crook does not feel the spirit of the law is being met in the meetings and requests that in the future the evidence be looked at fairly and impartially. Crook states ABC’s directory is a directory of all their members including lawyers, restaurants, golf, etc. Committee’s are to look at construction wages and would challenge ABC’s evidence that wages are based upon construction wages.

Steve Childers a contract employee from Mentone commented that if anyone would like to know how much he makes, they could ask him or any of the workers present in the audience.

Commissioner Truex restated that the Commissioners were not there to question the factuality of the information presented. That was up to the original Committee and the Commissioners were there to make a decision based upon the information presented to them.

**IN THE MATTER OF STEP TO PODIUM:**

Helen Hoy stated she had seen several people trip over the step to the podium and suggested the step be marked with yellow tape or in some other fashion before an injury occurred. Commissioner Truex stated that it did indeed need to be marked as an obvious step.

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

**KOSCIUSKO COUNTY COMMISSIONERS  
SEPTEMBER 7, 2004**

The Kosciusko County Commissioners met for their regular meeting on September 7, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT  
AVIS GUNTER  
BRAD JACKSON

MIKE MINER, COUNTY ATTORNEY  
SUE ANN MITCHELL, COUNTY AUDITOR  
RON ROBINSON, COUNTY ADMINSTRATOR

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 JAIL INSPECTION REPORT:**

Aaron Rovenstine, Kosciusko County Sheriff, presented the annual jail inspection report to the Commissioners. Rovenstine stated the inspection went well and the new building makes it easier to comply with inspection requirements.

**IN THE MATTER OF APPOINTMENT TO THE NEWLY CREATED NORTH WEBSTER TIPPECANOE TOWNSHIP LIBRARY BOARD:**

A letter was received from the newly created North Webster/Tippecanoe Township Library for the one year appointment to their board.

MOTION:	BRAD JACKSON	TO:	Appoint Kathy Miller to the North
SECOND:	AVIS GUNTER		Webster/Tippecanoe Township Library Board
AYES:	3	NAYS:	0
UNANIMOUS			

**IN THE MATTER OF CORONER REQUEST FOR A VEHICLE:**

Larry Ladd, Kosciusko County Coroner, requested the Commissioners consider providing a vehicle for the Coroner’s Office. Ladd stated the County Council put the responsibility on the Commissioners to make the decision because they gave the Commissioners the funding. Ladd stated the roll of the Coroner’s Office has changed over the past twenty years. In previous years transportation of remains was taken care of by the funeral homes. Today, the transportation is left up to the Coroner’s Office. This is especially necessary for homicide victims to preserve the chain of evidence. Ladd stated he has been using his personal vehicle to transport remains. Ladd asked the Commissioners to consider if they would want their own family members riding in a vehicle after remains have been transported. Ladd’s own personal vehicle has been contaminated by leaking transport bags. Ladd also questioned who would be responsible in case a person riding in Ladd’s personal vehicle contracted AIDS or Hepatitis or was stuck by a needle. Ladd would like to know if he would be held personally responsible or if it would be the responsibility of the County. When questioned by the Commissioners as to what type of vehicle would be best for such use Ladd responded that a sport utility vehicle would probably be best. The Commissioners tabled the issue for further research and discussion.

**IN THE MATTER OF STOP SIGN ORDINANCE FLAGSTONE TERRACE:**

Rob Ladson, County Highway Engineer, presented a stop sign ordinance for Flagstone Terrace. Ladson stated signs are installed.

MOTION:	BRAD JACKSON	TO:	Approve the ordinance as presented.
SECOND:	AVIS GUNTER		
AYES:	3	NAYS:	0
UNANIMOUS			

**ORDINANCE 04-09-07-002S**

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

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

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

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

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

**Flagstone Terrace Addition**

1. Install “Stop” sign on the northwest corner of White Pine Road and Sycamore Drive – White Pine Road stops for Sycamore Drive.
2. Install “Stop” sign on the southeast corner of White Pine Road and Pink Magnolia Drive – White Pine Road stops for Pink Magnolia Drive.
3. Repeal “Yield” sign on the northwest corner of White Pine Road and Sycamore Drive.
4. Repeal “Yield” sign on the southeast corner of White Pine Road and Pink Magnolia.

THIS ORDINANCE shall be in full force and effect on September 7<sup>th</sup>, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 7<sup>th</sup> day of September, 2004.

**IN THE MATTER OF STOP SIGN ORDINANCE BARRINGTON HILLS:**

Rob Ladson, County Highway Engineer, presented a stop sign ordinance for Barrington Hills. Ladson stated signs are installed.

MOTION: BRAD JACKSON

TO: Approve the ordinance as presented.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

**ORDINANCE 04-09-07-001S**

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

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

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

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

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

**Barrington Hills – 1<sup>st</sup> Addition**

1. Install “Stop” sign on the northwest corner of Saddlebrook Lane and CR 350N – Saddlebrook Lane stops for CR 350N.
2. Install “Stop” sign on the northeast corner of Hawthorn Drive and Saddlebrook Lane – Hawthorn Drive stops for Saddlebrook Lane.
3. Install “Stop” sign on the southeast corner of Saddlebrook Lane and Barrington Place – Saddlebrook Lane stops for Barrington Place.
4. Install “Stop” sign on the northwest corner of Lancaster Court and Barrington Place – Lancaster Court stops for Barrington Place.
5. Install “Stop” sign northwest corner of Arlington Court and Barrington Place – Arlington Court stops for Barrington Place.
6. Install “Stop” sign on the southeast corner of Hawthorn Drive and Barrington Place – Hawthorn Drive stops for Barrington Place.
7. Install “Stop” sign on the southwest corner of Barrington Place and CR 100E – Barrington Place stops for CR 100E.

THIS ORDINANCE shall be in full force and effect on September 7<sup>th</sup>, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 7<sup>th</sup> day of September, 2004.

**IN THE MATTER OF REQUEST TO INSTALL GUARDRAIL AT OLD 30 AND 300 E:**

Rob Ladson, County Highway Engineer/Superintendent, stated that a request has been made to install a guardrail on Old 30 and CR 300 E. Ladson stated a property owner installed a pond and the request was made due to concern for vehicles sliding into the pond during icy weather. The pond is 50’ from pavement on 300 E and 60’ from pavement on Old 30. Ladson has discussed the issue with County Attorney Mike Miner. The county would have no liability for such an event and Ladson’s recommendation is to not install the guardrail. Ladson thought the property owner could be approached about protective landscaping. The Commissioners agreed that no guardrail should be installed.

**IN THE MATTER OF COUNTY RIGHT OF WAY ON 100N NEAR DEWART LAKE:**

Rob Ladson, County Highway Engineer/Superintendent, stated in 1965 two tracts of land, one along Woodland and one along Central Drive, each 10’ wide were deeded to the County. Ladson believes this was intended to help the subdivision comply with the 40’ right of way. Individuals now wish to purchase land which would require them to cross the right of way deeded to the County. The title company will not insure the title until some action is taken to grant the individual

access. Ladson and County Attorney Mike Miner have drawn up a deed of dedication of public way granting a right of way to the individuals. Mike Miner stated this does not take the property out of the ownership of the County it merely grants a right of way.

MOTION: AVIS GUNTER

TO: To sign the deed of dedication of public way as presented.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

### **DEED OF DEDICATION OF PUBLIC WAY**

This indenture witnesseth that the Board of Commissioners of Kosciusko County, in the State of Indiana, dedicate to the public through the BOARD OF COMMISSIONERS OF KOSCIUSKO COUNTY, INDIANA for public highway purposes, the following Real Estate in Kosciusko County in the State of Indiana, to-wit;

Tract I. The West Ten (10) fee of Lot Numbered Eleven (11) in the Plat of Smith Addition to Redmon Park, Dewart Lake, Kosciusko County, Indiana, as the same is recorded in Plat Book 1, at page 139A

Tract II. Commencing Forty (40) feet North of the Northeast corner of Lot Numbered Ten (10) in the Plat of the Smith Addition to Redmon Park, Dewart Lake, Kosciusko County, Indiana, and running thence in an Easterly direction parallel with and Ten (10) feet from the North line of Woodland Drive in said Smith Addition, a distance of Three Hundred Eighty-Two and 5/10 (382.5) feet, thence South Ten (10) feet, thence Westerly Three Hundred Eighty-Two and 5/10 (382.5) feet on the North line of Woodland Drive, thence North Ten (10) feet to the place of beginning.

Passed and adopted by the Board of Commissioners of the County of Kosciusko this 7<sup>th</sup> day of September, 2004.

### **IN THE MATTER OF EMERGENCY REPAIRS TO ROADWAYS:**

Rob Ladson, County Highway Engineer, stated contractors had been called in to fix several holes. Craters under the roadway on 500 N, 1000 W and 700 W caused portions of the roadway to collapse. Pictures presented by Ladson showed the damage. Ladson requested the Commissioners declare these emergency repairs.

MOTION: BRAD JACKSON

TO: Declare the repairs emergency repairs.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

### **IN THE MATTER OF BRIDGE 289 TEMPORARY RIGHTS OF ENTRY:**

Rob Ladson, County Highway Engineer, stated he had received the estimates for constructing the temporary rights of entry for Bridge 289. The temporary entries are necessary because the bridge will need to be completely removed in order to install the prefabricated bridge. Ladson requests permission from the Commissioners to act on their behalf when working with property owners regarding use of property, damage to property, etc.

MOTION: AVIS GUNTER

TO: Grant permission for Rob Ladson to act on behalf of the Commissioners regarding the temporary rights of entry for Bridge 289.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

### **IN THE MATTER OF GRACE COLLEGE ACQUIRING GATKE SITE:**

Mike Miner, County Attorney, stated it is coming very close to the time to turn over the Gatke property to Grace College. Every thing should be completed within 2-3 months. Commissioner Truex questioned whether anything official had ever been decided on this. Miner stated that an official vote had never been taken but the goal was to work toward Grace obtaining the property. Miner stated due to asbestos being an air born concern, the land would be asphalted.

### **IN THE MATTER OF COUNTY PERSONNEL POLICY:**

Ron Robinson, County Administrator, stated the new personnel policy would be ready for the Commissioners review at the next Commissioners meeting.

**IN THE MATTER OF TRACKING SICK TIME AND COMPENSATORY TIME:**

Ron Robinson, County Administrator, stated he would like to have the Commissioners approve a form to track Sick and Compensatory time. Robinson presented a form the County Auditor's Office has been using for the past year for consideration. The form would be completed each pay period and turned in with payroll sheets.

MOTION: AVIS GUNTER

TO: Approve the form as presented and require it be submitted with bi weekly payroll sheets.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF SCHNEIDER CONTRACT FOR WEB SITE MAINTENANCE AND MAPPING DEVELOPMENT:**

County Auditor Sue Ann Mitchell received the contract for the County website maintenance. The contract is the same as in previous years. The Commissioners could contract for 1, 2 or 3 years. Bill Holder, GIS Administrator, recommended to Mitchell the County sign for the 3 year period. The rate would be \$800 per month. Commissioners questioned how the website was maintained and when the current contract expires. Mitchell stated information was pulled through an automated process from the LOW system and used to update the website. Schneider created the website and continues to maintain the mapping portion of the site. Currently the Auditor's Office is updating to a Windows version of this system so updates to the site may be slightly behind. The current contract expires 12-31-2004. Commissioners will review the contract.

**IN THE MATTER OF BID OPENING BRIDGE 289:**

Mike Miner, County Attorney, opened bids for Bridge 289. The following bids were received:

Kelcon \$241,275.95 Bid Bond received

RL McCoy Inc. \$293,545.45 Bid Bond received

Rob Ladson, County Highway Engineer, stated bids did not include material. Bids are for complete removal of the old bridge, preparation of the site and installation of the pre-cast bridge (purchased separately). The engineers estimate for the project was \$217,716.45. Ladson will review the bids and make a recommendation at the next Commissioner meeting.

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

**KOSCIUSKO COUNTY COMMISSIONERS  
SEPTEMBER 21, 2004**

The Kosciusko County Commissioners met for their regular meeting on September 21, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT

MIKE MINER, COUNTY ATTORNEY

AVIS GUNTER

SUE ANN MITCHELL, COUNTY AUDITOR

BRAD JACKSON

RON ROBINSON, COUNTY ADMINSTRATOR

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 TOWNSHIP MUTUAL AID AGREEMENTS:**

Ed Rock, Emergency Management Director, presented the final memo for the Mutual Aid Agreement for Commissioners signatures for Monroe Township. Rock stated that Monroe Township was not ready when other townships were completed earlier and now needed signatures.

