

KOSCIUSKO COUNTY COMMISSIONERS

JANUARY 11, 2005

The Kosciusko County Commissioners met for their regular meeting on January 11, 2005 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, PRESIDENT
BRAD JACKSON
RON TRUEX

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 2004 JAIL STATISTICS:

Aaron Rovenstine, Kosciusko County Sheriff, presented 2004 jail statistics to the Commissioners. Rovenstine stated booked inmates increased 6% in 2004. The jail received \$258,000 from Delaware County for inmate housing and \$187,000 from the Department of Correction. There is still \$233,812 outstanding from the Department of Correction. Work release took in \$410,000.

Prisoner Booking and Meal Information for 2004

Total Meals Prepared	257,369
Average Meals Per Day	705
Average Meals Per Month	21,447
Average Daily Inmate Count	235

Money Received for Housing Inmates

DOC	\$187,810 (paid)
DOC	\$233,810 (owed)
Delaware County	\$258,545
Total	\$682,002

The Following are Year-to-Year Comparisons from 2004 to 1975

New Jail	Prisoners Booked	Prisoners Booked	Percentage
2003 Compared to 2004	4005	4244	+6.0%
2002 Compared to 2003	3726	4005	+10.7%
2001 Compared to 2002	3422	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%

Kosciusko Work Release Center Income for 1997 - 2004

Month	1997	1999	2000	2001	2002	2003	2004
January	\$12,020.00		\$23,680.00	\$22,440.00	\$18,800.00	\$24,280.00	\$24,840.00
February	\$11,950.00		\$35,050.00	\$23,785.00	\$18,855.00	\$25,285.00	\$34,065.00
March	\$13,920.00		\$29,735.00	\$24,125.00	\$22,965.00	\$22,160.00	\$33,330.00
April	\$11,390.00		\$25,880.00	\$27,820.00	\$22,070.00	\$25,295.00	\$37,279.00
May	\$12,290.00		\$33,145.00	\$20,030.00	\$35,395.00	\$24,950.00	\$30,560.00
June	\$10,080.00	\$16,970.00	\$27,525.00	\$24,100.00	\$23,720.00	\$20,795.00	\$30,720.00
July	\$ 4,175.00	\$ 7,030.00	\$28,815.00	\$30,416.00	\$26,000.00	\$23,460.00	\$38,180.00
August	\$ 8,925.00	\$12,280.00	\$23,460.00	\$23,880.00	\$34,985.00	\$28,480.00	\$31,760.00
September	\$15,290.00	\$21,390.00	\$27,620.00	\$24,240.00	\$33,007.00	\$25,429.00	\$26,280.00
October	\$17,580.00	\$25,330.00	\$35,750.00	\$30,805.00	\$29,520.00	\$39,335.00	\$34,975.00
November	\$14,710.00	\$33,970.00	\$27,910.00	\$27,440.00	\$29,010.00	\$32,850.00	\$28,775.00
December	\$14,790.00	\$25,025.00	\$24,485.00	\$22,155.00	\$30,395.00	\$29,880.00	\$32,635.00
CTP Program						\$12,555.00	\$18,850.00
Female Work Release						\$11,000.00	\$ 9,430.00
Avg. Monthly Income	\$12,260.00	\$20,285.00	\$28,587.92	\$25,103.00	\$27,060.17	\$28,812.83	\$34,223.25

Total Yearly Income	\$147,120.00	\$141,995.00	\$343,055.00	\$301,236.00	\$324,722.00	\$345,754.00	\$410,679.00
Grand Total	\$2,014,561.00						

IN THE MATTER OF PURDUE EXTENSION NEW EMPLOYEE:

Joan Younce, Extension Office Director, introduced Christy Blomeke as the new Youth Director for the Exextension Office. Blomeke has a Masters Degree in Ag and Extension Education. She is working with retinal imaging and planning on introducing the field to 4H this year.

IN THE MATTER OF REQUIRED EMERGENCY MANAGEMENT CERTIFICATION:

Ed Rock, Emergency Management Director, stated he has begun work on the state required Emergency Management Certification. Rock stated he should have his certification by the end of the year.

IN THE MATTER OF HOMELAND SECURITY FUNDING FOR GIS ORTHO PHOTOS:

Ed Rock, Emergency Management Director, stated the cost for ortho photos will be approximately \$114,000 rather than the planned \$136,000. Resolution will also change from 1' to 6". Rock plans to check to see if the remaining \$21,000 in grant money being used for the photos can be used for other GIS needs.

IN THE MATTER OF HOOSIER SAFETY PLATE GRANT MONEY:

Ed Rock, Emergency Management Director, stated the County will be receiving \$1,700 in grant money from the Hoosier Safety license plates.

IN THE MATTER OF STATE REIMBURSEMENT FOR EMERGENCY MANAGEMENT PERSONNEL EXPENSES:

Ed Rock, Emergency Management Director, presented a check for \$38,666. This is reimbursement for one half of the Emergency Management personnel expenses including Rock's salary, his secretaries salary and other office expenses.

IN THE MATTER OF BOWEN CENTER GRANT APPLICATION:

Bob Murphy appeared on behalf of Bowen Center. Murphy presented the proposal for the Bowen Center grant application for a new inpatient center. Murphy said the proposal was the same as the one presented six months ago prior to needing to resubmit paperwork due to Turkey Creek Regional Sewer Districts not filing a timely report. Bowen Center plans to schedule their public hearing in March.

MOTION: BRAD JACKSON

TO: Sign the proposal as presented.

SECOND: RON TRUEX

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF ST. JOSEPH RIVER BASIN COMMISSION APPOINTMENT:

Sue Ann Mitchell, County Auditor, presented a proposal to reappoint Jon Roberts to the St. Joseph River Basin Commission. Roberts has agreed to serve.

MOTION: BRAD JACKSON

TO: Approve the appointment of Roberts.

SECOND: RON TRUEX

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF VOTING SYSTEM REIMBURSEMENT APPLICATION:

Sharon Christner, County Clerk, presented the application for voting system reimbursement. Christner stated this is the same paperwork approved last year but since the machines were not purchased at that time new paperwork must be signed and submitted.

MOTION: RON TRUEX

TO: Sign the application as presented.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF COUNTY HIGHWAY 2005 EMERGENCY CALL LIST:

Rob Ladson, County Highway Superintendent, presented a copy of the 2005 Emergency Call List for the Commissioners to use.

IN THE MATTER OF WESTERN ROUTE UPDATE:

Rob Ladson, County Highway Superintendent, stated he will be meeting with the Troyer Group to review Phase I planning.

IN THE MATTER OF BIKE PATH ORDINANCE:

Rob Ladson, County Highway Superintendent, updated the Commissioners on a Bike Path Ordinance. Ladson stated he had been working with Commissioner Jackson and Steve Nofsinger representing the Town of Syracuse. A rough draft has been written and was currently being reviewed.

IN THE MATTER OF UNOFFICIAL DETOURS FOR INDOT:

Rob Ladson, County Highway Superintendent, presented two unofficial detours for INDOT. INDOT is planning to close SR 15 north of Silver Lake and south of CR 950S and SR 25 near CR 550 W at Palestine. Any damage due to the unofficial detours will be reimbursed by the state. Ladson stated in the past damage has been minimal and the County has been compensated.

MOTION: RON TRUEX TO: Approve the unofficial detours as
SECOND: BRAD JACKSON presented.
AYES: 3 NAYS: 0
UNANIMOUS

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

KOSCIUSKO COUNTY COMMISSIONERS JANUARY 25, 2005

The Kosciusko County Commissioners met for their regular meeting on January 25, 2005 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, PRESIDENT	MIKE MINER, COUNTY ATTORNEY
BRAD JACKSON	SUE ANN MITCHELL, COUNTY AUDITOR
RON TRUEX (ABSENT)	RON ROBINSON, COUNTY ADMINISTRATOR

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

IN THE MATTER OF CONTRACT FOR MICRO VOTE:

Sharon Christner, County Clerk, presented copies of the contract with Micro Vote for Commissioners approval and signature. Commissioners wished to confirm that a paper trail would be available if Micro Vote's machines were used. Steve Shamo, representative for Micro Vote, stated it is a common tactic of scan vote companies to bombard those considering electronic voting with emails. Shamo said the individual vote is recorded and presented a report to the Commissioners concerning and audit trail of votes. Christner stated County Attorney Mike Miner has reviewed the contract.

MOTION: BRAD JACKSON TO: Approve and sign the contract as
SECOND: AVIS GUNTER presented.
AYES: 2 NAYS: 0
UNANIMOUS

IN THE MATTER OF FORMATION OF BOARD OF FINANCE:

Kent Adams, County Treasurer, appeared before the Commissioners regarding the formation of a Board of Finance. Traditionally a Commissioner has served as President and the County Treasurer has served as Secretary. Commissioner Brad Jackson agreed to serve as President. Adams presented information concerning investments held by the County.

- T/M Total Monies
- 204 Highway MHV
- 205 Local Road & Street
- 206 Cum Bridge
- 236 County Cum Capital Development
- 250 Principal Congressional
- 264 Property Reassessment '99
- 275 Property Reassessment '06

<u>Award</u>	<u>Maturity</u>	<u>Number</u>	<u>Amount</u>	<u>Fund</u>	<u>Vendor</u>	<u>Rate</u>
11/22/04	02/22/05	00422466845	112,357.62	204	Flagstar	2.56
12/06/04	03/07/05	00422468478	671,715.40	264	Flagstar	2.66
12/07/04	03/07/05	0837049954	1,738,331.04	T/M	Mut. Fed.	2.58
01/10/05	04/11/05	00422472447	610,318.72	206	Flagstar	2.82
02/06/03	04/06/05		28,129.47	50	Lake City	
04/12/04	04/12/05	00422433555	1,606,721.54	T/M	Flagstar	1.75
01/18/05	04/18/05	00422474955	283,840.35	206	Flagstar	2.92
11/06/03	05/04/05	00422416071	566,964.07	275	Flagstar	2.00
01/04/05	07/05/05	00422471472	117,554.62	206	Flagstar	3.02
01/04/05	07/05/05	00422471480	470,218.49	205	Flagstar	3.02
01/10/05	07/11/05	00422472454	508,586.18	204	Flagstar	2.82
01/10/05	07/11/05	00422469104	203,439.58	205	Flagstar	3.04
01/11/05	07/11/05	00422472462	750,000.00	204	Flagstar	3.04
01/11/05	07/11/05	00422472470	250,000.00	205	Flagstar	3.04
01/11/05	07/11/05	00422472488	200,000.00	06	Flagstar	3.04
12/07/04	12/04/05	00422471551	2,087,439.53	236	Flagstar	3.25
TOTAL			10,205,616.61			

IN THE MATTER OF JAIL REPORT:

Aaron Rovenstine, County Sheriff, presented the Commissioners with a copy of the Jail Report. Commissioner Brad Jackson commended Rovenstine on the recent Methamphetamine presentation. Rovenstine stated the presentations had been well attended and the department hopes to conduct more in the future.

IN THE MATTER OF EMERGENCY MANAGEMENT:

Ed Rock, Emergency Management Director, stated during the past two weeks 6,000 sand bags had been issued. The county had received between 34,000 and 35,000 bags from the state. There were approximately 60 volunteers helping bag in a local subdivision and Rock wished to acknowledge their efforts. Rock also stated he is continuing to pursue his Professional Emergency Management Certification.

IN THE MATTER OF 2004 EMPLOYEE:

Sue Ann Mitchell, County Auditor, presented the annual list of employees and their salaries for 2004 for Commissioner review.

IN THE MATTER OF NORTH WEBSTER COMMUNITY PUBLIC LIBRARY:

Sue Ann Mitchell, County Auditor, presented an amended appointment for Kathy Miller. Mitchell stated the original paperwork received from the library had incorrectly listed Miller's appointment as four years. Miller's term is limited because the library was just created and must have board members with staggered terms.

MOTION: BRAD JACKSON TO: Approve and sign the paperwork as
SECOND: AVIS GUNTER presented.
AYES: 2 NAYS: 0
UNANIMOUS

IN THE MATTER OF PIERCETON AND WASHINGTON TOWNSHIP LIBRARY APPOINTMENT:

Sue Ann Mitchell, County Auditor, presented request by the Pierceton and Washington Township Library to reappoint Harold Baker to the board. Baker has agreed to the reappointment. Baker's appointment will end May 1, 2008.

MOTION: BRAD JACKSON TO: Approve the reappointment of Harold
SECOND: AVIS GUNTER Baker.
AYES: 2 NAYS: 0
UNANIMOUS

IN THE MATTER OF CASA GRANT APPLICATION:

Sue Ann Mitchell, County Auditor, presented the CASA (Court Appointed Special Advocate) grant application for Commissioners approval and signatures. Mitchell stated the grant is the same as in prior years and is for children's advocates.

MOTION: BRAD JACKSON TO: Approve and sign the application as
SECOND: AVIS GUNTER presented.
AYES: 2 NAYS: 0
UNANIMOUS

IN THE MATTER OF KDI PRESENTATION:

Max Courtney, Lowell Owens and Joy McCarthy-Sessing appeared on behalf of KDI (Kosciusko Development Inc.). The group provided a handout and made a presentation to the Commissioners. Sessing stated KDI was formed in 1984 to promote economic development in Kosciusko County. Courtney, KDI executive board member, said KDI realized they were previously talking to state and national officials but had very little dialogue with local officials.

Owens said he believed one of Kosciusko County's problems is that the county is not spending enough money to promote the county. He made the formal request for \$100,000 from the county per year for the next four years to start increasing KDI's efforts in economic development. Each year at budget time, KDI has to make their budget requests to the county along with social services. While those services are important, Owens said, KDI is not a social service and should be treated differently.

Brad Jackson, County Commissioner, asked if there was a way for KDI to provide a tracking system of what is being accomplished in the County. Owens said they could work with the county to do that. When Jackson asked why KDI chose \$100,000 for four years, Owens said they thought it would take four years to get a plan underway. It all won't end at four years it will take time and nurturing. Commissioners stated they felt it would be a good idea for KDI to make this presentation before the County Council.

IN THE MATTER OF ESTABLISHING SPEED LIMITS FOR EMS LANES T26 AND T27:

Rob Ladson, County Highway Superintendent, presented an ordinance to establish speed limits at EMS T26 and T27. The current signs were never established by an ordinance and Ladson said the county has the option of taking them down and replacing them with nothing or establishing a speed limit for the roadways. Ladson's recommendation was to establish an ordinance at 30 mph which is consistent with the speed limits in the area.

MOTION: BRAD JACKSON TO: Accept the recommendation of Ladson
SECOND: AVIS GUNTER and establish an ordinance for 30 mph for
AYES: 2 NAYS: 0 EMS T26 and T27.

UNANIMOUS

ORDINANCE 05-01-25-001

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. Speed limit on EMS T25 – from Armstrong Road to EMS T23 shall be 30 mph.
2. Speed limit on EMS T26 – from Armstrong Road to EMS T25 shall be 30 mph.

THIS ORDINANCE shall be in full force and effect on January 25th, 2005. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 25th day of January, 2005.

IN THE MATTER OF EMERGENCY MANAGEMENT HOSTING TRAINING:

Ed Rock, Emergency Management Director, stated his department is co-hosting a behavioral training session in case of terrorist events. The session is being co-hosted with the Bowen Center and has approximately 100 people attending.

IN THE MATTER OF GERRY BARBER REZONING IN WAYNE TOWNSHIP FROM AGRICULTURAL TO RESIDENTIAL:

Dan Richard, Area Plan Administrator, stated the request from Gerry Barber is to rezone 5 acres on CR 300E north of 100N from Agricultural to Residential. Currently the area has single family dwellings and the proposed rezoning would be to establish 14 multi-family dwellings. Area Plan’s recommendation is to deny the rezoning. No one appeared on behalf of, or in opposition to, the rezoning.

MOTION:	BRAD JACKSON	TO: Accept the recommendation of Area Plan
SECOND:	AVIS GUNTER	and deny the rezoning.
AYES:	2	NAYS: 0
UNANIMOUS		

ORDINANCE NO. 05-01-25-001Z

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

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

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

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

Part of the Southeast Quarter of Section 20, Township 33 North, Range 6 East, Kosciusko County, Indiana, being more particularly described as follows to wit:

Commencing at a P.K. nail found at the Northeast corner of said Southeast Quarter; thence South 00 degrees 46 minutes 16 seconds East, on and along the East line of said Southeast Quarter, a distance of 1162.89 feet to a Mag Nail at the point of intersection with the centerline of Levi Lee Road, said Mag nail being situated North 00 degrees 46 minutes 16 seconds West, a distance of 1477.37 feet (recorded 1475 feet) from an iron pin found at the Southeast corner of said Southeast Quarter; thence South 90 degrees 00 minutes West (assumed bearing), on and along said centerline, a distance of 116.05 feet to a Mag nail at the point of intersection with the West right-of-way line of the Penn-Central Railroad, said Mag nail being at the true point of beginning; thence continuing South 90 degrees 00 minutes West, on and along said centerline, a distance of 493.91 feet to a Mag nail; thence South 00 degrees 29 minutes 43 seconds East, a

distance of 435.62 feet to a 5/8 inch diameter iron pin capped "Walker"; thence North 90 degrees 00 minutes East, a distance of 401.75 feet to a 5/8 inch diameter iron pin capped "Walker" on the West right-of-way line of said Penn-Central Railroad; thence Northerly, on and along said West right-of-way line, being defined by a regular curve to the left, having a radius of 2655.49 feet, an arc length of 445.0 feet (the chord of which bears North 11 degrees 28 minutes 15 seconds East, a distance of 444.48 feet) to the true point of beginning, containing 4.542 acres of land, more or less.

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 the 25th day of January, 2005.

IN THE MATTER OF HARVEY HAYES REZONING IN PLAIN TOWNSHIP FROM AGRICULTURAL TO RESIDENTIAL:

Dan Richard, Area Plan Administrator, stated the request from Harvey Hayes is to rezone 4.6 acres at Levi Lee and Old Rd 15 from Agricultural to Residential. Area Plan recommends allowing the rezoning. Attorney Rick Helm appeared on behalf of the petitioner. No one appeared in opposition to the rezoning.

MOTION: BRAD JACKSON TO: Accept the recommendation of Area
SECOND: AVIS GUNTER Plan and approve the rezoning.
AYES: 2 NAYS: 0
UNANIMOUS

IN THE MATTER OF BROCKMAN VACATION PREVIOUSLY APPROVED:

Dan Richard, Area Plan Administrator, presented for Commissioners signatures, the Vacation for Brockman previously approved. Richard stated nothing had changed since the approval there were simply drawings to attach to the vacation.

MOTION: BRAD JACKSON TO: Sign the vacation as previously approved
SECOND: AVIS GUNTER
AYES: 2 NAYS: 0
UNANIMOUS

ORDINANCE NUMBER 05-01-25-001V

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

Section 1.

WHEREAS, Robert Brockman has filed his Petition for vacation of a portion of Rosella Street, a public way with the Board of Commissioners of Kosciusko County, Indiana; and

WHEREAS, a hearing on said Petition was set for December 14, 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 way does not serve as access to any property other than Petitioner. The owners of real estate adjacent to public way to be vacated are Petitioner and Robert J. Laviolette, Sondra Laviolette, Kim M. Cripe, Karen L. Hull, Julie Anne Wygant, Edward W. Bentz, Mary A. Bentz, Margaret E. Freeman, Elsie Virginia Turley Living Trust, Scott Taylor, and Lisa Taylor. The public way is described as follows, to-wit:

All that portion of Rosella Street lying south and west of the following line:

Beginning at a point on the east line of and twenty feet south of the northwest corner of Lot 37 in Crow's Addition to Ogden Island; thence westerly and parallel to the north line of the right-of-way of Rosella Street to the point of intersection with the east line of Lot 29 in Crow's Addition to Ogden Island extended south; thence northerly on the east line of said Lot 29 extended to the southeast corner of Lot 29 in Crow's Addition to Ogden Island

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

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

Section 2.

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

ORDAINED AND PASSED this 14th day of December, 2004.
Being no further business to come before the Commissioners the meeting was adjourned.

KOSCIUSKO COUNTY COMMISSIONERS FEBRUARY 8, 2005

The Kosciusko County Commissioners met for their regular meeting on February 8, 2005 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, PRESIDENT
BRAD JACKSON
RON TRUEX

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

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

IN THE MATTER OF DEPARTMENT OF NATURAL RESOURCES LAKE PATROL GRANT:

Aaron Rovenstine, Kosciusko County Sheriff, stated the County has been awarded at \$35,000 Lake Patrol grant from the Indiana Department of Natural Resources. There is no county match required. Grant monies will be used to enhance the Marine Law Enforcement Program's lake and river boat patrols.

IN THE MATTER OF KABS 4TH QUARTER REPORTS:

Rita Baker from KABS presented the 4th quarter reports for approval and signature.

MOTION: RON TRUEX

TO: Approve and sign the reports as presented.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF COUNTY HIGHWAY ANNUAL SUPPLY BIDS:

Rob Ladson, County Highway Superintendent, received bids for annual supplies of limestone aggregate and signs. Bids were received from:

SIGNS & POSTS

Vulcan Signs
Rocal
Hall Signs
Todd Co.
3M

AGGREGATE

Phend & Brown
IMI
Hanson
Rock Industries

Ladson will review the bids and return in two weeks with a recommendation for the Commissioner's consideration. Ladson indicated all bids would be open for inspection following the meeting.

IN THE MATTER OF SEMI TRACTOR QUOTES FOR COUNTY HIGHWAY:

Rob Ladson, County Highway Superintendent, stated bids received for a semi-tractor for the highway did not meet specifications. Quotes were over specified mileage and under torque. Ladson recommended the bid be rejected as unresponsive. Ladson will continue searching for a semi tractor which meets the highway needs.

MOTION: RON TRUEX

TO: Reject bids as not meeting specifications.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF TANDEM AXLE TRUCKS FOR COUNTY HIGHWAY:

Rob Ladson, County Highway Superintendent, recommended to Commissioners the purchase of additional trucks from last year's supplier. Ladson stated trucks purchased last year are working

well and the supplier has agreed to sell the new trucks at the same price. Ladson stated he did not believe the price would go down any. Purchase price for the new trucks will be \$240,628.

RON TRUEX TO: Accept the recommendation of Ladson
MOTION: and approve the purchase of the new tandem
SECOND: BRAD JACKSON axle trucks.
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF HEALTH POLICY AMENDMENT:

Ron Robinson, County Administrator, presented information on a health insurance policy amendment. He noted employees may go to a covered facility, but be treated by someone who is not in the qualifying plan. This has caused the bills to be much higher for the employee. The amendment will allow that any employee who goes to a facility in their plan will have claims covered even if the person extending services is not included in the plan.

IN THE MATTER OF COUNTY YMCA MEMBERSHIP FOR HEALTH PURPOSES:

Ron Robinson, County Administrator, stated county employees would be able to join the YMCA at a cost of 4,200 on a single plan for the 116 employees who expressed an interest in participating. The county would pay \$500 for the group membership out of the health appropriation. This would afford the employee \$2 off the price of membership. This would be a cost savings to employees in the amount of \$2,784 if the 116 employees who signed the petition stating they would be interested in joining the YMCA all participate. Robinson stated there could be some savings in health care costs as well. Robinson will track costs and recommended the membership.

MOTION: BRAD JACKSON TO: Approve the County's membership with
SECOND: RON TRUEX the YMCA as an addition to the health
AYES: 3 NAYS: 0 insurance provided.
UNANIMOUS

IN THE MATTER OF CHILD PROTECTION TEAM REAPPOINTMENT:

Sue Ann Mitchell, County Auditor, presented a request for the reappointment of Tilitha Fair to the Child Protection Team.

MOTION: RON TRUEX TO: Approve the reappointment of Fair to the
SECOND: BRAD JACKSON Child Protection Team.
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF SRI TAX SALE CONTRACT:

Sue Ann Mitchell, County Auditor, presented the contract with SRI for the 2005 Tax Sale. There will be a \$10/parcel increase from lat year bringing the total charges to \$60. The increase is ultimately paid by the taxpayer. Tax Sale will be held October 26, 2005 and a list of properties three installments or more behind in their taxes will be available sometime after July 1, 2005.

MOTION: BRAD JACKSON TO: Approve the Tax Sale Contract with SRI.
SECOND: RON TRUEX
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF CONSTRUCTION OF WORK RELEASE KITCHEN:

Ron Robinson, County Administrator, stated he is waiting on the architect's plans for the Work Release Kitchen project. Once plans are received Robinson can present a cost estimate. Plans can then be submitted to the State for approval. If all follows the time table planned, work can begin in the spring.

**IN THE MATTER OF HATTERSLEY ESTIMATE FOR COURTHOUSE
RENOVATION:**

Ron Robinson, County Administrator, presented information on the Hattersley review of the condition of the courthouse. Wiring in the building is from the early 1960's. The HVAC &

Chiller is a two pipe system. Hattersley proposes a four pipe system. Costs have been bundled into one package. The information will be presented to the County Council at their regular meeting.

MOTION: RON TRUEX
SECOND: BRAD JACKSON
AYES: 3 NAYS: 0
UNANIMOUS
TO: Recommend that Hattersley make their presentation to the County Council.

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

KOSCIUSKO COUNTY COMMISSIONERS FEBRUARY 22, 2005

The Kosciusko County Commissioners met for their regular meeting on February 22, 2005 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, PRESIDENT
BRAD JACKSON
RON TRUEX
MIKE MINER, COUNTY ATTORNEY
SUE ANN MITCHELL, COUNTY AUDITOR
RON ROBINSON, COUNTY ADMINISTRATOR

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

IN THE MATTER OF EMERGENCY MANAGEMENT ORDINANCE PRESENTATION:

Ed Rock, Emergency Management Director, presented an ordinance for the Commissioners to review and discuss. The matter was tabled until a later meeting.

IN THE MATTER OF CVB NEGOTIATIONS:

Deb Wiggins and Jan Carter appeared on behalf of the KCCRVC Commission to discuss the ownership of the CVB, Inc. building. Wiggins stated the Commission in conjunction with CVB, Inc. is seeking permission of the Commissioners to negotiate and settle the ownership of the CVB, Inc. Wiggins encouraged the Commissioners to submit any parameters the County would require to be followed.

MOTION: RON TRUEX
SECOND: BRAD JACKSON
AYES: 3 NAYS: 0
UNANIMOUS
TO: Grant the KCCRVC Commission permission to negotiate on behalf of the county the status of the building.

IN THE MATTER OF SPRINT:

Jack Moore, Spring Public Affairs Manager, introduced himself to the Commissioners. Moore left his contact information for the Commissioners use. He

IN THE MATTER OF BNL DUCK FARM CONTRACT:

Rob Ladson, County Highway Superintendent, presented a lease renewal with BNL Duck Farms. Ladson stated the County Highway uses property at BNL to store materials. The lease was reviewed with County Attorney Mike Miner and the only change is a \$25 increase making the agreed amount \$175 annually for five years.

MOTION: BRAD JACKSON
SECOND: RON TRUEX
AYES: 3 NAYS: 0
UNANIMOUS
TO: Approve and sign the lease as presented.

LEASE

This Indenture, Made this 22nd day of February 2005 by and between Wayne Dye, BNL Duck Farms party of the first part, and Kosciusko County Highway Department party of the second part, witnesseth: The said first party, in

consideration of the covenants of said second party, hereinafter set forth, doth by these presents lease to said second party the following described property, to wit:

N. 145 ft. of the W. 185 ft. of the South five (5) acres of the N. ½ of N.W. ¼ of S.W. ¼ of Section 26, T. 34 N., R. 4 E.

To have and to hold the same to second part, from the twenty-second day of February 2005, to the twenty-second day of February 2010. And said second part, in consideration therefore, covenants and agrees to pay said first part, as rent for said premises, the sum of \$175.00 dollars, rent per annum, payable in installments, without relief from valuation and appraisal laws, as follows:

1. An annual payment of \$175.00 due in March of each year.
2. Either party may terminate the lease with a written one (1) year notice.
3. County will restore the described leased area to its original condition at lease termination.
4. County will maintain the existing gravel drive to a point approximately 200 ft. east of 1000W.

In Witness Whereof, the said parties have hereunto set their hands and seals, this twenty-second day of February 2005.

IN THE MATTER OF ANNUAL HIGHWAY BIDS:

Rob Ladson, County Highway Superintendent, submitted recommendations for annual bids on signs, sign posts and aggregates. Bids were opened at the February 8th meeting.

**KOSCIUSKO COUNTY HIGHWAY DEPARTMENT
2005 ANNUAL BID RECOMMENDATIONS**

ROAD SIGNS

Bidders

- 3M
- Michael Todd
- Hall Signs, Inc.
- Rocal, Inc.
- Vulcan Signs

Recommendation

Accept the bid from Hall Signs, Inc. (Generally, low in price. Also, submitted a complete bid and has excellent delivery time.) Reject the other bids.

SIGN POSTS

Bidders

- Michael Todd
- Hall Signs, Inc.
- Rocal, Inc.
- Vulcan Signs

Recommendation

Accept the bid from Hall Signs, Inc. Reject the other bids.

AGGREGATE

Bidders

- Rock Industries, Inc.
- Irving Materials, Inc. (imi)
- Phend & Brown
- Hanson Aggregates Midwest – Ardmore Quarry
- Hanson Aggregates Midwest – Lower Huntington Quarry

Recommendation

Given that the gravel pits and stone quarries are located in various areas throughout and around the County, it is recommended that all bids be accepted.

MOTION: RON TRUEX

TO: Accept the recommendations of Ladson and approve the bids as listed.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF BARBEE LAKE ROAD BRIDGE - BRIDGE 6 - REHAB PROJECT:

Rob Ladson, County Highway Superintendent, presented information regarding the rehabilitation of Bridge 6 located on Barbee Lake Road. Ladson stated no Army Corp. or DNR permits are needed and information was provided to the Commissioners with details of the project requirements. The project will include replacing the driving surface down to the beams, laying surface and guard rail improvements. Since this is a highly traveled area the bridge will not be completely shut down but will be restricted to one lane. Ladson would like to open the project to bids.

MOTION: BRAD JACKSON

TO: Approve opening rehab of Bridge 6 for bids on March 8th . .

SECOND: RON TRUEX

AYES: 3 NAYS: 0

IN THE MATTER OF USED SEMI TRACTOR:

Rob Ladson, County Highway Superintendent, stated the Highway Department was able to locate a semi tractor after rejecting a bid for a tractor at the last meeting. Quotes previously received did not meet specifications. The purchase of the semi tractor is covered under a special purchase method granted by the state. The semi was purchased for \$40,000 after negotiating the original price of \$44,900.