MOTION: AVIS GUNTER

TO: Sign the agreement as presented.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF COURTHOUSE LAWN USE BY SAFETY FEST & WCDC:**

Ron Robinson, County Administrator, presented two requests to use the Courthouse lawn. October 2<sup>nd</sup> the Safety Fest will be held and WCDC would like to use the lawn on October 29<sup>th</sup> for their Friday Night Spectacular.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Approve the use of the Courthouse lawn for both events.

**IN THE MATTER OF COUNTY EMPLOYEE FLU SHOTS:**

Ron Robinson, County Administrator, stated flu shots will be offered October 12<sup>th</sup> from 2:00-4:30 pm for all county employees except the Highway Department and the Sheriff's Department. Special arrangements will be made with those departments to offer shots at a convenient time for the nurse to visit.

**IN THE MATTER OF SAMS CLUB:**

Ron Robinson, County Administrator, stated Sam's Club is offering a Kosciusko County Employee day on Sunday, September 26<sup>th</sup>. The employees will receive a free day pass at the Concord Sam's Club. Information has been provided to each department for the employees to take advantage of this pass.

**IN THE MATTER OF SIGNING OF NOT FOR PROFIT CONTRACTS:**

County Auditor Sue Ann Mitchell presented contracts signed by all non profit entities scheduled to receive funds from the county in 2005. She requested the Commissioner's sign the contracts.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON  
AYES: 3 NAYS 0  
UNANIMOUS

TO: Sign the contracts as presented.

**IN THE MATTER OF DISCUSSION OF VOTING MACHINE PURCHASE WITH COUNTY COUNCIL:**

Sue Ann Mitchell, County Auditor, stated the County Council would like to establish a joint meeting with the Commissioners to discuss the purchase of voting machines. Commissioners agreed to meet at the convenience of the County Council.

**IN THE MATTER OF APPOINTMENT OF DON SCEARCE TO SYRACUSE COMMON CONSTRUCTION WAGE COMMITTEE:**

Sue Ann Mitchell, County Auditor, presented a letter that was received from the Town of Syracuse requesting the appointment of Don Searce to their common wage committee for the Syracuse Water and Sewer Services II project number 09715.3000.611.

MOTION: BRAD JACKSON  
SECOND: AVIS GUNTER  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Appoint Don Searce to the Common Wage Committee.

**IN THE MATTER OF SCHNEIDER CONTRACT:**

Discussion of the contract was tabled until further research could be done on the hosting of the website and further development of the mapping site on the internet.

**IN THE MATTER OF KOSCIUSKO COUNTY TOBACCO CESSATION PROGRAM:**

Bobbi Burkhart addressed the Commissioners concerning the Tobacco Cessation Program. She is the persona responsible for the authorization of payment of claims that are provided to the Auditor's Office for payment. She noted the program provides information on tobacco control awareness and cessation information to county residents. The program offers school presentations and helps to support the DARE programs in the area which deal with tobacco usage. Burkhart supplies mini grants for supplies for DARE programs. Mini grants are also available to other organizations by contacting Burkhart. More information is available online at [www.abovethecloud.org](http://www.abovethecloud.org).

**IN THE MATTER OF AWARDING OF BID FOR BRIDGE 289:**

Rob Ladson, County Highway Engineer/Superintendent, recommends awarding the contract to Kelcon who came in with the lowest bid of \$241,273.95. Ladson states the concern with the bridge at this point is getting everything that needs to be done by winter done in time. Ladson stated Kelcon is willing to hold their bid price until June 1<sup>st</sup> 2005 and he feels this will be plenty of time in case the work can not be started until after winter. Ladson estimates 90 days to complete work but is still working on obtaining rights of entry. Ladson stated that another option would be to re-bid the project in the spring but the goal is to complete the work when the least amount of people reside in the area.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Approve the Kelcon contract for Bridge 289 as presented.

**IN THE MATTER OF DUST CONTROL SUPPLIER:**

Rob Ladson, County Highway Engineer/Superintendent, presented a letter from AJP Corporation which provides dust control applications for the county. Ladson stated he had set a limit of 74,000 gallons of material and received an invoice for 103,000 gallons. After contacting AJP Ladson received a letter of apology and a corrected invoice for the 74,000 gallons which Ladson has approved for payment.

**IN THE MATTER OF FLAGSTONE TERRACE DRIVEWAY PIPES:**

Rob Ladson, County Highway Engineer, presented a change order for \$2,675 for two (2) driveway pipes and two (2) manhole covers for Flagstone Terrace. Ladson stated the funds were budgeted but wanted the Commissioners approval for the change order.

MOTION: BRAD JACKSON

TO: Approve the change order as presented.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF SALT PURCHASE:**

Rob Ladson, County Highway Engineer, stated for the Commissioners information that he will be looking at the purchase of salt for the Highway Department for the winter.

**IN THE MATTER OF NICHOLAS VACATION:**

Matt Sandy, Area Plan Assistant Director, presented a request by Ruth Nicholas to vacate a portion of roadway. The vacation is a continuance of the Eli Lilly vacation and clean-up on the west end of the property. Area Plan did notify property owners, Sheriff's Department, etc and received no negative feed back. The Turkey Creek Regional Sewer easement will remain intact as required by state law. It was noted a letter was received from Turkey Creek Regional Sewer District concerning the issue. Area Plan supports the vacation.

Attorney Steve Snyder appeared on behalf of the petitioners. Snyder stated the vacation request is made in an effort to continue the clean-up of the area and will actually provide additional property to three or four homes located on the west end.

Discussion followed. No additional persons appeared in favor or in opposition to the vacation.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Support the recommendation by Area Plan and grant the vacation.

**ORDINANCE NUMBER 04-09-21-001V**

**BE IT ORDAINED** by the Board of Commissioners of Kosciusko County, State of Indiana:  
Section1.

**WHEREAS**, Ruth Virginia Lilly Nicholas has filed her Petition for vacation of a portion of Eli Lilly Road, a public way, with the Board of Commissioners of Kosciusko County, Indiana; and

**WHEREAS**, a hearing on said Petition was set for September 21, 2004 at 9:30 a.m. and notice of said hearing was published in the *Warsaw Times Union* and The *Milford Mail-Journal* as required by law; and

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

**WHEREAS**, those persons listed on Exhibit A are the owners of real estate adjacent to the public way to be vacated and have been notified of the hearings, which public way is described as follows, to-wit: (*legal description available in Records Office*)

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

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of Kosciusko County, Indiana that the portion of the public way herein described in now vacated, all in conformity with statements and representations made at this hearing.

**BE IT FURTHER ORDAINED**, that this vacation is subject to the right of Turkey Creek Regional Sewer District and its successors to continue to occupy a portion of vacated Eli Lilly Road for the purpose of maintaining, repairing, and operating certain components of its public sanitary sewer system which are located in said vacated portion of Eli Lilly Road and were so located at the time of initiation of these vacation proceedings.  
Section 2.

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

**ORDAINED AND PASSED** this 21<sup>st</sup> day of September, 2004.

**IN THE MATTER OF RECERTIFICATION OF FLOOD ORDINANCE:**

Matt Sandy, Area Plan Assistant Director, presented the FEMA recertification for approval. Information is kept for banks, mortgage companies, realtors, etc. and allows a 5% discount on the County's flood insurance. The County must maintain a log, keep ditches up, provide maps etc. The recertification requires signatures of the Commissioners. By consensus the Commissioners approved the recertification as presented.

**IN THE MATTER OF MOORE REZONING FROM AGRICULTURAL TO RESIDENTIAL:**

Dan Richard, Area Plan Director, stated that the Moores had not been present at any of the required hearings and were not present in today's Commissioners meeting. Letters had been sent to the Moores on two (2) separate occasions informing them of the requirements for the rezoning. Area Plan recommends denying the request for rezoning.

MOTION: BRAD JACKSON

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

TO: Support the recommendation of Area Plan and deny the rezoning request.

**IN THE MATTER OF JASPER/ZEHNER VACATION TABLED FROM PREVIOUS MEETING:**

Matt Sandy, Area Plan Assistant Director, stated the petitioners had been instructed to reappear before the Board of Zoning appeals and the petition was grand by the BZA. The petitioners have dropped the petition.

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

**KOSCIUSKO COUNTY COMMISSIONERS  
October 5, 2004, 2004**

The Kosciusko County Commissioners met for their regular meeting on October 5, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT  
BRAD JACKSON

MIKE MINER, COUNTY ATTORNEY  
RON ROBINSON, COUNTY ADMINSTRATOR  
JANE COPE, CHIEF DEPUTY AUDITOR

The meeting was opened with the pledge and a word of prayer. Minutes were approved as presented. Claims were signed and approved for payment. Commissioner Avis Gunter and Auditor Sue Ann Mitchell were absent due to attending the Association of Indiana Counties Annual Conference on behalf of the county.

**IN THE MATTER OF FINANCIAL REPORT APPROVAL FOR KABS:**

Rita Baker, KABS Director, presented the KABS financial report for Commissioners approvals and signatures. A new bus has also been ordered and will be on the road next week. She noted the larger buses will be taken off the road and replaced with the smaller type buses.

MOTION: BRAD JACKSON

TO: Approve and sign the financial report as presented.

SECOND: RON TRUEX

AYES: 2 NAYS: 0

UNANIMOUS

**IN THE MATTER OF REQUEST FOR FOUR WAY STOP ON BISHOP ROAD:**

Rob Ladson, County Highway Engineer/Superintendent, presented a copy of a letter sent in reply to a request for a four way stop sign at Lilly and Bishop Roads. Ladson stated the area is scheduled for reconstruction. Ladson will take a traffic count in the spring to review the necessity for the four-way.

**IN THE MATTER OF ACORN ESTATES MAINTENANCE:**

Rob Ladson, County Highway Engineer/Superintendent, presented a request for preliminary acceptance for Acorn Estates Subdivision located on Levi Lee Road. Some erosion issues will need to be taken care of but Ladson stated all main components are in place and recommends preliminary acceptance.

MOTION: BRAD JACKSON

TO: To approve the recommendation for preliminary acceptance.

SECOND: RON TRUEX

AYES: 2 NAYS: 0

UNANIMOUS

**IN OTHER HIGHWAY MATTERS:**

Rob Ladson, County Highway Engineer, stated an order would be placed for salt next week and construction is moving forward on Bridge 289. Construction is scheduled to begin at the end of October. There is one more right of entry to obtain. The contractor will also be able to work later into the year.

**IN THE MATTER OF JOB DESCRIPTION FOR PART-TIME DRIVEWAY INSPECTOR:**

Ron Robinson, County Administrator, presented a copy of the job description for the Part-time Driveway Inspector. Robinson stated this is a position that is already in existence but the job description had not been updated. The part-time position reports to the County Highway Drainage Inspector.

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

**KOSCIUSKO COUNTY COMMISSIONERS  
OCTOBER 19, 2004**

The Kosciusko County Commissioners met for their regular meeting on October 19, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT

MIKE MINER, COUNTY ATTORNEY

AVIS GUNTER

SUE ANN MITCHELL, COUNTY AUDITOR

BRAD JACKSON

RON ROBINSON, COUNTY ADMINSTRATOR

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 UPDATE:**

Aaron Rovenstine, Kosciusko County Sheriff, stated the County's insurance company was to appear at today's meeting to present the County with an EVOC training certificate. Since no representative was present to do so, Rovenstine stated it would be postponed until the next Commissioner's meeting.

**IN THE MATTER OF TOWN OF BOURBON MUTUAL AID AGREEMENT:**

Ed Rock, Emergency Management Director, presented the Town of Bourbon Mutual Aid Agreement for Commissioners signatures. Rock stated the agreement was identical to those signed previously for other towns and townships.

MOTION: AVIS GUNTER TO: Sign the agreement as presented.  
SECOND: BRAD JACKSON  
AYES: 3 NAYS:  
UNANIMOUS

**IN THE MATTER OF EMERGENCY MANAGEMENT EVENT CALENDAR:**

Ed Rock, Emergency Management Director, presented a calendar of scheduled events for the Commissioners to review. Rock stated Commissioners are invited to attend any event and should contact Rock to arrange funding or transportation.

**IN THE MATTER OF ANNUAL BID REVIEWS:**

Rob Ladson, County Highway Engineer, stated it is time to review the annual bids and send letters to contractors inquiring whether they wish to renew contracts. Ladson stated by sending letters he is able to hold the current price. Should responses be higher than current prices, contracts could be rebid. Ladson requested Commissioners approval to send the letters.

MOTION: AVIS GUNTER TO: Approve sending letters to contractors.  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF KABS SAFETY RESPONSE PLAN:**

Rob Ladson, County Highway Engineer/Superintendent, presented a mutual aid agreement with KABS for the Commissioners to review. Ladson stated the agreement is for KABS to help provide transportation during localized disaster emergencies. Ladson can sign the agreement with the permission of the Commissioners or Commissioners can review and sign themselves. Ladson stated the agreement has been reviewed by Emergency Management Director Ed Rock.

Commissioners asked questions of Rock regarding some of the specifics of the agreement. Rock stated KABS could be used for transportation of personnel during emergencies. The highway department would be used to facilitate road closures, establish incoming and outgoing routes, etc. Rock's recommendation is to sign the agreement.

MOTION: AVIS GUNTER TO: Permit Rob Ladson, County Highway  
SECOND: BRAD JACKSON Engineer, to sign on behalf of the County.  
AYES: 3 NAYS:  
UNANIMOUS

**IN THE MATTER OF BRIDGE 226 CHANGE ORDER:**

Rob Ladson, County Highway Engineer, presented a change order rescinding the previous change order for Bridge 226. The prior order was to facilitate completion in case Sprint pipes could not be relocated. Ladson stated the pipes were relocated but additional milling was done requiring additional asphalt. The new change order will increase the original estimate by \$164.00. Ladson's recommendation is to approve the change order.

MOTION: AVIS GUNTER TO: Approve the current change order.  
SECOND: BRAD JACKSON  
AYES: 3 NAYS:  
UNANIMOUS

**IN THE MATTER OF ENCHANTED HILLS STOP SIGN ORDINANCE:**

Rob Ladson, County Highway Engineer, stated in an effort to update stop sign information it has been discovered that several roadways in the Enchanted Hills Subdivision do not have stop signs.

One road was a gravel that was taken into county maintenance in the 1960's but had never had a home on the road. A new home is currently being built and there is no sign. Several other roads also have no signs. Ladson presented an Ordinance for Commissioner's approval and signatures.

MOTION: BRAD JACKSON

TO: Approve the Ordinance as presented.

SECOND: AVIS GUNTER

AYES: 3 NAYS:

UNANIMOUS

#### **ORDINANCE 04-10-19-001-STOP**

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

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

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

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

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

Enchanted Hills Addition

1. Install "Stop" sign on the southwest corner of Carnation Way and Enchanted Forest Lane (Carnation Way Stops).
2. Install "Stop" sign on the northeast corner of Carnation Way and Memorial Parkway (Carnation Way Stops).
3. Install "Stop" sign on the northeast corner of Magnolia Lane and Memorial Parkway (Magnolia Lane Stops).
4. Install "Stop" sign on the northwest corner of Memorial Parkway and Doswell Blvd. (Repeal Yield, make Stop).
5. Install "Stop" sign on southeast corner of Honeycomb Lane and Doswell Blvd. (Repeal Yield, make Stop).
6. Install "Stop" sign on the northeast corner of Park Lane and Memorial Parkway (Park Lane Stops).

THIS ORDINANCE shall be in full force and effect on October 19th, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 19th day of October, 2004.

#### **IN THE MATTER OF SPEED LIMIT BY HUNTERS RIDGE SD ON OLD ROAD 30:**

Rob Ladson, County Highway Engineer, stated he received a letter from a taxpayer who is concerned about the speed limit on Old Road 30 East near the Hunters Ridge Subdivision. Ladson states the speed limit is 35 mph changing to 45 mph near the entrance to the subdivision. The letter states a concern about slowing down to enter the subdivision as others are speeding up to reach the next posted speed limit. Ladson stated he recommendation to extend the 35mph speed limit further East to the property edge of the subdivision. Ladson presented an Ordinance for Commissioner's approval and signatures.

MOTION: AVIS GUNTER

TO: Follow the recommendation of Ladson and approve the Ordinance as presented.

SECOND: BRAD JACKSON

AYES: 3 NAYS:

UNANIMOUS

#### **ORDINANCE 04-10-19-001SP**

An Ordinance establishing speed limits on various County Roads, all within Kosciusko County, Indiana; and

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

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

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

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

1. Ordinance #92-18 Item #1 Change to read: Old 30 from 750 ft. east of CR 325E to 1,300 ft. east of CR 250E at 45 mph.

THIS ORDINANCE shall be in full force and effect on October 19, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 19th day of October, 2004.

**IN THE MATTER OF TRAPPING POLICY FOR THE COUNTY:**

Rob Ladson, County Highway Engineer, presented a policy for the public regarding the County's stance on trapping under County bridges. Ladson requested permission from the Commissioners to give a copy of this policy to anyone requesting permission to trap.

MOTION: BRAD JACKSON TO: Approve the policy and allow Ladson to distribute.  
SECOND: AVIS GUNTER

AYES: 3 NAYS:

UNANIMOUS

The policy was presented as follows:

Date: October 19, 2004

To: The General Public

From: Robert D. Ladson, P.E.

Kosciusko County Engineer / Superintendent

Re: Trapping under County Maintained Bridges, Small Structures, and other Drainage Infrastructure within the right-of-way controlled by the Kosciusko County Board of Commissioners.

On occasion, the Kosciusko County Highway Department has been approached in regards to trapping under county maintained bridges, small structures, and other drainage infrastructure within the right-of-way controlled by the Kosciusko County Board of Commissioners.

It has been the Department's position that such activities are not regulated by the Kosciusko County Board of Commissioners and do not interfere with the Department's ability to maintain the structure.

If an individual decides to trap under a county maintained structure, the Department cannot and does not authorize any such activity. Permission must be obtained from the adjoining property owner.

Additionally, the individual must be aware that he is responsible for the installation, maintenance, and removal of any and all equipment related to the trapping and is solely responsible for any damages caused by his activity.

The Department reserves the right to remove, any equipment that is installed under a county maintained structure that inhibits the flow of water or interferes with the maintenance of the structure. The Department will not compensate the trapper for any damage to said equipment.

**IN THE MATTER OF COUNTY ATTORNEY MIKE MINER:**

Mike Miner, County Attorney, stated due to a court appearance he will be unable to attend the next Commissioners meeting.

**IN THE MATTER OF TURKEY CREEK REGIONAL SEWER DISTRICT SEMI-ANNUAL REPORT FOR FIRST HALF OF 2004:**

Mike Miner, County Attorney, stated he has reviewed the report and it is ready for Commissioners signatures. It was noted this is the report representing facts ending June 30, 2004.

MOTION: BRAD JACKSON

TO: Approve and sign the report as presented.

SECOND: AVIS GUNTER

AYES: 3 NAYS:

UNANIMOUS

**IN THE MATTER OF BOWEN CENTER RELEASE OF FUND FOR GRANT:**

Mike Miner, County Attorney, stated he received the paper work from RP Murphy and Associates. He has reviewed the “Release of Funds Certification” and it is ready for the Commissioner’s signatures.

MOTION: BRAD JACKSON TO: Approve and sign the paperwork as  
SECOND: AVIS GUNTER presented.  
AYES: 3 NAYS:  
UNANIMOUS

**IN THE MATTER OF COUNTY PERSONNEL POLICY:**

County Administrator, Ron Robinson, presented an Ordinance for the updated County Personnel Policy for Commissioners signature. Robinson stated miner changes to update HIPAA and Sexual Harrassment polices are updated. The most major change is to the policy regarding the banking of sick/personal days. The maximum number of days an employee will be allowed to bank will be 45. Those employees currently having over the number of maximum days will be grandfathered in and they will not lose their days.

MOTION: AVIS GUNTER TO: Approve and sign the Ordinance as  
SECOND: BRAD JACKSON presented.  
AYES: 3 NAYS:  
UNANIMOUS

**ORDINANCE 04-10-19-001**

**KOSCIUSKO COUNTY BOARD OF COMMISSIONERS**

**AN ORDINANCE ESTABLISHING PERSONNEL POLICIES AND PROCEDURES**

**WHEREAS** it is the intent of the County of Kosciusko, Indiana to be compliant with applicable federal and state employment laws and regulations, and

**WHEREAS** the County of Kosciusko, Indiana Board of Commissioners adopted the County of Kosciusko Personnel Policy Handbook on September 26, 2000,

**WHEREAS** County of Kosciusko, Indiana personnel policies are reviewed and updated from time to time,

**NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED BY THE COUNTY OF KOSCIUSKO, INDIANA BOARD OF COMMISSIONERS THAT:**

Section 1. The Kosciusko Personnel Policy Handbook adopted on September 26, 2000, is hereby repealed.

Section 2. The attached Kosciusko Personnel Policy Handbook is hereby adopted and supersedes previously published personnel policies.

Section 3. Effective Date: This Kosciusko County Personnel Policy Handbook shall be in full force on effect on 10-19-04.

**ORDAINED AND ESTABLISHED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF KOSCIUSKO, INDIANA THIS 19<sup>TH</sup> DAY OF OCTOBER, 2004.**

**IN THE MATTER OF 2005 COUNTY HOLIDAYS:**

Sue Mitchell, County Auditor, presented a list of possible observance dates for the 2005 County Holidays. Mitchell stated the schedule is the same one which will be observed by the Federal Government.

MOTION: BRAD JACKSON TO: Approve the Holiday Schedule as presented.  
SECOND: AVIS GUNTER  
AYES: 3 NAYS 0  
UNANIMOUS

**KOSCIUSKO COUNTY  
2005 HOLIDAYS**

MONDAY	<u>DECEMBER 31***</u>	NEW YEARS DAY
FRIDAY	MARCH 25	GOOD FRIDAY
MONDAY	MAY 30	MEMORIAL DAY
MONDAY	JULY 4	INDEPENDENCE DAY
MONDAY	SEPTEMBER 5	LABOR DAY
FRIDAY	NOVEMBER 11	VETERAN’S DAY
THURSDAY & FRIDAY	NOVEMBER 24&25	THANKSGIVING

FRIDAY & MONDAY  
MONDAY

DECEMBER 23&26  
JANUARY 2, 2006

CHRISTMAS  
NEW YEARS

\*\*\*2005 Holiday allowed in 2004 (Same as Federal and State Government)

**IN THE MATTER OF COMMISSIONER'S CONFERENCE:**

Sue Ann Mitchell, County Auditor, provided information regarding the Commissioner's Conference. Registration forms are included in the information.

**IN THE MATTER OF TAX SALE:**

Sue Ann Mitchell, County Auditor, stated the County's tax sale was conducted on 10-13-04. Over \$1.5M was collected from the sale with \$101,000 was applied to delinquent taxes and \$1.4M was applied to surplus.

**IN THE MATTER OF GATKE PROPERTY:**

Mike Miner, County Attorney, stated Grace College is still working with IDEM to reach an agreement regarding the Gatke property. Miner stated it would be in the County's best interest to agree to a long term contract with Grace to lease the property. Grace would like to pave over the property to create a parking lot and build next to the property. Grace feels there would be no health hazard to paving over the lot because it would keep lead and asbestos from becoming air born. By leasing the property the County has no future or current liability. No one will purchase the property because then the property would have to be cleaned up. Miner also stated that Attorney Lemon is working with Grace and is in partnership with Miner which is a conflict of interest. However, Miner still feels it is in the best interest of both parties to reach a lease agreement putting the property into use by the community. Miner recommends an agreement of \$1 for 99 years.

MOTION: BRAD JACKSON  
SECOND: AVIS GUNTER  
AYES: 3 NAYS:  
UNANIMOUS

TO: Approve a lease agreement with Grace College for \$1 for 99 years based on the information provided by the County Attorney that the County would have no liability.

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

**KOSCIUSKO COUNTY COMMISSIONERS  
NOVEMBER 1, 2004**

The Kosciusko County Commissioners met for their regular meeting on November 1, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT  
AVIS GUNTER  
BRAD JACKSON

SUE ANN MITCHELL, COUNTY AUDITOR  
RON ROBINSON, COUNTY ADMINSTRATOR

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 DRIVING COURSE:**

Aaron Rovenstine, County Sheriff, stated 39 officers had completed an emergency drivers training course conducted by Bliss McKnight Risk Management Services. Bo Collins, representing the company, and Jerry Clevenger, local insurance agent, presented certificates for those officers for the Commissioners to sign. Collins also presented deer whistles for the officers to try on their vehicles with the results being tracked over the next year.