MOTION: BRAD JACKSON TO: Approve the purchase of the truck as
SECOND: RON TRUEX presented.
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF COVERED BRIDGE CERTIFICATION:

Sue Ann Mitchell, County Auditor, presented a copy of the County's Covered Bridge Certification for approval and signature. Mitchell stated the certification must be signed even though the county does not have any covered bridges. The certification was signed as presented.

IN THE MATTER OF NSF ORDINANCE:

Sue Ann Mitchell, County Auditor, presented an Ordinance to clarify procedures for handling NSF checks which are not tax related. Mitchell stated the current ordinance addresses only NSF procedures for checks for taxes. The new ordinance will address checks returned for any purpose.

MOTION: BRAD JACKSON TO: Approve the ordinance as presented.
SECOND: RON TRUEX
AYES: 3 NAYS: 0
UNANIMOUS

ORDINANCE 05-02-22NSF2

WHEREAS, the Kosciusko County Treasurer has experienced numerous checks that have been presented for all payments to the county that have resulted in insufficient funds, closed accounts, etc.

WHEREAS, the county has the potential to be charged a fee for the return of unpaid checks;

WHEREAS, if the returned check was for property tax, the posting of payments has kept properties from being listed for tax sale;

BE IT THEREFORE RESOLVED, that the fee to be charged for ANY check returned to Kosciusko County for non-payment shall be \$25.00 in addition to the 10% late payment penalty required by IC6-1.1-37-10 if the check was received in payment of property tax.

FURTHER, for property tax the \$25 charge shall be entered on the tax duplicate for the property and is subject to interest, penalty and collection in the same manner as all other special assessments per IC6-1.1-22-12.1 and shall cause the property to be added to the tax sale listing where applicable;

FURTHER, Cashier's Checks or Cash only will be accepted for all payments that are delinquent enough to cause the property to be included in the tax sale;

FURTHER, Cashier's Checks or Cash only will be accepted for all payments that are repayment of an insufficient funds check;

FURTHER, the Kosciusko County Treasurer will notify the check issuer of the charges due;

FURTHER, The Kosciusko County Auditor will immediately issue a check for all NSF amounts to the Kosciusko County Treasurer for the purpose of balancing the books and county bank account upon presentation of claim by Treasurer. This ordinance shall be effective upon approval this 22nd day of February 2005.

IN THE MATTER OF EXPECTED TAX BILLING SCHEDULE:

Sue Ann Mitchell, County Auditor, stated that Marshall and Fulton Counties have not submitted values to the state for their spring tax billing. Kosciusko County would be able to accept tax rates until late March. If rates for the Triton and Tippecanoe Valley School Corporation are not certified, the bills will be delayed. If rates are received Kosciusko County would be able to return to a normal tax billing schedule.

IN THE MATTER OF AG REZONING ISSUES WITH PONDS:

Gabe Ayers and Max Deatsman appeared before the Commissioners to express concerns regarding the rezoning of agricultural land with no control over the installation of ponds. Ayres stated new laws are in effect which force farmers to limit the use of certain chemical near bodies of water. Recently several tracts of land have been rezoned and ponds have been installed near land zoned Agricultural. This forces farmers to lose valuable acreage. Deatsman stated he has farmland nest to a tract of land that was rezoned from agricultural to residential. The property owner installed a pond through the county tile and near the property line. Deatsman stated it will cost him approximately \$10 more per acre to use the land along this property line because of the new state

set-back requirements. Ayres stated the new laws were designed to protect water sheds and he doesn't feel farmers are opposed as long as there can be some way to compensate them for the lose of use of their land. Ayres feels the Area Plan Commission and the Board of Zoning Appeals needs to be aware of the new regulations prior recommending rezoning. They both requested some control over the installation of ponds on properties. Discussion followed with the Commissioners on how local farmers, agricultural suppliers, Area Plan Commission and other County personnel could work together to address this issue.

IN THE MATTER OF WHITE VACATION REQUEST OAK GROVE BEACH:

Matt Sandy, Area Plan Assistant Director, presented a petition by Roger and Ginger White to vacate a portion of Bass Road on the South side of Palestine Lake. Sandy stated properties to the Northwest still have access and no remonstrance has been received from property owners or emergency personnel. Area plan recommends approving the vacation. Roger and Ginger White appeared on behalf of the vacation. Roger White stated they are simply trying to improve the neighborhood and tie together all that they have been working on. No one appeared to oppose the vacation.

MOTION: RON TRUEX TO: Accept the recommendation of Area Plan
SECOND: BRAD JACKSON and approve the vacation.
AYES: 3 NAYS: 0
UNANIMOUS

ORDINANCE 05-02-22-001V

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

WHEREAS, Roger White and Ginger White, 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* and *The Mail-Journal*, both newspapers in general circulation and published in the English language in Kosciusko County, Indiana, giving notice of the filing of the verified Petition to Vacate a Public Way and giving notice that said petition would be heard by the Kosciusko County Commissioners on the 22nd day of February, 2005 at 9:30 am in the Commissioners' Room in the Old Court Room located on the third floor of the Kosciusko County Court House at the corner of north Buffalo street and West Center Street, Warsaw, Indiana, which notice in the *Warsaw Times-Union* was published on the 27th day of January, 2005 and which notice in *The Mail Journal* was published on the 26th day of January, 2005 both of which notices were published more than (10) days prior to the hearing, and

WHEREAS, it does not appear that there are any other adjacent property owners to the Public Way to be vacated herein, other than the petitioners, and

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

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

Section1; That the public way site in Kosciusko County, State of Indian, and more particularly described as follows, to-wit

That certain real estate labeled as a "Bass Dr" a non-maintained county road and being approximately, Thirty feet (30') in width east and west, bounded on the north by Lots 8 & 9 Blk 12 Oak Grove Beach UNIT 2 and bounded on the south by Scott Rd, on the east by Lots 10, 11, 12 Blk 12 Oak Grove Beach UNIT 2 and bounded by the west Lots 3,4,5 & 6 Blk 11 Oak Grove Beach UNIT 2 all as is shown on the plat of Blk 11 & 12 Oak Grove Beach UNIT 2 as recorded in plat book 4 page 121A in the office of the Recorder of Kosciusko County, Indiana.

And which public way is also identified as Bass Dr a non-maintained county road lying between Lots 3,4,5,6 Blk 11 Oak Grove Beach UNIT 2 and Lots 8,9,10,11 & 12 Blk 12 Oak Grove Beach UNIT 2 commonly known as 5337 W Bass Dr Claypool Ind 46510.

And which public way lies between those lots identified by Key Number 025-005-020 Key Number 025-005-191 and Key Number 025-005-192

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-fourths (3/4) of the duly elected Commissioners of Kosciusko County, Indiana, this ordinance was considered for final passage upon its first presentation.

Upon motion duly made, seconded and passed by a vote of 3 ayes and 0 nays, the foregoing Ordinance was adopted by the Kosciusko County Commissioners at its regular meeting this 22 day of Feb, 2005.

IN THE MATTER OF ROOKSTOOL REZONING REQUESTS TIPPECANOE TOWNSHIP:

Dan Richard, Area Plan Director, presented two vacation requests from Rick and Camilla Rookstool. The first request was to rezone 9.46 acres from Commercial to Residential. The second request was to rezone 6.27 acres from Residential to Commercial. Richard stated the properties would simply flip-flop and the rezoning would make the area more uniform and would allow for the extension of the local sewer. Area Plan unanimously recommends the rezoning of both tracts. No one appeared on behalf or, or in opposition to, the rezoning.

MOTION: RON TRUEX TO: Accept the recommendation of Area Plan
SECOND: BRAD JACKSON and approve both rezonings as presented.
AYES: 3 NAYS: 0

ORDINANCE 05-02-22-001Z

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 a County referenced bar in the surface of State Road 13 marking the Northeast Corner of the Northeast Quarter of said Section 22; Thence South 90 degrees 00 minutes 00 seconds West along the North Line of said Northeast Quarter of said Section 22 and within the Right-of-Way of County Road 500 North, 850.00 feet; Thence South 00 degrees 21 minutes 24 seconds East, parallel with the East Line of said northeast Quarter, 580.80 feet to the Point of Beginning; Thence North 90 degrees 00 minutes 00 seconds East, 300.00 feet; Thence South 00 degrees 21 minutes 24 seconds East along a line parallel with the East Line of said Northeast Quarter, 9.20 feet; Thence South 90 degrees 00 minutes 00 seconds East, 255.00 feet; Thence South 00 degrees 21 minutes 24 seconds East, 737.34 feet; Thence North 89 degrees 58 minutes 04 seconds West, 555.00 feet; Thence North 00 degrees 21 minutes 24 seconds West, 746.23 feet to the Point of Beginning all in Tippecanoe Township, Kosciusko County, Indiana, containing 9.46 acres, more or less,

Be, and the same is hereby, removed from classification as a **Commercial** 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 the 22nd day of February, 2005.

IN THE MATTER OF BATALIS REZONING REQUEST WAYNE TOWNSHIP:

Dan Richard, Area Plan Director, presented a request by Vasilio Batalis to rezone 57.738 acres from Agricultural to Residential. Richard stated the property is located on the southeast corner of CR 225S and Country Club Drive. Rezoning would be consistent with current adjacent zoning. Area Plan unanimously recommends granting the rezoning. Attorney Steve Snyder appeared on behalf of the petitioners. Snyder stated the rezoning is a logical extension of current residential uses. No one appeared in opposition to the rezoning.

MOTION: BRAD JACKSON TO: Accept the recommendation of Area Plan
SECOND: RON TRUEX and approve the rezoning as presented.
AYES: 3 NAYS: 0
UNANIMOUS

ORDINANCE 05-02-22-003Z

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:

Part of the East half of the Northeast Quarter of Section 28, Township 32 North, Range 6 East, Kosciusko County, Indiana, more particularly described as follows, to wit:

Beginning at a Two (2) inch diameter pipe post found at the Southeast corner of said Northeast Quarter; thence N00°-38'-30"W, on and along the East line of said Northeast Quarter, a distance of 1805.78 feet to a Mag nail at the point of intersection with the centerline of County Road 225S; thence S88°-45'-08"W, on and along the centerline of County Road 225S, a distance of 1321.01 feet to a P.K. nail found at the point of intersection with the West line of the East half of said Northeast Quarter; thence S00°-31'-28"E, on and along said West line (part of the West line of said East half is also the East right-of-way line of County Road 75E), a distance of 1798.44 feet to a rail post found at the Southwest corner of said East half; thence N89°-11'E, on and along the South line of said East half, being defined by the North line of a certain tract of land recorded in Deed Record 317, page 152, of the records of Kosciusko County, Indiana, a distance of 650.6 feet to an iron pin found at the Northeast corner of said tract, also being a Northwest corner of Southgate Park; thence N88°-57'-50"E, on and along the South line of said East half, also being the North line of said Southgate Park, a distance of 673.8 feet to the point of beginning, containing 54.738 acres of land, more or less, subject to legal right-of-way for County Road 225S and County Road 75E, subject to all legal drain easements and all other easements of record.

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 the 22nd day of February, 2005.

IN THE MATTER OF LETSCH REZONING REQUEST PLAIN TOWNSHIP:

Dan Richard, Area Plan Director, presented a request by Kathy Letsch to rezone a portion of ground located in the Chapman Lake area from Agricultural to Residential. Richard stated four petitions have been presented in the past on properties in this same area and all have been denied. Area Plan unanimously recommends denying the request to rezone this parcel of land. Attorney Steve Snyder appeared on behalf of the petition. Snyder states this is the classic approach to the development of residential properties on the east side of Chapman Lake. If so many petitions have been presented to rezone then obviously it is time. Snyder states the area is truly residential and not agricultural in nature. Commissioner Ron Truex stated he was present at the Board of Zoning meeting and then took a drive out to the area to see what the objections were to the rezoning. Truex stated he was surprised the BZA decided to reject the rezoning since the area was residential and not farm. Truex stated by rezoning the County would be able to control the manner in which residential development occurred and he was in favor of the rezoning. Dan Fritzinger appeared in opposition to the rezoning. Fritzinger stated he owns 20 acres and his property is leased for farming. Fritzinger stated surrounding parcels are also used in an Agricultural manner. Commissioner Brad Jackson stating he did not see the tie between the area and surrounding areas. Discussion followed regarding the best approach to controlling the development of residential land in this area.

MOTION: RON TRUEX

TO: Reject the recommendation of Area Plan and allow the rezoning. (Ordinance will be signed at March 8th meeting.)

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

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

**KOSCIUSKO COUNTY COMMISSIONERS
March 8, 2005**

The Kosciusko County Commissioners met for their regular meeting on March 8 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

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 TEST OF DISASTER SYSTEM FOR THE COUNTY:

Ed Rock, Emergency Management Director, presented information concerning a test of the disaster system for the county set for Wednesday, March 9. If there is threatening weather on the 9th then it will be scheduled for the following day. The test will include activation of the emergency notification sirens in the county between 10-11 AM and again between 7-8 PM. Rock asked for the media's help in notifying the citizens of the county.

IN THE MATTER OF BIOLOGICAL DISASTER DRILL:

Ed Rock, Emergency Management Director, informed the Commissioners of a table top drill which will be done by teleconferencing and internet. This will include seven counties representing the area North and West of Kosciusko County to be known as District 2. Each of the seven counties will remain in their home county for the test. The test date is April 28th. Rock indicated a review is needed to insure adequate resources and procedures are in place should a disaster occur. The Commissioners were invited to attend.

IN THE MATTER OF DSL CONNECTIONS FOR TIPPECANOE AND TURKEY CREEK TOWNSHIP ASSESSOR'S OFFICE:

Bob Momeyer, Systems Administrator, presented information concerning the DSL connections currently in place in Tippecanoe and Turkey Creek Township Assessor's Offices. The current cost is \$75 per site per month. Momeyer indicated contracting with Brightnet of New Paris will reduce the cost and triple the speed. He also planned to include the Plain Township Assessor's Office in

IN THE MATTER OF DSL CONNECTIONS FOR TIPPECANOE AND TURKEY CREEK TOWNSHIP ASSESSOR'S OFFICE CONTINUED:

the internet connection. He also shared information with the Commissioners concerning the email service is being hosted off site. He noted the county was experiencing problems with spam and lack of virus control. Momeyer related that Brightnet can provide the services we can not get now for approximately a \$30-40 increase per month.

MOTION: RON TRUEX
SECOND: BRAD JACKSON
AYES: 3 NAYS: 0
MOTION CARRIED

TO: APPROVE CONTRACTING WITH BRIGHTNET
FOR THE INTERNET AND EMAIL SERVICE AS
PRESENTED.

IN THE MATTER OF REPORT ON COURTS/CLERK/PROSECUTOR COMPUTER SYSTEM:

Bob Momeyer, Systems Administrator, advised the Commissioners on the status of the computer program for the Courts/Clerk/Prosecutor. He noted the Gavel system purchased from Manatron has been in use for about ten years. He stated the Gavel system was sold by Manatron to a company called Maximus. They also have a more modern windows based package. Momeyer indicated the software as well as the hardware platform it runs on is antiquated. He stated it is past life cycle and that he has been researching this issue for the past six months before the sale of Gavel to Maximus. He recommended that the county upgrade to the Courtview produce provided by Maximus. County Attorney Mike Miner has reviewed the draft contracts. Momeyer stated he believed the costs would be \$183,000 up front money with \$30,000 per year maintenance and \$30,000 in hardware costs outside the contract. Momeyer asked for permission to proceed with the project. Commissioner Truex asked if this is another case of where what we have won't continue working and the state is almost leading us in this direction. Momeyer advised the state was working on a program referred to as JTAC. JTAC, Judicial Technology and Automation Committee contracted out for Computer Associates to provide the program. That was started in 2001 and information was received today that that program is not going to happen. Momeyer stated he was waiting for the JTAC program but now finds it to be a dead horse. It was noted it was an unfortunate thing, but the option of doing nothing is not an option. Momeyer commented that it was actually dangerous to do nothing as a crash of the system could cripple the court systems.

MOTION: RON TRUEX
SECOND: BRAD JACKSON
AYES: 3 NAYS: 0
MOTION CARRIED

TO: APPROVE MOMEYER TO PROCEED WITH
THE CONTRACT WITH MAXIMUS PENDING
APPROVAL BY COUNTY ATTORNEY.

IN THE MATTER OF PUBLIC HEARING FOR APPLICATION OF A GRANT FOR BOWEN CENTER:

Bob Murphy representing the Bowen Center presented information concerning the application for a grant on behalf of the Bowen Center. The County would be the pass through entity. The Bowen Center reached an agreement with Kosciusko Community Hospital for the purchase of the already existing Bowen Center building. The hearing was opened for public comment. There was none. This is the same process that was done previously for the Bowen Center about six months ago that was not finalized. Murphy noted they have an option on the property and are waiting for the approval of the grant. He requested the President of the Commissioners sign on behalf of the county. He noted he had the application which was ready for the President's signature. Murphy reviewed with County Attorney Mike Miner and County Administrator Ron Robinson the provisions of the grant. Murphy noted he checked and all sub recipient reports for other units in the county are up to date. He noted that was what caused the grant to be denied the last time it was submitted.

MOTION: RON TRUEX
SECOND: BRAD JACKSON
AYES: 3 NAYS: 0
MOTION CARRIED

TO: APPROVE APPLICATION FOR THE GRANT
ON BEHALF OF THE BOWEN CENTER.

IN THE MATTER OF INTRODUCTION OF UNITED CONSULTING REPRESENTATIVE:

Kelly Mitchell appeared before the Commissioners to introduce herself as a representative of United Consulting. She noted she was a Cass County Commissioner for the past eight years prior to moving to Indianapolis. United Consulting can assist with engineering, architectural, water, waste water, storm water, environmental or construction issues. She noted Cass County contracted with United Consulting and found there services to be very effective.

IN THE MATTER OF APPROVAL TO REROUTE TRAFFIC DURING SILVER LAKE DAYS:

Dennis Pletcher appeared representing the County Highway to request Commissioner's approval to reroute traffic from SR 15 through the county on Saturday, June 18th. This is done for the parade held in conjunction with Silver Lake Days.

MOTION: RON TRUEX
SECOND: BRAD JACKSON
AYES: 3 NAYS: 0
MOTION CARRIED

TO: APPROVE REROUTING OF TRAFFIC OVER
COUNTY ROADS FROM SR 15 DURING THE
PARADE THE MORNING OF JUNE 18, 2005.

IN THE MATTER OF SIGNING OF AIG ANUITY LIFE INSURANCE POLICY:

Ron Robinson, County Administrator, presented the agreement for the county to sponsor the employee paid life insurance policy availability. Robinson stated the IRS rules required this amendment be signed.

MOTION: RON TRUEX
SECOND: BRAD JACKSON
AYES: 3 NAYS: 0
MOTION CARRIED

TO: APPROVE THE SIGING OF THE AMENDMENT
TO THE AIG ANUITY LIFE INSURANCE POLICY
AS PROVIDED FOR COUNTY EMPLOYEES AT
THEIR COST.

IN THE MATTER OF SIGNING OF CONFLICT OF INTEREST FORM FOR COUNTY ATTORNEY:

County Administrator presented a letter from Mike Miner, County Attorney, disclosing that he represents the County and that his partner represents Grace College. He noted he was bound by law to disclose this fact.

MOTION: RON TRUEX
SECOND: BRAD JACKSON
AYES: 3 NAYS: 0
MOTION CARRIED

TO: APPROVE THE CONFLICT OF INTEREST
DISCLOSURE

IN THE MATTER OF RESIGNATION OF COUNTY HIGHWAY SUPERINTENDENT/ENGINEER:

County Administrator Ron Robinson informed the Commissioners he received a letter of resignation from Rob Ladson on March 2, 2005. He noted Ladson indicated his last day would be April 1, 2005. Commissioner Ron Truex and County Administrator Ron Robinson met with the County Highway employees this morning to advise them of the resignation. Dennis Pletcher and Warren Gruenwald will be in charge until a replacement can be found. It was noted the work plan is already in place until late fall.

IN THE MATTER OF SIGNING OF REZONING ORDINANCES APPROVED AT THE FEBRUARY 22ND MEETING:

County Auditor Sue Ann Mitchell presented an ordinance for the Commissioner's signatures that was approved at the February 22nd meeting but the ordinance had not been prepared by the Area Plan Commission. It was for the rezoning from Agricultural to Residential for Letch.

ORDINANCE 05-02-22-002Z

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 Commissioner 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, not 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 III: Part of the Northeast Quarter of Section 25, Township 33 North, Range 6 East, Kosciusko County, Indiana, more particularly described as follows, to wit:

Commencing at an iron pipe found at the Northeast corner of said Northeast Quarter; thence south 00 degrees 14 minutes 15 seconds West, on and along the East line of said Northeast Quarter, a distance of 1087.74 feet to a P.K. nail at the true point of beginning, thence continuing South 00 degrees 14 minutes 15 seconds West on and along said East line, being within the right-of-way of County Road 400 East, a distance of 1122.5 feet to a railroad spike found at the point of intersection with the centerline of an open ditch, said point of intersection also being the Northeast corner of a certain tract of land as recorded in Document 9612-0599 of records of Kosciusko County, Indiana; thence South 69 degrees 37 minutes 52 seconds West, on and along the centerline of said open ditch, also being the Northwesterly line of said tract in Document Number 6912-0599, a distance of 267.09 feet to the Northwest corner of said tract in Document Number 6912-0599; thence South 54 degrees 13 minutes West on and along the centerline of said open ditch, a distance of 54 .0 feet; thence South 81 degrees (x) minutes West, on and along the centerline of said open ditch, a distance of 266.0 feet, thence North 21 degrees 49 minutes West, on and along the centerline of said open ditch, a distance of 343.0 feet; thence North 52 degrees 36 minutes West, on and along the centerline of said open ditch, a distance of 112.88 feet, thence South 69 degrees 31 minutes West, on and along the centerline of said open ditch, a distance of 52.0 feet; thence North 00 degrees 05 minutes West, a distance of 924.9 feet to a point situated 0.4 feet West of a rail post found; thence South 89 degrees 39 minutes East a distance of 828.79 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 the 22nd day of February, 2005.

IN THE MATTER OF CONTRACTS WITH PITNEY BOWES FOR A POSTAGE MACHINE FOR THE CLERK AND A POSTAGE MACHINE AND FOLDER, STUFFER, SEALER FOR THE COURTHOUSE:

County Auditor Sue Ann Mitchell presented contracts for Pitney Bowes for a new postage machine for the Clerk's Office and a new postage machine and folder, stuffer, sealer for the Courthouse. Mitchell explained that these were lease purchase agreements to upgrade the existing equipment. She noted there is a slight increase in cost, but it is minimal. The new folder, stuffer, sealer will be used to process the tax bills for mailing. She noted the cost for the Clerk's Office is \$330 for 60 months and the cost for the Courthouse equipment is \$945 per month for 48 months.

MOTION: RON TRUEX
SECOND: BRAD JACKSON
AYES: 3 NAYS: 0
MOTION CARRIED

TO: APPROVE THE SIGNING OF BOTH
CONTRACTS AS PRESENTED.

IN THE MATTER OF COUNTY ANNUAL REPORT:

County Auditor Sue Ann Mitchell presented the Commissioners with copies of the annual report. She noted comparison of the 2003 report with the 2004 report would look like the County had improved their financial picture. She noted the numbers look better in 2004 than in 2003 because of more timely distribution of tax dollars.

IN THE MATTER OF TAX RATES CERTIFICATION AND SPRINT TAX BILLING:

County Auditor Sue Ann Mitchell informed the Commissioners that tax rates still have not been received from the Department of Local Government Finance. The DLGF is holding rates until all cross county school assessed values are received. Elkhart, Whitley and Marshall have submitted their assessed values. Fulton County is still in the process of certifying their values. Mitchell noted that the tax bills must be in the mail by April 25th to have a May 10th collection date. She was asked to keep the Commissioners advised of the progress.

IN THE MATTER OF BID OPENINGS FOR BRIDGE :

County Administrator Ron Robinson opened the bids. The following bids were received:

Beer & Slabaugh	\$ 61,475.50
Good Excavating	\$ 48,179.60
LDP	\$106,707.80
Kel Con	\$ 85,675.00

The bids will be reviewed by the County Highway and a recommendation will be made at the Commissioner's meeting March 22nd. Engineer's estimate was \$ 58,823 for the project. The bids were made available to all bidders.

There was no further business to come before the Commissioners.

KOSCIUSKO COUNTY COMMISSIONERS
March 22, 2005

The Kosciusko County Commissioners met for their regular meeting on March 22 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, PRESIDENT
RON TRUEX
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 UPDATE ON VOTER REGISTRATION SYSTEM:

County Clerk Sharon Christner presented information on the state voter registration system. She stated the system would be on line mid May. She stated there was a lot of work to get ready for the change over. She noted the next voting machines reimbursement meetings will be held late May or early June.

IN THE MATTER OF COUNTY HIGHWAY REHAB OF BRIDGE 95:

Rob Ladson, County Highway Superintendent/Engineer, presented information concerning the rehab of the bridge across the Tippecanoe River on Old 30 West of town. He noted the project would shut down the road for several months. The bridge plans were presented for the Commissioner's signatures. Ladson indicated the permits from the Army Corps of Engineers and the Department of Natural Resources have been received. He stated he has coordinated with Donnelley that a spring date is most convenient for them. He noted that the advertising for bids must be done yet. The project is not a reconstruction but a rehab. It will be removing the top of the structure down to the beams as well as blasting and painting the beams. It will eliminate the joints which will prevent salt from getting down into the structure. It also includes a new concrete deck which should extend the life of the bridge for many years. Commissioner Truex asked about

office that some of the property owners use the area. He noted Milford EMS, Fire and County Highway were contacted. The EMS and Fire had no issues. The area is not under county maintenance. It was noted in the petition that the vacation was being requested for building purposes. Sandy indicated the APC's position is that vacation should be the last resort and not the first. Sandy noted the current ordinance allows for a 5' set back and that a variance could be requested. Because of the use by other property owners and the building issue could be handled in a different way so as not to shut off the use of the property by others, the Area Plan Commission's recommendation was to deny the request.

Attorney Chris Walter spoke on behalf of the Oglesbee's. He noted the petitioners claim that since they have been at the location they have not noted anyone using the easement since their ownership in September of 2001. Walter noted the petitioner stated the Petitioners desired to improve their real estate with improvements to extend into the easement. He stated the reason isn't necessarily to build on but to allow property set backs. He noted the request meets the proper statutory requirements for approval. He requested to reserve any further comments pending remonstrators.

The floor was open to those who opposed the petition. Brian Mapes who is a property owner across the street from the property in question stated he has lived there for three years and has occasionally used it for visual purposes. He was concerned about his property values if the access to the lake would be shut off.

Will Scheeler who lives a few hundred feet off the lake stated he does not use this particular easement but uses one about 300' away. He uses the other easement to launch a canoe six to eight times a year. He also stated he represented the Beer Trust, owner of land adjacent to the property. He noted there are too few easements the way things are now. They tend to be blocked off or camouflaged. He fears that if this one is vacated, others along the area would also be requested to be closed shutting off lake access.

Bruce Furney, an adjacent property owner across the street, expressed his concern about the use of the easement and the impact it would have on the value of his property. He noted he purchased the lot he did because of the close easement.

In summary, Walter noted the statutes require specific reasons for remonstrance. Walters noted cases are clear that there is no guaranteed view of the lake based on the easement. He noted the gentlemen who used the easement could use either of the other two easements. He did not believe it would be an extreme hardship for them to use the other easements. He stated he believed the remonstrators did not meet the requirements to remonstrate. He asked that the petition be approved.

Commissioner Jackson asked how close the petitioners are trying to get to the line. Mr. Oglesbee addressed the issue. He noted the setback requirements do not allow for them to do what they want to do. Jackson asked if the project planned would include building on the easement. Oglesbee noted there are multiple options. He noted if they were allowed to use the easement, they would use 2-3 feet, but he would like to use 5-6 feet. He noted the garage is close to the road and must meet setbacks there also. It was noted that they would be receiving only half of the 15' easement.

IN THE MATTER OF NATHAN D. AND PAMELA D. OGLESBEE, WAUBEE BAY SUB DIVISION VACATION REQUEST CONTINUED:

Commissioner Truex inquired about the location of the buildings and if they were grandfathered since they do not meet setbacks. Sandy indicated they were grandfathered. The previous owners reconstructed illegally. The APC board held a hearing. It was taken to court and the court allowed the structure to stay. Jackson asked if there was any addition to the foot print. Sandy indicated there was no change to the foot print at that time. Jackson noted the petitioner could petition for a 0' set back. Sandy indicated they could have a 5' set back approved without a variance. He noted the process to vacate should be the last step to accomplish what the petitioner wants done and not the first step. Jackson indicated typically, variances are allowed instead of shutting off easements. He noted it is rare that the Commissioners have shut off access to the lake. Truex indicated he would prefer the vacation as the last step. He noted the aerial photo of the property indicates the garage is already too close to the road and the easement.

MOTION: BRAD JACKSON

SECOND: RON TRUEX

AYES: 3 NAYS: 0

MOTION CARRIED

TO: ACCEPT THE RECOMMENDATION OF AREA PLAN TO DENY THE REQUEST FOR VACATION AND TO STRONGLY ENCOURAGE THE APC TO APPROVE A 9' SET BACK.

IN THE MATTER OF ROBINSON REZONING REQUEST IN TIPPECANOE TOWNSHIP ON SR 13 SOUTH OF NORTH WEBSTER FROM AGRICULTURAL TO COMMERCIAL:

Area Plan Director Dan Richard presented information on a rezoning request in Tippecanoe Township on SR 13 requested by Julie Robinson for property owned by Phillip and Shari Ball. Property is located just off SR 13 South at 500 N. Richard stated this is a typical rezoning in that

there are several other properties in the area that have been rezoned to commercial. The APC recommendation with a unanimous vote was to allow the rezoning from Ag to Commercial. Brent Robinson stated the property was worthless as agricultural ground because of the woods. He noted there are numerous other properties in the area that are zoned commercial. Julie Robinson spoke indicating they own a home on Webster Lake. They would like to have future options to develop a business on the property. No one spoke against the recommendation.

MOTION: BRAD JACKSON
SECOND: RON TRUEX
AYES: 3 NAYS: 0
MOTION CARRIED

TO: ACCEPT THE RECOMMENDATION OF THE
APC TO REZONE THE PROPERTY FROM AG TO
COMMERCIAL. .