MOTION: BRAD JACKSON  
SECOND: AVIS GUNTER  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Approve Commissioner Truex signing the certificates.

**IN THE MATTER OF KABS INDOT CONTRACT:**

Rita Baker presented KABS contracts with the Indiana Department of Transportation for next years operations and capital funds.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON

TO: Approve and sign the contract as presented.

AYES: 3 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF HOUSING OPPORTUNITIES OF WARSAW:**

Pam Kennedy appeared before the Commissioners representing Housing Opportunities of Warsaw (HOW). Kennedy stated HOW plans to start two new programs to help low-income mobile home owners and home owners with emergency repairs. Even though the program has not been advertised, 18 applications have been received for mobile homes. Money for the program comes from donations. In order to keep costs down Kennedy requested the county waive permit fees for the programs. Permits could be for wells, septic or permit fees from Area Plan. Commissioner Ton Truex questioned whether waiving the fees would set a precedent and felt the matter needed to be discussed with County Attorney Mike Miner. Commissioner Avis Gunter stated she had mixed feelings since the County had to pay for permits. Gunter offered to pay the \$30 for fees until the matter could be discussed with Miner. Commissioner Brad Jackson thought fees could be waived temporarily until the issue was discussed and then let Kennedy know at a later date whether HOW would have to pay for the permits.

This issue was tabled until the next meeting of the Commissioners.

**IN THE MATTER OF SPEED LIMIT CR 1250N:**

Rob Ladson, County Highway Superintendent, received a request to reduce the speed limit north of the railroad tracks from 1250N to 1290N etc. The request is to reduce the limit at the curves. There are chevron signs posted. The Highway Department would install speed limit signs of 45mph gradually reducing the speed limit to 35mph at the curves.

MOTION: AVIS GUNTER  
SECOND: NONE

TO: Change the speed limit.

AYES: NAYS:

MOTION DIED FOR LACK OF A SECOND

Commissioner Brad Jackson requested Ladson study making the entire road 45 mph and report back to the Commissioners at a later date.

**IN THE MATTER OF SPEED LIMIT 1350N TO SR 19:**

Rob Ladson, County Highway Superintendent, presented an ordinance to reduce the speed limit on CR 1350N from West County Line Road to SR 19 from 55mph to 45mph. Ladson stated a traffic study was completed and 1200 vehicles traveled this stretch per day. There are several residences and lots of pedestrian and horse and buggy activity.

MOTION: BRAD JACKSON  
SECOND: AVIS GUNTER

TO: Approve the ordinance reducing the speed limit from 55mph to 45mph.

AYES: 3 NAYS: 0  
UNANIMOUS

**ORDINANCE 04-11-01-001SP**

An Ordinance establishing speed limits on various County Roads, all within Kosciusko County, Indiana; and

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

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

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

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

1. Speed limit on CR 1350N – from CR 1100W to SR 19 shall be 45 mph.

THIS ORDINANCE shall be in full force and effect on November 1, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 1<sup>st</sup> day of November, 2004.

**IN THE MATTER OF NIPSCO TREE TRIMMING:**

Rob Ladson, County Highway Superintendent, stated there are several trees which need trimmed along county roads and requested permission to allow Nipsco to trim the trees. Commissioners granted permission for Ladson to make decisions on behalf of the County in regards to tree trimming.

MOTION: AVIS GUNTER

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

TO: Grant Ladson the authority to make decisions on behalf of the County in regards to tree trimming.

**IN THE MATTER OF JOHN MAHNKEN REZONING:**

Dan Richard, Area Plan Administrator, presented a request by John Mahnken to rezone 24.6 acres on the east side of Kern Road in Turkey Creek Township from Agricultural to Residential. There was unanimous approval by from the Area Plan Commission to grant the rezoning. One remonstrance letter was received. Richard stated the ideal situation would be if sewer would be available but soil conditions are good and it is contiguous to existing property.

Shelly Shafer appeared in opposition to the rezoning stating it does not appear to meet residential qualifications. Shafer stated her property was bought in order to get away from town and away from noise. Shafer sleeps in the daytime and she believed this would ruin the value of her property. She questioned who would be moving in? What kinds of roads etc? Commissioner Truex stated those issues would be an Area Plan issue. The Commissioners responsibility is to determine if this piece of property meets the guidelines of a residential area. The Commissioners must look at the property to determine if it looks like it could qualify for residential property. How it is developed is up to Area Plan.

John Mahnken, owner of the property, appeared on behalf of the rezoning. Mahnken stated property seems perfect for new subdivision. Rezoning would give opportunities for home owners to build close to town and close to the high school. After further discussion, and with Richard explaining some of the conditions for rezoning and installation of a subdivision, the motion was made to accept the recommendation of Area Plan to grant the rezoning from Ag to Res.

MOTION: BRAD JACKSON

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

TO: Accept the recommendation of Area Plan and grant the rezoning from Agricultural to Residential.

**IN THE MATTER OF RIFLES FOR DRUG UNIT:**

Ron Robinson, County Administrator, presented a request on behalf of the Sheriff's Department Drug Unit to spend \$7,370.00 to purchase automatic weapons. This would be an upgrade for the unit. Sheriff Aaron Rovenstine stated the department is trying to slowly upgrade all of the department's equipment and weapons. Questions regarding the financing of the rifles and the use of 400 accounts were addressed.

MOTION: AVIS GUNTER

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve the purchase of new rifles for the drug unit using the Commissioners budget.

**IN THE MATTER OF KITCHEN FOR WORK RELEASE:**

Ron Robinson, County Administrator, presented drawings for a 60'x60' concrete slab and steel building for a kitchen for Work Release which would seat 98 people. Work Release currently does not have a kitchen. Robinson told Commissioners the cost is undetermined at this time. Equipment for the kitchen will include equipment out of the old jail as well as donated equipment. Some new equipment will have to be purchased. Commissioner Truex stated he felt the work release center

was one of the most efficient uses of the County's tax dollars and Commissioners gave their consensus for Robinson to continue with plans for the kitchen for Work Release.

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

## KOSCIUSKO COUNTY COMMISSIONERS NOVEMBER 16, 2004

The Kosciusko County Commissioners met for their regular meeting on November 16, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT

MIKE MINER, COUNTY ATTORNEY

AVIS GUNTER

SUE ANN MITCHELL, COUNTY AUDITOR

BRAD JACKSON

RON ROBINSON, COUNTY ADMINSTRATOR

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 presented KABS quarterly reports for review and signature.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Approve and sign the reports as presented.

### **IN THE MATTER OF K-CODE PROPOSED EXPENDITURES:**

Ruchelle Sammons appeared before the Commissioners on behalf of the Kosciusko County Coalition on Drug Education (K-CODE). Sammons presented the 2005 proposed expenditures for approval. Sammons stated monies are to be disbursed for use under one of four (4) categories: Prevention & Education, Intervention & Treatment, Law Enforcement & Justice and Discretionary. Thirty applications were received requesting K-CODE funding but later one application was withdrawn.

Commissioner Ron Truex questioned the denial of the funding request by the Sheriff's Department for billboards for the Meth Watch Program. Sammons stated after careful review of all the applications the members of the coalition, including Sandra Frush, Marsha Strieby and Lance Grubbs, had decided they would like funding applied to a more comprehensive program. Truex asked Sheriff Aaron Rovenstine to comment. Rovenstine stated the Sheriff's Department was supported by K-CODE monies to initially place the Meth Watch billboards and was appreciative of that support. Rovenstine believes he has obtained funding for the billboards from another source and has talked with the coalition about funding for speakers, materials, etc.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Approve the proposed expenditures as presented.

### **Kosciusko County Coalition on Drug Education (K-CODE)**

Proposal Committee Meeting – Tuesday, November 11, 2004

Sponsor Agency	Project Description	Amount Requested	Awarded
<b>Prevention &amp; Education</b>			
Warsaw PD	DARE	\$ 8,000.00	\$ 4,000.00
Warsaw Comm. HS	Drug Testing	3,000.00	3,000.00
Indiana Girl Scouts	Drug & Tobacco Education	4,635.00	1,600.00
Kos. Co. Sheriff Dept.	Meth Watch Program (billboard)	5,000.00	0
Kos. Co. Sheriff Dept.	DARE	15,000.00	10,000.00
Mentone & Akron Elem.	Red Ribbon Speaker/supplies	1,340.48	1,125.00
Lifeline Youth & Family Serv.	Center for Responsible Thinking	7,800.00	5,000.00
Boys & Girls club	Smart Moves	19,231.95	6,000.00
Lakeland Youth Center	Kids Club	6,000.00	6,000.00
Mentone Elem.	Red Ribbon Placemats	1,000.00	1,000.00
Eisenhower Elem.	Red Ribbon Buttons/Sign	700.00	700.00
Pierceton Police Dept.	DARE	4,500.00	4,500.00
Kos. Co. Sheriff Dept.	County-wide Meth Ed Program	5,000.00	0

K-CODE Coordinator		3,667.00	3,667.00
K-CODE Meth Watch Fund			8,241.00
<b>Prevention/Education TOTAL</b>		<b>\$ 84,874.43</b>	<b>\$ 54,8833.00</b>
<b>Intervention &amp; Treatment</b>			
Mental Health Association	Right Start – Right Step	\$ 3,500.00	\$ 3,500.00
24 Hour club	General Support	10,500.00	10,500.00
Bowen Center	Women's Victim's of Domestic Vio	4,992.00	*combined
Bowen Center *	Violence & Indigent Programs	14,400.00	*10,000.00
Stepping Stones*	12 Step Programs (NA,AA)	withdrew application	
K-CODE Coordinator		3,667.00	3,667.00
		<b>\$ 37,059.00</b>	<b>\$ 27,667.00</b>
<b>Intervention/Treatment TOTAL</b>			
<b>Law Enforcement &amp; Justice</b>			
Warsaw Police Dept.	3 Patrol Videos	\$ 9,600.00	\$ 7,173.00
Mentone Police Dept.	2 HP Digital Cameras	343.52	350.00
Milford Police Dept.	4 Taser Weapons & Training	3,848.27	2,000.00
Kos Co Joint Gang Task Force	General Support	4,000.00	3,000.00
Kos. Co. SPOT	Recorders (body wire)	3,000.00	3,000.00
Silver Lake PD*	3 sets stop stick Rack Kits*	1,120.70	*combined
Silver Lake PD*	7 portable radio batteries*	496.00	*combined
Silver Lake PD*	Power Dome Outdoor Camera*	999.95	*combined
Silver Lake PD*	MultiChannel DVR w/CD Burner*	1,831.92	*4,000.00
Syracuse PD	SRO Training	2,200.00	2,200.00
Pierceton PD	Laptop / multimedia projector	2,110.00	2,110.00
K-CODE Coordinator		3,667.00	3,667.00
<b>Law Enf / Justice TOTAL</b>		<b>\$ 33,217.36</b>	<b>\$ 27,500.00</b>
<b>TOTAL</b>		<b>\$155,150.79</b>	<b>\$110,000.00</b>

**KOSCIUSKO COUNTY COALITION ON DRUG EDUCATION (KCODE)  
CURRENT FUNDING PICTURE**

<b>1-1-2004 BEGINNING BALANCE</b>	<b>\$ 95,347.86</b>
<b>RECEIPTS TO DATE</b>	<b>70,604.38</b>
<b>EXPENDITURES TO DATE</b>	<b>(66,576.84)</b>
<b>CURRENT APPROPRIATION BALANCE</b>	<b>24,324.27</b>
<b>CURRENT CASH BALANCE</b>	<b>99,375.40</b>
<b>CASH LEFT TO SPEND</b>	<b>75,051.13</b>
<b>2005 REQUEST FOR FUNDING</b>	<b>\$110,000.00</b>

**IN THE MATTER OF DEFERRED COMPENSATION:**

Bob Monaghan, a Deferred Compensation representative of AIG / Valic, appeared before the Commissioners requesting approval as a second vendor for the Kosciusko County Deferred Compensation program. Monaghan stated he has been working over 17 years as a Deferred Compensation representative. AIG/Valic has 56 agents in Indiana. He believes their prices are comparable to other deferred compensation programs and that they excel in service. Monaghan stated that County Administrator Ron Robinson had contact with other Indiana counties using AIG’s product and believes Robinsion had positive feedback from those counties. Both County Administrator Robinson and County Auditor Sue Mitchell have had conversations with other counties that do business with AIG/Valic.

MOTION: AVIS GUNTER TO: Approve AIG/Valic as a second vendor.  
 SECOND: RON ROBINSON  
 AYES: 3 NAYS: 0  
 UNANIMOUS

**IN THE MATTER OF STOP SIGN REQUEST 300 N & 150 E:**

Rob Ladson, County Highway Superintendent, stated a request had been received to install a multi-way stop at 300 N & 150 E. Ladson inspected the “T” intersection and found that there was poor visibility to the West. Ladson recommended approval of the multi-way stop.  
 MOTION: BRAD JACKSON TO: Approve the multi-way stop at CR 300 N  
 SECOND: AVIS GUNTER & CR 150 E.  
 AYES: 3 NAYS: 0

UNANIMOUS

**ORDINANCE 04-11-16-001 Stop**

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

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

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

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

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

1. Install “Stop” signs on the northeast corner (for west-bound traffic) and the southwest corner (for east-bound traffic) at CR 300N and CR 150E, making it a 3-way stop.

THIS ORDINANCE shall be in full force and effect on August 24<sup>th</sup>, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 24th day of August, 2004.

**IN THE MATTER OF SPEED LIMITS IN THE TOWN OF ATWOOD:**

Rob Ladson, County Highway Superintendent, stated a request had been received to establish uniform speed limits in the Town of Atwood. Ladson stated old records showed some limits established at 30 mph and some at 40 mph. Ladson recommends repealing the old ordinances and establishing a new ordinance at a new limit of 35-45 mph entering the Town of Atwood and 35 mph on town streets effective November 30, 2004. The November 30<sup>th</sup> date will give time for the Highway Department to install the signs.

MOTION: AVIS GUNTER

TO: Repeal the old speed limit ordinance and establish the new ordinance as recommended.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

**ORDINANCE 04-11-16-001 Repeal Speed**

An Ordinance establishing speed limits on various County Roads, all within Kosciusko County, Indiana; and

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

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

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

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

1. Repeal Speed Ordinance on page 204 of Blue Book. Item #1 Town of Atwood  
All roads “in main part of town” 30 mph. All other roads 40 mph.  
(25 COM. REC. 431; Aug. 1 & 6, 1973)

THIS ORDINANCE shall be in full force and effect on November 30th, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 30th day of November, 2004.

**ORDINANCE 04-11-16-003 Speed**

An Ordinance establishing speed limits on various County Roads, all within Kosciusko County, Indiana; and

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

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

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

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

1. Speed limit on Old 30 W. shall be 45 mph from a point 1,540 ft. +/- west of Huffer Road to a point 990 ft. +/- west of CR 650W.
2. Speed limit on Old 30 W. shall be 35 mph from a point 990 ft. +/- west of CR 650W to a point 465 ft. +/- west of Wray Street.
3. Speed limit on Old 30 W. shall be 45 mph from a point 465 ft. +/- west of Wray Street to a point 1,395 ft. +/- of Wray Street.
4. Speed limit in Atwood on all other streets to be 35 mph – unless otherwise posted.
5. Speed limit on CR 700W. from US 30 south to CR 200N. (Hovey Street) shall be 35 mph.
6. Speed limit on CR 700W. from Gault Street to a point 1,160 ft. +/- south of Gault Street shall be 45 mph.
7. Speed limit on CR 700W. (Wray Street) from Gault Street north to Railroad Street shall be 35 mph.
8. Speed limit on CR 200N. from a point 550 ft. +/- east of CR 750W. to a point 1,120 ft. +/- east of CR 750W. shall be 45 mph.
9. Speed limit on CR 200N. from a point 1,120 ft. +/- east of CR 750W. to CR 700W. (Wray Street) shall be 35 mph.
10. Speed limit on CR 200N. from a point 550 ft. +/- to a point 1,650 ft. +/- shall be 45 mph for west-bound traffic.

THIS ORDINANCE shall be in full force and effect on November 30<sup>th</sup>, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 30th day of November.

**IN THE MATTER OF SPEED LIMIT ON 1250 N & ADJACENT ROADS:**

Rob Ladson, County Highway Superintendent, stated in continuance from the prior Commissioners's meeting regarding the speed limit at CR 1250N and adjacent roads his recommendation would be to make the speed limit 45mph through the entire stretch and leave the advisory signs as already marked.

MOTION: BRAD JACKSON

SECOND: AVIS GUNTER

AYES: 3            NAYS: 0

UNANIMOUS

TO: Accept the recommendation of Ladson

and establish the speed limit for CR 1250N at

45 mph leaving current advisory signs in place.

**IN THE MATTER OF BIKE PATH FROM SYRACUSE-WEBSTER ROAD TO CRAZY CORNERS:**

Rob Ladson, County Highway Superintendent, stated a request has been received to establish a bike path on the Syracuse-Webster road from the school south to Crazy Corners. Ladson is seeking input from the Commissioners regarding the establishment of County guidelines for allowing bike paths along the County roadways and right-of-ways. Ladson stated he has been in contact with Commissioners separately and has determined that Commissioners are in favor of the bike paths but have concerns regarding maintaining public safety.

Commissioners Brad Jackson questions whether barriers could be erected between the roadways and the bike paths. Ladson stated this was possible but had to be established what type of barrier, who would be responsible for the installation and maintenance and with more and more residential areas being established aesthetics are a concern. Commissioners all agreed the County will not be responsible for installation or maintenance. Additional discussion followed with concerns expressed regarding establishing paths along the County's more narrow roadways. Commissioners requested Ladson establish an initial set of guidelines taking into consideration speed limits, road widths, County right-of-ways, etc. and then they will meet with Ladson to refine the guidelines as needed.

**IN THE MATTER OF POLLING PLACE INSPECTION RESULTS:**

County Clerk Sharon Christner presented Commissioners with copies of Precinct Polling Place Inspection Reports for their review. Commissioners will review and meet with Christner to discuss the findings.

**IN THE MATTER OF BOWEN CENTER GRANT APPLICATION FOR INPATIENT FACILITY:**

Bob Murphy appeared on behalf of the Bowen Center and read the following letter:  
REPORT TO KOSCIUSKO COUNTY COMMISSIONERS

I am here today to request that the Commissioners AGAIN submit a proposal and an application for a Grant to construct a new Inpatient Unit for the Otis R. Bowen Center.

The Application that was delivered to the Indiana Department of Commerce on September 3, 2004, was determined to “not meet threshold”, and was therefore not considered for funding.

The reason that the application did not meet threshold was because in 1997 the Commissioners received a grant on behalf of the Turkey Creek Regional Sewer District. Semi-Annual Reports for the Turkey Creek project are required through July, 2005. On September 3, 2004, when I delivered the Bowen Center application to Indianapolis...The Turkey Creek project had an overdue Semi-annual Report. The simple fact that there was an overdue report eliminated Bowen Center from applying.

The Turkey Creek reports are now current. But unless they report in January, and July, 2005, on time, the Bowen Center application could again be discounted.

With you assistance we will again hold a Public Hearing in December, Submit a proposal on January 14, 2005, hold a Public Hearing in March, and Submit the application on April 1, 2005. I will seek your assistance in assuring that the Sub-Recipient Report for Turkey Creek is submitted timely in January so that the Bowen Center application is not again rejected.

Will you bear with us and again be applicant on behalf of Bowen Center?

Thank you,  
(signed)  
Robert P. Murphy

Consensus was reached to continue the application on behalf of the Bowen Center. County Auditor Sue Ann Mitchell will send a letter to the Turkey Creek Regional Sewer District reminding them of their responsibility for submitting a timely semi-annual report.

**IN THE MATTER OF GRANT APPLICATION FOR ELECTRONIC FINGER PRINTING EQUIPMENT:**

Ed Rock, Emergency Management Director, Indiana Criminal Justice Institute grant application for an electronic finger printing system to be used by the Sheriff’s Department. The money received from the grant would be for the boiler plate required for the machine and a five (5) year service agreement. This application does not require matching funds from the county.

MOTION: AVIS GUNTER

TO: Approve the application as presented

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF EMERGENCY MANAGEMENT TRAINING FOR COMMISSIONERS:**

Ed Rock, Emergency Management Director, invited the Commissioners to attend a training session being hosted by the Marshall County Emergency Management Agency. The sessions will educate officials regarding their roles and responsibilities during an emergency situation. Rock encourages the Commissioners to attend but in the event they are unable to, Rock will report back with information obtained during the training.

**IN THE MATTER OF JACK SUTTON VACATION REQUEST FOR RAY HOHMAN SUBDIVISION, YELLOW CREEK LAKE:**

Matt Sandy, Area Plan Assistant Director, appeared presenting information on a vacation request by Jack Sutton. Sandy stated the request is to vacate and then rededicate a portion of Roy Drive on Yellow Creek Lake. Originally the roadway was part of a platted subdivision however when the roadway was installed it was not installed where originally platted. Sandy stated there are some concerns by fire and EMS as they use the roadway as a main access. These departments would like to have a 20’ access. Sandy states Area Plans recommendation is to vacate as long as a rededication is done. Sandy stated the rededication has already been written.

Rick Helm appeared on behalf of the petitioners. Helm stated it is the intent of the petitioners to rededicate. The petitioners simply want the roadway relocated to where it actually is. Helm presented a survey of the roadway. Helm stated various other vacations have occurred in the area and that zoning set back caused the issue to be brought up. No one appeared in opposition to the vacation.

MOTION: BRAD JACKSON

TO: Approve the vacation request and rededication as presented.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

AN ORDINANCE VACATING A "DRIVE" IN THE  
ROY HOHMAN SUBDIVISION ON YELLOW CREEK LAKE  
KOSCIUSKO COUNTY, INDIANA

ORDINANCE NUMBER 04-11-16-001V

WHEREAS, Jack E Sutton has filed a petition to vacate a Drive platted in the Roy Hohman Subdivision; and WHEREAS, the petition to vacate the Drive and notice thereof, and notice of the hearing on October 15 and October 20, 2004 were properly published in the *Warsaw Times-Union* and the *Milford Mail Journal*; and,

WHEREAS, on November 16, 2004, the Petitioner has appeared, presented his petition to vacate the Drive, and presented exhibits and factual information regarding same; and,

WHEREAS, there were no remonstrances or objections by person aggrieved by the proposed vacation, in accordance with law, and the area sought to be vacated is not necessary to the growth of any municipality, does not make access to the lands of any person by means of a public way impossible, and does not eliminate the public's access to a church, school or other public building or place; and,

WHEREAS, it is proper and appropriate that said Drive should be vacated;

NOW, THEREFORE, be it ordained by the Board of Commissioners of Kosciusko County, Indiana, that:

1. The Board of Commissioners now finds that there is no statutory reason, nor other valid reason, why said Drive should not be vacated and it is further found that said Drive should, THEREFORE, be vacated.
2. That the following described real estate situated in Kosciusko County, in the State of Indiana, namely the Drive described in the petition, is more particularly described as follows:

Part of Lot Number 2 in Section 27, Township 31 North, Range 5 East, Kosciusko County, Indiana, being in Roy Hohman Subdivision on Yellow Creek Lake, as recorded in Plat Book 4, page 5, in the Office of the Recorder of Kosciusko County, Indiana, said part being more particularly described as follows, to wit;

Beginning at a stone found at the southeast corner of Lot Number 17 in said Roy Hohman Subdivision; thence S04°-12'W (basis of bearings for this description is an assumed bearing of N90°-00'E for the North line of said Lot Number 17), on and along the Southerly projection of the East line of said Lot Number 17, a distance of 40.0 feet to a point on the Water's edge of Yellow Creek Lake, said point being situated S04°-12'W, a distance of 3.0 feet from a 5/8-inch diameter iron pin capped "Walker"; thence N86°-45'W, on and along said water's edge, a distance of 56.75 feet to the point of intersection with the Southerly projection of the centerline of a vacated drive lying between Lots Numbered 10 and 17, in said Roy Hohman Subdivision, said point of intersection being situated S05°-01'W, a distance of 6.0 feet from a 5/8-inch diameter iron pin capped "Walker"; thence N05°-01'E, on and along the Southerly projection of the centerline of said vacated drive, being parallel to the West line of said Lot Number 17, a distance of 104.0 feet to a 5/8-inch diameter iron pin capped "Walker" found; thence S33°-00'E, a distance of 20.23 feet to a 5/8-inch diameter iron pin capped "Walker" at the Southwest corner of said Lot Number 17; thence S38°-19'E, on and along the Southwesterly line of said Lot Number 17, a distance of 63.68 feet (recorded 55 feet) to the point of beginning, subject to all legal right-of-way, subject to all legal drain easements and all other easements of record, subject to an existing pavement, said existing pavement being more particularly described as follows, to wit:

Part of Lot Number 2 in Section 27, Township 31 North, Range 5 East, Kosciusko County, Indiana, being in Roy Hohman Subdivision on Yellow Creek Lake, as recorded in Plat Book 4, page 5, in the Office of the Recorder of Kosciusko County, Indiana, said part being more particularly described as follows, to wit:

Commencing at a stone found at the Southeast corner of Lot Number 17 in said Roy Hohman Subdivision; thence N38°-19'W (basis of bearings for this description is an assumed bearing of N90°-00'E for the North line of said Lot Number 17), on and along the Southwesterly line of said Lot Number 17, a distance of 4.18 feet to a point on the South edge of said existing pavement, said point being at the true point of beginning; thence continuing N38°-19'W, on and along said Southwesterly line, a distance of 13.94 feet to a point on the North edge of said existing pavement; thence N84°-08'W, on and along said North edge, a distance of 43.72 feet to the point of intersection with the Southerly projection of the centerline of a vacated drive lying between Lots Numbered 10 and 17, in said Roy Hohman Subdivision; thence S05°-01'W, on and along said Southerly projection, being parallel to the West line of said Lot Number 17, a distance of 10.0 feet to a point on the South edge of said existing pavement; thence S84°-08'E, on and along said South edge, a distance of 53.29 feet to the true point of beginning, subject to all legal right-of-way, subject to all legal drain easements and all other easements of record.

And should be and it is hereby vacated.

3. The Commissioners also by this ordinance now accept a deed of dedication for the existing roadway in its existing location, which crosses a portion of the area vacated and also a portion of Lot 17 owned by the Petitioner.

Done this 16<sup>th</sup> day of November, 2004.

**IN THE MATTER OF PROSECUTOR'S OFFICE POSTAGE MACHINE CONTRACT:**

The Commissioners were presented information concerning the installation of a new postage machine for the Prosecutor's Office.

MOTION: AVIS GUNTER

TO: Approve the contract with Pitney Bowes for the postage machine.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF ORTHO PHOTO AGREEMENT WITH STATE OF INDIANA :**

Sue Ann Mitchell, County Auditor, presented the Ortho Photo agreement with the State. The cost for the ortho photos will be \$115,000. This money will not come out of County General. The money will come from portions of a grant received by Emergency Management and from reassessment. This will enable the photos to be done a year earlier planned.

MOTION: AVIS GUNTER

TO: Approve the agreement as presented.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF RECOGNITION OF PHIL NEFF & BETTY WEBB:**

Sue Ann Mitchell, County Auditor, introduced Phil Neff to the Commissioners. Mitchell stated that Mr. Neff & Betty Webb came into the Auditor's Office to do research which required them to use the books that are in the attic. The books in the attic have been in there for some time and due to use have become unorganized. The Auditor's Office has not been able to go to the attic to rectify the problem. Neff and Webb volunteered to organize the books free of charge. Not only did they organize the books but they swept and cleaned. Mitchell wanted to publicly recognize them for their efforts.

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

**KOSCIUSKO COUNTY COMMISSIONERS  
NOVEMBER 30, 2004**

The Kosciusko County Commissioners met for their regular meeting on November 30, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT  
AVIS GUNTER  
BRAD JACKSON

MIKE MINER, COUNTY ATTORNEY  
SUE ANN MITCHELL, COUNTY AUDITOR  
RON ROBINSON, COUNTY ADMINSTRATOR

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 PASS THROUGH AGREEMENT WITH KABS:**

Rita Baker appeared on behalf of KABS and presented the Pass Through Agreement for KABS. The agreement should have gone with the original grant application but INDOT did not have it finished in time. The agreement requires the signatures of the Commissioners and County Attorney Mike Miner.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON

TO: Approve and sign the agreement as presented.

AYES: 3 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF SNOW PLOW AGREEMENT WITH TOWN OF WINONA LAKE:**

Dennis Pletcher, County Highway Road Supervisor, presented a copy of the plow agreement with the Town of Winona Lake. Pletcher stated the agreement was the same as previous years.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON

TO: Approve and sign the agreement as presented.

AYES: 3 NAYS: 0  
UNANIMOUS

**ROAD MAINTENANCE AGREEMENT**

This agreement made and entered into this 30<sup>th</sup> day of December 2004 by and between the Kosciusko County Highway Department, hereinafter referred to as "County Highway", and the Winona Lake Street Department, hereinafter referred to as "Winona Lake";

**WITNESSETH:**

Whereas, Winona Lake has annexed several areas into Winona Lake Town Limits; and

Whereas, said annexations affected the road maintenance responsibilities on parts of Pierceton Road, CR 250E, CR 275E, Packerton Road, and CR 225S; and

Whereas it is desirable in the interest of public safety to clarify and establish limits of the road maintenance responsibilities;

Now, therefore, upon mutual promises and commitments of the County Highway and Winona Lake concerning the maintenance activities to performed and fulfilled, the parties stipulate and agree as follows:

1. The current corporation limits of Winona Lake are:
  - a. On CR 250E – 1548 feet south of the south right of way line of Wooster Road.
  - b. On CR 275E – 905 feet north of the south right of way line of CR 225S.
  - c. On CR 225S – 1320 feet east of the east right of way line of Country Club Road.
  - d. Pierceton Road – 2283 feet west of the east right of way line of CR 350E.
  - e. Packerton Road – The west right of way line of Packerton Road.
2. As a matter of public safety, Winona Lake shall perform snow plowing on the following sections of County Highway roads:
  - a. CR 250 E from Winona Lake line north to railroad tracks.
  - b. CR 275 E from Winona Lake line south to CR 225 S.
  - c. CR 225 S from Winona Lake line west to Country Club Road.
  - d. Packerton Road from CR 225S to Pierceton Road.
  - e. Pierceton Road from Winona Lake corporation line to Zolman's parking lot.
  - f. Winona Beach Drive from the Winona Lake Corporation line to Redwood Road.
  - g. The Elm Street, Lakewood Avenue, and Oak Street "Loop" north of Winona Beach Drive.

3. The County Highway shall perform, with the exception of snow plowing, all other normal maintenance activities on:
  - a. CR 250 E from Winona Lake line north to railroad tracks.
  - b. CR 275 E from Winona Lake line south to CR 225 S.
  - c. CR 225 S from Winona Lake line west to Country Club Road.
  - d. Packerton Road from CR 225S to Pierceton Road.
  - e. Pierceton Road from Winona Lake corporation line to Zolman's parking lot.

Winona Lake and the County Highway shall – other than noted above – be totally responsible for all maintenance activities on roads within their legal respective corporate limits. The County Highway shall provide to Winona Lake in the following calendar year up to \$2,500.00 worth of paint striping services only (No monetary transfers) in exchange for the snow plowing that Winona Lake provides on the sections of roads maintained by the County Highway (Sec.2).

This agreement shall supercede all previous agreements and expires on one year from the date of acceptance.

In the Witness Whereof, the parties have executed this agreement on said date and year aforementioned.

**IN THE MATTER OF SNOW PLOW AGREEMENT WITH CITY OF WARSAW:**

Dennis Pletcher, County Highway Road Supervisor, presented a copy of the plow agreement with the City of Warsaw. Pletcher stated the new agreement included the City of Warsaw plowing a few more roads than last year.

MOTION: AVIS GUNTER

TO: Approve and sign the agreement as presented.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

**ROAD MAINTENANCE AGREEMENT**

This agreement made and entered into this 30<sup>th</sup> day of December 2004 by and between the Kosciusko County Highway Department, hereinafter referred to as "County Highway", and the City of Warsaw;

**WITNESSETH:**

Whereas, to avoid plow overlaps, resource waste, and to maintain the highest level of safety possible for snowplow drives and the motoring public, the following snow and ice control routes have been proposed to the City of Warsaw for the winter season:

1. The County Highway will provide snow and ice control, according to the Kosciusko County Highway Department policy for the following roads:
  - a. CR 300N – West of CR 150W
  - b. CR 200S – West of County Farm Road
  - c. Old Road 30 E to US 30
  - d. Kosciusko Drive from Old Road 30 E to Center Street
  - e. CR 175E – North of Kosciusko Drive
  - f. Cheyenne Drive from Warsaw City Limits south to Old Road 30 East
  - g. CR 225E from Warsaw City Limits south to Old Road 30 East
  - h. Pontiac Drive from Warsaw City Limits west to CR 225E
  - i. The City of Warsaw will provide snow and ice control for the following roads:
  - j. CR 300N from CR 150W to SR 15
  - k. County Farm Road from the Warsaw City Limits to CR 200S
  - l. Husky Trail/CR 100E from the Warsaw City Limits to CR 200N
  - m. Center Street Extended – from the Warsaw City Limits to CR 175E
  - n. Warren Street to south of Old 30
  - o. Hepler Drive to south of Old 30 W
  - p. Greenhill Drive from the Warsaw City Limits to Hepler Drive
  - q. Tippecanoe Drive from the Warsaw City Limits to Hepler Drive
  - r. CR 75N from Warsaw City Limits to CR 175E
  - s. CR 150W from Warsaw City Limits south to Fox Farm Road
  - t. Anchorage Road (CR 200N) from SR 15 to Husky Trail (CR 100E)
  - u. Sharon Street, Nye Street, and Cambridge Drive between Greenhill Drive and Tippecanoe Drive

Snowplow damages (such as but not limited to sod, mailboxes, driveway approaches) would be repaired by the entity responsible for providing snow and ice control on that particular road and not the entity that is responsible for normal highway maintenance.

2. County Highway will provide gravel road maintenance which includes grading and providing dust control according to the Kosciusko County Highway Department policy for the following roads maintained by the City of Warsaw:

- a. CR 300N to west of CR 150W

Unless specifically stated, the above only refers to snow and ice control activities – not normal road maintenance such as, but not limited to, repairing drainage, fixing drainage issue, and/or repaving. This agreement shall supercede all previous agreements and expire one year from the date of acceptance.

In the Witness Whereof, the parties have executed this agreement on said date and year aforementioned.

**IN THE MATTER OF SPEED LIMIT CHANGE:**

Dennis Pletcher, County Highway Road Supervisor, presented a proposal to move the speed limit on Old Road 30 from 750 to 1340 east of CR250E. The proposed new speed limit will be 35mph instead of 45mph.

MOTION: AVIS GUNTER

TO: Approve the change in speed limit as presented.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

**ORDINANCE 04-11-30-001S**

An Ordinance establishing speed limits on various County Roads, all within Kosciusko County, Indiana; and

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

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

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

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

1. Change 35 mph Speed limit on Old 30 E from 750 ft to 1340 ft east of CR 250E to US 30. (28 COM. REC. 27-28; May 19, 1992)

THIS ORDINANCE shall be in full force and effect on November 30<sup>th</sup>, 2004. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 30<sup>th</sup> day of November, 2004.

**IN THE MATTER OF NAPPANEE LIBRARY BOARD APPOINTMENT:**

Sue Ann Mitchell, County Auditor, stated the Nappanee Library Board has requested the reappointment of Steve Walters to the board. Walters has agreed to serve.

MOTION: AVIS GUNTER

TO: Reappoint Steve Walters to the Nappanee Library Board.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF COUNTY CORONER VEHICLE:**

Ron Robinson, County Administrator, stated a vehicle has been purchased for use by the County Coroner's Office. The vehicle is a 2004 van and Coroner Elect John Sadler believes it will serve the purposes of the office. Cost of purchase of the vehicle will be \$17,200.

MOTION: BRAD JACKSON

TO: Approve the purchase of the vehicle for the Coroner's Office.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS



UNANIMOUS

**IN THE MATTER OF SHERIFF'S CONTRACT:**

Sue Ann Mitchell, County Auditor, presented the 2005 Sheriff's Contract for approval and signature. The contract is with Aaron Rovenstine and the contracted amount will be \$82,809.