ORDINANCE 05-03-22-001Z

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

BE IT ORDAINED BY THE OBARD OF COMMISSIONERS OF KOSCIUSKO COUNTY, INDIANA;

ARTICLE 1

Section 1. That the Kosciusko County Zoning Ordinance heretofore passed and adopted by the Board of Commissioner 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, not lying without the corporate limits of any City or Town and under the jurisdiction of the Kosciusko County Area Plan Commission, as a part of the Comprehensive Plan for Kosciusko County, Indiana; to-wit:

A part of the Southwest Quarter of Section 23, Township 33 North, Range 7 East, Tippecanoe Township, Kosciusko County, Indianan, and described as follows:

Commencing at the Southwest corner of Section 23, Township 33 North, Range 7 East; thence North 0 degrees 02 minutes West, 1719.9 feet to a point on the center line of State Road Number 13, thence North 89 degrees 58 minutes East, 40 feet to an iron pin set on the right-of-way of aforesaid State Road Number 13 as a place of beginning; thence North 0 degrees 38 minutes East, 908.4 feet to a steel post; thence South 0 degrees 02 minutes East, 347.9 feet to a steel post; thence South 89 degrees 58 minutes West, 908.4 feet to 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 Commercial within the limitations, definitions and description of the Kosciusko County Zoning Ordinance.

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

ARTICLE 2

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

Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana on the 22ND day of March, 2005.

IN THE MATTER OF AMENDMENT TO ZONING ORDINANCE FOR DEFINING THREE NEW LAND USES:

Dan Richard, Area Plan Director presented an ordinance amendment for the Commissioner’s consideration. He explained that the ordinance change will add Agricultural Products, Agricultural Product Processing and Fertilizer Sales, Processing and Storage. Richard also noted it allows for exceptions to all of them in agricultural districts. This will allow them to possibly go into districts that would only be industrial. There was no one to speak against the amendment. Council member Truex asked if it was too late to add another paragraph to include an agricultural industry operating in an agricultural area. Richard stated it would require that it be re-advertised.

MOTION: RON TRUEX
SECOND: BRAD JACKSON
AYES: 3 NAYS: 0
MOTION CARRIED

TO: APPROVE THE AMENDMENT AND
CONTINUE TO WORK TO ADD OTHER
LANGUAGE.

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 be and the same is hereby amended in the particulars set forth.

Section 2. That Article 8 – definitions be changed and amended by adding the following:

Agricultural Product: A natural product of a farm, feedlot, confined feeding operation, nursery, grove, orchard, vineyard, garden or apiary. The term includes trees and firewood.

Agricultural Product Processing: The changing of an agricultural product from its natural form to another form for the purpose of use on site, sale or distribution., fertilizer sales, processing and storage: A use engaged in storage, processing, distribution, manufacturing, warehousing and/or sales of fertilizer products. For purposes of this ordinance, this definition is not intended to be applied on individual farming operations that may be storing fertilizer products for their own application.

Section 3. That subsection 2.13.2 Exceptions: AGRICULTURAL DISTRICT of said Ordinance be changed and amended by adding the following to the list of exceptions:

Agricultural Product Processing
Fertilizer Sales, Processing and Storage

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 this 22nd day of March, 2005.

IN THE MATTER OF PARKING AROUND THE COURTHOUSE AND JUSTICE BUILDING:

City Council member Bob Morrison appeared before the Commissioners to ask their help with a downtown parking problem. He noted several county employees park outside the Courthouse. He asked if the elected officials could be given a directive to instruct their employees not to park on the street around the Courthouse. He stated some of the vehicles display municipal plates. He noted the Commissioners certainly have control over where the vehicles they own are parked. The question was asked if there are enough places to park for all county employees. Morrison stated that when the courts are doing jury selection, when Area Plan meetings draw a crowd and when there are meetings in the basement of the Justice Building parking is a problem. It was noted that the county employees and office holders have been told repeatedly about on street parking. The Commissioners discussed the county owned vehicles and felt short term parking for them should be acceptable. Morrison further noted that the City of Warsaw is shortening the time to park and increasing the parking ticket fee. The Commissioners questioned whether they can tell people where they can park when it is a public street.

There was no further business to come before the Commissioners.

**KOSCIUSKO COUNTY COMMISSIONERS
April 5, 2005**

The Kosciusko County Commissioners met for their regular meeting on April 5th 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, PRESIDENT
RON TRUEX
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 APPROVAL OF CHILD ABUSE COUNCIL ACTIVITIES FOR APRIL 29, 2005:

County Administrator Ron Robinson presented a request by the Child Abuse Council to hold a candle light ceremony on the Courthouse Lawn on April 29th at 5 PM. They also requested permission to tie blue ribbons around the trees on the Courthouse lawn in remembrance of abused children in the community.

MOTION: RON TRUEX TO: APPROVE THE USE OF THE COURTHOUSE
SECOND: AVIS GUNTER LAWN FOR THE CEREMONY AND APPROVE
AYES: 2 NAYS: 0 RIBBONS ON THE COURTHOUSE LAWN TREES.
MOTION CARRIED

IN THE MATTER OF APPOINTMENT TO HARRISON TOWNSHIP COMMON CONSTRUCTION WAGE COMMITTEE

County Administrator Ron Robinson presented a request from Jim Moyer, Harrison Township Trustee for an appointment to the Common Construction Wage Committee for their fire station project. They requested the appointment of Tom Groninger.

MOTION: RON TRUEX TO: APPOINT TOM GRONINGER TO THE HARRISON
SECOND: AVIS GUNTER TOWNSHIP COMMON CONSTRUCTION WAGE COMMITTEE.
AYES: 2 NAYS: 0
MOTION CARRIED

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 Airport Road shall be 35MPH. Revision to Ordinance NO 04-06-01-002S.

THIS ORDINANCE shall be in full force and effect on April 5, 2005. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 5th day of April, 2005.

IN THE MATTER OF COUNTY HIGHWAY REQUEST FOR STOP SIGN AT POUND

ROAD:

County Highway Superintendent/Engineer Rob Ladson requested a stop sign be placed at Pound Road where there is currently a yield sign. Ladson stated he considered a yield sign but it is not consistent with other areas of the county. Approving the stop sign would provide uniformity.

MOTION: RON TRUEX TO: APPROVE A STOP SIGN BE PLACED AT POUND

SECOND: AVIS GUNTER ROAD AND 525N.

AYES: 2 NAYS: 0

MOTION CARRIED

ORDINANCE 05-04-05-001STOP

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 SOUTHWEST CORNER OF THE NORTHWEST CORNER OF Pound Road and R 525N. Pound Road stops for CR 525N.

THIS ORDINANCE shall be in full force and effect on April 5, 2005. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 5th day of April, 2005.

IN THE MATTER OF COUNTY HIGHWAY FUEL COST INCREASES:

Rob Ladson, County Superintendent/Engineer reported that fuel costs have increased greatly. He noted he moved money for patching to basic costs. He noted that to do the road work required this year it would cost another \$650,000 above what was budgeted. He noted he has on hand in two different CD's \$1.5M and \$900,000. He noted that the increased costs with flat line income will have the effect of reducing the reserve. He noted he either needed to cut programs or request an additional appropriation. He requested the Commissioners approve that he ask for an additional appropriation to continue the road work as originally planned prior to the fuel cost increases. Commissioner Truex commented that \$ in CD's in the bank does not help the roads which is the intended purpose for the money. He noted transportation costs also have increased with the rise in fuel costs. He noted the increase represents an increase to chip and seal of \$1,000 per mile.

MOTION: RON TRUEX

TO: APPROVE LADSON TO SEEK AN ADDITIONAL APPROPRIATION TO SAVE THE HIGHWAY PROGRAM FOR THIS YEAR.

SECOND: AVIS GUNTER

AYES: 2 NAYS: 0

MOTION CARRIED

IN THE MATTER OF CLAYPOOL OVER PASS BEAUTIFICATION REQUEST:

Rob Ladson, County Highway Superintendent/Engineer introduced Paul Berkey a citizen of Claypool representing the Claypool Good Neighbors. Berkey requested permission to remove the over growth located at the intersection of SR 15 and 700 S just West of Claypool so wild flowers could be planted. The organization is willing to provide the labor and seeds required to complete the project. Berkey mentioned the Warsaw football team would be willing to volunteer. Ladson indicated the reason why he requested Berkey receive permission from the Commissioners is because the area where the work would be done is in the county road right of way.

MOTION: RON TRUEX

TO: ENTHUSIASTICALLY SUPPORT THE PROJECT BY THE CLAYPOOL GOOD NEIGHBORS TO CLEAR THE UNDERGROWTH AND PLANT FLOWERS.

SECOND: AVIS GUNTER

AYES: 2 NAYS: 0

MOTION CARRIED

CONFLICT OF INTEREST INFORMATION REFERENCE
MIKE MINER, COUNTY ATTORNEY AND TOM LEMON,
ATTORNEY FOR GRACE BOTH BEING FROM
VALENTINE, MINER AND LEMON LAW FIRM.

March 2, 2003
Grace College
200 Seminary Drive
Winona Lake, IN 46590

Kosciusko County Board of Commissioners
100 W Center Street
Warsaw, IN 46580

RE: Lease of Gatke Site from Kosciusko County to Grace College

Dear Ladies and Gentlemen:

As we have discussed previously, this law firm represents both Grace College and the Kosciusko County Commissioners. Therefore, our office has a conflict of interest concerning the contemplated lease of the Gatke property from Kosciusko County to Grace College and the related loan from Indiana Development Finance Authority. Nevertheless, it is our understanding that due to the nature of the transaction, both Grace College and Kosciusko County are willing to waive any conflict of interest herein. Please feel free to discuss any questions or reservations that you might have, and certainly feel free to consult with outside counsel concerning this matter.

Michael L. Miner

Thomas R. Lemon

Attorney for Kosciusko County

Attorney for Grace College

If this is agreeable to you, please acknowledge that by signing and returning a copy.

Avis B. Gunter, President

Kosciusko County Commissioners

ORDINANCE NO 05-04-05

AN ORDINANCE OF THE KOSCIUSKO COUNTY COMMISSIONERS AND COUNTY COUNCIL AUTHORIZING THE COUNTY TO APPLY FOR AND ACCEPT A LOAN FROM THE ENVIRONMENTAL REMEDIATION REVOLVING LOAN FUND ADMINISTERED BY THE INDIANA DEVELOPMENT FINANCE AUTHORITY AND TO LOAN THE PROCEEDS THEREOF TO GRACE SCHOOLS, INC FOR THE PURPOSE OF REMEDIATING THE LANDFILL AT THE FORMER GATKE PROPERTY WHICH GRACE INTENDS TO DEVELOP AS PARKING FACILITIES FOR AN EVENT CENTER IN COOPERATION WITH LOCAL ORTHOPEDIC COMPANIES.

WHEREAS, the State of Indiana has established an Environmental Loan Program (“ERLP”) through IC 13-19-5 as amended (the “Authority Act”), for the purposes of providing funding for the assessment and remediation of “brownfields sites” in Indiana communities which sites contain environmental contamination; and

WHEREAS, the ERLP contemplates “pass through” loans from the State of Indiana to private entities through local governmental entities such as Kosciusko County; and

WHEREAS, Kosciusko County expects to soon acquire a “brownfields site” in Kosciusko County commonly known as Former Gatke Property, which site is in part a former dump site used by the Gatke Corporation and which site is in need of environmental assessment and remediation; and

WHEREAS, Grace Schools, Inc. has requested the County to obtain a loan not to exceed One Million Dollars (\$1,000,000) from the Indiana Development Finance Authority (“IDFA”) pursuant to the ERLP for the purpose of re-lending those funds to Grace Schools, Inc. (the “Authority”); and

WHEREAS, the funds will be used by Grace Schools, Inc. for the purpose of funding the remediation of the Property; and

WHEREAS, the Authority Loan may consist of a non-forgivable loan (the “Authority Non-forgivable Loan”) in an amount not less than eighty percent (80%) of the principal amount of the Authority Loan and a forgivable loan (the “Authority Forgivable Loan”) in an amount not more than twenty percent (20%) of the principal amount of the Authority Loan; and

WHEREAS, the Authority Forgivable Loan will be forgiven if the County achieves certain economic development goals in accordance with those goals set forth at EXHIBIT A; and

WHEREAS, it will be beneficial to the health, safety and general welfare of the County and its citizens if the environmental contamination of the Property is remediated; and

WHEREAS, the ERLP and the IDFA require that the governmental entity adopt an ordinance confirming the ultimate source of repayment of the ERLP loan by the County to IDFA; and

WHEREAS, Grace Schools, Inc. has agreed to secure a letter of credit on the loan in the full amount of the ERLP loan which will run in favor of Kosciusko County; and

WHEREAS, the IDFA further requires assurance of the obligations of the governmental entity to repay the ERLP loan from the entity’s own funds in the unlikely event that the primary source of repayment (being based by the letter of credit) should fail.

NOW, THEREFORE, BE IT ORDAINED BY THE KOSCIUSKO COUNTY COMMISSIONERS AND THE KOSCIUSKO COUNTY COUNCIL, that the following ordinance be adopted:

1. The Commissioners and Council hereby find and determine that Kosciusko County expects to soon become owner of the former Gatke Property located in Kosciusko County, Indiana (“the Project”) and that the property is in need of environmental assessment and remediation.
2. The County is authorized and will request from the State of Indiana, through the Environmental Remediation Loan Program administered by the IDFA, to lend the County, the sum not to exceed One Million Dollars (\$1,000,000). The Loan will be partially forgivable loan and up to twenty percent (20%) of the One Million Dollars (\$1,000,000) may be forgiven subject to the Borrower attaining the economic development goals in Exhibit A.
3. The Commissioners and Council hereby authorize and approve the loan of the proceeds of the Authority Loan to Grace Schools, Inc. on the condition that the money be used for the environmental remediation of the Property and on the further condition that Grace Schools, Inc. provide the County with a full letter of credit in the amount of One Million Dollars (\$1,000,000).

4. In the unlikely event that the primary source of repayment (being the promise of Grace Schools, Inc., backed by the Letter of Credit) are unable to repay the loan, the Commissioners and County Council hereby recommend and approve the repayment of the loan to IDFA with funds from the County general funds and/or CREDIT funds as may be necessary or appropriate.
5. The Commissioners and County Council hereby authorize the President Harold Jones of the Council or his designee to execute such documents as may be necessary to carry out the purpose of the Ordinance, including without limitation, a Loan, Servicing and Disbursement Agreement between the County and IDFA, as Promissory Note in favor of IDFA and/or such other documents as shall constitute the financial assistance agreement under IC 13-19-5-9, and a Loan Agreement and related documents between the County and Grace Schools, Inc.
6. This Ordinance shall become immediately effective upon its adoption and enrollment in the Book of Ordinances. Any ordinance in conflict with this Ordinance is hereby repealed.

The foregoing Ordinance was passed and adopted by the Kosciusko County Commissioners at a regular meeting held on April 5, 2005, and, by the Kosciusko County Council at a meeting held on April 14, 2005.

COMMISSIONERS

Brad Jackson (Absent)
Avis B. Gunter
Ronald Truex

COUNCIL

Thomas L. Anglin, At-Large
Harold O Jones, Second District
John A. Kinsey, Fourth District
Charlene A. Knispel, First District
Robert Sanders, At-Large
Bradley J. Tandy, Third District
Larry Teghtmeyer, At-Large

ATTEST:

Sue Ann Mitchell, Auditor
Kosciusko County

EXHIBIT A
PROJECT ECONOMIC DEVELOPMENT GOAL AND SCHEDULE
FORMER GATKE PROPERTY
KOSCIUSKO COUNTY, INDIANA

Pursuant to requirements in IC 13-19-5-15 and in the Brownsfield Low Interest Loan Guidelines, as administered by the Indiana Development Finance Authority, an "economic goal and schedule" must be created for a portion of a Brownfield Loan to be forgiven. The Kosciusko County Commissioners identify the following activities as appropriate and attainable goals, whereby following their achievement, up to 20% of the loan will be forgiven. The project goals contemplate full or partial participation by Kosciusko County and Grace Schools, Inc., as appropriate.

Kosciusko County Commissioners identifies the economic development goals to be achieved over the next two (2) years from the date of closing on the Loan:

- Completion of IDEM-approved plans for the capping and containment of hazardous and contaminated materials at the Gatke Dump Brownfield site pursuant to a closure permit to be issued by IDEM. Evidence of the completion of this goal will consist of the written approval or certification of successful final closure under the permit and the completion certification for the parking facilities construction.
- Facilitation of the creation of the Orthopedic Capitol Center in coordination with local orthopedic firms, Grace Schools, Inc., and the Town of Winona Lake. Kosciusko County facilitation will recognize that the construction of the Center and the adjacent parking facilities on the Gatke Dump Brownfield site are integrated and vital to the successful completion of the Center.

The Kosciusko County Commissioners generally consider the creation of the parking facilities and remediation and closure of the former Gatke Property to a desirable economic objective for the following reasons:

- The neglect of the Gatke Dump Brownfield site will continue to depress local land values in the immediate vicinity of the site.
- The containment and capping of hazardous materials at the site, and the provision of parking facilities will facilitate the development of the Orthopedic Capitol Center, a \$7,000,000 project that will stimulate increased tourism in the County and generate additional revenues for the County and City of Warsaw.
- The creation of the Orthopedic Capitol Center and adjacent parking facilities will allow the community an additional asset for community needs for meeting and programs to enhance the quality of life of citizens of the County.

There was no further business to come before the Commissioners.

KOSCIUSKO COUNTY COMMISSIONERS
APRIL 19, 2005

The Kosciusko County Commissioners met for their regular meeting on April 19, 2005 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, PRESIDENT
BRAD JACKSON
RON TRUEX

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 NATIONAL TOURISM WEEK PROCLAMATION REQUEST FROM CVB:

Mike Stetzel, President, and Mary Kittrell, Executive Director appeared before the Commissioner's to request support for National Tourism Week, May 7-14th. The Visitor's Bureau will be planning an open house that week and have several other activities planned as well, including a radio show with a local station that will move throughout the county to promote tourism.

MOTION: BRAD JACKSON

TO: Grant a Proclamation declaring May 7 – 14, 2005 National Tourism Week.

SECOND: RON TRUEX

AYES: 3 NAYS: 0

UNANIMOUS

***NATIONAL TOURISM WEEK
A PROCLAMATION***

BY THE KOSCIUKO COUNTY COMMISSIONERS

The travel and tourism industry in Kosciusko County is vital to our economic stability and growth and it contributes substantially to Kosciusko County's cultural and social well being. Travel is one of our most fundamental freedoms. Every citizen benefits from travel and tourism. The travel and tourism industry substantially enhances our personal growth and education, while promoting intercultural understanding and appreciation of Kosciusko County's history, geography, and culture.

Travel and tourism is one of America's largest service exports providing a trade surplus of \$2.6 billion last year. It is one of the nation's largest employers with a total of 7.2 million jobs, which is one in every eight people. Including the \$80.2 billion spent in the US by international visitor, tourism generated \$555 billion in 2004. Tourism spending by travelers in the US averages \$2.5 billion a day, \$63 million an hour, \$1.1 million a minute, and \$18,000 a second.

In recognition of the unique significance of the travel and tourism industry in the lives of the citizens of Kosciusko county;

Now therefore, we the Kosciusko County Commissioners do hereby proclaim May 7-15, 2005 as National Tourism Week, and we call upon the people of Kosciusko County to observe this week with appropriate ceremonies and activities.

In witness thereof, we have set our hands this 19th day of April, 2005.

Avis Gunter Brad Jackson Ronald Truex

IN THE MATTER OF RIGHTS OF ENTRY FOR BRIDGE 250:

Dennis Pletcher, Interim County Highway Superintendent, appeared to request a directive from the Commissioners regarding an appraisal for Rights of Entry for Bridge 250. The appraisal has not been received yet, but it was decided that if it is within the engineer's estimate, an approval may be made at Pletcher's discretion. Truex also informed Pletcher that during this interim period if there is anything that Pletcher is uncomfortable with to bring it to the Commissioners. They are comfortable with his decisions, but are also willing to help him with any issues he may be unsure.

IN THE MATTER OF AUTOMATED CROSSING GUARDS AT RAILROAD AT 600 N:

Dennis Pletcher, Interim County Highway Superintendent, also stated the he had been contacted by Rick McIntire regarding crossing safety at 600 N. McIntire would like to see that crossing closed with automation added at additional crossings at INDOT and Railroad's expense. The county highway department would then be responsible for extending Armstrong road for an estimated expense of \$260,000 construction cost. Pletcher wanted to know if there was any interest in this project and also stated that the department did not have the funding to do a project of the magnitude. The Commissioners did not have any interest in pursuing this issue at this time. Pletcher stated he would get back with Mr. McIntire with the Commissioner's response.

IN THE MATTER OF NIPSCO ISSUE WITH MOVING POLES FOR A NEW SUBDIVISION ON ARMSTRONG ROAD:

Dennis Pletcher, Interim County Highway Superintendent, presented information to the Commissioners on an issue with a new addition on Armstrong Road and the location of NIPSCO poles. The highway department is going to require deceleration lanes due to the amount of traffic in that area. NIPSCO is refusing to move the poles in the right of way at this time and wants to charge the moving of the poles to the contractor. It has been past practice if the County says the poles are in a right of way they must be moved by the utility. NIPSCO feels this is a developer issue, not a county issue. Pletcher was directed to respond in writing to NIPSCO that the poles are to be moved when the county highway mandates it.

IN THE MATTER OF SPEED LIMIT ON CR 600 W FROM SR 25 TO CR 500 S:

Dennis Pletcher, Interim County Highway Superintendent, provided information on setting the speed limit for 600 W from SR 25 to CR 500 S. He requested the speed limit be set at 45 MPH to be in accordance with other similar roads.

MOTION: RON TRUEX

TO: Accept speed limit as recommended by Pletcher at 45 MPH on 600 W from SR 25 to

SECOND: BRAD JACKSON

AYES: 3
UNANIMOUS

NAYS: 0

CR 500 S.

ORDINANCE 05-04-19-001 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/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 600 W – from SR 25 to CR 500 S shall be 45 mph.

THIS ORDINANCE shall be in full force and effect on April 19, 2005. Passed and adopted by the Board of Commissioners of County of Kosciusko this 19th day of April, 2005.

IN THE MATTER OF REPEAL OF YIELD SIGNS IN VALLEY SPRINGS SUBDIVISION:

Dennis Pletcher, Interim County Highway Superintendent, presented a request to repeal yield signs on Blue Heron Drive, Clear Water Drive, Valley Lane and Edgewater Drive in Valley Springs Subdivision to provide uniformity to county road signs.

MOTION: RON TRUEX TO: Repeal yield signs as presented by Pletcher.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 05-04-19-001 Yield

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

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

- 1. Repeal “Yield” sign on the northeast corner of Blue Heron Drive and Clearwater Drive.
- 2. Repeal “Yield” sign on the northeast corner of Blue Heron Drive and Valley Lane.
- 3. Repeal “Yield” sign on the southwest corner of Clearwater Drive and Valley Lane.
- 4. Repeal “Yield” sign on the northeast corner of Blue Heron Drive and Clearwater Drive.
- 5. Repeal “Yield” sign on the southeast corner of Clearwater Drive and Edgewood Drive.

THIS ORDINANCE shall be in full force and effect on April 19, 2005. Passed and adopted by the Board of Commissioners of County of Kosciusko this 19th day of April, 2005.

IN THE MATTER OF STOP SIGN REQUEST TO REPLACE YIELD SIGNS REPEALED IN VALLEY SPRINGS SUB DIVISION:

Dennis Pletcher, Interim County Highway Superintendent, presented a request to replace the repealed yield signs in previous ordinance with stop signs to bring signage in line with other areas of the county.

MOTION: RON TRUEX TO: Accept stop sign request as presented by

SECOND: BRAD JACKSON Pletcher.

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 05-04-19-001 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:

- 1. Install “Stop” sign on the northeast corner of Blue Heron Drive and Clearwater Drive – Blue Heron stops for Clearwater.
- 2. Install “Stop” sign on the northwest corner of Valley Lane and Blue Heron Drive – Valley Lane stops for Blue Heron Drive.
- 3. Install “Stop” sign on the southeast corner of Valley Lane and Clearwater Drive – Valley Lane stops for Clearwater Drive.

4. Install "Stop" sign on the northeast corner of Blue Heron Drive and Clearwater Drive –Blue Heron Drive stops for Clearwater Drive.
5. Install "Stop" sign on the southeast corner of Clearwater Drive and Edgewood Drive - Clearwater Drive stops for Edgewood Drive.
6. **THIS ORDINANCE** shall be in full force and effect on April 19, 2005. Passed and adopted by the Board of Commissioners of County of Kosciusko this 19th day of April, 2005.

IN THE MATTER OF HIGHWAY DEPARTMENT ANNUAL OPERATIONS REPORT:

Dennis Pletcher, Interim County Highway Superintendent, presented the Highway Department Annual Operation Report for the Commissioner's approval.

MOTION: BRAD JACKSON TO: Accept Operation Report as presented.

SECOND: RON TRUEX

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF BRIDGE 12 REHAB PLANS APPROVAL:

Dennis Pletcher, Interim County Highway Superintendent, presented plans for the rehab of Bridge 12 located at Oswego. The Commissioners approve and signed the plans as presented by Pletcher.

IN THE MATTER OF APPROVAL OF RESOLUTION TO ACCEPT A. HATTERSLEY AND SONS PROPOSAL FOR AN ENERGY SAVINGS CONTRACT:

Ron Robinson, County Administrator, presented a resolution to accept the A. Hattersley and Sons contract for a guaranteed energy savings contract in accordance with IC 36-1-12.5. The Council signed a proposal similar to this document at their recent meeting. The Commissioners agreed to allow the President of the Commissioners to sign any contracts, agreements or documents reference the Hattersly agreement that require signatures between meetings.

MOTION: RON TRUEX

TO: Approve Resolution allowing

SECOND: BRAD JACKSON

Commissioner's President to sign for

AYES: 3 NAYS: 0

Commissioners any documents required

UNANIMOUS

between meetings A. Hattersly & Sons

Proposal.

**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF KOSCIUSKO COUNTY, INDIANA**

WHEREAS, the Board of Commissioners of Kosciusko County ("Board" and "County" Respectively) has requested qualified providers to propose energy conservation measures through a guaranteed energy savings contract, in accordance with IC 36-1-12.5 (the "Act"); and

WHEREAS, the Board has received a proposal from A. Hattersley & Sons, Inc. ("Hattersley") (the "Proposal"), which complies in all respects with the requirements of IC 36-1-12.5-7, and the Board a reviewed such Proposal.

be it resolved by the Board as follows:

1. The Board now finds that the amount which would be spent on the energy conservation measures recommended in the Proposal is not likely to exceed the amount to be saved in energy consumption costs and other operating costs over ten (10) years form the date of the installation if the recommendations in the Proposal are followed.
2. Hattersley has agreed to provide a written guarantee that the savings in energy and operating costs due to the energy conservation measures will cover the costs of the payments for the measures, and that it will reimburse the County for the difference between guaranteed savings and actual savings.
3. The Board hereby authorizes and approves the execution of a guaranteed energy savings contract ("Contract"), as set forth in IC 36-1-12.5, with Hattersley for the energy conservation measures set forth in the Proposal in aggregate amount not to exceed \$3,046,486. The Board further authorizes the President of the Board of Commissioners, with the advice of the attorney to the Commissioners, to approve the form of and executed on its behalf all contracts, agreements, schedules and other documents necessary to give effect to this Resolution, such approval to be confirmed by the execution thereof.
4. The board will use its best efforts to appropriate funds from its Cumulative Capital Development Fund or other appropriate funds.

Approved this 19th day of April, 2005.

IN THE MATTER OF INFORMATION CONCERNING COUNCIL APPROVAL FOR FUNDING OF COURTHOUSE RENOVATION AND WORK RELEASE KITCHEN ADDITION:

Ron Robinson, County Administrator, advised the Commissioners that the Council approved the funding from Cumulative Capital Development Funds for the Work Release kitchen construction and for the Courthouse renovation projects. Robinson also stated the plans for the Work Release Program are available in his office.

MOTION: RON TRUEX

TO: Approve the Work Release Program

SECOND: BRAD JACKSON

kitchen project and the Courthouse renovation.

AYES: 3 NAYS: 0

IN THE MATTER OF COURTHOUSE RENOVATIONS REPORT:

Ron Robinson, County Administrator, reported that in order to speed up the process, offices located in the basement will be moved to the Justice Building.

The Veteran Affairs will move to the basement of the Justice Building.

The Surveyor and Wayne Township will move to the Multi-Purpose Room.

The Extension Office will move to the Meeting Room across from Probation.

The work is scheduled to begin in mid May with completion slated for October. The work will be completed at night beginning at 4:30 PM in order to not interfere with daily business. Work will begin on the 3rd floor and move down to the basement. Reasoning for moving the offices in the basement is that all water lines and pipes go through basement. In case there would be a pipeline burst those offices would not risk being flooded. Robinson believed the basement offices should be the only offices affected with having to move out. Other counties have been contacted that have had similar work done and they had nothing but praise for the firm completing the work. It was noted that it will be nice to have a beautiful building with great mechanicals.

IN THE MATTER OF HURD PETITION TO VACATE TIPPECANOE STREET IN THE PLAT OF MONOQUET IN PLAIN TOWNSHIP:

Matt Sandy, Assistant Planner, presented a petition by Frank and Linda Hurd to vacate a portion of roadway known as Tippecanoe Street (50' platted). This is outside of the city limits and is not county maintained. School Corporation stated that it is not used as a turn around as there is a turn around at the end of Prairie Street. There are currently 2 residences using this as their only platted road frontage. Lots 11, 9, 8, 12, 4, and 3 currently border on the right of way also. It was the Area Plan's recommendation that the road right of way not be vacated in that it would hinder future development of the area. Frank Hurd appeared on behalf of the vacation stating that as the right of way currently stands there are several lots being affected. After considerable discussion, it was suggested that the Hurd's have legal council draft an ordinance stating the right of way would be reduced by 8' on each side down to a 50' right of way and the Commissioners would agree to vacate a portion of the right of way.

MOTION: BRAD JACKSON

TO: Approved Hurd's legal council to prepare an Ordinance reducing road right of way from 66'to 50'.

SECOND: RON TRUEX

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF JOHNSTON PETITION TO VACATE KOKOMO ROAD IN THE BEAVER DAM AREA:

Matt Sandy, Area Plan Assistant Director, presented a petition by Archie D. and Deborah J. Johnston to vacate a tract of land between lot 48 and 45 in the Beaver Dam area. Sandy stated the area is some sort of right of way, but is in area that was not platted. There is a 40' right of way known as Kokomo Road that extends all the way to the lake. There was no opposition from the Sheriff, Highway or Fire Departments. Area plan recommends approving the vacation. No one appeared to oppose the vacation.

MOTION: RON TRUEX

TO: Accept the recommendation of Area Plan and approve the vacation.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

No ordinance filed.

IN THE MATTER OF MASTERCRAFT CONSTRUCTION REZONING REQUEST:

Matt Sandy, Assistant Area Plan Director, reported that this petition has been withdrawn. No action required.

IN THE MATTER OF GUY REZONING REQUEST FROM AG TO RESIDENTIAL IN TIPPECANOE TOWNSHIP:

Dan Richard, Area Plan Director, presented a petition from Ben and Elise Guy to have a tract rezoned from Ag to Residential. It is the Area Plan recommendation that this petition be granted. It was also noted that in the future the Planning Commission talk to other owners in area to have all areas zoned residential or that the Commission initiate request to have area zoned compatible.

MOTION: BRAD JACKSON

TO: Accept the recommendation of Area Plan and approve zoning from Ag to Residential.

SECOND: RON TRUEX

AYES: 3 NAYS: 0

ORDINANCE 05-04-19-001Z

**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:

TRACT I

Lots Numbered 19 and 20 in Lakeland Park Addition to Yellow Banks.

TRACT II

A tract of land located in the Northwest Quarter of Section 14, Township 33 North, Range 7 East, Kosciusko County, Indiana, more particularly described as follows, to wit:

Beginning at an iron pin found at the Southwest corner of Lot Number 21 in Lakeland Park Addition to Yellow Banks; thence N88°-26'W (recorded N89°-49'-02"W), a distance of 115.0 feet to an iron pin; thence N00°-41'E (recorded N00°-38'-17"E), a distance of 86.6 feet recorded (90.0 feet) to an iron pin found on the South line of Lot Number 18 in Lakeland Park Addition to Yellow Banks; thence N90°-00'-00"E, along the South line of Lots Numbered 18, 19 and 20, and said Addition, a distance of 95.8 feet (recorded 96 feet) to the Southeast corner of said Lot Number 20, being a point situated 0.25 feet West of an iron pipe; thence S00°-41'W (recorded S00°-31'-00"W), a distance of 50.0 feet (recorded 50.05 feet) to an iron pipe found; thence N89°-58'E (recorded S89°-02'-35"E), a distance of 19.0 feet to an iron pin found at the Northwest corner of said Lot Number 21; thence S00°-41'W (recorded S00°-47'-10"W), along West line of said Lot Number 21, a distance of 39.75 feet (recorded 40.0 feet) to the point of beginning, containing 0.211 acres of land, more or less subject to all easements of record.

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 the 19th day of April, 2005.

IN THE MATTER OF HOME BASED BUSINESSES:

Dan Richard, Area Plan Director addressed the issue of home based businesses as previewed by the Board of Zoning Appeals. He stated that the Planning Commission and Board of Zoning is working on recommendations for an Ordinance revision at this time to allow home based businesses to grow and allow for additional employees.

There was no further business to come before the Commissioners.

**KOSCIUSKO COUNTY COMMISSIONERS
MAY 3, 2005**

The Kosciusko County Commissioners met for their regular meeting on May 3, 2005 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, PRESIDENT

MIKE MINER, COUNTY ATTORNEY

BRAD JACKSON

SUE ANN MITCHELL, COUNTY AUDITOR

RON TRUEX

RON ROBINSON, COUNTY ADMINISTRATOR

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

IN THE MATTER OF HANDICAP ACCESSIBILITY FOR POLLING PLACES:

Sharon Christner, County Clerk, presented information regarding the handicap accessibility of the polling places to be in place by January 1, 2006. Surveys were sent out to polling places to make

sure that the information gathered was accurate. Some of the surveys have been returned but not many. These surveys were also to find out if polling places planned to make any changes in their accessibility for handicaps. It was reported that some places do plan to make changes so their facility would be handicapped accessible. Sharon noted that the State is providing a grant to help the counties with the smaller fixes needed, such as parking signs, ramps, door knobs, etc., but the order will need to be placed by the end of the month. She will be on vacation for two weeks at the end of the month and request permission from the Commissioners to go ahead work up a figure that is feasible in order to place an order to get some of the grant money. The equipment will be purchased and then sent to the County. Sharon also stated that a committee will need to be formed for this project. The committee shall consist of both persons with handicap needs and persons without. She said that Kathy Harmon who works in her office has volunteered to be on the committee. Sharon also suggested an individual who works at the Cardinal Center may be a possible committee member. He worked with Harmon on the surveys that were sent out last fall. She once again requested permission to place the order stating that she felt there would be 14 polling places that will need to be moved, 17 that are in compliance and 15 should be easy fixes. There was a consensus to grant permission for Sharon to go ahead on the order and create a committee.

IN THE MATTER OF JAIL AND COURT SECURITY REPORT:

County Sheriff Aaron Rovenstine presented a summary for April of Court Security and what is happening at the jail. It was noted that the jail has picked up some inmates from Miami County and has received a letter from the Sheriff at Marshall County requesting some jail space to help alleviate their overcrowding. Sheriff Rovenstine also stated that there were approximately 700 people per day going through security at the Justice Building and that 12 warrants were issued on people coming in the door. These may have included minor pocket items listed under weapons, such as pocket knives, etc.

IN THE MATTER OF GRANT APPLICATION APPROVAL FOR EMERGENCY MANAGEMENT FOR COMMUNICATION EQUIPMENT:

Ed Rock, Emergency Management Director, presented a grant application for the Commissioners to review. Ed stated that he had been working with the Sheriff, Fire, and EMS regarding some issues on communication in the outlying areas including communications going out from the dispatch center and coming into the center. The grant application would be for funding to assist with the communication for the entire county to assist in the protection of all citizens.

MOTION: BRAD JACKSON TO: Approved grant signing.
SECOND: RON TRUEX
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF ATTORNEY DAVID KOLBE'S REQUEST TO RESTRICT "ON STREET" PARKING OF COUNTY EMPLOYEES NEAR THE JAIL/JUSTICE BUILDING:

David Kolbe, attorney with a law office on Center Street west of the Justice Building appeared before the Commissioners to present his good neighbor request. He stated that he arrived at his office at 7:00 AM and today presented a pretty common picture of everyday. He stated the county employees were parked in front of his office and remained parked there all day. He then drove by the county parking lot which was empty. He said he checked and there are 11 signs posted that say parking for county business only. David said he has been working with county officials in trying to

IN THE MATTER OF ATTORNEY DAVID KOLBE'S REQUEST TO RESTRICT "ON STREET" PARKING OF COUNTY EMPLOYEES NEAR THE JAIL/JUSTICE BUILDING CONTINUED:

get their employees to park in the designated lots for 1½ years. He has only 3 spaces for his own employees and feels it is not a public servant's right to convenient parking. He has been trying to work on this matter as a "good neighbor issue" and is now making a public request for the county employees to park in the county lot. He asked the Commissioners what could be done to solve this problem. He suggested an Ordinance be drawn up if need be, although his hope was that this matter be handled as simply as possible.

The Commissioners questioned where his employees parked and Mr. Kolbe stated they could park in the drive, but most parked a few spaces down the street in the residential parking. He then asked again how this problem might be solved and he thanked the Commissioners for their time.

IN THE MATTER OF LAKELAND LANDFILL MOWING CONTRACT:

Dennis Pletcher, Interim Highway Superintendent, presented a contract renewal on behalf of Ransbottom Excavating for the Lakeland Landfill Mowing Project. Terms of the contract shall remain unchanged from original contract and shall be renewed annually unless either party submits a written termination notice at least 30 days prior to the date of termination.

MOTION: RON TRUEX TO: Approve and sign the contract as
SECOND: BRAD JACKSON presented.
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF HVAC ISSUE AT JUSTICE BUILDING LEGAL MATTERS:

Mike Miner, County Attorney, reported on the HVAC issue. He and Ron Robinson have met with Schenkel Schultz representatives and have decided to send out a letter to all involved requesting they attend a meeting to be held after the next Commission's meeting (11:00 AM) to decide who was going to fix the problem. Miner stated the steps issue is still in limbo but feels they are getting closer to resolving the matter.

IN THE MATTER OF VETERANS MEMORIAL MONUMENT:

Ron Robinson, County Administrator, reported that he has been working with the American Legion on redoing the monument located on the southwest corner of the courthouse lawn. There are some problems with the grass, may want to use asphalt with some brick for the crosswalks. There has also been discussion about moving the old flag pole so that the back side of the monument is accessible and installing a new flag pole on the front side of the monument. The old pole is motorized and is not functioning properly.

IN THE MATTER OF CONGRESSIONAL SCHOOL PRINCIPAL REPORT:

Sue Ann Mitchell, County Auditor, presented a copy of the Congressional Commons School Principal's Report in the amount of \$703.21 for approval and signature. Mitchell stated the county has \$28,129.47 in a CD. The statutes require that the interest gained from that CD be distributed annually to the schools. The report was signed as presented.

MOTION: BRAD JACKSON TO: Approve the report as presented.
SECOND: RON TRUEX
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF HOUSING OPPORTUNITIES OF WARSAW:

Sue Ann Mitchell, County Auditor, presented a request from the Housing Opportunities of Warsaw for a letter of support in their quest for a grant to evaluate the housing needs for low-to-moderate income families in the county.

MOTION: RON TRUEX TO: Approve the request as presented.
SECOND: BRAD JACKSON
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF BIDS OPENING FOR BRIDGE 95:

Bids received were as follows:

R.L. McCoy	Bid	\$367,295.75
Pioneer Associates	Bid	\$385,289.50
LaPorte Construction	Bid	\$404,658.22

The Engineer's estimate was in the amount of \$359,214.10. The bids will be taken under advisement by Dennis Pletcher, Interim County Highway Superintendent, and will be awarded by the Commissioners at the May 17, 2005 meeting.

There was no further business to come before the Commissioners.

**KOSCIUSKO COUNTY COMMISSIONERS
MAY 17, 2005**

The Kosciusko County Commissioners met for their regular meeting on May 17, 2005 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, PRESIDENT
BRAD JACKSON
RON TRUEX - ABSENT

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

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

IN THE MATTER OF APPROVAL OF KABS LETTER OF INTENT TO APPLY FOR 2006 FUNDING:

Rita Baker appeared on behalf of KABS to request the Commissioner's signature for the Alpha Brock Letter of Intent of Funding in order to apply for their 2006 grant monies.

MOTION: BRAD JACKSON
SECOND: AVIS GUNTER
AYES: 2 NAYS: 0
UNANIMOUS

TO: Approve Intent of Funding letter for 2006 grant.

IN THE MATTER OF HOUSING OPPORTUNITIES OF WARSAW REQUEST FOR GRANT APPLICATION APPROVAL:

Linda Bell appeared on behalf of H.O.W. requesting approval for a pass through grant for the Housing Needs Assessment project. H.O.W. has already applied for \$2,000 each for Kosciusko County Foundation and K21 Foundation. The City of Warsaw has offered \$5,000 for the project. Linda stated that Kosciusko County will need to be the grantee for this award as it is a county wide project.

MOTION: BRAD JACKSON
SECOND: AVIS GUNTER
AYES: 2 NAYS: 0
UNANIMOUS

TO: Approve request for grant application.

IN THE MATTER OF AWARDING OF BRIDGET 95 CONTRACT:

Dennis Pletcher, Interim County Highway Superintendent, submitted his recommendation that R.L. McCoy be awarded the bid for work on Bridge 95. McCoy's bid was for \$367,295.75. Pletcher stated it was the lowest bid and was the most responsible and responsive bid received.

MOTION: BRAD JACKSON
SECOND: AVIS GUNTER
AYES: 2 NAYS: 0
UNANIMOUS

TO: Approve bid for work on Bridge 95 with R. L. McCoy in the amount of \$367,296.75.

IN THE MATTEER OF WORK RELEASE KITCHEN BID OPENING:

Ron Robinson, County Administrator, reported that bids would be opened at the next Commissioner's meeting for the Work Release Center Kitchen.

IN THE MATTER OF COURTHOUSE RENOVATION PROJECT:

Ron Robinson, County Administrator, shared that the work has started on the courthouse with the boiler being removed.

IN THE MATTER OF HEALTH INSURANCE FOR COUNTY EMPLOYEES:

Ron Robinson, County Administrator, stated that he received 5 quotes on health insurance for comparison with the counties current carrier. He plans to have the comparisons completed with information to be presented at the May 31, 2005 meeting.

IN THE MATTER WARSAW COMMUNITY PUBLIC LIBRARY APPOINTMENT:

Sue Ann Mitchell, County Auditor presented a letter from Ann Zydek, Director of the Warsaw Community Public Library requesting that Ruth Jones be re-appointed for her second term to the Board of Trustees for the library.

MOTION: BRAD JACKSON
SECOND: AVIS GUNTER
AYES: 2 NAYS: 0

TO: Approve the re-appointment of Ruth Jones to the Warsaw Community Public Library for her second term.

IN THE MATTER OF GIS ORDINANCE UPGRADE:

Sue Ann Mitchell, County Auditor, presented a copy of an Ordinance regarding GIS fees charged. Bill Hoover did some research and believes the county is not charging enough for the work involved, especially the special order maps. County Attorney, Mike Miner has looked the proposed ordinance upgrades over and feels they are appropriate. Request for upgrade approved.

MOTION: BRAD JACKSON TO: Approve the GIS Ordinance Upgrade
SECOND: AVIS GUNTER
AYES: 2 NAYS: 0
UNANIMOUS

ORDINANCE NO 05-05-17-001GIS

**AN ORDINANCE ESTABLISHING FEES FOR
ELECTRONIC FORMATTED MAP DATA MAINTAINED
BY KOSCIUSKO COUNTY AND FOR THE ESTABLISHMENT
OF THE ELECTRONIC MAP GENERATION FUND**

Whereas, the Board of Commissioners of Kosciusko County is authorized to establish a fee for copies of electronic data by the provisions of Indiana Code 36-1-3-8(a) (6); and,
WHEREAS, Indiana Code 5-14-3-2 defines the "direct costs" that may be charged by a unit for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval; and,
WHEREAS, Indiana Code 5-12-14-3-8(g) establishes a fee that a public agency may charge to copy and provide duplicate records and records in electronic medium.
WHEREAS, Indiana Code 5-14-3-8.5 provides that the fiscal body shall adopt an Ordinance to establish a fund for the deposit and use of funds collected for duplication of electronic data.

IT IS THEREBY ORDAINED BY THE BOAR OF COMMISSIONERS OF KOSCIUSKO COUNTY as follows:

1. Standard Map Sales –
 - a. 11X17 map - \$5.00
 - b. 24X36 map - \$15.00
 - c. Custom 24x36 map - \$25.00
 - d. Additional map charges – 2 foot contours or Lidar point elevation data - \$50.00 per square mile or \$25 per square quarter mile.
2. Custom Large Map and Data Sales – The charges for data sales are based upon a reasonable percentage of the direct cost of maintaining, upgrading and enhancing the electronic map and for the direct cost of supplying the electronic map in the form requested by the purchaser.
All requests for data shall be charged as follows:
 - a. \$10 per square mile, per each category of data (aerial photos, property lines, road centerlines)
 - b. \$50 per square mile or \$25 per square quarter mile for 2 foot contours or Lidar point elevation data
 - c. \$1 per blank Compact Disk (CD)
3. Reimbursement of Mailing Costs; (not including copy or printer costs)
 - a. The cost for Kosciusko County to send information.
4. Payment for information under this ordinance shall be made at the time of delivery. However, an office may agree to invoice a person for the charge if that person or company has promptly paid invoices in the past. Any person, or their designee, requesting data shall be liable for the total charges for the request. Any person, or their designee, who fails to pay the charges shall be liable for the charges, plus interest, attorney's fees, and costs of collection.
5. Nothing herein shall compel any office to charge a fee for copies if the fee imposed by this Ordinance is contrary to state law. IN the event the fees in this ordinance are contrary to any charges established by state statute, the state statute shall apply.
6. Pursuant to the provisions of Indiana Code 5-14-3-3(e), no person other than those authorized by the County may reproduce, store, grant access, deliver, or sell any information obtained from any department or office of the County to any other person, partnership or corporation. In addition, any person who receives information from the county shall not be permitted to use any mailing lists, addresses, or data bases for the purpose of selling, advertising, or soliciting the purchase of merchandise, goods, services, or to sell, loan, give away, or otherwise deliver the information obtained by the request to any other person.
7. A copy of paragraph 6 shall be conspicuously posted in all offices where electronic data is sold and the restriction contained in paragraph 6 shall be offered to any persons who obtain copies of any public information from the county.
8. Any person who violates the terms and conditions of this Ordinance by failing to pay or violating paragraph 6, shall be guilty of an infraction and may be fined up to Two Thousand Five Hundred Dollars (\$2,500). In the event there is a violation of paragraph 6, each violation shall be deemed a separate offence. The county reserves the right to refuse electronic map data to persons who have violated this ordinance.
9. Pursuant to Indiana Code 5-14-3-8.5, the Kosciusko Council hereby establishes the Kosciusko County Electronic Data Fund. All fees charged under this ordinance shall be deposited in the fund. All funds in the Electronic Data Fund shall be used only for the purposes set out in Indiana Code 5-14-3-8.5 and shall be subject to appropriation by the Kosciukso County Council
10. Any governmental unit within Kosciusko County which has provided electronic data used by Kosciusko County to create the electronic data covered by this ordinance shall receive copies of the data for only the costs of the media. School systems within Kosciusko County shall receive copies of the data. This information may not be sold by the governmental units or school systems who acquire it.

Approved May 17, 2005

IN THE MATTER OF STANDARD AND POOR INTERVIEW FOR PURPOSES OF SETTING BOND RATING:

Sue Ann Mitchell, County Auditor, reported that she had an interview with Standard & Poor. The telephone interview was conducted to review the county’s financial position so an evaluation can be done to give the county a revised bond rating. This is required on a regular basis as long as the bond is in effect. Mitchell stated that cash balances were shared with S&P and they are aware that the county is cash solvent. Mitchell felt that the annual interview went well.

IN THE MATTER OF AUDIT EXIT INTERVIEWS BY THE STATE BOARD OF ACCOUNTS:

Sue Ann Mitchell, County Auditor, reported there were three exit interviews completed in the last week with no issues to be reported.

IN THE MATTER OF EMBRY VACATION REQUEST BARBEE STREET-WILLOW COVE IN TIPPECANOE TOWNSHIP:

Carissa C. Nolin, Attorney for Larry and Shirley Embry, presented a petition on behalf of the Embry’s requesting a vacation of a portion of “Barbee Street” in Tippecanoe Township as shown on the plat of Willow Cove as recorded in Plat Book 3, Page 315A.

The Embry’s stated that they now use this residence as a year round home and had previously gotten permission to turn a cottage located on the property into a garage. However, the entrance for the garage is on the side of the drive. They are petitioning for the vacation so that they would have a place to park their water equipment during the winter months without having it block the entrance to the garage. They did realize that they would only receive ½ of the portion requested.

Matt Sandy, Area Plan Assistant Director, stated he had contacted Emergency Services, Fire Department and surrounding property owners and had gotten a negative response back from the fire department as well as from adjoining property owners Darrell and Carol Morrison and Ray Yeiter who requested it be left open. The school district did not have any opposition. Sandy noted the area in question is not county maintained but is a platted right-of-way used to access the water’s edge. Area Plan does not recommend approving the vacation.

Speaking in opposition to the vacation was Mark Lawson, Owner of Lots 1, 2, 20, 21 and 22. Lawson stated that lots 20, 21, 22 and 23 would be landlocked no access to the water if the vacation were approved with. He also shared that he is willing to maintain roadway if need be.

Ray Yeiter, Owner of Lot 27, also appeared in opposition. He questioned if the vacation were granted if Embry could move his fence even if that meant that it would be located in the middle of the roadway. Mr. Yeiter said that would not make any sense as that would make the area totally unusable and good to no one. He would like to see the roadway left as it is so that all of the cottages in the area would have access to the water.

In rebuttal, Carissa Nolin, stated that there is an area on Kuhn Lake for public access and that “Barbee Street” is listed as a road, not a public access site.

MOTION: BRAD JACKSON TO: Accept the recommendation of Area Plan
SECOND: AVIS GUNTER to not approve the vacation.
AYES: 2 NAYS: 0
UNANIMOUS

IN THE MATTER OF ROBINSON REZONING REQUESTS FOR 15.2 ACRES FROM AGRICULTURAL TO AGRICULTURAL II IN PLAIN TOWNSHIP:

Dan Richard, Area Plan Director, presented a rezoning request from Lisa and Gregg Robinson. The request was to rezone 15.2 acres from Agricultural to Agricultural II. Richard stated the reason for Ag II status versus Residential was so that the owners could maintain agricultural animals. He also stated that is was the APC recommendation to approve the rezoning petition.

IN THE MATTER OF ROBINSON REZONING REQUESTS FOR 15.2 ACRES FROM AGRICULTURAL TO AGRICULTURAL II IN PLAIN TOWNSHIP CONTINUED:

Steve Snyder, Attorney for the Robinson’s appeared and also stated that the Robinson’s request for Ag II versus Residential was for them to be allowed to maintain animals for the proposed 3 lots to be divided on the 15 acres. Because of the size of the lots it is compatible with the area to be zoned Ag II. No one appeared in opposition to, the rezoning.

MOTION: BRAD JACKSON TO: Accept the recommendation of Area Plan
SECOND: AVIS GUNTER and approve rezoning as presented.
AYES: 2 NAYS: 0

ORDINANCE 05-05-17-001Z

**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:

A tract of land located in the state of Indiana, County of Kosciusko, township of Plain, being a portion of Section 14, T-33-N, R-6-E, bounded on the west by County Road 250 East and more fully described as follow to wit:

Commencing at the Southwest corner of the Southeast quarter of section 14, T-33-N, R-6-E, being a railroad spike located on the center line of CR 250 East and being the point of beginning; thence North along the East line of said quarter also being the centerline of CR 250 East, 466.30 feet to a railroad spike; thence N-80°.5'-E, 937.95 feet to an iron pin located on the edge of a woods; thence N-0°-0'E, 38.85 feet to an iron pin in a fence row; the East line of the West half of said Southeast quarter; thence South 538.65 feet to a 6" steel post marking the southeast corner of said West half of said Southeast quarter; thence N-80° 0W along the South line of said Southeast quarter, 1328.30 feet to the point of beginning, containing 15.20 acres of land more or less and subject to legal highways.

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

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

ARTICLE 2.

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

Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana on the 17th day of May, 2005.

IN THE MATTER OF RYMAN REZONING REQUEST FROM AGRICULTURAL TO RESIDENTIAL IN WAYNE TOWNSHIP:

Dan Richard, Area Plan Director, presented a request by Jerry and Cheryl Ryman to rezone from Agricultural to Residential. Richard stated the property does have a residence and other buildings located on it. He also shared that is would have been ideal if the neighbors to the north as well as the south would have gone in on this so that the whole area could be zoned Residential. Area Plan unanimously recommends granting the rezoning. Mrs. Ryman was in attendance for the proposed rezoning. No one appeared in opposition to the rezoning.

MOTION: BRAD JACKSON

TO: Accept the recommendation of Area Plan and approve the rezoning as presented.

SECOND: AVIS GUNTER

AYES: 2 NAYS: 0

UNANIMOUS

ORDINANCE 05-05-17-002Z

**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 southwest quarter of the northeast quarter of Section 3, Township 32 North, Range 6 East, in Kosciusko County, Indiana, following to wit:

Commencing at the Northwest corner of the Southwest quarter of the Northeast quarter of said section; thence North 88 degrees, 33 minutes East, 953.3 feet to the railroad iron spike at the intersection of the centerline of County Road 175 East and the North line of County Road 175 North; thence South 6 degrees, 27 minutes west along the centerline of County Road 175 East; 430 feet to the principal place of beginning; thence South 88 degrees, 33 minutes West, 215 feet to an iron pipe; thence South 6 degrees, 27 minutes 90.2 feet to an iron pipe; thence South 81 degrees,

44 minutes East, 215.2 feet to the centerline of County Road 175 East; thence North 6 degrees, 27 minutes East along said centerline 125 feet to the principal place of beginning.

Be, and the same is hereby, removed from classification as a **Agricultural** and subject real estate shall be reclassified and rezoned as **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 the 17th day of May, 2005.

IN THE MATTER OF LOHER REZONING FROM AGRICULTURAL TO COMMERCIAL REQUEST PLAIN TOWNSHIP:

Dan Richard, Area Plan Director, presented a request by William and Alice Loher to rezone a portion of ground located on State Road 15 from Agricultural to Commercial. Richard stated the biggest concern was access and a controlled access point to that particular site. An additional concern was whether the developer would commit to a potential 60' Right-Of-Way for some kind of frontage or interior road to link this area to other properties. Area Plan unanimously recommends approving the request to rezone this parcel of land. Attorney Steve Snyder appeared on behalf of the petition. Snyder states this request is for the east 38 acres and the remainder of the property is not developable from a commercial stand point. It would likely be utilized as a single residential tract. The plan right now is to develop 2 commercial lots on SR 15 sharing a common access point dependent on INDOT. As the plan takes shape it would provide additional right-of-way to SR 15. No one appeared in opposition of the rezoning.

MOTION: BRAD JACKSON TO: Accept the recommendation of Area Plan
SECOND: AVIS GUNTER and approve the rezoning as presented.

AYES: 2 NAYS: 0

UNANIMOUS

ORDINANCE 05-05-17-003Z

**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:

East 38 acres of the South fraction of the Southwest Quarter (being Lot No. 5) in Section 17, Township 33 North, Range 6 East, and being all that part of said Southwest Quarter of said Section 17, included in the Monoquet Reserve, containing 65.80 acres, in Kosciusko County, Indiana.

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

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

ARTICLE 2.

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

Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana on the 17th day of May, 2005.

There was no further business to come before the Commissioners.

**KOSCIUSKO COUNTY COMMISSIONERS
MAY 31, 2005**

The Kosciusko County Commissioners met for their regular meeting on May 31, 2005 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 - ABSENT
BRAD JACKSON
RON TRUEX

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

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

IN THE MATTER OF SHERIFF'S RECOGNITION OF COLLEGE INTERNS AND COOP STUDENTS:

Aaron Rovenstine, Sheriff, appeared before the Commissioners to recognize the some of the college interns and coop students employed by the Sheriff's Department. Sheriff Rovenstine said in today's society we hear many negatives about our government and expressed his appreciation for the positive way the county allows young people to get a taste of law enforcement. He then introduced the following persons:

Kory Fields – Sophomore at Indiana State and currently working in the jail.

Dan Masa – High School Coop and is now a full time jailer. Dan also speaks Spanish which is a big help to the department.

Ashley Wyatt – Junior at University of Indianapolis and has worked for 3 summers.

Travis Nichols – Ball State Intern who is finishing up his education.

IN THE MATTER OF IDENTIFICATION BADGES AND EDUCATION CLASSES BEING PROVIDED BY EMERGENCY MANAGEMENT:

Ed Rock, Emergency Management Director, reported that the new security picture ID badges provided for each employee are at 98% completion. Rock also informed the Board that there will be a class on Emergency Response to Domestic Bio-Terrorism Incidents offered in August and that they were all welcome to attend.

Ron Truex congratulated Rock on his efforts to prepare the county for emergency situations. Truex stated that most people assume if there is a disaster that good things will happen and don't realize the amount of work that goes into the preparation and training processes. Rock thanked Truex and said he didn't know if people realized there had been a 7 county exercise for all Emergency Response organizations in District 2. Rock felt that Kosciusko County had made a good showing.

IN THE MATTER OF INTRODUCTION OF TOBIAS STEFFEN OF BUTLER FAIRMAN & SEUFERT:

Tobias Steffen, representative of Butler Fairman & Seufert; Civil Engineers introduced himself to the Commissioners. He has been with the company for 17 and was in the field for 15 of those years. He is now in marketing. Steffen said that he had only known Rob Ladson briefly and understood that the county did not have an engineer at this time. He said that their company had originally started with roads and bridges and moved into rails to trails. He also stated that he did not think their company had done business with the county but would introduce himself when a new engineer was in place. Dennis Pletcher was introduced to Mr. Steffen as the current interim director of the highway department.

IN THE MATTER OF INTERIM HIGHWAY SUPERINTENDENT THANKS TO SHERIFF:

Dennis Pletcher, Interim County Highway Superintendent, publicly thanked Sheriff Rovenstine for his dedication and said the county is blessed to have a man of his character serving the county. He also thanked the young people that are participating in the summer programs in law enforcement. He felt the law enforcement officers do not get enough thanks for their work.

IN THE MATTER OF REQUEST FOR TEMPORARY SPEED BUMPS TO BE INSTALLED ON EAST SHORE DRIVE IN TURKEY CREEK TOWNSHIP:

Dennis Pletcher, Interim County Highway Superintendent, received a request for temporary speed bumps to be installed on East Shore Drive in Turkey Creek Township (Memorial Day thru Labor Day). East Shore Drive is a through road and Pletcher feelings were that the posted speed limit is

IN THE MATTER OF REQUEST FOR TEMPORARY SPEED BUMPS TO BE INSTALLED ON EAST SHORE DRIVE IN TURKEY CREEK TOWNSHIP CONTINUED:

low enough that the addition of speed bumps could increase the number of accidents. It was the recommendation of Pletcher that the speed bumps not be approved. It was noted that the Sheriff has been notified with the possibility of extra patrol in that area.

MOTION: RON TRUEX TO: Support Highway's recommendation of
 SECOND: BRAD JACKSON not installing speed bumps along East Shore
 AYES: 2 NAYS: 0 Drive
 UNANIMOUS .

IN THE MATTER OF COURTHOUSE RENOVATION:

Ron Robinson, County Administrator, reported work has begun on the Courthouse. Crews are working from 4:00 pm – 2:00 am. The only crew working during the day is Atlas and they are working on the steps. The railing has been removed and the limestone is flaking off and will need to be removed. He also noted that one set of steps were not on any type of foundation, only sitting on rocks. He said work is progressing on schedule.

IN THE MATTER OF HVAC ISSUE AT THE JUSTICE BUILDING:

Ron Robinson, County Administrator, noted the air handler problems at the Justice Building in the courtrooms. It was discovered that there had been some incorrect parts installed in the system and the sub contractors had been back to work on the problem. Robinson stated that he didn't think it would stop all of the noise in the jury rooms but it should take care of some of the problems.