MOTION: AVIS GUNTER

TO: Approve and sign the contract as presented.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

**SHERIFF'S SALARY CONTRACT**

This agreement entered into as of the first day of January, 2005, by and between C. Aaron Rovenstine, Sheriff of Kosciusko County Council ("the Council") and the Board of Commissioners of Kosciusko County ("the Commissioners"); the Council and Commissioners being thereafter collectively referred to as "the County", WITNESSETH:

By way of background, the Sheriff is entitled to fees for the collection of tax warrants (as described in I.C. 6-8.1-8-3) and is entitled to fees for the providing of meals to prisoners housed in the county jail (pursuant to I.C. 36-8-10-7) as well as a salary fixed annually by the council;

By way of further background, certain difficulties have arisen concerning the treatment of fees received by the Sheriff for the feeding of prisoners under I.C. 36-8-10-7, particularly with regard to whether or not those fees are to be included on the Sheriff's W-2 form, such that those uncertainties create difficulties for the Sheriff as well as the County;

By way of further background, the Legislature of the State of Indiana recognizing the above difficulties and wishing to address those difficulties and provide a solution therefore did in 1993 enact I.C. 36-2-13-2.5;

By way of further background, the Sheriff and the County believe that it would be in the best interest of the Sheriff and the county to provide for a fixed amount of compensation for the Sheriff in lieu of the Sheriff's receipt of fees provided for in I.C. 6-8.1-8-3 and I.C. 36-8-10-7 and the Sheriff is willing to assign to the County those fees; and

By way of further background the County, in consideration of the Sheriff's assignment of such fees to the County is willing to approve a fixed amount of compensation for the Sheriff;

NOW, THEREFORE, in consideration of mutual covenants and conditions recited

1. The Sheriff shall assign to the County and from time to time deposit in the county General Fund any and all fees he is otherwise entitled to receive as collection fees pursuant to Indiana Code Section 6-8.1-8-3.
2. The Sheriff shall assign to the County all fees from prisoner's meal allowances received under I.C. 36-8-10-7, with said fees to be the sole and absolute property of the County and not deemed as compensation for employment under I.R.C. & 31.3121(a)-2(a),(b).
3. The County hereby established a fixed amount of compensation for the Sheriff in the amount of Eighty-Two Thousand Eight Hundred Nine dollars and 00/100 Cents (\$82,809) (\$3,184.96 bi-weekly) for the calendar year 2005. It is understood that the Sheriff's fixed amount of compensation under I.C. 6-8.8-8-3 and I.C. 36-8-10-7 and shall be paid from the County General Fund in the manner that salaries of other County official are paid.
4. The Sheriff shall pay for the feeding of prisoners from the meal allowance funds provided for under I.C. 36-8-10-7. Neither the Sheriff nor the Sheriff's officers, deputies nor employees may make a profit from the meal allowance funds. After the expenses of feeding prisoners are paid for the year, the Sheriff shall deposit any unspent meal allowance money in the County General Fund by December 31 annually. Checks for ¼ of the appropriation will be issued to the Sheriff on January 1, April 1, July 1 and October 1. In addition, the Sheriff shall file an accounting of expenditures for feeding prisoners with the County Auditor on the first Monday of January and the First Monday of July per I.C. 36-2-13-2.5-b5. The amount expended by the Sheriff may not exceed those established by the State Board of Accounts as outlined in 36-8-10-7 for the calendar year.
5. The method and manner of assignment of fees to the County by the Sheriff shall be done and made on such terms and conditions as the Sheriff, the County and the State Board of Tax Commissioners shall agree in order to effectuate this agreement and to the full extent possible to preclude those fees described in I.C. 6-8.1-8-3 and I.C. 36-8-10-7 from being deemed compensation for employment under I.R.C. 31.3 3121(a)-2(a), (b) and thus subject to W-2 reporting.

6. The Sheriff shall at all times maintain all required records and reports in such form and manner as prescribed by the County as well as the Indiana State Board of Accounts.
  7. Nothing in this agreement shall be constructed in any manner to relieve the Sheriff of any of his responsibilities or duties under I.C. 6-8.1-8-3 or 36-8-10-7, nor in any other way deemed to limit the powers and duties of the Sheriff provided for under Indiana law.
  8. Nothing in this agreement shall be constructed as limiting the benefits of the Sheriff to medical, retirement, disability, or longevity pay (when applicable) previously established by the County for the Sheriff and all of such benefits shall be in addition to and not considered a part of the fixed amount of compensation provided for in paragraph 1 above.
  9. The term of this agreement shall be coextensive with the term of office of C. Aaron Rovenstine as Sheriff of Kosciusko County. This agreement shall terminate at the end of the term of office of the Sheriff or upon earlier termination of his term. Upon the termination of this agreement, the salary of the Sheriff's successor shall be in an amount equal to the salary prescribed for the Kosciusko County Treasurer unless and until such time as the Sheriff's successor and the County shall mutually agree otherwise.
  10. This agreement shall be effective on January 1, 2005, provided the same has been previously approved by resolution of both the Council and the Commissioners.
- DATED THIS 14<sup>TH</sup> DAY OF DECEMBER, 2004.

**IN THE MATTER OF SOLID WASTE CONTROLLER AGREEMENT:**

Sue Ann Mitchell, County Auditor, presented the 2005 Solid Waste Controller Agreement. The County will receive \$6000 for the Auditor to serve as the controller of the Solid Waste District.

MOTION: AVIS GUNTER

TO: Approve and sign the agreement as presented.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF 2005 COUNTY ATTORNEY CONTRACT:**

Sue Ann Mitchell, County Auditor, presented the 2005 County Attorney Contract. The County Attorney will be Mike Miner and the contracted amount will be \$21,000.

MOTION: BRAD JACKSON

TO: Approve and sign the contract as presented.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

**CONTRACT**

THIS ATTORNEY-CLIENT FEE CONTRACT made and entered into as of the 1<sup>st</sup> day of January, 2005, by and between THE BOARD OF COMMISSIONERS OF KOSCIUSKO COUNTY, hereinafter referred to as "Client", and MICHAEL L. MINER, hereinafter referred to as "Attorney", WITNESSETH:

That Client has retained the services of and hereby employs Attorney, and Attorney hereby accepts said employment for the Client as County Attorney for the county of Kosciusko for a period commencing on the 1<sup>st</sup> day of January, 2005, and terminating on the 31<sup>st</sup> day of December, 2005, for the sum of Twenty-One Thousand Dollars (\$21,000, payable in twenty-six (26) bi-weekly installments to the law firm of Valentine Miner & Lemon, LLP, for basic services (described hereinafter), and at an hourly rate for additional services (also described hereinafter).

**Basic Services**

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

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

In prosecuting any actions for said County or officers in the event any attorney's fees are provided for in any note or contract and the same are included as a part of a judgment recovered, when the judgment is actually paid, with attorney's fees included, the Attorney shall be entitled to the fees thus paid. In traveling to points outside Kosciusko County, the reasonable traveling

expenses shall be paid by the Client. In the event of the absence or inability of the Attorney at any time to perform the services herein contemplated, he shall procure at his own expense a competent substitute.

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

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

Additional Services

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

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

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

**IN THE MATTER OF 2005 ANIMAL WELFARE LEASE AGREEMENT:**

Sue Ann Mitchell, County Auditor, presented the 2005 Animal Welfare Lease Agreement for approval and signature. Agreement is as in prior years.

MOTION: BRAD JACKSON

TO: Approve and sign the agreement as presented.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF 2005 JAIL DOCTOR SERVICE AGREEMENT:**

Sue Ann Mitchell, County Auditor, presented the 2005 Jail Doctor Service Agreement. The contract includes a 2% increase over 2004. The contract is with Mark Jensen.

MOTION: BRAD JACKSON

TO: Approve and sign the agreement as presented.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF STOP SIGN AT CR 350E AND CR 500S:**

Rob Ladson, County Highway Superintendent, presented a request to install a stop sign at the southeast corner of CR 305E and CR 500S. Ladson stated there is currently no sign and the roadway looks like a driveway.

MOTION: AVIS GUNTER

TO: Approve the stop sign and establish an ordinance.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 04-12-14-002S

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

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

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

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

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

- 1. Install “Stop” sign on the southeast corner of CR 350E and CR 500S.

THIS ORDINANCE shall be in full force and effect on December 14<sup>th</sup>, 2004. Passed and Adopted by the Board of commissioners of the County of Kosciusko this 14<sup>th</sup> day of December 2004.

**IN THE MATTER OF ENCHANTED HILLS STOP SIGNS:**

Rob Ladson, County Highway Superintendent, presented a request to install stop signs in the Enchanted Hills Subdivision. Sign will establish intersection controls.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Approve the stop signs and establish an ordinance.

**ORDINANCE 04-12-14-001S**

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

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

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

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

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

**Enchanted Hills Addition**

- 2. Install “Stop” sign on the northwest corner of Sleeping Beauty Lane and Park Lane.
- 3. Install “Stop” sign on the northwest corner of Prince Charming Way and Park Lane.
- 4. Install “Stop” sign on the southeast corner of Sleeping Beauty Lane and Street of Dreams.
- 5. Install “Stop” sign on the southeast corner of Prince Charming Way and Street of Dreams.

THIS ORDINANCE shall be in full force and effect on December 14<sup>th</sup>, 2004. Passed and Adopted by the Board of commissioners of the County of Kosciusko this 14<sup>th</sup> day of December 2004.

**IN THE MATTER OF SUMMERFIELD ESTATES – FERGUSON ROAD INTO COUNTY MAINTENANCE:**

Rob Ladson, County Highway Superintendent, made the recommendation to the Commissioners to accept Summerfield Estates into County maintenance.

MOTION: BRAD JACKSON  
SECOND: AVIS GUNTER  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Accept Summerfield Estates into County Maintenance.

**IN THE MATTER OF ROBERT BROCKMAN VACATION IN TURKEY CREEK TOWNSHIP CROW’S ADDITION TO OGDEN ISLAND:**

Matt Sandy, Area Plan Assistant Director, presented information on a petition to vacate a portion of roadway located in Turkey Creek Township, Crow’s Addition to Ogden Island. This area is not County maintained. The fire chief gave negative feedback. The area is used as a turn around. Remonstrance letters were received from the Halls, Bentzs, Taylors, and Emslingers. Area Plan Commission recommends vacating a portion of the roadway leaving a 50’ turn around area. Attorney Steve Snyder appeared on behalf of the petitioners. Snyder stated he could not understand why the area was platted with such a wide strip between the streets and the lots since a 40’ road is the typical standard. Vacating does not impede access to anything.

Also appearing in favor of the vacation:

Dick Green	Needs to have orderly development. After the turn width no less than
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	40'. Benz no objection to parallel sliding back of 20' of the property line leaving roadway @ 40'
Julie Viking Lot 33	Showed pictures of water standing in gravel area. She expressed concerns about the Fire & Water issues.
Kim Cripe Lots 35 & 36	Favors some vacation. Area gravel/clay – no drainage. Would help clean up. Good idea for vacation.

Steve Snyder feels vacation should not be pending surface water solution. After some discussion Commissioners agree to a vacation of a portion of the roadway except 40' which includes 20' to property line & 20' parallel to existing right of way. Snyder will run legal past all parties and return the information to the Commissioners when completed. .

MOTION: BRAD JACKSON TO: Vacate all except 40' which includes  
SECOND: AVIS GUNTER additional 20' west to property line and 20'  
AYES: 3 NAYS: 0 parallel to existing right of way.  
UNANIMOUS

**IN THE MATTER OF WAYNE HENDRIX VACATION IN SEWARD TOWNSHIP**  
**ELMWOOD PARK:**

Matt Sandy, Area Plan Assistant Director, presented information on a petition to vacate a portion of roadway located in Elmwood Park in Seward Township. Petitioners would need to combine all lots (20,21,22,23). Sandy states the roadway is not county maintained and Area Plan has received no negative feedback. Recommendation is to vacate.

Attorney Steve Snyder appeared representing the petitioners. Snyder stated the petitioners are willing to combine the lots. No one appeared in opposition.

MOTION: BRAD JACKSON TO: Approve the vacation as recommended by  
SECOND: AVIS GUNTER Area Plan Commission.  
AYES: 3 NAYS: 0  
UNANIMOUS

**ORDINANCE NUMBER 04-12-14-002V**

BE IT ORDAINED by the Board of Commissioners of Kosciusko County, State of Indiana:  
Section 1.