IN THE MATTER APPROVAL OF PAYMENT AGREEMENT WITH A. HATTERSLEY & SONS, INC.:

Sue Ann Mitchell, County Auditor presented a payment schedule agreement for payments to be made to A. Hattersley & Sons, Inc. The Commissioners discussed that the payment schedule would be observed as long as the project remained on schedule for timely completion.

MOTION: RON TRUEX TO: Approve the A. Hattersley & Sons, Inc.
 SECOND: BRAD JACKSON payment schedule with the stipulation that the
 AYES: 2 NAYS: 0 project be reviewed to insure it is on schedule
 UNANIMOUS based on payments made.

**KOSCIUSKO COUNTY COMMISSIONERS
 APPROVAL OF PAYMENT SCHEDULE FOR
 KOSCIUSKO COUNTY GUARANTEED ENERGY SAVINGS PROJECT
 WITH A. HATTERSLEY & SONS, INC.**

The Kosciusko County Commissioners approve the following payment schedule with A. Hattersley for the Guaranteed Energy Savings Project:

May 31, 2005**	\$ 253,873
June 28, 2005	\$ 507,747
July 26, 2005	\$ 507,747
August 23, 2005	\$ 507,747
September 20, 2005	\$ 507,747
October 18, 2005	\$ 463,096
Final Payment	Upon satisfactory punch list approval and project completion.

** Pending additional appropriation approval. Payment will be May 31, 2005 or first day additional appropriation approval is received.

Signed this 31st day of May, 2005.

IN THE MATTER OF WARSAW HOUSING OPPORTUNITIES:

Sue Ann Mitchell, County Auditor, reported that she had received a letter from the Warsaw Housing Opportunities reference a grant from the Indiana Housing Finance Authority to provide specialized housing for low income families. This notification is a courtesy to the county since the county is within that jurisdiction.

IN THE MATTER OF ESTABLISHMENT OF MAPLE RUN ROAD NAME CHANGE WAYNE TOWNSHIP:

Lee Taylor, Area Planning Commission, presented a request that the road in the Maple Run Subdivision be so named. This request does not affect any of the residents in the subdivision as far as addressing; it will only be an endorsement for what has already been established.

MOTION: RON TRUEX TO: Accept the recommendation of Area Plan
 SECOND: BRAD JACKSON for establishing road name in Maple Run
 AYES: 2 NAYS: 0 Subdivision as Maple Run.
 UNANIMOUS

ORDINANCE NO 2005-05-31-001

**AN ORDINANCE TO AMEND
THE KOSCIUSKO COUNTY CODE OF
KOSCIUSKO COUNTY, INDIANA.**

WHEREAS, Kosciusko County, Indiana is currently involved in the location addressing system for the purposes of improving and promoting emergency services to all of the residences of the county, and

WHEREAS, certain right of ways are not named, and do not conform with Section 403.33 of the Kosciusko County Subdivision Control Ordinance:

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

The platted right of way with no road name designation, in the Maple Run Subdivision, located in the NW 30, Township 32N, Range 6E in Wayne Township is hereby named **Maple Run**.

Dated this 31st day of May, 2005.

There was no further business to come before the Commissioners.

**KOSCIUSKO COUNTY COMMISSIONERS
JUNE 14, 2005**

The Kosciusko County Commissioners met for their regular meeting on June 14, 2005 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, PRESIDENT	MIKE MINER, COUNTY ATTORNEY
BRAD JACKSON	SUE ANN MITCHELL, COUNTY AUDITOR
RON TRUOX	RON ROBINSON, COUNTY ADMINISTRATOR

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

IN THE MATTER OF SHERIFF’S SALE ORDINANCE FOR SRI, INC. TO CONDUCT SHERIFF’S SALES ON BEHALF OF THE SHERIFF.

Aaron Rovenstine, Sheriff, presented a copy of an ordinance allowing him to contract with SRI, Inc. for Sheriff’s Sales much like the Auditor and Treasurer’s agreement for tax sales. Rovenstine felt it would be a great tool since there has been an abundance of foreclosures on real property forcing Sheriff’s sales. There would be no charge to the county. It is the intent that the authorized fee of \$200 which would be paid by the banks or their attorneys upon the filing of a Sheriff’s Sale request, would allow the county to pay \$100 to SRI, Inc. and allow \$100 to be made available to the Sheriff for costs related to the service of notices as well as any other clerical costs incurred by the Sheriff. Sue Ann Mitchell, County Auditor added that this would take a huge load off of the Sheriff’s Department and would speed up the Sheriff’s Sale Process.

MOTION: Ron Truox	TO: Approve Ordinance for allow for setting
SECOND: Brad Jackson	of fee and for contracting SRI for Sheriff’s
AYES: 3	NAYS: 0
	Sales.

UNANIMOUS

ORDINANCE 2005-06-14

**AN ORDINANCE TO ESTABLISH THE
SHERIFF’S SALE PROGRAM AND SERVICE FEE**

WHEREAS, the Sheriff of Kosciusko County, Indiana (the “Sheriff”) desires to enter into a contract for services to support the Sheriff in conducting foreclosure sales (the “Sheriff’s Sale Program”); and

WHEREAS, the Board of Commissioners of Kosciusko County, Indiana (the “Commissioner”) desire to establish a program to facilitate and enhance the conduct of the Sheriff’s Sale Programs; and

WHEREAS, IC 32-29-7-3(b) authorizes the Sheriff to charge an administrative fee of not to exceed Two Hundred Dollars (\$200) for costs attributable to the administration of the sale; and

WHEREAS, the Commissioners have the authority under IC 36-1-3-6 (the “Home Rule”) to adopt an ordinance under Home Rule to establish and authorize the Sheriff’s Sale Program.

NOW, THEREFORE, be it ordained by the Commissioners of Kosciusko County, Indiana that:

Section 1. The Sheriff’s Sale Program is approved and established to provide the procedure for the Sheriff to contract for those administrative, technical, clerical and related services that are reasonable and appropriate for the Sheriff to effectively prepare for, manage and implement foreclosure sales.

Section 2. The Commissioners hereby establish a fund to be titled the Sheriff Sale Fund into which all collections of Foreclosure Costs Fees, as hereafter defined, shall be deposited and from which the appropriate expenses of the Sheriff’s Sale Program shall be appropriated and paid. The Sheriff’s Sale Fund shall be anon-reverting fund to be used only for the purposes set forth herein and shall not revert to the County General Fund at year end.

Section 3. The Sheriff is authorized to negotiate and execute a contract with a provider to obtain such administrative, technical, clerical and related services (the “Sheriff’s Sale Services”) in order for the Sheriff to conduct the Sheriff’s Sale Program.

Section 4. The Sheriff's Sale Services contract shall provide for the delivery of such services by a contractor (the "Contractor") in compliance with all applicable statutory provisions for the conduct of foreclosure sale proceedings and the Sheriff's Sale Program. The Sheriff Sale Services contract shall also provide for the payment of a fee, not to exceed Two Hundred Dollars (\$200.00) per parcel for each parcel scheduled in the Sheriff's Sale Program, to the Contractor for such services.

Section 5. The Sheriff is hereby authorized to charge a fee of Two Hundred Dollars (\$200.00) per parcel of property in the Sheriff's Sale Program (the "Foreclosure Costs Fees") and to deposit such Foreclosure Costs Fees collected by or on behalf of the Sheriff in the Sheriff Sale Fund.

Section 6. The Foreclosure Costs Fee shall be payable at the time of filing the praecipe under IC 32-29-7-3(h), which shall be a charge for the Sheriff's Sale in addition to other statutory costs and fees.

Section 7. The Sheriff's Sale Program contract shall provide for a complete and accurate accounting of all Sheriff Sale Program proceeds and compliance with any reporting or record requirements as set forth by the Indiana State Board of Accounts.

Section 8. This ordinance shall be effective July 1, 2005 in accordance with IC 32-29-7-3 as adopted by the Indiana General Assembly in 2005.

Adopted this 14th day of June, 2005.

IN THE MATTER OF EMERGENCY MANAGEMENT QUARTERLY REPORTS FOR GRANTS:

Ed Rock, Emergency Management Director, presented the Quarterly Report for grants that require the Commissioners signatures. Rock stated that due to restructuring the reports need to be signed each quarter as opposed to the signature being required once a year as in the past. Rock also shared information on the grant monies stating all of the 2003 monies had been used. He reported that a check for \$120,000 +/- had cut and sent to the State for the balance of the 2004 grant monies not spent. Rock stated the reason for the monies being returned was due to the fact that the Hoosier Safe T program was not up and running as hoped and the money was to be used for that. Once that program is in place, equipment will be purchased and costs submitted for reimbursement from the grant. It was noted by the Board that the county will need to spend money and submit those costs to be reimbursed by the State.

IN THE MATTER OF MEMORIAL MONUMENT WORK:

Bob Morrison, American Legion representative, appeared before the Commissioners to report on the progress of the work being done on the monument located on the South West courthouse lawn. Morrison stated that a new flag pole has been purchased to be placed in front of the monument due to the fact that additional names will need to be added to the back of the monument. Concrete will be poured around the monument for handicap accessibility. He also shared that they would like to have the work completed in time for a July 4th dedication. Currently the Rotary Club is funding the work. The Commissioners relayed that they not only approve of the work being done, but they encourage anything that can be done to make this project one that the county can be proud of in honor of our veterans.

IN THE MATTER OF 2006 NON PROFIT BUDGET REQUESTS:

The following are a listing of those non profit organizations requesting funding from the county for 2006 through the Commissioner's budget:

- **Kosciusko County Home Health Care & Hospice-** Rick Paczkowski, Administrator requested \$40,000. This is a decrease of \$7,500 from previous years.
- **Arrow Head Country RC&D** – Darcie Zollman, Arrow Head representative, requested \$500 as in the past. The Commissioners praised Bob Knudson, Turkey Creek Township resident, for his representation on the Arrow Head Country RC&D on behalf of Kosciusko County for the past several years.
- **KDI** - Roger Moynahan, Chairman, requested an increase to KDI's budget for \$33,250 to \$100,000 for 2006. He stated that KDI is the future of the county in creating new jobs and they are requesting more funding this year not only from the county, but from the city as well as the private sector. Moynahan reported that KDI has reviewed their budget and cut \$100,000 for things that they would have liked to do. He said they need resources and staffing to accomplish the things they would like to accomplish. Current staff includes 2 part time people and they would like to see at least 1 full time person and if funding is available the 2nd person full time.
- **Cardinal Center** - Randy Hall, Cardinal Center representative, requested \$102,500; an increase of \$7,500 from last year. Hall stated that they are appreciative of the support they get from the county and reported on the four programs that benefit from the monies allotted as follows:
 - **Head Start** – serving economically disadvantaged children from birth thru 5 years of age. Purpose of this program is to provide funding for pre-school for families

that earn less than \$19,350 (family of 4) in order that those children will be afforded the same successes when they enter the public school system.

IN THE MATTER OF 2006 NON PROFIT BUDGET REQUESTS CONTINUED:

- **Community Living** – serving adults with developmental disabilities who live in their own apartments with minimal support. This program assists these 55 individuals who have no where else to go.
- **KABS** – serving approximately 73,000 people by providing bus transportation to the Cardinal Center. Most of the riders earn an annual income of less than \$10,000 therefore; it is not feasible to increase fees to ride. Currently the city bus for Warsaw/Winona Lake does charge \$1.00 to ride. Hall noted that there have been more than 2 million miles driven without a chargeable accident.
- **Sus Amigos** – serving the Hispanic population of the county (approximately 900 people). This program provides assistance with understanding legal documents, opening checking accounts, acquiring driver’s licenses and exploitation in the work force with a staff of one. The request for less money than last year is due to the fact that the K21 Foundation is extending their grant monies from the original 3 years to 4 years.
- **Animal Welfare League** - Steve Foegley, requested \$69,126; an increase of \$4,126 from last year. The reason for the increase is mainly due to increases in the costs of operation, including utilities especially in the winter months. Foegley stated the Animal Welfare League appreciates the county’s support. He noted they took in 2,965 animals last year with over 1,000 adopted out to families in the county. The League will also be applying for some Spay and Neuter grants to assist those families that adopt from the facility. Goals for the future include growth not only in personnel but a larger facility as well.
- **Council on Aging**, - Jack Felger, Council on Aging representative, requested \$35,000. This is an increase from previous years, but he felt that more money is needed for transportation and senior programs. They are barely breaking even now and could have to cut programs or personnel if more money is not available. Felger did thank the Commissioners for their monetary help in the past.
- **Historical Society-Old Jail Museum** – Jerry Frush, Historical Society Board Member, requested \$21,850. Frush also introduced Mike Fletcher as the new Director, June Thomas as new Treasurer and Marge Warren of the Genealogy Department.
- **Beaman Home** – Jeanne Campbell, Beaman Home representative, requested \$33,500 (the same as last year). Campbell stated that last year they lost \$30,000 in State and Federal monies and could lose that amount again this year. She reported they have a staff member there 24 hours a day / 7 days a week and do this with 8 part time/full time employees. Employees are on all call at all times.
- **4-H Council** – Steve Johnson, President 4H Council; presented Christy Blomeke as the new county youth educator. Blomeke requested \$49,484 (an increase from last year) and stated that even though she is new to the program she is appreciative of the support in the past. She shared that enrollment this year includes 646 kids in grades 3 -12 and 81 enrolled in the Exploring 4-H program for kids in grades K -2. She said the goals for the program are to promote school enrichment, teach leadership and life skills as well as citizenship. It was also noted that Christine Sands will be the new accountant for the program and has done a nice job so far.

IN THE MATTER OF HAWTHORN ADDITION STOP SIGN APPROVAL:

Dennis Pletcher, Interim County Highway Director, presented an ordinance for stop signs located in the Hawthorn Addition. There are signs in place but those are at the expense of the developer and he feels there needs to be an ordinance in place to support those.

MOTION: Ron Truex TO: Approve ordinance for stop signs located
SECOND: Brad Jackson in the Hawthorn Addition.
AYES: 3 NAYS: 0
UNANIMOUS

ORDINANCE 05-06-14-001 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:

Hawthorn Addition

1. Install "Stop" sign on the northeast corner of Alder Lane and CR 250 E. Alder Lane stops for CR 250 E.
2. Install "Stop" sign on the northwest corner of Aspen Drive and Alder Lane. Aspen Drive stops for Alder Lane.
3. Install "Stop" sign on the southwest corner of Aspen Drive and Alder Lane. Aspen Drive stops for Alder Lane.
4. Install "Stop" sign on the southeast corner of Basswood Drive and Aspen Drive. Basswood Drive stops for Aspen Drive.

THIS ORDINANCE shall be in full force and effect on June 14, 2005. Passed and adopted by the Board of Commissioners of County of Kosciusko this 14th day of June, 2005

IN THE MATTER OF FOUR WAY STOP REQUEST AT THE INTERSECTIONS OF ELI LILLY ROAD AND SETH WARD RD:

Dennis Pletcher, Interim County Highway Superintendent, reported he received a request for a 4 way stop at the intersection of Eli Lilly Road and Seth Ward Road. He supported this request and presented an ordinance to establish the stop sign.

MOTION: Brad Jackson

TO: Approve ordinance for 4-way stop signs to be placed at intersections of Eli Lilly Road and Seth Ward Road.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 05-06-14 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" sign on the northwest and southeast corners of Seth Ward and Eli Lilly Roads, making it a 4-way stop.

THIS ORDINANCE shall be in full force and effect on June 14, 2005. Passed and adopted by the Board of Commissioners of County of Kosciusko this 14th day of June, 2005

IN THE MATTER OF COUNTY HIGHWAY REPORT ON VARIOUS BRIDGE PROJECTS:

Dennis Pletcher, Interim County Highway Superintendent, reported on the following bridges:

Bridge 6 at Barbee Lake – Construction was slow getting started but is under way now. The issue with this bridge is that the residents were promised the road would remain open with a sign posted one lane only. The problem is that traffic cannot see from one side of the bridge to the other. As the construction is finish on one side and moved to the other, a sign will be posted for no trucks as the lane will be tighter to help alleviate problems. It is the goal to keep the bridge open as that was promised to the residents and business.

Bridge 95 on Old 30 – Started on schedule and is progressing well. The deck has been completely removed and they have cleaned the river as each phase of the project. It would appear that the work is on or ahead of schedule. Signs have been placed directing traffic to Fox Farm Road.

Bridge 289 at Cedar Point. – Is behind schedule due to several setbacks. Construction was started last fall, but it is documented that January, February, and March were not fit for construction. Contract states there must be substantial completion by the 90th day making May 21st the due date. Mutual provisions also state that the new structure is to be placed and backfilled for emergency vehicles and as of today's date the temporary structure has not been removed. Problems were noticed with the backfill. In the department's opinion construction has not been completed properly or standard to guidelines. There have been additional charges regarding delays in unloading which the county states should be billed to Kelcon. Kelcon agreed they should pay those charges but are requesting the fee be paid by the county and deducted from the balance due to them. Currently there is a \$200 per day penalty with only \$40,000 left to be paid. Phone calls have not been returned and faxes have not been answered requesting a detailed plan for completion from Kelcon. At this time work must go back and be redone before any further work can be completed.

To date approximately \$200,000 has been paid out on a \$241,000 contract. It was decided by the Commissioners that Kelcon be notified that they have one week to submit a detailed plan on when construction will be completed. If things are done in a timely manner following receipt of the plan,

IN THE MATTER OF COUNTY HIGHWAY REPORT ON VARIOUS BRIDGE PROJECTS CONTINUED:

penalties will be waived. It was also noted that no further money will be released until project is complete. Pletcher was instructed if he received the plans and felt they were acceptable, he was to present them to Avis Gunter for approval.

MOTION: Brad Jackson

TO: Allow Kelcon one week to submit plan for timely completion of Bridge 289.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF WORK RELEASE KITCHEN BIDS:

Ron Robinson, County Administrator, reported that bidding for the Work Release Kitchen was not moving along very quickly. He stated that they had not received any bids so they contacted several vendors in the area and many said they were too busy to supply a quote. Robinson said they had received one bid from Robinson Construction in the amount of \$372,000. (It was noted that this was no relation to Ron Robinson.) The Commissioners will review the bid and make recommendation at next meeting.

IN THE MATTER OF DISPOSAL OF PUNCH CARD VOTING MACHINES:

Ron Robinson, County Administrator, reported he had received a letter from the Clerk Sharon Christner stating that the new voting machines should arrive sometime in July with a check to follow shortly from the State of Indiana. The question remains as to what to do with the old machines. Suggestions included advertising them on EBay or taking them to a local scrap yard. Robinson stated that they did need to be moved from the clerk's area and he thought he could find somewhere to store them temporarily. It was decided that Robinson would locate storage for them until they could be sold or disposed of properly.

IN THE MATTER OF HIRING A COUNTY HIGHWAY ENGINEER/SUPERINTENDENT:

Ron Robinson, County Administrator, distributed a packet containing applications received for the County Highway Superintendent/Engineer position asking that the Board review them and direct him on how they wished to proceed.

IN THE MATTER OF JUSTICE BUILDING TIME CAPSULE:

Ron Robinson, County Administrator, presented information concerning the time capsule to be placed outside the front entrance to the Justice Building. Robinson reported that Ken Locke of the Rotary Club currently has the box and is looking for items to be put into the capsule. Locke stated that it is the intention to hold a public meeting at the Library on June 21st to gather input on what should be placed in the capsule. He will also be working with the Historical Society on getting the contents taken from the capsule at the Justice Building as well as recording the inventory of items to be placed in new capsule. Dedication has been slated to take place on the courthouse lawn at 5:00 pm, June 25, 2005 during Downtown Days. Items to be placed in the capsule will be on display and the sealing of the capsule will take place at that time also. The time capsule will then be turned over to Ron Robinson for placement at the Justice Building.

IN THE MATTER OF GRACE COLLEGE - GATKE PROPERTY TRANSFER:

Mike Miner, County Attorney, reported on the issue of the Gatke property. Miner requested that once cleanup of the property is in compliance, the Board authorize an ordinance be drafted for Grace College to assume rights to property.

MOTION: Ron Truex

TO: Approve Ordinance be drafted for the transfer of the Gatke property to Grace College.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF REALIGNMENT OF PRECINCTS BECAUSE OF ANNEXATION:

Sue Ann Mitchell, County Auditor presented an order from Sharon Christner, Clerk (currently out of town) that would allow her to realign the precincts because of annexation. After discussion with Mike Miner, it was decided by the Commissioners to have Christner prepare a proposal for review with the party chairmen and the election board.

MOTION: Brad Jackson

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

TO: Clerk to draft a proposal regarding precinct realignments after review with party chairmen and the election board.

IN THE MATTER OF THE TIMELY TAX DISTRIBUTION:

Sue Ann Mitchell, County Auditor reported that the tax distribution is going to happen timely. The treasurer's office reported that they had all payments posted, even though there are several things that need to be finalized for them to be balanced and therefore, the exact amount of money to be distributed is not yet known. It is the goal to have the money distributed by June 30, 2005.

There was no further business to come before the Commissioners.

**KOSCIUSKO COUNTY COMMISSIONERS
JUNE 28, 2005**

The Kosciusko County Commissioners met for their regular meeting on June 28, 2005 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, PRESIDENT

BRAD JACKSON

RON TRUEX

MIKE MINER, COUNTY ATTORNEY

SUE ANN MITCHELL, COUNTY AUDITOR

RON ROBINSON, COUNTY ADMINISTRATOR

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

IN THE MATTER OF CARDINAL CENTER REQUEST FOR APPROVAL TO APPLY FOR A COMMUNITY FOCUS FUND GRANT FOR THE REPLACEMENT OF THEIR HVAC UNIT:

Jane Greene gave a report on the condition of the Cardinal Center HVAC system. She stated that the center has been operating on the boiler system that was installed 32 years ago. At present, the A/C in the administrative part of the building is down and it is unclear if it is repairable. Estimates to replace the entire system ranged from \$150,000 to \$350,000 which is a substantial amount for the Cardinal Center to incur. Therefore, the request was made for approval from the county to apply for a Community Focus Fund Grant. The Center is not asking the county to match the grant but would then try to come up with funds from other sources. Greene stated the intent would be to start with a planning grant in order for engineering studies and blueprints to be completed. She expected to have detailed plans to use for bids to go out approximately in August or September. A formal grant application would then be applied for in January and if funded, resources would be available by September.

MOTION: Brad Jackson

SECOND: Ron Truex

AYES: 3 NAYS:

UNANIMOUS

TO: Approve applying for Community Focus Grant.

IN THE MATTER OF INTRODUCTION OF JEANETTE FULKERSON REPRESENTING TRANSPORTATION CONSULTING ENGINEERS, LLC:

Jeanette Fulkerson, representing Transportation Consulting Engineers, LLC introduced herself and the company. Fulkerson stated that their company has worked in the county on Bridge 226 and is currently working on Bridge 6 with work on Bridge 12 scheduled to take place sometime in the future. She shared that she had enjoyed working with former County Highway Superintendent/Engineer Rob Ladson, but wanted to take the opportunity to introduce herself and meet the Commissioners personally.

IN HIGHWAY MATTERS :

Dennis Pletcher, Interim County Highway Superintendent, had no items to report on for the County Highway.

IN THE MATTER OF GRACE-GATKE PROPERTY:

Mike Miner, County Attorney presented a lease option agreement for Grace College to lease the Gatke property for 40 years with the option to purchase at a cost of \$1.00 at the end of the term. Grace will be responsible for the environmental cleanup to satisfy IDEM. It also relieves the county of any liability for the property for tax sales purposes.

MOTION: Brad Jackson TO: Approve Lease of Gatke Property under
SECOND: Ron Truex terms set out in the agreement. .
AYES: 3 NAYS:
UNANIMOUS

IN THE MATTER OF COUNTY HEALTH INSURANCE CARRIER SELECTION:

Ron Robinson, County Administrator reported on health insurance and made the recommendation that the county remain with KBA. Several companies had been contacted for quote comparisons and KBA was at the same rate or lower than those contacted.

MOTION: Ron Truex TO: Remain with KBA for County Health
SECOND: Brad Jackson Insurance.
AYES: 3 NAYS:
UNANIMOUS

IN THE MATTER OF APPOINTMENT OF DON SCEARCE TO THE CITY OF WARSAW COMMON CONSTRUCTION WAGE COMMITTEE:

Ron Robinson, County Administrator, reported that Jones & Henry, Engineering Firm for the City of Warsaw made a request that Don Scearce be appointed as the Commissioner's representative for Common Construction Wage Hearings for the City of Warsaw.

MOTION: Brad Jackson TO: Appoint Don Scearce as the representative
SECOND: Ron Truex for the Commissioners to the City of Warsaw
AYES: 3 NAYS: Common Construction Wage Committee.
UNANIMOUS

IN THE MATTER OF ACCEPTANCE OF BID FOR CONSTRUCTION OF THE WORK RELEASE KITCHEN:

Ron Robinson, County Administrator, made a recommendation that Robinson Construction's (no relationship to Ron Robinson) bid be accepted for the Work Release Kitchen project pending release from the State on the plans.

MOTION: Ron Truex TO: Accept bid for Work Release Kitchen
SECOND: Brad Jackson project.
AYES: 3 NAYS:
UNANIMOUS

IN THE MATTER OF COURTHOUSE RENOVATION PROJECT:

Ron Robinson, County Administrator, noted that construction work on the Courthouse is progressing ahead of schedule. He reported that the Surveyor's Office, Wayne Township Assessor's Office, as well as the Extension Office will be moving across the street to the basement of the Justice Building within the next week. He noted that disruption with the phone systems was possible and calls could be taken by the main switchboard operator and then relayed to those offices.

IN THE MATTER OF WORK ON MEMORIAL MONUMENT ON THE SOUTH WEST CORNER OF THE COURTHOUSE SQUARE:

Ron Robinson, County Administrator, reported on the continuing work on the memorial monument. Robinson shared that the outpouring of support from the community has been tremendous. Several donations have been received including Kuert Concrete for the concrete at no charge, Lee Walls for the concrete labor and the Rotary Club, Sons of Legion and the Optimist Club for the new flag pole that is to be erected. It was noted that a list all supporters of the project will be made a public record.

IN THE MATTER OF TIME CAPSULE PLACED AT THE FRONT ENTRANCE TO THE JUSTICE BUILDING:

Ken Locke, Rotary Club, gave a short presentation on the inventory of items placed in the Time Capsule. The Commissioners thanked Locke for all of his work on this project and noted that the Capsule was to be placed and sealed in the Justice Building at 11:00 AM on this day, June 28, 2005. Locke presented the inventory of the time capsule for the permanent records of the county. The document was to be recorded for posterity. Record #200500011944.

IN THE MATTER OF DISTRIBUTION OF TAX PROCEEDS TO TAXING ENTITIES:

Sue Ann Mitchell, County Auditor reported that tax dollars will be distributed to taxing units on this day, June 28, 2005 largely in part to the new software system. The new system has enabled the Auditor’s Office to complete many things that had been previously done manually. Mitchell stated that she is willing to authorize the final installment of \$57,000 due to the software company for the windows based tax program.

IN THE MATTER OF VACATION REQUEST BY WRIGHTS AND HEUSS FOR LAKEVIEW DRIVE – ISLAND PARK PLAIN TOWNSHIP:

Matt Sandy, Assistant Area Plan Director, presented a vacation request from Kenneth & Brenda Wright and Allen & Helen Heuss for Lakeview Drive from the easterly right of way of Spring Street east to it’s terminus on the plat of Island Park.

Steve Snyder, attorney for the petitioners, stated currently there is a public right-of-way to Island Park, however Island Park is not a public park, nor is it county maintained. The park at Island Park has been platted with ownership to the surrounding lot owners. The purpose of the vacation request is to allow the property owners the space to properly use their property while preserving access to those who have the right to use the park. Snyder said notices have been delivered to all surrounding owners as well as emergency services. His stand is that this would be win-win situation for all involved in that it would go on the books as taxable property not a public right-of-way and access would be denied only to the general public who does not have any right to the park with access still be available to emergency vehicles.

Ken Wright, Petitioner spoke to the Commissioners and stated that the previous petition had been withdrawn in order to give the Petitioners more time to meet with the owner’s association to clear up the misunderstanding of the first request. Wright said he had met with the association at the spring and fall meetings and felt they had worked out the easement access issue. No one in attendance spoke against the vacation request. It was the APC recommendation not to approve the vacation unless 100% of owners signed off agreeing to the easement. The Ordinance to vacate and the Deed of Dedicated Easement will be prepared by Snyder and signed at a later date.

MOTION: Brad Jackson TO: Approve vacation request pending the
SECOND: Ron Truex receipt of dedicated grant of easement.
AYES: 3 NAYS:
UNANIMOUS

IN THE MATTER OF VACATION REQUEST FROM BRIAN & RANAI L. SMITH AT CHAPMAN LAKE PARK, EMS C 28G AND C28F PLAIN TOWNSHIP:

Matt Sandy, Assistant ACP Director, presented a petition for vacation of public right of way from Brian Smith & Ranai L. Smith for portions of EMS C28C and C28F. Currently the land in question is being utilized as an essential turn around for plows, highway trucks and other large vehicles and was originally platted as a turn around. The petitioner’s request comes because they plan to build and the septic would need to be placed in the area requested to be vacated. Sandy stated that surrounding property owners, fire and EMS as well as the highway department are opposed to vacation of property. Sandy also said that it is the APC recommendation that the proposed vacation request be denied, however, if a smaller portion of the area could be utilized; there may be options available to petitioners.

Steve Snyder, Attorney for petitioners stated that the petition was originally filed for the purpose of expanding a septic system. The petitioners do not want to change the road; they just need to have approval from the Health Department to finish the septic expansion. Snyder suggested a 30 day continuance in order to allow the Health Department time to finish its review and determine what extent if any is necessary to vacate a portion of that turnaround.

Peter Shenefield, owner of Lot 19 speaking on behalf of Steve Parker, who was slated to be the chief spokesman for the surrounding owners, stated the Smith’s knew what they were getting when they purchased their property. Shenefield also shared his concerns if the vacation were approved that the county loses control of the turnaround possibly making access for school buses, emergency vehicles and service vehicles deniable. His concern is that the area that was platted in 1955 and if the county did not maintain the turnaround those costs would be shifted to the surrounding homeowners.

Greg Turner whose wife is owner of Lot 20 stated that his sentiments were that a ruling be made today (June 28th) on this vacation request. Turner said that the majority of owners were opposed to the vacation and had a letter/petition from the Chapman Lake Association to that affect. He felt issues regarding the septic should be handled at another time and the vacation issue should be now. Brian & Ranai Smith spoke to the board and said it was not their intention to close or move the road. They stated where their drive abuts to the roadway. They are seeking to obtain that small portion in order to expand their septic. Ranai also stated that a map had been drawn up by the person doing the septic work and submitted to Neal Brown. She also said that if this was going to extend into the roadway they do not want to continue, they will try to come up with another solution.

Mary Lou Clark, owner of Lot 7 stated her concern was that if the road is closed their individual driveways would be used for turnarounds.

IN THE MATTER OF VACATION REQUEST FROM BRIAN & RANAI L. SMITH AT CHAPMAN LAKE PARK, EMS C 28G AND C28F PLAIN TOWNSHIP CONTINUED:

Lillian Dago, who lives at the end of the turnaround, questioned the retaining wall that was mentioned by Steve Snyder. She asked where the wall would it be located, how tall would it be and what would it look like. The hearing was then closed for public input with further discussion by the board.

MOTION: Ron Truex TO: Approved vacation up to but not to exceed
SECOND: Brad Jackson closer than 5’ from existing roadway, lots 19 –
AYES: 3 NAYS: 17.
UNANIMOUS

IN THE MATTER OF ZONING ORDINANCE FOR HOME BASED BUSINESSES:

Matt Sandy, Assistant APC Director, reported on the zoning ordinance amendment for home based businesses located in agricultural districts. Sandy stated that the Area Plan had received a lot of good feed back regarding this matter and thanked those that responded. The following points were addressed:

- Number of employees allowed was expanded to 20 (maximum) with 5 non family members employees allowed as long as other criteria in the ordinance are in compliance.
- Signage – “Temporary” development, individual lot real estate and construction signs will be regulated.
- Subdivision “Entrance Indicator” Structure signs.

It was noted that businesses have different criteria to meet than home based. Sandy then thanked those in attendance for their input into this project.

MOTION: Brad Jackson TO: Approve home based business ordinance
SECOND: Ron Truex amendment.
AYES: 3 NAYS:
UNANIMOUS

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

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

HOME BASED BUSINESS CRITERIA

3.22 Home Base Business: A home base business may be permitted as an exception, in an Agricultural District only, if it complies as follows:

3.22.1 The home base business shall be carried on by a member of the immediate family residing in the dwelling unit with not more than one employee who is not a immediate family member, as defined for this section of the zoning ordinance as including parents, children, spouses, grandparents, grandchildren, great grandparents, great grandchildren, and all associated in laws, and with a total maximum number of employees not to exceeding 20.

3.22.1.1 Upon request and at the Kosciusko County Board of Zoning Appeals and Hearing Officers discretion a Home Based Business may have up to five (5) employees who are not immediate family members as reviewed under the following conditions;

- 3.22.1.1.1 The increased number of employees will not cause the business to become incompatible with the surrounding area.
- 3.22.1.1.2 The increased number of employees will not result in an adverse effect on surrounding properties. (i.e. reduced property values, increased traffic flow, noise.)
- 3.22.1.1.3 Sufficient employee parking can be provided.
- 3.22.1.1.4 The spirit of the home based business exception can still be preserved with the increased employees.

3.22.1.1.5 The increased employees will not result in the inability to comply with any other portion of this ordinance.

3.22.2 The home base business may operate outside and beyond the premises however, the materials associated with the business shall be confined to principle or accessory structures. The business equipment, as much as is physically possible, should also be confined to principle or accessory structures.

3.22.3 Exterior displays or signs shall not exceed a total of twenty-four (24) square feet, exterior storage of materials, and exterior indication of the home base business as a variation from the agricultural character of the area shall not be permitted.

3.22.4 Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall not be produced by the Home Base Business.

3.22.5 The home base business shall not create any traffic or parking problems. The use shall provide for adequate parking by its patrons.

TEMPORARY INDIVIDUAL LOT REAL ESTATE/CONSTRUCTION SIGNS:

3.19.3 Real estate signs and service signs (i.e. mortgage companies, auctioneers, heating & cooling companies, flooring installation, general contractors, and all associated subcontractors) shall be allowed in all districts as described below indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property or has received service from a company or business as indicated. This section shall be enforced in its entirety one year from adoption of this amendment, but is effective immediately.

3.19.3.1 Real estate / service signs located in Residential, Agriculture 2, Environmental, or Public Use districts shall comply with the following regulations:

- a. Signs shall not exceed three (3) feet in height.
- b. Signs shall not exceed four (4) square feet in display area.
- c. Signs shall not be placed closer than thirty-five (35) feet to any right-of-way, easement, or access drive.
- d. Only one (1) sign for each service rendered shall be permitted per zoned lot except where a property abuts more than one right-of-way, easement, access drive, or waters edge one sign may be placed adjacent to each right-of-way, easement, access drive, or waters edge that the property abuts.
- e. Signs shall be removed from the premises within fourteen (14) days of the sale, lease, rental, or completion of service provided of the premises.

3.19.3.2 Real estate / service signs located in Agricultural, Commercial, Industrial 1, 2, and 3 districts shall comply with the following regulations:

- a. Signs shall not exceed eight (8) feet in height.
- b. Signs shall not exceed twenty-two (32) square feet in display area.
- c. Only one (1) sign shall be permitted per zone lot, except where a property abuts more than one right-of-way, easement, access drive, or waters edge one sign may be placed adjacent to each right-of-way, easement, access drive, or waters edge that the property abuts.
- d. Signs shall not be placed closer than thirty-five (35) feet to any right-of-way, easement, or access drive intersection and no closer then five (5) feet to any right-of-way, easement, or access drive.
- e. Signs shall be removed from the premises within fourteen (14) days of the sale, lease, or rental of the premises.

3.19.3.3 Directional signs in conjunction with the sale of real estate in any district may not contain any advertising of any kind and must be located on private property. Said signs may only contain the street address and common phrases including the words, “for sale”, “for lease”, “for rent” and shall not exceed four (4) square feet in display area. In locations where more then one directional sign in required or desired only one additional generic sign shall be allowed total.

PROPERTY DEVELOPMENT “TEMPORARY” SIGNS:

3.19.3.4 Property development signs in conjunction with a development or subdivision located in a Commercial, Industrial 1, 2, and 3, Residential, or Agriculture 2 districts shall comply with the following regulations:

- a. Signs shall not exceed thirty-two (32) square feet in display area.
- a. Signs shall not encroach upon the public right-of-way, easement, or access drive.
- b. Only one (1) sign shall be permitted per zoned lot except where a property abuts more than one right-of-way, easement, access drive, or waters edge one sign may be placed adjacent to each right-of-way, easement, access drive, or waters edge that the property abuts.
- c. Signs shall not be placed closer than thirty five (35) feet to any right-of-way, easement, or access drive intersection.
- d. Signs shall be removed from the premises upon the sale of at least fifty (50) percent of the lots within the development or two (2) years from all final approvals which ever may come first.

Definitions:

Home Base Business: In an agricultural district, a business conducted on or off the premises which is clearly incidental and secondary to the use of the land or buildings for dwelling and/or agricultural purposes, and which does not change its character.

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

SUBDIVISION “ENTRANCE INDICATOR ” STRUCTURES:

Subdivision Indicator signs: Sub-Division Indicator structures are permitted in connection to any legally platted subdivision. Subdivisions approved by the Kosciusko County Area Plan Commission and/or recorded subsequent to the enactment of this amendment are permitted signs as specified within this section. The sign may designate the subdivision entrance with the development/subdivision name and address.

Subdivisions requesting signs under this section of the ordinance must show on the preliminary and final plat the intended and delineated sign easement.

All sign proposals must have review by the Kosciusko County Technical Committee and approval by the Kosciusko County Area Plan Commission. The Kosciusko County Technical Committee may review the structure proposal at the time of preliminary plat review if the below documents and information are provided at such time. If all required documentation is not provided or the developer wishes to wait until a later date the proposal must be submitted within 48 hours of the next Kosciusko county Technological Committee meeting and will be acted on in the same fashion as a final plat at the subsequent Area Plan Commission meeting.

1. Required documentation including but not limited to full elevation drawings and scaled drawings, of the proposed sign / monument indicating the size of the signage, the size of the base, and the location of the sign.
2. A copy of the private restriction indicating the party responsible for future maintenance.

The Kosciusko County Technical Committee will evaluate the proposed sign on a site-by-site basis taking into consideration the following;

1. Will the location and placement of the sign be so as not to cause problems of sighting from any existing driveways, right-of-ways, or intersections
2. Is the sign illuminated in any manner, which causes undue distraction, confusion, or hazard to traffic, or reflect light upon adjoining residential districts or road right-of-ways, easements, or access drives
3. Is there a clearly established sign easement on the face of the plat
4. Are the unique circumstances, features, or practical difficulties that should be considered and designed around.

If the Area Plan Commission finds that, the structure proposal is in accordance with the requirements with this Ordinance and receives favorable recommendation from the Kosciusko County Technical Committee, it shall grant the approval and the developer shall obtain a Sign permit from the Kosciusko County Area Plan Commission.

ARTICLE 4: Adoption

Section 1. This Ordinance shall be in full force and effect from and after its passage and is intended to replace and amend those sections referenced within and related. Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana on this the 28th day of June 2005.

IN THE MATTER OF REZONING REQUEST FROM AGRICULTURAL TO RESIDENTIAL BY JONATHAN SNODDERLY IN PLAIN TOWNSHIP:

Dan Richards, APC Director, presented a petition from Jonathon Snodderly to rezone the south side of 350N and 1780' W of 100 E (approximately 5 acres) from agricultural to residential. It was the recommendation of the APC to approve the rezoning. There was no one present to speak against the rezoning.

MOTION: Brad Jackson TO: Approve petition to rezone approximately
 SECOND: Ron Truex 5 acres from agricultural to residential.
 AYES: 3 NAYS:
 UNANIMOUS

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 government Lot Number 3 in the southeast quarter of Section 28, Township 33 North, Range 6 East, Kosciusko County, Indiana and more particularly described as follows:

Commencing at a spike nail marking the northeast corner of said government lot 3; thence south 89 degrees 45 minutes 00 seconds west, along the north line of said lot number 3 and the centerline of county road 350 North, 420.00 feet to a P.K. nail for a true point of beginning; thence south 00 degrees 00 minutes 00 seconds west and parallel with the east line of government lot number 3, 583.25 feet to an iron pin; thence south 89 degrees 45 minutes 00 seconds west and parallel with the north line of lot number 3 and the centerline of county road 350 North, 373.35 feet to an iron pin; thence north 00 degrees 00 minutes 00 seconds east and parallel with the east line of said lot number 3, 583.35 feet to a P.K. nail on the north line of government lot number 3 and the centerline of county road 350 North; thence north 89 degrees 45 minutes 00 seconds east along said north line and said centerline, 373.35 feet to the point of beginning. be, and the same is hereby, removed from classification as a **Agricultural** and subject real estate shall be reclassified and zoned 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 the 28th day of June, 2005.

IN THE MATTER OF NAMING OF ROAD IN MAXWELTON HILLS SECOND ADDITION:

Lee Taylor, Area Plan Commission, appeared before the Commissioners with a request to name a road in Maxwelton Hills, Second Addition. The road had been platted while discussions on what to name it were still in progress, therefore it does not have a name. Lee proposed "Rogers Court" for the road name.

MOTION: Brad Jackson TO: Approve the naming of said road.
SECOND: Ron Truex
AYES: 3 NAYS:
UNANIMOUS

**AN ORDINANCE TO AMEND
THE KOSCIUSKO COUNTY CODE OF
KOSCIUSKO COUNTY, INDIANA**

WHEREAS, Kosciusko County, Indiana is currently involved in the location addressing system for the purposes of improving and promoting emergency services to all of the residents of the county and
WHEREAS, certain right of ways are not named, and do not conform to Section 403.33 of the Kosciusko County Subdivision Control Ordinance;

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

The platted right of way with no road name designation, in Maxwelton Hills, Section 2, located in the North half Section 5, Township 34N, Range 7E in Turkey Creek Township is hereby named **Rogers Ct.**

Dated this 28th day of June, 2005

There was no further business to come before the Commissioners.

**KOSCIUSKO COUNTY COMMISSIONERS
JULY 12, 2005**

The Kosciusko County Commissioners met for their regular meeting on July 12, 2005 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, PRESIDENT MIKE MINER, COUNTY ATTORNEY - ABSENT
BRAD JACKSON SUE ANN MITCHELL, COUNTY AUDITOR
RON TRUEX RON ROBINSON, COUNTY ADMINISTRATOR

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

IN THE MATTER OF BOVINE BRUCELLOSIS & TUBERCULOSIS ERADICATION PROGRAM CONTRACT:

The annual contract for the Brucellosis and Tuberculosis Program was presented for renewal at a cost of \$1,000.00.

MOTION: RON TRUEX TO: Approve contract renewal thru 2006.
SECOND: BRAD JACKSON
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF RECEIPT AND APPROVAL OF TURKEY CREEK REGIONAL SEWER DISTRICT SEMI ANNUAL REPORT FOR GRANT:

The semi-annual report regarding CDBG Grant #CF97-128 was presented for signatures. The form was approved as presented.

IN THE MATTER OF GRANT APPLICATION APPROVAL FOR OPERATION PULLOVER:

Sheriff Aaron Rovenstine presented the details of Operation Pullover and requested a grant application be approved. This grant is designed to help fund overtime costs for extra patrols especially around the lakes during holidays searching for impaired and dangerous driving.

MOTION: RON TRUEX TO: Approve the grant application as well as
SECOND: BRAD JACKSON letter of endorsement.
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF COUNTY HIGHWAY REPORTS:

Dennis Pletcher, Interim County Highway Superintendent stated that he had nothing to report on. Ron Truex commended the Department on the repairs that have been made and the detour efforts. He also thanked Dennis for the good follow up by the Department on matters that had been addressed to them.

IN THE MATTER OF MEMORIAL MONUMENT REDEDICATION:

Ron Robinson, County Administrator, commended those who volunteered their services for the memorial monument rededication on July 4th. The rededication was for the memorial monument located on the South West Courthouse square. The event was well attended and the American Legion did an excellent job

IN THE MATTER OF APPOINTMENT OF A VIEWER TO REPRESENT THE COMMISSIONERS FOR THE SETTING OF THE LAKE LEVEL OF MUSKELLUNG LAKE:

Ron Robinson, County Administrator, presented a request received from Circuit Court Judge Rex Reed to have the President of the Board of Commissioners appoint a member as a viewer for setting the lake level of Muskellunge Lake. Ron Truex was appointed.

IN THE MATTER OF COURTHOUSE RENOVATIONS:

Ron Robinson, County Administrator, reported that renovations are progressing on schedule. Offices have been moved from the basement, with the Extension Office moving to the fair grounds until after the County Fair. Work on the steps should resume next week and he hopes they will be completed soon. Plans have been made for a new light fixture for the courtroom. Increased lighting will help when meetings are held at night.

IN THE MATTER OF JAIL TRUSTEES DOING YARD WORK AT THE COURTHOUSE:

Ron Robinson, County Administrator, thanked the Sheriff's Department for the extra jail trustees that have been doing yard work, trimming trees and power washing the Courthouse.

IN THE MATTER OF SIGNING OF ORDINANCE FOR VACATION FOR HEUSS AND WRIGHT AT ISLAND PARK IN PLAIN TOWNSHIP APPROVED AT JUNE 28TH MEETING:

The ordinance approved at the Commissioner's meeting held June 28, 2005 was presented for signatures. The ordinance was previously approved.

ORDINANCE 05-05-26-00V

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

WHEREAS, Kenneth L. Wright II, Brenda J. Wright, H. Allen Heuss and Helen A. Heuss have filed their Petition for vacation of a portion of Lakeview Drive in the Plat of Island Park as recorded in Plat Book 3, page 270 in the office of the Recorder of Kosciusko County, Indiana; and

WHEREAS, a hearing on said Petition was set for June 28, 2005 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, Kenneth L. Wright, Brenda J. Wright, H. Allen Heuss and Helen A. Heuss are the owners of real estate adjacent to the public way to be vacated, which public way is described as follows, to wit:

unvacated portion of Lakeview Drive lying east of Spring Street as shown on the plat of Island Park as recorded in Plat Book 3, Page 270 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 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 a portion of the vacated way to provide access to Island Park in favor of the individuals who use the vacated public way for access to a community park.

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

Section 2.

That this Ordinance shall be in full force and effect from and after its passage, 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 Island Park has been properly executed, which easement shall be recorded immediately following the recording of this Ordinance.

IN THE MATTER OF TAX SALE SETTLEMENT, SUSAN DISHER PROPERTY:

Sue Ann Mitchell, County Auditor, presented the following information reference a tax sale issue for the Commissioner's approval.

The property owned by Susan Disher was sold at the tax sale held in October of 2003.

In October of 1959 the plat was recorded (according to the Auditor's records) without the person who platted the sub division owning all the ground included in the plat. They did have a deed giving them ownership, but they failed to record the deed. See Exhibit A.

When the Auditor's Office drew the plat on the map, they included in lots 7, 8, and 15 only the portion the original platter owned leaving the remaining strip in the name of the current owner at the time. Later the deed conveying the balance of those three lots was recorded. At the time the deed was received, the records should have been combined to make lots 7, 8, and 15 whole to be what the original plat indicated. When the last transfer for lot 8 was made, the strip was left behind and no taxes were paid forcing the property to tax sale. To further complicate the issue, the legal descriptions of lots 7, 8, and 15 had no notation that they were part of the lots.

James Almeda bidding as Solaris Financial was the successful bidder for the property. He did all notifications in accordance with the laws and was awarded a tax title deed. Upon requesting a survey, it was discovered that there was a small portion of the home on the balance of lot 8 sitting on the parcel in question. See Exhibit B.

In order to save the county further expenditures to remedy the problem, Sue Ann Mitchell, County Auditor asked Mike Miner, County Attorney, if the Commissioners could not just agree to pay the money Mr. Almeda has invested in the property since there was REALLY nothing to sell. Mike advised that the Commissioners do not have to do that, but it would be the cheapest way out of the issue.

IN THE MATTER OF TAX SALE SETTLEMENT, SUSAN DISHER PROPERTY CONTINUED:

Mr. Almeda has signed a quit claim deed conveying ownership of the parcel in question to the current owner Susan Disher in exchange for the county reimbursing him the \$1,547.89 that he has spent trying to acquire the property. See Exhibit C.

The Auditor's Office is combining the tract adjacent to lot 7 with lot #7 and the tract adjacent to lot 15 with lot #15. Both parts of those parcels are currently owned by the same owners. This will eliminate this happening again. If the Commissioners approve of the settlement agreement, the tract adjacent to lot #8 will be combined with lot #8 to make it appear like the original plat. See Exhibit D.

The Commissioners agreed to the settlement to clear any further obligation on the part of the county.

IN THE MATTER OF CLARK VACATION AND REDEDICATION REQUEST FOR ROY HOHMAN SUBDIVISION, YELLOW CREEK LAKE.

Matt Sandy, Assistant Area Plan Director, presented a request by Roger L. Clark to vacate a roadway and rededicate the original roadway. Service providers have been contacted and the only concern was from the EMS if the area was to be vacated without rededication. Area Plan unanimously recommends granting the vacation. Attorney Richard Helm appeared on behalf of the petitioners. No one appeared in opposition to the rezoning.

MOTION: BRAD JACKSON TO: Accept the recommendation of Area Plan
SECOND: RON TRUEX and approve the vacation and rededication as
AYES: 3 NAYS: 0 presented.
UNANIMOUS

ORDINANCE 05-07-12-001V

**AN ORDINANCE VACATING A DRIVE BETWEEN
LOTS 12 AND 6 AND THE EAST 15 FEET BETWEEN
LOTS 11 AND 5, ALL IN THE ROY HOHMAN SUBDIVISION ON
YELLOW CREEK LAKE, KOSCIUSKO COUNTY, INDIANA**

WHEREAS, Roger L. Clark has filed a petition to vacate an undeveloped public roadway; and WHEREAS, the petition to vacate the roadway and notice thereof, as well as notice of the hearing on July 12, 2005, were properly published in the *Warsaw Times Union* and the *Milford Mail Journal*; and,

WHEREAS, on July 12, 2005, the Petitioner has appeared, presented his petition to vacate the roadway, and presented exhibits and factual information regarding same; and

WHEREAS, there were no remonstrance's or objections by persons aggrieved by the proposed vacation, 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 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 the undeveloped roadway (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 find that there is not statutory reason, nor other valid reason, why said undeveloped roadway should not be vacated, and it is further found that said roadway should, THEREFORE, be vacated.
2. The following described real estate situated in Kosciusko County, in the State of Indiana, namely the undeveloped roadway labeled a "drive" and described as follows:

Part of the Plat of 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 the Southeast corner of Lot 6 in that Subdivision; thence southward along the East line of Lot 6, extended a distance of 25 feet to the Northeast corner of Lot 12; thence West along the North line of Lot 12, extended, to a point 15 feet West of the Northwest corner of Lot 12; thence Northward 25 feet to a point on the South line of Lot 5 which is 15 feet Westward of the Southeast corner of Lot 6, on the South line of Lot 6, extended; thence Easterly along the South line of Lot 5 and 6 a distance of 55 feet to the point of beginning. (The area described is intended to be all of that part of the platted drive lying between Lot 6 and 12 as well as the Easterly 15 feet lying between Lots 5 and 6, all in the Roy Hohman's Subdivision on Yellow Creek Lake.)

should be, and it is now hereby, vacated.

DEED OF DEDICATION

This Deed of Dedication made and executed this date by Roger L. Clark, witnesseth:

Roger L. Clark, Grantor, now dedicates the following described real estate as a public drive within the Plat of Roy Hohman Subdivision on Yellow Creek Lake, Kosciusko County, Indiana, specifically as follows:

Part of Lots Numbered 11 and 12 in Roy Hohman's Subdivision of Yellow Creek Lake as recorded in Plat Book 4, Page 5, in the records of Kosciusko County, Indiana, said part being more particularly described as follows, to wit:

Commencing at a 5/8-inch diameter iron pin capped "Walker" at the Northeast corner of said Lot Number 12; thence S01° - 06'W (assumed bearing), on and along the East line of said Lot Number 12, a distance of 48.18 feet to the true point of beginning; thence continuing S01°-06'W, on and along said East line, a distance of 12.22 feet; thence S80° -07'W, a distance of 28.66 feet to the point of curvature of a regular curve to the right having a radius of 41.0 feet; thence Northwesterly, on and along said curve, an arc length of 22.27 feet (the chord of which bears N84° - 19' - 30"W for a distance of 21.99 feet) to a point on the West line of the East 15 feet of said Lot Number 11; thence N02° - 02' - 57"W, on and along said West line, a distance of 13.61 feet; thence Southeasterly, on and along a line being established by a regular curve to the left, having a radius of 29.0 feet, and arc length of 21.16 feet (the chord of which bears S78° - 58' - 45"E for a distance of 20.70 feet) to the point of tangency; thence N80° - 07'E, tangent to said curve, a distance of 30.99 feet to the true point of beginning.

This dedicated tract is made for the purpose of providing for the existing pavement, and one (1) foot on either side thereof, for a drive which is presently utilized within the subdivision, which is located in a different place than originally platted, and which is provided and dedicated in order to maintain the existing drive across an area not previously platted as a "drive". The "drive" is available for all appropriate uses consistent with the original subdivision plat. It is the intention of this Deed of Dedication to simply relocate the drive from its original platted location, not used, to its present location, as used.

In addition Grantor dedicates an additional eight (8) feet adjacent to and along the South edge of the above easement, by parallels; the additional adjacent easement is for the purpose of any necessary utilities access by emergency vehicles, and future roadway expansion. However, any roadway expansion or use of utilities shall be solely under the supervision and control of the County Highway Engineer.

IN WITNESS WHEREOF, the Grantor has executed this Deed of Dedication, this 23rd day of July, 2005.

IN THE MATTER OF INTRODUCTION OF LARRY YEAGER WHO IS APPLYING FOR THE COUNTY HIGHWAY SUPERINTENDENT/ENGINEER POSITION:

Ron Robinson, County Administrator, introduced Larry Yeager. Mr. Yeager is applying for the County Highway's Engineer's position. Mr. Yeager then spoke, once again introducing himself and sharing a portion of his background and administrative experience. He looks forward to interviewing in depth with the Commissioners at a later date.

There was no further business to come before the Commissioners.

**KOSCIUSKO COUNTY COMMISSIONERS
July 26, 2005**

The Kosciusko County Commissioners met for their regular meeting on July 26, 2005 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, PRESIDENT
BRAD JACKSON
RON TRUEX

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

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

IN THE MATTER OF THE VOTING RESULTS FROM COUNTY FAIR ON NEW VOTING MACHINES:

Sharon Christner, County Clerk, presented the results of the voting that had taken place in the Republican and Democrat booths at the County Fair using the new voting machines. Christner stated 338 people had voted and that 287 commented that they liked the new machines. She also shared that both the young voters as well as the elderly thought the machines were easy to use.

IN THE MATTER OF THE JAIL INSPECTION REPORT PRESENTED BY THE SHERIFF:

Sheriff Aaron Rovenstine reported he received the annual jail inspection report from the state. Rovenstine stated the report was positive and he felt that the improvements that had been made as well as the money spent had been well worth it. He also shared that the inspectors were impressed with the cleanliness of the facility and the kitchen as well as the educational services provided.

IN THE MATTER OF PAYMENTS RECEIVED FROM THE STATE OF INDIANA FOR THE INCARCERATION OF PRISONERS:

Sheriff Aaron Rovenstine reported he has received two checks from the State, one check in the amount of \$113,000 as back payment from 2004 and another in the amount of \$87,000. Additional monies should still be coming.

IN THE MATTER OF REVISED PURCHASE AGREEMENT FOR THE GATKE PROPERTY:

Attorney Mike Miner presented a revised purchase agreement for the Gatke property. Miner advised here were only minor changes made that would allow Grace College to do some things differently and none that would affect the county.

MOTION: Ron Truex
SECOND: Brad Jackson
AYES: 3 NAYS:
UNANIMOUS

TO: Approve revised purchase agreement from Grace College for Gatke property.

IN THE MATTER OF DECLARATION OF EMERGENCY REPAIRS REQUIRED FOR THE BRIDGE 83:

Dennis Pletcher, Interim County Highway Superintendent, advised the Commissioners of a problem on Bridge 83. The bridge needs to be declared an emergency with estimated repair costs at \$40,000. Pletcher stated that he had documentation to forward to Beer & Slabaugh for their costs for emergency repair at approximately \$28,000. He also stated four other bridges were under contract for work at this time which will require an additional appropriation.

MOTION: Brad Jackson
SECOND: Ron Truex
AYES: 3 NAYS: 0
UNANIMOUS

TO: Declare Bridge 83 repair an emergency and approve the repairs as requested. To approve Pletcher to seek additional appropriation from the County Council if necessary.

IN THE MATTER OF EXTENSION OF OIL VENDOR CONTRACT:

Dennis Pletcher, Interim County Highway Superintendent, stated he received a letter from one of their oil vendors that the vendor wanted to extend the July pricing through August. Pletcher said it was a fair price.

MOTION: Ron Truex
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

TO: Approve extending the agreement to purchase oil at the existing contract price.

IN THE MATTER OF NO TRUCK SIGN FOR OLD 15 AND CR 200S:

Dennis Pletcher, Interim County Highway Superintendent, reported that the intersection of Old 15 and 200 S was in poor shape due to trucks turning east onto 200 S. His concern was not only the maintenance of the curve but the safety of the trucks coming in and out of the intersection. Pletcher then requested the Commissioners allow "No Trucks" signs to be installed on that stretch of road. Pletcher will provide the ordinance at the August 9, 2005 meeting for the Commissioner's signatures.

MOTION: Brad Jackson

TO: Approve the installation of "No Trucks"

SECOND: Ron Truex
AYES: 3 NAYS: 0
UNANIMOUS

signs.

IN THE MATTER OF COUNTY HAVING ANY BUSINESS WITH IRVING MATERIALS FOR CONCRETE:

County Attorney Mike Miner questioned Dennis Pletcher, Interim County Highway Superintendent, about concrete work the county may have contracted through Irving Materials. It was noted that the U.S. Department of Justice has a case against Irving Materials who has received a \$29 million anti-trust fine for illegally driving up the price of concrete. Also noted was the fact that INDOT has purchased concrete from Irving and the Attorney General is exploring a lawsuit for counties that may have been overcharged. Pletcher stated that he was not aware of materials received from Irving, but the Commissioners requested County Administrator Ron Robinson look into any work that the county may have had done by outside contractors that possibly purchased material from the concrete company.

IN THE MATTER OF STOP SIGN ORDINANCE APPROVAL FOR 625 W AND 650 N:

Dennis Pletcher, Interim County Highway Superintendent, presented a request for the placement of a stop sign at 625 W and 650 N.

MOTION: Ron Truex
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

TO: Approve ordinance request for stop sign located at 625 W and 650 N.

ORDINANCE 05-07-26-001 S

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:

- 5. Install "Stop" sign on the southeast corner of CR 625W and CR 650N – CR 625W stops for CR 650N.

THIS ORDINANCE shall be in full force and effect on July 26, 2005. Passed and adopted by the Board of Commissioners of County of Kosciusko this 26th day of July, 2005

IN THE MATTER OF STOP SIGN REQUEST IN OLD FARM SUBDIVISION:

Dennis Pletcher, Interim County Highway Superintendent, presented a request to the Commissioners for the placement of stop signs in Old Farm Subdivision.

MOTION: Ron Truex
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

TO: Approve ordinance request for stop signs in Old Farm Subdivision as presented.

ORDINANCE 07-26-002 S

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:

Old Farm Subdivision:

- 1. Install "Stop" sign on the northeast corner of Old Farm Road East and Old Farm Road West – Old Farm Road East stops for Old Farm Road West.
- 2. Install "Stop" sign on the southeast corner of Back Forty Circle and Old Farm Road West – Back Forty Circle stops for Old Farm Road West.
- 3. Install "Stop" sign on the southwest corner of Berry Patch Lane and Old Farm Road West – Berry Patch Lane stops for Old Farm Road West.

THIS ORDINANCE shall be in full force and effect on June 14, 2005. Passed and adopted by the Board of Commissioners of County of Kosciusko this 26th day of July, 2005

IN THE MATTER OF STOP SIGN REQUEST IN SOUTH SHORE GREEN SUBDIVISION:

Dennis Pletcher, Interim County Highway Superintendent, presented a request to approve the placement of stop signs at various intersections in South Shore Green Subdivision located in Turkey Creek Township.