WHEREAS, C. Wayne Hendrix and Ramara S Hendrix have filed their Petition for vacation of portions of an unnamed street in the plat of Elmwood Park, being public ways, with the Board of Commissioners of Kosciusko County, Indiana; and

WHEREAS, a hearing on said Petition was set for December \_\_\_, 2004 at 9:30 a.m. and notice of said hearing was published in the Warsaw *Times Union* and The Milford *Mail-Journal* as required by law; and

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

WHEREAS, Robert W. McCarty, Roslyn L. McCarty and Robert L. Durr are the owners of real estate adjacent to the public way to be vacated and have been notified of the hearings. The public ways are described as follows, to-wit:

That portion of the east-west unnamed street from the line connecting the west lines of lots 12 & 18 in Elmwood Park to the line connecting the east lines of lots 17 & 23 in Elmwood Park.

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

WHEREAS, the Board of Commissioners of Kosciusko County, Indiana, has jurisdiction to vacate the public way described in said Petition and has determined that the vacation will not hinder development in the area and will not make inconvenient access to any property or public place and is in the public interest.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Kosciusko County, Indiana that the portions of the public ways herein described are now vacated and title to the said vacated public way shall remain in the adjacent owners of lots in Elmwood Park, subject only to an ownership configuration that results in each lot owned individually or combination of lots owned individually retaining access to a public street.

Section 2.

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

ORDAINED AND PASSED this 14<sup>th</sup> day of December, 2004.

**IN THE MATTER OF THOMAS PORTER VACATION IN WASHINGTON TOWNSHIP  
RILEY MEMORIAL BEACH:**

Matt Sandy, Area Plan Assistant Director, presented information on a petition to vacate a portion of roadway located at Riley Memorial Beach in Washington Township. Area Plan recommends the vacation but would require combining the property. Fire, EMS, and Sheriff's Department were all notified and no objection was received.

Attorney Steve Snyder appeared on behalf of the petitioners. Also appearing in favor of the vacation were William Alberdig and Greg Delgado. No one appeared in opposition.

MOTION: AVIS GUNTER

TO: Approve the vacation as recommended by  
Area Plan Commission.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE NUMBER 04-12-14-003V

BE IT ORDAINED by the Board of Commissioners of Kosciusko County, State of Indiana:  
Section 1.

WHEREAS, Thomas Porter and Georgianna Porter have filed their Petition for vacation of portions of an unnamed street in the plat of Riley Memorial Park, being public ways, with the Board of Commissioners of Kosciusko County, Indiana; and

WHEREAS, a hearing on said Petition was set for December \_\_\_\_, 2004 at 9:30 a.m. and notice of said hearing was published in the *Warsaw Times Union* and The *Milford Mail-Journal* as required by law; and

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

WHEREAS, William H Hartman, William T. Alberding, Amy K. Alberding, Timothy Frame, Jay E. Miller, Donald Wayne Landis, Deborah Kay Landis, Elizabeth McCafferty Karalis Trust, Donald F. Kenipe, Marilyn B. Kenipe, Greg Delgado, Jackalyn R. Delgado are the owners of real estate adjacent to the public way to be vacated and have been notified of the hearings. The public ways are described as follows, to-wit:

That portion of the east-west unnamed street from the east right-of-way of EMS R4B Lane to a line created by the extension northwesterly of the southwest line of the "park" as shown on the plat of Riley Memorial Park and an extension southerly of the west line of Lot 39 in Riley Memorial Park:

Also, that portion of the north-south unnamed street from the south right-of-way of the above described unnamed street to the northeast right-of-way of EMS R4B1 Lane.

All as more particularly described in Exhibit A.

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

WHEREAS, the Board of Commissioners of Kosciusko County, Indiana, has jurisdiction to vacate the public way described in said Petition and has determined that the vacation will not hinder development in the area and will not make inconvenient access to any property or public place and is in the public interest.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Kosciusko County, Indiana that the portions of the public ways herein described are now vacated and title to said vacated public way shall vest in the adjacent owners of lots in Riley Memorial Park.

Section 2.

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

ORDAINED AND PASSED this 14<sup>th</sup> day of December, 2004.

**IN THE MATTER OF STAN ARNOLT REZONING IN WAYNE TOWNSHIP FROM  
AGRICULTURAL TO RESIDENTIAL:**

Matt Sandy, Area Plan Assistant Director, presented information on a petition to rezone 16+ acres in Wayne Township from agricultural to Residential. Board of Zoning appeals unanimously recommends the rezoning. No one appeared in opposition.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Approve the rezoning as recommended by Area Plan Commission.

**IN THE MATTER OF STANLEY CUSTER REZONING IN VANBUREN TOWNSHIP FROM AGRICULTURAL TO RESIDENTIAL:**

Matt Sandy, Area Plan Assistant Director, presented information on a petition to rezone 9.3A & 13A from Agricultural to Residential. Sandy stated the Board felt it was not an ideal area to rezone. Area received a score of 242.5 and the recommended score is 0-106.5 to rezone. The Board voted unanimously against the rezoning.

No one appeared in favor of the rezoning. Wayne Sholte and Russ Mikel each appeared in opposition to the rezoning.

MOTION: BRAD JACKSON  
SECOND: AVIS GUNTER  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Deny the rezoning as recommended by Area Plan Commission.

**IN THE MATTER OF MATT & JANE SCHORI REZONING IN WAYNE TOWNSHIP FROM AGRICULTURAL TO RESIDENTIAL:**

Matt Sandy, Area Plan Assistant Director, presented a petition to rezone 5A in Wayne Township from Agricultural to Residential. Sandy stated the Board voted unanimously to recommend the rezoning. Matt Schori appeared in his own behalf in favor of the rezoning. Schories plan to us 2A for a house and building and to build on the remaining 3A thus having 2 lots. No one appeared in opposition to the rezoning.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Approve the rezoning as recommended by Area Plan Commission.

**IN THE MATTER OF ENCROACHMENT AGREEMENT – PLAIN TOWNSHIP DYNES & DAVIS CHAPMAN LAKE ADDITION AMENDED:**

Attorney Steve Snyder prepared an encroachment agreement for the Commissioners to consider.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Approve the encroachment agreement as presented.

**ENCROACHMENT AGREEMENT**

THIS AGREEMENT, made this 14<sup>th</sup> day of December, 2004, between THE BOARD OF COMMISSIONERS OF KOSCIUSKO COUNTY, INDIANA (“County”) and H. Alan Heuss and Helen Heuss, husband and wife and each over the age of 18(“Heuss”).

**SECTION I**

**RECITALS**

1.1 The following recitals are a material part of this Agreement.

1.2 Heuss is the owner of the following described real estate in Kosciusko County, Indiana, to-wit:

Lots B, C and D in “Dynes and Davis Chapman Lake Addition Amended”, a subdivision of Lots 6, 7 and 8 in the “Plat of island Park” as recorded in Plat Book 3, page 273 A-1 in the office of the Recorder of Kosciusko County, Indiana and also, the East 10 feet of Lot A in said “Dynes and Davis Chapman Lake Addition Amended” (“Heuss Lot”)

1.3 County maintains jurisdiction over public rights-of-way in Kosciusko County, Indiana

1.4 A portion of the garage on the Heuss Lot encroaches onto the right-of-way of a 12’

public alley, as shown n the survey of Richard J. Kemper dated November 27, 1989, an attached as Exhibit A. ("Encroachment")

1.4 The parties desire to make provision for the continued existence of the Encroachment.

## SECTION II CONSIDERATION

2.1 The consideration for this Agreement is One Dollar (\$1.00) and the mutual covenants Contained herein.

## SECTION III TERMS

3.1 The Encroachment shown on Exhibit "A" shall be allowed to continue in its current location for so long as the Encroachment functions for the purposes intended or can be repaired to continue to so function.

In the event County desires to improve the 12' public alley, on ninety days written notice, Heuss shall remove that portion of the Encroachment located in the right-of-way of the 12' public alley. In the event the Encroachment cannot be repaired, and if it is replaced, it shall be located wholly within the boundaries of the Heuss Lot.

3.2 Heuss shall be entitled to make routine repairs and perform routine maintenance on the Encroachment.

## SECTION IV MISCELLANEOUS

4.1 This Agreement shall be binding upon, and inure to the benefit of, the parties hereto, their successors and assigns and shall be enforceable with attorney's fees and without relief from valuation or appraisal laws.

4.2 This Agreement shall be recorded in the Office of the Recorder of Kosciusko County, Indiana.

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

# KOSCIUSKO COUNTY COMMISSIONERS DECEMBER 28, 2004

The Kosciusko County Commissioners met for their regular meeting on December 28, 2004 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT  
AVIS GUNTER  
BRAD JACKSON

MIKE MINER, COUNTY ATTORNEY  
SUE ANN MITCHELL, COUNTY AUDITOR  
RON ROBINSON, COUNTY ADMINSTRATOR

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

### **IN THE MATTER OF PTABOA APPOINTMENT:**

Laurie Renier, County Assessor, presented two appointments to PTABOA. Jake Bitner and Richard Shipley will both serve in the coming year. This was previously approved at the December 14<sup>th</sup> meeting.

### **IN THE MATTER OF VOTING MACHINE PRICING:**

Sharon Christner, County Clerk, presented updates in the price quotes from Micro Vote. The price decreases were due to decreased number of machines and included upgraded work stations, additional lap tops and a desk jet printer. A representative will be at the next County Commissioner's meeting to answer any questions.

MOTION: AVIS GUNTER  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Recommend Micro Vote as the County's vendor for voting machines to the County Council.

### **IN THE MATTER OF POLING PLACE RESULTS:**

Sharon Christner, County Clerk, stated the County must have permanent or temporary changes completed by the end of 2005. A new survey will be done and submitted by 3-31-05. If not

complete the County may have to return part of the money it receives for the electronic voting machines.

**IN THE MATTER OF 2005 APPOINTMENTS:**

Sue Ann Mitchell, County Auditor, presented the following list of appointments for 2005.

Alcoholic Beverage Commission (1 year).....	Gordon Vanator
Area Plan Director.....	Dan Richard
Area Plan Director Assistant.....	Matt Sandy
County Administrator.....	Ron Robinson
County Administrator Secretary.....	Nanette Newland
County Attorney.....	Mike Miner
County Health Department Head.....	Robert Weaver
County Highway Superintendent.....	Rob Ladson
County Highway Assistant.....	Dennis Pletcher
Drainage Board (4 years).....	Maurice McDaniel
GIS.....	Bill Holder
Home Land Security/Local Emergency Preparedness.....	Ed Rock
KDI Representative.....	Ron Truex
Kos. Co. Convention Recreation Visitor Comm. (2 years)....	Deb Wiggins
Kos. Co. Convention Recreation Visitor Comm. (2 years)....	Faye Medlock
Maintenance.....	Don Taylor
St. Joseph River Basin (1 year).....	Jon Roberts
Systems Administrator.....	Bob Momeyer
Systems Administrator Assistant.....	Paul Henning
Veteran Officer.....	Mike Barnett
Wage Committee Representative.....	Brad Jackson
Warsaw Community Development Committee.....	Avis Gunter
Weights and Measures.....	Larry Marner

MOTION: AVIS GUNTER

TO: Approve the appointments as presented.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF TURKEY CREEK REGIONAL SEWER DISTRICT SEMI-ANNUAL REPORT:**

Sue Ann Mitchell, County Auditor, presented a copy of the Turkey Creek Regional Sewer District Semi-Annual Report Commissioner Avis Gunter to sign. Gunter signature was required since she was the on last on the report. It was agreed to by consensus to allow Commissioner Avis Gunter to sign the Turkey Creek Regional Sewer District Semi-Annual report as presented.

**IN THE MATTER OF HENDRIX/PORTER VACATION FROM LAST MEETING:**

Sue Ann Mitchell, County Auditor, presented copies of the Hendrix and Porter vacations from the last Commissioners meeting.

**IN THE MATTER OF MAYORS APPOINTMENT TO CONVENTION AND VISITORS BUREAU:**

Ernie Wiggins, City of Warsaw Mayor, wished to inform the Commissioners that he had appointed David Taylor, owner of the Blue Lion Coffee House, to the Convention and Visitors Bureau Commission.

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