MOTION: Brad Jackson

TO: Approve ordinance request for stop signs at South Shore Green Subdivision.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 07-26-003 S

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:

South Shore Green Subdivision:

1. Install "Stop" sign on the northeast corner of Divot Lane and Dogleg Drive East – Divot Lane stops for Dogleg Drive East.
2. Install "Stop" sign on the northeast corner of Fairway Court and Dogleg Drive East – Fairway Court stops for Dogleg Drive East.
3. Install "Stop" sign on the northeast corner of Putter Place and Dogleg Drive East – Putter Place stops for Dogleg Drive East.

THIS ORDINANCE shall be in full force and effect on June 14, 2005. Passed and adopted by the Board of Commissioners of County of Kosciusko this 26th day of July, 2005

IN THE MATTER OF INFORMATION RECEIVED FROM THE STATE REFERENCE FUNDING FOR 350 WEST PROJECT:

Dennis Pletcher, Interim County Highway Superintendent, reported he received a letter from the State of Indiana Department of Transportation regarding funding for 350 W. Proper documentation has been faxed to the State to take care of this matter.

IN THE MATTER OF VACATION REQUEST FROM STEPHEN AND PHYLLIS HAY IN WRIGHT PLACE SUBDIVISION, TURKEY CREEK TOWNSHIP:

Matt Sandy, Assistant Area Plan Director, presented a request by Stephen M. and Phyllis J. Hay to vacate 11' right-of-way located in the Wright Place Subdivision, Turkey Creek Township. Sandy stated that the area was not county maintained and there were no objections to the vacation. Area Plan unanimously recommends granting the vacation. Attorney Steve Snyder appeared on behalf of the petitioners. No one appeared in opposition to the vacation. It was also noted by Commissioner Truex that a way be found to expedite the procedure of vacating like right-of-ways without waiting for individual property owners to apply for vacations.

MOTION: Brad Jackson

TO: Accept the recommendation of Area Plan and approve the vacation as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 05-07-26-001V

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

Section 1.

WHEREAS, Stephen M. Hay and Phyllis J. Hay have filed their Petition for vacation of a portion of unnamed public way in Kosciusko County, Indiana; and

WHEREAS, a hearing on said Petition was set for July 26, 2005 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, Stephen M. Hay and Phyllis J. Jay are the owners of real estate adjacent to the public way to be vacated, which public way is described as follows, to wit:

All that portion of a public way lying north of and adjacent to the North line of the following tracts: Lot 7, the east ½ of Lot 6 and the west ½ of Lot 8 in the plat of Wright's Place.

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 the public interest.

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

Section 2.

That this Ordinance shall be in full force and effect from and after its passage.
ORDAINED AND PASSED this 26th day of July, 2005.

IN THE MATTER OF REZONING REQUEST OF SAM CARNES ON BEHALF OF THE OPEN BIBLE BAPTIST CHURCH FOR REZONING OF 18 ACRES IN PLAIN TOWNSHIP FROM AGRICULTURAL TO AGRICULTURAL II:

Dan Richards, Area Plan Director, presented a request from Sam Carnes to rezone approximately 18 acres located in Plain Township from Agricultural to Agricultural II or Residential. A prior rezoning request was presented in February 2004 with the Board of Commissioners upholding the Area Plan Commission's recommendation to deny rezoning from Agricultural to Residential. Richards noted that there had been no changes from the previous request. He stated that the vote by the Area Plan Commission was 6-1 against passing the ordinance allowing rezoning of said property.

Attorney Steve Snyder, appeared on behalf of the Open Bible Baptist Church (owner of said tract) stating the preferred zoning would be residential. Snyder stated the property is located adjacent to residential areas and is in an area where continued residential expansion was likely. He also said that the property should be utilized for the best use possible. Snyder commented that if rezoning was allowed, the Planning Commission could maintain control of the area as far as lot sizes, etc. He also said that originally the APC was formed to protect the agricultural areas of the county; however the county is not solely agricultural anymore. It has seen growth both industrially and residentially. It was also noted that this tract could not be divided any further as it is currently zoned.

Dan Lee, President of the Chapman Lake Conservation Association spoke on behalf of the members of the Association in opposition to the rezoning request. Lee stated the main reason for their opposition is that the county does not have a mechanism to control erosion as it pertains to new developments. He stated that even if there were a mechanism in place, there would not be sufficient staff for enforcement. He commented that the lakes of Indiana are natural resources belonging to all people of the State and it is the Association as well as the property owners surrounding the lake's goal to maintain the quality of the lake for it to be enjoyed for years to

IN THE MATTER OF REZONING REQUEST OF SAM CARNES ON BEHALF OF THE OPEN BIBLE BAPTIST CHURCH FOR REZONING OF 18 ACRES IN PLAIN TOWNSHIP FROM AGRICULTURAL TO AGRICULTURAL II CONTINUED:

come. Lee also said that due to sediment runoff, the quality of the lake can deteriorate causing cloudy water and aquatic plant growth therefore; causing property value to decline by 15% or more as shown in studies. He also said that the Association had a large amount of data available on studies conducted and all of the information would be available to the Commissioners for their review. Lee asked that the Commissioner's uphold the Planning Committee's recommendation and not allow the rezoning.

Commissioner Truex questioned Lee as to where the sediment runoff was coming from and Lee stated that the Highland and Lozier drains were two of the problems. Truex then asked if properly designed subdivisions would not be better than the current agricultural areas in helping to stop the runoff. Lee repeated that the mechanism and manpower was not available at this time to prevent that from happening.

Howard Woodward Jr., homeowner and officer of Chapman Lake Foundation, spoke in opposition to the rezoning. He stated that there is a similar situation with the Graystone Sub Division where the Crooked Creek campground was approved for a subdivision. Woodward said that the Foundation had worked with the developer and had spent \$140,000 to help install a retention pond to filter the sediment before it reached the lake. He said at this time the pond is serving no purpose as it is full and the water and sediment run off the top and into lake. Woodward shared the sentiment that the county has no enforcement of regulations pertaining to silt fences or maintenance of retention ponds. He said local farmers are working with the Foundation in doing what they can to help with the runoffs. Woodward stated that he did not want to see this property become another Crooked Creek situation.

Kay Beyer, Chapman Lake homeowner; spoke on behalf of herself as well as her neighbors saying that the quality of the water has deteriorated in the six years that she has lived there. She stated that through grants and individual donations the Foundation has done a lot of good work in bettering the water quality and working on solutions to reduce the sediment. Beyer commented that due to public access, there are many people that enjoy the lake; not only the homeowners and she would hate to see the good work of the Foundation undone if further development was allowed.

Dave Tyler, Board Member of the Tippecanoe Environmental Lake & Water Shed Association spoke in opposition of the rezoning request. Tyler stated that natural lakes are important resources

and they need to be preserved. He felt that the county should use caution when adding to the residential density around the lake and consider the environmental issues at hand.

Mike Reiff, property owner south of proposed rezoning area, stated that farming practices have changed over the last 10 years in order to better protect the environment. He stated that he is not opposed to more housing but felt there were better places in the county to locate them rather than the lake area. Reiff also commented that this is the second time this particular issue has come before the Board and there must have been reasons it was not passed the first time.

Bob Smith, President of the Tippecanoe Environmental Lake & Water Shed Foundation, spoke in support of the Chapman Lake property owners in their request that this petition request be denied. Smith stated that the lakes cannot be replaced and every caution be taken in preserving them.

Richard Milburn, property owner east of lake since 1935, stated that he has seen great growth in the lake area and more and more people enjoying it. He also said that he has seen more deterioration in the last 10-15 years with discoloration, lower water from the natural springs and more water from runoff. Milburn said he is not opposed to new housing, but runoff from these areas needs to be clean and there is no reason to add to the drainage problems around the lake. He also shared that he is involved with a group that have purchased land east of the lake and the group is working with the Conservation Foundation to provide holding areas to help protect the lake. Milburn stated they are putting money where their mouth is trying to protect and maintain the lake.

In summation; Steve Snyder, attorney for petitioners, stated that all water in the county drains off somewhere into lakes, the largest amount of sediment coming from farm ground and not residential areas. Snyder said if the property were developed the subdivision would have a retention plan and that runoff and erosion could be decreased with the addition of streets, driveways, homes and yards. He also stated that older septic systems, not new ones lead to problems with sedimentation. In conclusion, Snyder said that approving the rezoning request to allow subdivision will improve the erosion problems, not increase them.

Commissioner Truex stated that in agreement with the comments on using caution, logic and research provided he would like to have the opportunity to talk with the Surveyor's Office as well as the Board of Health. He said he is not opposed to agriculture or residential growth and feels that

IN THE MATTER OF REZONING REQUEST OF SAM CARNES ON BEHALF OF THE OPEN BIBLE BAPTIST CHURCH FOR REZONING OF 18 ACRES IN PLAIN TOWNSHIP FROM AGRICULTURAL TO AGRICULTURAL II CONTINUED:

properly designed subdivisions will not aggravate the erosion problems but is not clear on what ordinances are in place and what they cover. Truex said he wants to make sure the Commissioners make an informed decision based on all the facts and would like additional time to research and review the facts.

Dan Richard, Area Plan Director stated that the Commissioners could take all the time it needed to look over information provided. He did ask that the Commissioners to read over all of the comments and recommendations the APC had prepared including a report submitted from JF New Associates. Richard suggested the Board also review the Comprehensive Plan and the Erosion/Sediment Control Ordinance also. He reiterated that current staffing is inexperienced in handling development and with the growth the county has experienced over the last two years it is difficult to follow up on all new developments. Richard stated that in the Plain, Wayne and Tippecanoe townships alone there have been 450 lots laid out in the last two years, however he feels his staff is handling the development and accommodating this increased development as well as they can.

Truex stated this project needed to have extra time taken in looking over all of the information available so that the decision rendered by the Commissioners is based on solid fact and policy.

MOTION: Ron Truex TO: Table recommendation for further review
SECOND: Brad Jackson until September 6, 2005 meeting.
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF RAY WILLIAMSON REZONING REQUEST FROM AGRICULTURAL TO RESIDENTIAL NEAR HUFFMAN LAKE IN PRAIRIE TOWNSHIP:

Dan Richard, Area Plan Director, presented a request from Ray Williamson to rezone approximately 34.7 acres in Prairie Township located around Huffman Lake at the corner of US 30 and 700 W from Agricultural to Residential. Richard stated it was the recommendation of the APC by a 5-0-1 abstention vote to pass ordinance to allow rezoning of said property. Richard also said that farming is allowable on property zoned residential and that livestock housed on such property is also allowed and long as the number of livestock does not increase.

Larry Long, representing Ray Williamson addressed the Commissioners stating that the Williamson's are not rezoning the entire farm, only approximately 34.7 acres. APC advertising included more land than was actually being requested and rezoning did not include the area used to house the animals. Long said that there are currently subdivisions north and east of proposed area and it is natural progression for this area to be developed. He also said that the Williamsons will be the developers of the property and will continue to reside on property. Initial plans for Phase I would be 13 building sites with 4 lots located on the lake with remaining lots located in a wooded area back from the lake. No one in attendance spoke in opposition to the rezoning request.

MOTION: Ron Truex TO: Approve request for rezoning from
SECOND: Brad Jackson Agricultural to Residential.
AYES: 3 NAYS: 0
UNANIMOUS

ORDINANCE 05-07-26-001Z

**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:

The Northeast Quarter of the Southeast Quarter of Section 31, Township 33 North, Range 5 East, Prairie Township, Kosciusko County, Indiana,

LESS AND EXCEPTING THE RIGHT-OF-WAY FOR U.S. HIGHWAY 30,
AND LESS AND EXCEPTING the following described tract of land:

Beginning at a railroad spike at the Northeast Quarter of the Southeast Quarter of Said Section 31; thence South 0°00'00" West (assumed bearing) 140.00 feet; Thence South 90°00'00" West, 520.00 feet; Thence North 00°02' East, 143.93 feet to the North line of said Southeast Quarter; Thence South 89°33'46" East, 515.02 feet to the point of beginning.

Also, a tract of land in the Southeast Quarter of Section 31, Township 33 North, Range 5 East, more particularly described as follows to wit:

Beginning at the Southeast corner of Lot 37 in the Plat of "Old Wray Homestead" Subdivision on Huffman lake; thence South along the East line of West Half off said Southeast Quarter 175 feet; thence West 80 feet to the East right-of-way of Wray Drive; thence North along said East right-of-way to a point North 74 degrees 15 minutes West 25 feet of the place of beginning; thence South 74 degrees 15 minutes East 25 feet to 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.

Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana on the 26th day of July, 2005.

There was no further business to come before the Commissioners.

**KOSCIUSKO COUNTY COMMISSIONERS
AUGUST 9, 2005**

The Kosciusko County Commissioners met for their regular meeting on August 9, 2005 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, PRESIDENT
BRAD JACKSON
RON TRUEX

MIKE MINER, COUNTY ATTORNEY, ABSENT
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 COUNTY ASSESSOR'S REQUEST TO PURCHASE PERSONAL PROPERTY SOFTWARE FOR THE COUNTY AND TOWNSHIP ASSESSOR'S OFFICES:

Laurie Renier, County Assessor, presented information to the Commissioners regarding new personal property software. She stated that currently all personal property is calculated by hand using adding machines. Renier also said that with more state regulations required, information needs to be filed electronically to the State. She said this software would allow her to do that. She also noted that this would help her office and staff as well as the township assessors. Renier told the Commissioners that she had reviewed three different companies and had chosen a company that has been in business for over 30 years and had several references. She also stated that she had provided Mike Miner information regarding purchasing new computers for the township trustees saying that their current computers do not have the ability to run this new software program. Renier noted that the money to purchase these computers as well as the software would not come out of the county general fund, but out of the Reassessment Fund.

IN THE MATTER OF LEVEL I AND II CERTIFICATION REQUIREMENTS FOR TOWNSHIP ASSESSORS:

Laurie Renier, County Assessor, stated that new legislation passed will require township assessors to pass testing requirements at Level I (assessing residential properties) after their first year of office and Level II (assessing Commercial and Industrial properties) after 2nd year in office. If assessors fail to pass these tests, they would only be allowed to assess personal property and the burden of real estate assessment falls back to the County Assessor's Office. Renier thanked the Commissioners for their consideration.

IN MATTERS OF EMERGENCY MANAGEMENT REQUEST FOR GRANT APPLICATION APPROVAL:

Ed Rock, Director of Emergency Management presented an application from the state for the 2005/2006 grant. It is a competitive grant this year meaning the county must show need to address risks still at hand. Commissioner Truex questioned Rock if the county is a high risk county. Rock stated the grant does not mean high risk county per say, just that there are risks that need to be mitigated. If the application is approved there would be \$241,000 available. Rock then said that he

IN MATTERS OF EMERGENCY MANAGEMENT REQUEST FOR GRANT APPLICATION APPROVAL CONTINUED:

has learned a lot in two years and now sees other areas that need to be addressed, primarily soft targets such as the Courthouse, the Justice Building, and local schools. He noted that the application also required a direct deposit signature so that funds could be deposited directly in lieu of a written check.

IN THE MATTER OF SHERIFF'S HOMELAND SECURITY OFFICER AND HIS BOMB LOCATING DOG:

Sheriff Aaron Rovenstine presented information regarding the Homeland Security Officer and noted that the county is the first in the state to have a package that will allow mobile data to be linked to the State as well as the internal system. Much of this has been possible in conjunction with the Emergency Management and with the Dispatch system. He stated the key to Homeland Security is the county has been proactive. Rovenstine stated the K-9 unit has been the most visible element in Homeland Security. He then introduced Homeland Officer, Craig Bale along with his K-9, "Justice". Officer Bale shared with the Commissioners some of what he and his K-9 do. He also said that most K-9 units are trained for narcotics, but "Justice" has been trained in explosives. They have trained with the Fort Wayne unit who disposes of bombs. Bale also said that they have had positive response from the local industries he has called on them with the K-9.

IN THE MATTER OF WORKMEN'S COMPENSATION CARRIER PRESENTATION OF SAFETY AWARD:

Ron Robinson, County Administrator introduced Steve Zachert from the Bituminous Insurance Company (Workmen's Comp carrier for the County). Zachert stated that he has been working with the county within different departments in making recommendations to help prevent losses. He then briefly went over some figures and statistics and presented a "Safety Award" to the Commissioners based on a loss record of less than a 25% ratio for the past year. Ron Truex inquired if there seemed to be any types of repetitive claims and Zachert responded there were not. He did state that so far this year there have been 22 losses and 12 of them involve the highway department, but they are not of a certain nature.

IN THE MATTER OF KABS REQUEST FOR APPROVAL OF GRANT APPLICATION AND SIGNING OF SECOND QUARTER FINANCIAL REPORTS:

Rita Baker, KABS representative, appeared before the Commissioners to present the annual grant request to be submitted for 2006. She stated they have a \$600,000 budget for 2006 with the grant portion being \$353,000 with the remaining funds obtained from local contracts and agencies. Baker also presented the 2nd Quarter financial status and quarterly vouchers. She reported that they will be getting their next new bus in October and it will be painted yellow with flowers. Truex asked what guidelines there were for what could be put on the buses. Baker said they could not use political or sexist slogans or ads. She also noted that people seem to be noticing the buses more now because of the bright colors and are calling to inquire about advertising on them.

MOTION: Ron Truex TO: Approve and sign grant approval and
SECOND: Brad Jackson approved the second quarter report.
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF THE HIGHWAY DEPARTMENT SAFETY MEETINGS:

Dennis Pletcher, County Highway Interim Superintendent, noted that in reference to Steve Zachert’s (Bituminous) comments, the department has implemented safety training sessions for all new hires. He said the goal would be to institute weekly safety meetings, but they were beginning by trying to schedule one a month. Pletcher also commented that the employees of his department had a greater chance of exposure to accidents than most other county employees.

IN THE MATTER OF “NO TRUCK” SIGN ORDINANCE APPROVED AT THE JULY 26, 2005 COMMISSIONER’S MEETING:

Dennis Pletcher, Interim County Highway Superintendent, presented the ordinance approved at the July 26, 2005 Commissioner’s meeting for the installation of “No Truck” signs as previously approved.

ORDINANCE 05-08-09-001S

An Ordinance establishing “No Truck” 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: Install “No Truck” signs at either end of Old SR 15 – Between SR 15 and CR 200S.

THIS ORDINANCE shall be in full force and effect on August 9, 2005. Passed and adopted by the Board of Commissioners of County of Kosciusko this 9th day of August, 2005

IN THE MATTER OF REQUEST FOR STOP SIGN ORDINANCE APPROVAL FOR FOXWOOD ESTATES:

Dennis Pletcher, Interim County Highway Superintendent, presented a “Stop” sign ordinance request for Foxwood Estates. Pletcher indicated the signs were already in place, but no ordinance could be found approving of their placement.

MOTION: Brad Jackson TO: Approve stop sign ordinance request for
SECOND: Ron Truex Foxwood Estate.
AYES: 3 NAYS: 0
UNANIMOUS

ORDINANCE 05-08-09-002S

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 northeast corner of north and south entrances – both named Riviera Drive and Country Club Road. Riviera Drive stops for Country Club Road.

THIS ORDINANCE shall be in full force and effect on August 9, 2005. Passed and adopted by the Board of Commissioners of County of Kosciusko this 9th day of August, 2005

IN THE MATTER OF REQUEST TO REDUCE SPEED BUMPS TO SPEED HUMPS ON MORRISON ISLAND:

Dennis Pletcher, Interim County Highway Superintendent, reported that he had been contacted by Mark Beasley from Morrison Island regarding the “loop” around the island. Beasley stated that the property owners around the “loop” do not like the speed bumps that were installed by the county and would like to see a more gradual hump installed. Beasley questioned if the property owners could install speed “humps” and maintain them at their cost. He also said they would have the snow plowed at their cost with the county maintaining the road only. The Commissioners questioned Pletcher if there were any drawbacks or negatives about this and Pletcher said he could not for see any.

MOTION: Ron Truex TO: Approve the changing of speed bumps to
SECOND: Brad Jackson speed humps with 100% of property owners in
AYES: 3 NAYS: 0 agreement to private maintenance of such
UNANIMOUS change.

IN THE MATTER OF REQUEST TO REPAIR RUTS AND RETAIN GRASSY STRIP ON T30 SOUTH OF THE CUL-DE-SAC AT BELL ROHR PARK

Dennis Pletcher, Interim County Highway Superintendent, said he had been approached regarding ruts on T30A south of Bell Rohr Park cul-de-sac. There currently is a grassy area in the center of the cul-de-sac that has ruts from school buses, garbage truck, etc. turning around that need to be fixed. The county typically would remove the grassy area and pave the entire area, but the property owners do not want to see the grassy area removed. They also have concerns regarding water runoff if the grass is removed. The property owners would like to see the ruts fixed and the road repaired by the county, with the maintenance of the grassy area then left to the property owners. Pletcher said if the shoulders were widened it should eliminate the problem.

MOTION: Ron Truex TO: Approve the rut repairs and shoulder work
SECOND: Brad Jackson of cul-de-sac with further maintenance of grassy
AYES: 3 NAYS: 0 area left up to property owners.
UNANIMOUS

IN THE MATTER OF 2006 COUNTY HIGHWAY BUDGET:

Dennis Pletcher, Interim County Highway Superintendent, addressed the Commissioners regarding the 2006 budget. He stated that budget had been approved by the Council at a figure of \$4M. He noted the budget had been a conservative one with as many cuts as possible made. He said that the department would be pulling \$400,000 from CD’s next year. Pletcher has concerns regarding how low the department’s funds should be allowed to fall. Pletcher also asked the Commissioners to be aware of the following:

- o No truck replacements are planned for 2006 (normally replace 2)
- o Additional work/cost for department for every new subdivision added
- o When do we add employees to keep up with growth in county (currently have 26 men to service all of county) to maintain level of service
- o With rising fuel costs, should department employees be allowed to take trucks home during winter season as in past practices
- o Rising fuel cost affect supplies (asphalt), department for sees more patch work being done as opposed to repaving
- o Revenue does not increase with the rising fuel costs. It is based on a flat fee on the number of registered automobiles in the county.

IN THE MATTER OF STEVE KELLY, TURKEY CREEK TOWNSHIP, REQUEST FOR A BIKE TRAIL PERMIT:

Steve Kelly, a Morrison Island property owner, appeared before the Commissioners in a request to expedite the permits needed for trail work to be completed on his property. Kelly stated that last year a man died in his driveway when his car hit Kelly’s mailbox, some railroad ties and Sprint poles and burst into flames. Kelly said he has been trying since that time to install a trail to allow for margin of error and that he was not seeking any monetary compensation from the county. He plans to cover the \$100,000 cost himself. Kelly’s request was for a permit to allow work to be done in the right-of-way. There was concern expressed from the highway department regarding drainage issues, easement and right-of-way for a deceleration lane and maintenance of the roadway. After considerable discussion, it was the recommendation of the Commissioners that a written

detailed plan be submitted by Mr. Kelly and for Commissioner Jackson to go to physical location and look over plans/site with Mr. Kelly.

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

TO: Approve Brad Jackson to inspect site and detailed plan with Mr. Kelly and then instruct Pletcher of Commissioner's approval with Pletcher to attach detailed plan to permit at time of issuance.

IN THE MATTER OF REQUEST TO REAPPOINT ROBERT OLSON TO THE MILFORD LIBRARY BOARD:

A Certificate of Appointment was presented for approval for Robert Olson to the Milford Public Library Board.

MOTION: Brad Jackson
SECOND: Ron Truex
AYES: 3 NAYS: 0
UNANIMOUS

TO: Approve appointment of Robert Olson to Milford Public Library Board.

IN THE MATTER OF BUDGET HEARING INFORMATION:

Sue Ann Mitchell reported that the County Council's annual budget hearings were being held this week (Monday, August 8th and Tuesday, August 09, 2005) at 6:00 pm with an executive session to follow Tuesday evening's meeting.

There was no further business to come before the Commissioners.

**KOSCIUSKO COUNTY JOINT MEETING OF
COMMISSIONERS AND COUNTY COUNCIL
AUGUST 9, 2005**

The Kosciusko County Commissioners met with the Kosciusko County Council for an executive session to discuss personnel matters.

Those present were:

COMMISSIONERS

AVIS GUNTER, PRESIDENT
BRAD JACKSON
RON TRUEX
SUE ANN MITCHELL, AUDITOR
RON ROBINSON, COUNTY ADMINISTRATOR

COUNCIL

HAROLD JONES, PRESIDENT
TOM ANGLIN
JOHN KINSEY
CHARLENE KNISPEL
BOB SANDERS
BRAD TANDY
LARRY TEGHTMEYER

The group discussed a personnel matter. No votes were taken. There was no further business to come before the joint meeting of Commissioners and Council.

**KOSCIUSKO COUNTY COMMISSIONERS
AUGUST 23, 2005**

The Kosciusko County Commissioners met for their regular meeting on August 23, 2005 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, PRESIDENT
BRAD JACKSON
RON TRUEX

MIKE MINER, COUNTY ATTORNEY, *ABSENT*
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 TIME ZONE DETERMINATION:

President Avis Gunter opened the discussion by stating that it is the county's right to petition for a hearing to make a request for a specific time zone, however there are certain criteria that have to be met in order to file a petition. Commissioner Jackson said that if the county does not petition, the

likely outcome would be to remain in the Eastern Time Zone. Gunter then reported that Kosciusko County does not meet any of the criteria to petition. Commissioner Truex listed the six criteria for filing an exception to the Eastern Time Zone.

- The focus of business supplies and product destinations
- The sources of radio and television broadcasts
- The location of transportation hubs, including airports, bus and passenger service
- The nature of the economy whether it is declining or growing
- The existing time zone in nearby areas that draw people for education, health, recreation and worship

He then reported that since the county has no basis to petition for Central Time, it would be left up to the Federal Department of Transportation to make the final determination. Truex also noted that in public the opinion poll conducted by the county that the county leaned slightly more toward Eastern Time.

MOTION: Ron Truex

TO: Not petition for a hearing and to accept

SECOND: Brad Jackson

Department of Transportation as to the time

AYES: 3 NAYS: 0

zone for Kosciusko County.

UNANIMOUS

IN THE MATTER OF PERSONAL PROPERTY SOFTWARE FOR ASSESSOR'S OFFICE:

Laurie Renier, County Assessor appeared before the Commissioners to follow up on her request for approval to purchase a new personal property software program. Information regarding the program was presented at the August 9, 2005 meeting. Renier also stated at that time, new computers would need to be purchased for township trustee/assessors. Renier said that laptop computers would be a great asset for many of the assessors that go into the field to do their assessing and therefore requested laptops be purchased. The Commissioners suggested that Renier poll the assessors to obtain a consensus of what type of computer they preferred and then order the computers keeping them consistent with each other.

MOTION: Ron Truex

TO: Approve personal property software

SECOND: Brad Jackson

contract as well as computer purchases.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF STEVE KELLY, TURKEY CREEK TOWNSHIP, BIKE TRAIL PERMIT REQUEST:

Steve Kelly, a Morrison Island resident, appeared before the Commissioners to present additional plans for a bike trail that he would like to put in to alleviate some of the dangers along the roadway between State Road 13 and the DNR public boat launch in Turkey Creek Township. Kelly stated that he had obtained the paperwork the Commissioners had requested, but noted the Wawasee

IN THE MATTER OF STEVE KELLY, TURKEY CREEK TOWNSHIP, BIKE TRAIL PERMIT REQUEST CONTINUED:

property owners were not willing to give up additional right-of-ways. Kelly also said he understood the Commissioner's concern regarding drainage along the bike trail, but didn't feel it would be an issue as the trail would set below the roadway.

Dennis Pletcher, Interim Highway Superintendent, presented two permits pertaining to the trail request. The first being a permit for a deceleration lane and the other a permit for the trail to be built according to the plans submitted.

In order not to sacrifice county road drainage, Commissioner Jackson reiterated that drainage will need to be addressed as each section of the trail is constructed.

MOTION: Brad Jackson

TO: Approve permits with the understanding

SECOND: Ron Truex

that drainage issues will be addressed with each

AYES: 3 NAYS: 0

state of the bike trail permits that are issued.

UNANIMOUS

IN THE MATTER OF GRACE COLLEGE/GATKE PROPERTY VACATION:

Attorney Dan Vanderpool representing Grace College appeared before the Commissioners requesting permission to act on behalf of the county to petition the Town of Winona Lake to vacate a street adjacent to the Gatke property.

MOTION: Ron Truex TO: Grant permission to request the Town of
SECOND: Brad Jackson Winona to vacate street adjacent to Gatke
AYES: 3 NAYS: 0 property.
UNANIMOUS

IN THE MATTER OF REDEVELOPMENT COMMISSION:

Ron Robinson, County Administrator shared that the following five individuals had been contacted regarding seats on the Redevelopment Commission: Max Courtney, Lowell Owens, Larry Teghtmeyer, Bill Warren, and Bruce Woodward.

MOTION: Brad Jackson TO: Approve appointees to Redevelopment
SECOND: Ron Truex Commission.
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF COURTHOUSE REMODELING:

Ron Robinson, County Administrator, provided information concerning the remodeling project, Robinson requested funds be approved for carpeting in the basement, the old courtroom, and the County Assessor's Office. This was not included in the bid and Robinson stated he would like to go ahead with new carpet in those areas at an approximate cost of \$20,000.

MOTION: Ron Truex TO: Approve purchase of new carpeting for
SECOND: Brad Jackson the old courtroom, County Assessor's Office
AYES: 3 NAYS: 0 and other basement offices.
UNANIMOUS

IN THE MATTER OF TURKEY CREEK TOWNSHIP PROPERTY CLEANUP:

Ron Robinson, County Administrator, stated that a property the county had acquired thru a tax sale several years ago has become an eyesore. Robinson reported that he received a quote to clean up the property but the quote exceeded the property value. Robinson said he spoke with County Attorney, Mike Miner in regards to offering the property to the adjacent owner for the cost of clean up. Robinson requested permission from the Commissioners to approach the adjacent owner with this offer.

MOTION: Brad Jackson TO: Approve request to transfer property to
SECOND: Ron Truex adjacent owner for cost of clean up.
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF MEMORIAL MONUMENT LOCATED ON THE SOUTH EAST CORNER OF THE COURTHOUSE SQUARE:

Ron Robinson, County Administrator, stated he had received a quote of \$7,800 from Atlas (Company currently working on the courthouse steps) for clean up work to the Memorial

IN THE MATTER OF MEMORIAL MONUMENT LOCATED ON THE SOUTH EAST CORNER OF THE COURTHOUSE SQUARE CONTINUED:

Monument located on the southeast corner of lawn. He reported that repairs needed to be made to the monument and he would like to have it reset on a concrete slab similar to the other monument located on the South West corner of the Courthouse lawn.

MOTION: Brad Jackson TO: Approve contract work to the Memorial
SECOND: Ron Truex Monument located on the South East side of the
AYES: 3 NAYS: 0 Courthouse lawn.
UNANIMOUS

IN THE MATTER OF INTER-LOCAL AGREEMENT FOR THE KOSCIUSO COUNTY CONVENTION VISITORS COMMISSION:

Sue Ann Mitchell, County Auditor presented an Inter-local Agreement with the Kosciusko County Convention, Recreation and Visitor's Commission for accounting services for the Commissioner's approval. Mitchell noted the agreement is similar to the Solid Waste Agreement except there is no money to be paid to the county for the service. The funds of the Commission are held by the county and the county receives the interest from the money held per the agreement.

MOTION: Ron Truex

TO: Approve agreement for services.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

**INTER-LOCAL AGREEMENT
RESOLUTION 05-**

WHEREAS, the Kosciusko County Convention Recreation and Visitors Commission herein after referred to as “the Commission” has a need for a Controller.

WHEREAS, the Kosciusko County Commissioners and Kosciusko County Council herein referred to as “the County” and the Kosciusko County Auditor, herein referred to as “the Auditor” agree to “the Auditor” serving in the capacity of Controller for the “the Commission” in accordance with IC 6-9-18-6 through an inter-local resolution.

WHEREAS, “the Auditor” shall serve as the controller for “the Commission.” “The Auditor” shall attend commission meetings and provide complete financial accounting for “the Commission”. Reports shall include the status of appropriations, bank balance, status of expenditures and receipts and any other information “the Commission” shall deem necessary. “The Auditor” shall maintain appropriations, issue all checks, account for all deposits, prepare annual budget and prepare annual report, handling all funds in accordance with statutes governing public funds per IC 6-9-18-7. It is understood that the handling and expenditure of money coming into possession of “the Commission” is subject to audit and supervision by the state board of accounts.

WHEREAS, the funds of “the Commission” shall be tracked in a separate fund and reported separately from other county funds.

WHEREAS, it is further understood that “the Commission” is to be responsible for all office supplies related to “the Commission” and no county funds shall be expended on behalf of “the Commission.”

Whereas, “the Commission” or their designee shall be responsible for the delivery of all claims to “the Auditor” for processing. Claims shall be completed in accordance with public funds accounting including itemized receipts. It is understood that all items related to “the Commission” remain their property.

WHEREAS, “the Commission” and “the County” and “the Auditor” agree there will be no fees for the service.

WHEREAS, either party may terminate the agreement with a thirty (30) day written notice. All funds and documents will be turned over to “the Commission” by “the Auditor” as soon as is practical upon termination of the agreement.

THEREFORE BE IT RESOLVED “the Auditor” shall be the controller for “the Commission” with approval of “the County.”

IN WITNESS THEREOF, this agreement shall be deemed to have commenced on January 1, 2005 and shall terminate on December 31, 2005.

THE COMMISSION

Deb Wiggins, President
Jan Carter
John Elliott
Faye Medlock
Joy McCarthy-Sessing
Jon Sroufe
David Taylor

KOSCIUSKO COUNTY COMMISSIONERS

Avis B. Gunter, President
Brad Jackson
Ron Truex

KOSCIUSKO COUNTY COUNCIL

Harold Jones, President
Tom Anglin
John Kinsey
Charlene Knispel
Bob Sanders
Brad Tandy
Larry Teghtmeyer

AUDITOR

Sue Ann Mitchell, Auditor

**IN THE MATTER OF MASTERCRAFT REZONING REQUEST IN MELODY ACRES
SUB DIVISION IN WAYNE TOWNSHIP:**

Dan Richard, Area Plan Director, presented a request from Mastercraft Construction to rezone an out lot in the Melody Acres Subdivision from Agricultural to Residential. Richard stated that a permit had already been granted for a residence to be built on the out lot and construction has begun on that home. He said the request is to rezone the out lot into 2 separate parcels so that the

**IN THE MATTER OF MASTERCRAFT REZONING REQUEST IN MELODY ACRES
SUB DIVISION IN WAYNE TOWNSHIP CONTINUED:**

owner can sell off the small lot with the house and retain the remaining ground as a nature preserve. Richard also stated that the process the petitioner would need to go through if this were to be rezoned would be to propose a plat that would be an amendment to the original Melody Acres Subdivision and all of the original platters would have to sign and give consensus for the new plat. It was noted that a hearing had been conducted and a remonstrance was filed with signatures from original platters. Therefore, it was the Area Plan Commission’s unanimous recommendation to deny the request due to an earlier approval allowing a residence to be put on the out lot.

Jeremy Makinson, Mastercraft Construction, appeared before the Commissioners reference his request for rezoning. Makinson stated that he felt there had been a misunderstanding among the neighbors when he filed the petition for rezoning and that misunderstanding had been cleared up. He also said his intention was to sell off the ½ acre with the house and retain the approximately 8 acres as a nature preserve since his family owns property that adjoins the wetland area. Makinson also stated that he understood when he purchased the property that he would have to go through the rezoning process if he wanted to sell off the residence or he would have to sell the entire out lot.

Margaret Kennedy, property owner of three lots near site, spoke in favor of the rezoning request. Kennedy stated that she was the person that started the petition against the rezoning request based on information she had been given that additional homes were going to be built on the property. She said that she had been misinformed and therefore was requesting that the petition be withdrawn since those that had signed it had signed under false information. Kennedy also went on to say that Makinson allowed the neighbors to dispose of their grass clippings and branches in the wet land area and appreciated his kindness.

Bev Dye, property owner near out lot, spoke in favor of the rezoning request also. She stated that she had signed the petition against the zoning thinking that additional homes were going to be put on the lot. Dye shared her concern that if this is not rezoned, construction on the current resident would stop as this property would be hard to sell since the majority of it is not of any value other than a nature preserve. She also noted that Makinson had erected a very professional sign that is displayed as “Melody Acres Nature Preserve”.

Ken Bixler, property owner across from out lot, spoke in favor of the rezoning. He stated he would like to see the residence separated from the wet land area and some type of restriction put on the wet land area that would prevent further development.

The Commissioners once again asked the Petitioner if he was aware of the zoning when he purchased the property. Makinson stated that he had been but also understood that he could petition for a zoning change if he chose. He reiterated that if he were to sell off the entire out lot as platted, his family would lose ownership and use of property and he did not want to see that happen.

No one in attendance spoke in opposition to the rezoning, however APC Director, Dan Richard expressed concern that if the Commissioners did not accept the APC recommendation in light of no remonstrators present it would set a precedent for future remonstrance action. The Commissioners acknowledged Richard’s concern, but felt in this case there may have been a change in attitude from the community and that needed to be recognized as well.

MOTION:	Brad Jackson	TO:	Allow rezoning request if 100% of original
SECOND:	Ron Truex		lot owners that signed initial plat approve the
AYES:	3	NAYS:	0
UNANIMOUS			change to the out lot in the form of an amended plat.

IN THE MATTER OF EUGEN REZONING REQUEST FROM AGRICULTURAL TO RESIDENTIAL ON EPWORTH FOREST ROAD IN TIPPECANOE TOWNSHIP:

Dan Richard, APC Director presented a request from Albert Eugen to rezone an area of approximately 8 acres in Tippecanoe Township, located on the north side of Epworth Forest road and east of Hoss Hills road from agricultural to residential. Richard stated that the proposed area will have municipal service from North Webster and it is the APC’s unanimous recommendation to allow rezone request.

Ken Leatherman, representing Albert Eugen spoke in support of the zoning request. Leatherman stated that they have spoken with the North Webster Council and have the town’s support for development of area. He noted that town municipals have been contacted as well as the highway department and there were no concerns regarding the development of area. Letherman also said it is the intention to construct stick built residences in the entry to mid level ranges.

MOTION:	Ron Truex	TO:	Accept APC recommendation to rezone
SECOND:	Brad Jackson		from Agricultural to Residential
AYES:	3	NAYS:	0
UNANIMOUS			

ORDINANCE 05-08-23-002Z

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:

Part of the Northwest Quarter of Section 11, Township 33 North, Range 7 East, Kosciusko County, Indiana, being more particularly described as follows, to wit:

Commencing at a bronze marker found at the Northwest corner of said Northwest Quarter; thence S02°-24’ – 20”E, on and along the West line of said Northwest Quarter, a distance of 1183.91 feet to a Mag nail at the true point of beginning; thence continuing S02°-24’ – 20”E, on and along said West line, being within the right of way of Hoss Hill Road, a distance of 559.17 feet to a Mag nail at the point of intersection

with the North right of way line of Epworth Forest Road, said Mag nail being situated N02°-24' -20"W, a distance of 25.0 feet to a P.K. nail found on the centerline of said Epworth Forest Road; thence N88°-32' - 57"E, on and along said North right of way line, a distance of 200.42 feet to an iron pin found on the West line of a certain tract of land as recorded in Deed Record 239, page 437 in the records of Kosciusko County, Indiana; thence N01°-27' -03"W, on and along the West line of said tract of land in Deed Record 239, page 437, and on and along a Westerly line of a certain tract of land as recorded in Document Number 96-01-0871 in said records, a distance of 185.0 feet to an iron pin found at the Northwest corner of said tract of land in Document Number 96-01-0871; N88°-32' - 57"E, on and along the North line of said tract of land in Document Number 96-01-0871, a distance of 250.0 feet to an iron pin found at the Northeast corner of said tract of land in Document Number 96-01-0871; S01°-27' -03"E, on and along the East line of said tract of land in Document Number 96-01-0871, a distance of 185.0 feet to an iron pin found on the North right of way line of Epworth Forest Road, said iron pin being situated N01°-27' -03"W, a distance of 25.0 feet from a P.K. nail found at the Southeast corner of said tract of land in Document Number 96-01-0871; thence N88°-32' '57"E, on and along said North right of way line, a distance of 252.32 feet to an iron pin; thence N01°-44' - 00"W, a distance of 559.10 feet to an iron pin; thence S88°-32' - 57"W, a distance of 709.30 feet to the true point of beginning, containing 8.000 acres of land, more or less, subject to legal right of way for Hoss Hill Road, subject to all legal drain easements and all other easements of record.

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 the 23rd day of August, 2005.

IN THE MATTER OF ESTES REZONING REQUEST FROM AGRICULTURAL TO AGRICULTURAL II IN TIPPECANOE TOWNSHIP:

Dan Richard, APC Director, presented a request from Stan Estes to rezone a section of land located at 950 E and Backwater Road in Tippecanoe Township from Agricultural to Agricultural II. Richard stated it was the unanimous decision of the APC to deny this request in order for the petitioner to withdraw request and seek variance from the Board of Zoning Appeals. He stated at this time the petitioner now wishes to obtain one more sell offs rather than divide area into subdivision.

MOTION: Ron Truex TO: Accept APC recommendation to deny rezoning request.
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF BAUMGARTNER VACATION REQUEST:

Matt Sandy, APC Assistant Director, presented a request from Ron and Gloria Baumgartner to vacate a portion of Old Eli Lily Road in Wright's Place, Turkey Creek Township. Sandy stated there have been other vacations on this section in the past and it is the APC's recommendation to allow vacation. No one spoke against the vacation.

MOTION: Ron Truex TO: Accept APC recommendation to allow requested vacation of Old Eli Lily Road in Wright's Subdivision.
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

ORDINANCE 05-08-23-001V

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

WHEREAS, Ronald L. Baumgartner and Gloria K. Baumgartner, 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 and The Mail Journal, both newspapers in general circulation and published in the English language in Kosciusko County, Indiana, giving notice of the filing of the verified Petition to Vacate a Public Way and giving notice that said petition would be heard by the Kosciusko County Commissioners on the 23rd day of August, 2005, at 9:30 a.m., in the Commissioner's 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 11th day of August, 2005, and which notice in The Mail Journal was published on the 10th day of August, 2005, both of which notices were published more than ten (10) days prior to the hearing; and

WHEREAS, it does not appear that there are any other adjacent property owners to the public way to be vacated herein, other than the petitioners; and

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

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

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

That real estate situated in Kosciusko County, State of Indiana, bordered on the North by the Northern Portion of the real estate 7073 Eli Lilly Road, bordered on the South by the East Half of Lot 8, all of Lot 9, and the West Half of Lot 10 of Wright Place, bordered on the East by the East Half of Lot 10 of Wright Place and tract of North of Lot 10 and partially vacated roadway, and bordered on the West by the West Half of Lot 8 and by the tract North of the West Half of Lot 8 of Wright Place as recorded in Plat Book 2, Page 238, in the office of the Recorder of Kosciusko County, Indiana.

And which public way is also identified as unimproved tract of land lying in the real estate commonly known as 7073 Eli Lilly Road, Syracuse, Indiana;

And which public way lies between those lots identified by Key Number 7-38-69, Key Number 7-38-68, and Key Number 7-38-67;

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-fourths (3/4) of the duly elected Commissioners of Kosciusko County, Indiana, this ordinance was considered for final passage upon its first presentation.

Upon motion duly made, seconded, and passed by a vote of 3 ayes and 0 nays, the foregoing Ordinance was adopted by the Kosciusko County Commissioners at its regular meeting this 23rd day of August, 2005.

IN THE MATTER OF STEWART VACATION REQUEST IN RUMMEL'S HAVEN SUBDIVISION IN PLAIN TOWNSHIP:

Matt Sandy, APC Assistant Director, presented a request from Brent and Nancy Stewart, Plain Township, to vacate an area in Rummel's Haven, Chapman Lake. Sandy stated the area was not county maintained and although the APC has some concerns they would recommend approval of vacation with conditions.

Brent Stewart, owner of the property appeared and stated the reason for requesting the vacation was that the parcel in question serves no purpose and vacating it would allow him to square up his property. It would also allow him to change the location of a garage that he plans to construct on the property.

Brian Hill appeared on behalf of the Stewarts stating that the vacation request was to help the Stewarts develop the lot pursuant to Kosciusko County Zoning Codes.

Deb Sutter, property owner to the east of the Stewarts appeared before the Commissioners in opposition to the vacation stating they residents would lose their turnaround if this parcel was vacated. She stated that utility trucks use the area as a turnaround as well. Sutter also commented that children ride their bikes in the proposed area and have been verbally reprimanded by Stewart even though he does not own said portion of area.

Brent Stewart responded that his main goal was to move garage in alignment with the house and yet meet set back requirements.

MOTION: Brad Jackson

TO: Allow vacation subject to a deeded public easement and previous variance null and void.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF LEWARK VACATION REQUEST IN JANNIE WARREN'S NORTH SHORE SUBDIVISION IN LAKE TOWNSHIP:

Matt Sandy, APC Assistant Director, presented a request from Mary Elizabeth Lewark, Lake Township to vacate a portion of West High Street located in Silver Lake, IN contiguous to lots 1,2,3 and 4 of Jannie Warren's North Shore Subdivision. Sandy stated that currently the land behind Lot 4 is graveled, but on Lots 1-3, the right of way is be utilized as yard and is not county maintained. Sandy also went on to say the planning commission had concerns with the fact that this was an older section of properties and no information was available from the health department regarding wells or septic systems. Therefore, if repairs were needed on Lots 1-3, vacating this right of way would make access to the back of these properties impossible. Sandy also said the APC had received a letter of remonstrance from Wesley Schaefer who owns the property north of High Street. Schaefer reasoned that if the vacation were approved, it would eliminate a right of way to a portion of his current property. Schaefer also alleged that his right to divide or subdivide his

property would be greatly reduced if the right of way were vacated, therefore reducing the value of his property.

Speaking on behalf of the Lewark's was Attorney Andrew Grossnickle. Grossnickle stated the main objective of the vacation request was to join a tract of land north of High Street that the Lewarks also own, to Lot 4, therefore making the property one piece.

Wilbur Miller, owner of Lot 7 spoke in support of the petition to vacate a portion of High Street.

Joann Balling, daughter of owner Mary E. Lewark (Lot 4), spoke in support of the vacation saying that she thought the 1st step in combining the two tracts would be to vacate the right of way.

Speaking in opposition to the vacation was Donald Jenkins, owner of Lot 3. Jenkins pointed out that if this right of way was vacated, he would not have access to his back yard. He stated that due to the elevation of his property and a retaining wall located in the front of his yard it would be almost impossible to get to the back of his property. He also pointed out even though the right of way has not been kept up, it still is a road.

Also speaking in opposition to the vacation was Wesley Schaefer, owner of the property north of High Street. Schaefer reiterated that if the vacation were approved, he would not be able to divide his current property as there would not be access available.

In response, Attorney Grossnickle stated regardless if the tree that is located in High Street as it sits could be removed, at this point it is still in the right of way. He also said that Wesley Schaefer would still have access to his property if he chose to divide it.

MOTION: Brad Jackson TO: Deny vacation request as presented.
SECOND: Ron Truex
AYES: 3 NAYS: 0
UNANIMOUS

There was no further business to come before the Commissioners.

KOSCIUSKO COUNTY COMMISSIONERS SEPTEMBER 6, 2005

The Kosciusko County Commissioners met for their regular meeting on September 6, 2005 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, PRESIDENT
BRAD JACKSON
RON TRUEX

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

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

IN THE MATTER OF LOCK BOX PROPOSAL:

Kent Adams, County Treasurer presented a proposal outlining the Lock Box Service Agreement with Lake City Bank. Adams stated that it currently takes his office approximately 6-8 weeks to process the 90,000 tax parcels it receives. He also noted that it requires hiring additional help during this time frame. Adams then went on to say the Lock Box Service would increase the efficiency and accuracy of his office by relieving some of the burden. He stated that payments would be posted daily by the bank handling the Lock Box Service, therefore earning interest sooner for the county.

MOTION: Ron Truex TO: Authorize Avis Gunter to sign agreement
SECOND: Brad Jackson when all information and terms are received,
AYES: 3 NAYS: 0 understood and agreed upon.
UNANIMOUS

IN THE MATTER OF EMERGENCY MANAGEMENT SERVICES:

Ed Rock, Emergency Management Director appeared before the Commissioners stating that he believed a request would be forthcoming asking for Emergency Management Directors across the country to assist in providing relief to the Emergency Management Directors in the states of Louisiana and Mississippi that have been hit by hurricane "Katrina". Rock urged the Commissioners to grant permission if a request for help was received. Commissioner Truex agreed with Rock stating that the county has already dispatched a few officers to aid that area in their

efforts of cleanup. He stated the Coroner and his office are on standby at this time also and commented it is far better to be in a position to assist those in need, than to be the ones facing a disastrous situation and requesting help from others. Truex noted the county would need an official request with a clear understanding of liability in order for assistance to be granted.

IN THE MATTER OF CEA, INC:

Linda Sanders, CEA, Inc., formerly known as Congdon Engineering Associates, Inc., Indianapolis presented information regarding their full service engineering firm to the Commissioners. Sanders stated they have done work all over the state including in this area and wanted to reacquaint the county with the services they provide. Ron Truex stated it is nice to know that in transitional periods there are familiar companies available to help.

IN THE MATTER OF HOUSING OPPORTUNITIES OF WARSAW:

Pam Kennedy, Housing Opportunities of Warsaw Director presented a subordination request for refinancing through Rural Development for a disabled family. Kennedy stated the county must agree to be the last lien holder but it was a good financial decision as there would still be over \$38,000 equity in the home even with the mortgage. She also noted that the county is a pass through agency for this action.

MOTION: Brad Jackson TO: Approve Mortgage Subordination
SECOND: Ron Truex Agreement as presented for 500 West Street,
AYES: 3 NAYS: 0 Winona Lake, IN.
UNANIMOUS

Record # _____

IN THE MATTER OF STOP SIGN REPEAL:

Dennis Pletcher, County Highway Interim Director presented a stop sign repeal ordinance for the Commissioner's approval stating that crossing arms had been installed at the 3 railroad locations.

MOTION: Brad Jackson TO: Approve Stop Sign Repeal as presented.
SECOND: Ron Truex
AYES: 3 NAYS: 0
UNANIMOUS

Ordinance 05-09-06-001 Stop Repeal – Record # 200500013553

An Ordinance establishing “Stop” signs at various County Road intersections within the 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 100E. Item #8 – Ordinance #00-S015.
2. Repeal “Stop” signs on the southeast and northwest corners of the railroad tracks on CR 100W. Item #7 – Ordinance #00-S015.
3. Repeal “Stop” signs on the southeast and northwest corners of the railroad tracks on CR 400W. Item #1 – Ordinance #00-S105.

THIS ORDINANCE shall be in full force and effect on September 6, 2005. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 6th days of September, 2005.

IN THE MATTER OF PAINT STRIPE/SWEEP AGREEMENT WITH TOWN OF SYRACUSE:

Dennis Pletcher, County Highway Interim Director presented an agreement with the Town of Syracuse for a “like services trade”. In trade for the county to paint stripes for the town of Syracuse, they in turn agree to sweep certain areas the county would be responsible for. It was

IN THE MATTER OF PAINT STRIPE/SWEEP AGREEMENT WITH TOWN OF SYRACUSE CONTINUED:

noted by County Attorney, Mike Miner that Pletcher contact him in reference to questions Pletcher may have regarding agreements/contracts in the future.

MOTION: Brad Jackson

TO: Approve agreement for services as presented.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF COURHOUSE RENOVATIONS:

Ron Robinson, County Administrator reported that the renovations are on schedule and the outside work should be completed this week.

IN THE MATTER OF WORK RELEASE KITCHEN:

Ron Robinson, County Administrator noted that the forms were delivered last week for the Work Release kitchen and the completion date for that project is slated for March 2006.

IN THE MATTER OF GIS APPRECIATION LETTER TO INDIANA GEOGRAPHIC INFORMATION COUNCIL, INC.:

Sue Ann Mitchell, County Auditor presented a letter of appreciation/support to be sent to the Indiana Geographic Information Council, Inc. for the state wide color orthophotography (orthos) project. This project will reduce the cost to the county for updated orthos as well as provide those a year earlier than planned which will be a great benefit with the growth the county is experiencing.

MOTION: Ron Truex

TO: Approve letter of support for state wide color orthophotography project.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF SIGNING STEWART VACATION APPROVED AUGUST 23RD :

Sue Ann Mitchell, County Auditor presented a vacation ordinance for Brent and Nancy Stewart that was approved as the August 23rd meeting for signatures.

ORDINANCE NO. 05-08-23-002V -Record #200500013554

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

WHEREAS, Brent and Nancy Stewart, 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 Mail Journal and Warsaw Times Union newspapers in general circulation and published in the English language in Kosciusko County, Indiana, giving notice of the filing of the verified Petition to Vacate a Public Way and giving notice that said petition would be heard by the Kosciusko County Commissioners on the 23rd day of August, 2005, at 9:30 a.m., in the Commissioner's Room in the Old Court Room, located on the third floor of the Kosciusko County Court House at the corner of North Buffalo Street and West Center Street, Warsaw, Indiana, which notice in the Mail Journal and Warsaw Times Union was published on or before the 10th day of August, 2005, which notice was published more than ten (10) days prior to the hearing, and

WHEREAS, one-half of the below described public way attains to Lot 4 in the Third Addition to Rummels Haven on Chapman Lake owned by Ronald K. Brown, jointly in common with Gilford L. Brown (Tax Key #029-095-005.E), and

WHEREAS, the public way subject to this petition will be preserved as public access easement

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 was established for the exclusive and unobstructed access to Lot 5 in the Third Addition to Rummels Haven on Chapman Lake, 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 contiguous, nor will result in the creation of any difficulty or inconvenience to the access of any land 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 is it located or contiguous, and there does not appear to be any public utilities located within the public way for which the vacation is being sought.

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

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

A tract of land in the Third Addition to Rummels Haven on Chapman Lake as recorded in Plat Book 6, Page 13 in the Office of the Recorder, located in the West Half of the Southwest Quarter of Section 23, Township 33 North, Range 6 East, Kosciusko County, Indiana.

Beginning at a point located at the Southeast corner of Lot 6 in the Third Addition to Rummels Haven on Chapman Lake, thence west on and along the south line of Lot 6, said line also being the north line of a private access easement (EMS C3 LN), a distance of 85 feet (more or less) to a point, said point being the Southwest corner of Lot 6 in the Third Addition to Rummels Haven on Chapman Lake, said point also being the point of beginning (POB); thence West a distance of 20 feet (more or less) to point located on the East line of Lot 4 in the Third Addition to Rummels Haven

on Chapman lake, thence North on along the aforementioned East property line, said line also being the West line of a private access easement a distance of 22.3 feet (more or less) to a point, said point being the Southeast corner of Lot 5 in the Third Addition to Rummels Haven on Chapman Lake, thence East a distance of 20 feet (more or less) to a point on the West line of Lot 6 in the Third Addition of Rummels Haven on Chapman Lake, thence south a distance of 22.3 feet (more or less) to point, said point being the Southwest corner of Lot 6 in the Third Addition to Rummels Haven on Chapman Lake, said point also being the point of beginning, described tract containing 446 square feet (more or less).

And which public way is also identified as an unimproved tract of land lying within the real estate commonly known as 56 EMS C3 LN, Warsaw, Indiana.

And which public way lies within the lots identified by Key Number 029-095-005.C owned by Brent and Nancy Stewart and Key Number 029-095-005.E owned by Ronald K. Brown, jointly in common with Gilford Brown.

IS NOW VACATED AND PRESERVED AS A PUBLIC ACCESS EASEMENT

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-fourths (3/4 of the duly elected Commissioners of Kosciusko County, Indiana), this Ordinance was considered for final passage upon its first presentation.

Upon motion duly made, seconded and passed by a vote of 3 ayes and 0 nays, the foregoing Ordinance was adopted by the Kosciusko County Commissioners at its regular meeting this 6th day of September, 2005.

IN THE MATTER OF GRACE COLLEGE/GATKE LOAN SERVICE AGREEMENT:

Mike Miner, County Attorney presented the Indiana Finance Authority Loan, Servicing and Disbursement Agreement for the Commissioner’s signatures.

Record # _____

IN THE MATTER OF SAM CARNS – PLAIN TOWNSHIP REZONING REQUEST:

Matt Sandy, Area Plan Assistant Director presented a request from Sam Carns to rezone a parcel in Plain Township near Chapman Lake from Agricultural to Residential. This request had been tabled at the July 26, 2005 meeting in order for the Commissioners to review all information available in order to make an informed decision based on solid facts and policy. Sandy stated the APC’s recommendation was to deny the request noting that future development was a minor point in their consideration. He noted that planning for the area was the focal point for the Commission and at this time, the APC did not feel the area was ready for development.

Attorney Steve Snyder speaking on behalf of Sam Carns stated that the area is suitable for residential development as it is similar to that surrounding it. Snyder also noted that the letter of remonstrance filed was against the effect rezoning would have on Chapman Lake, not development.

Speaking in opposition to the rezoning was Dan Lee, President of the Chapman Lake Conservation Association. Lee began by thanking the county for their efforts in supplying Hurricane Disaster Relief to the authorities in Louisiana and Mississippi. Lee then went on to state that he may have given the Commissioners the impression that erosion control was the only objection the Association had when in fact there were other objections. He asked the Commissioners to consider the compatibility of the area as it currently stands. Lee also pointed out that by the end of September there would be an additional 100 lots available in Plain Township and there was not a need for more. Lee then went on to say that the only reason for rezoning this parcel would be to increase the value for the seller and that planning should be the main consideration when making the decision.

Also speaking in opposition to the rezoning was Mike Reiff. Reiff stated that there are 2 major field tiles running through this property. His concern was that if this parcel is developed residentially who would be responsible for the rerouting of these tiles.

Ron Truex explained that there are policies in place dictating plat development in regards to that matter.

Commissioner Truex addressed those in attendance by stating that he applauds the efforts of the Chapman Lake Association and the programs they have put in place. He then went on to state that this decision would be based on policy and facts and had been taken very seriously. His feeling was that regardless of how this property was zoned it would have little effect on Chapman Lake. Truex noted that agricultural areas were better preserved by concentrating housing in one area as opposed to one home on every corner. He also reported that run off can be controlled based on policies in place. As far as increased value of the property were it rezoned, Truex said it may or may not happen as there is much interest in keeping the parcel agricultural. He also noted that if it were zoned residential it can still be farmed and that the APC would still evaluate any requested changes to the parcel.

MOTION: Ron Truex
SECOND: Avis Gunter
AYES: 2 NAYS:
Motion Carried

TO: Approve rezoning request from
Agricultural to Residential.

**IN THE MATTER OF ALBERTSON VACATION REQUEST – WAYNE TOWNSHIP;
PHILLIPS ADDITION:**

Matt Sandy, Assistant APC Director presented a vacation request from Robert and Evelyn Albertson for Wayne Township; Phillips Subdivision. This is a 50’ right-of-way that is primarily used for drainage. It is also a city/county line and both utilities were contacted in regards to usage. Based on information received from the service providers it is the APC’s recommendation to deny vacation based on drainage issues.

Attorney Steve Helm appeared on behalf of Evelyn Albertson and stated that he had also contacted both city and county service providers and felt that the 20’ right-of –way suggested by Lacy Francis, Warsaw Street Superintendent was not an adequate right-of-way and therefore, suggested the entire 50’ be vacated for roadway use but retained for utility easement.

Speaking in opposition to the vacation was Rick Rohrer, owner of Lots 40 and 41. Rohrer stated that if this vacation were allowed, he would no longer have access to his property. Discussion ensued regarding an easement that would solve the drainage issue as well as access for Rohrer.

The following spoke in support of the vacation:

- Gerald Oswalt who lives 2 houses down from Mrs. Albertson
- Brad Green who lives 3 houses down from Mrs. Albertson. Green noted that Phillips Addition has a very pedestrian friendly oval that many people take advantage of. He also stated that residents from neighboring additions also use the oval and he feels by granting the vacation this will preserve the quality of life that the Phillips Addition residents enjoy.
- Ron Tuterow who lives next door to Mrs. Albertson

MOTION: Brad Jackson TO: Approve vacation request with easement.

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE NO. 05-09-06-001V -Record # 20050013555

**AN ORDINANCE VACATING A PORTION OF
ROSEMONT AVENUE IN PHILLIPS SUBDIVISION NO. 3,
KOSCIUSKO COUNTY, INDIANA**

WHEREAS, Robert E. and Evelyn I. Albertson Revocable Living Trust, Evelyn I. Albertson, Trustee, has filed a petition to vacate an undeveloped public roadway; and WHEREAS, the petitioner to vacate the roadway and notice thereof, as well as notice of the hearing on September 6, 2005, were properly published in the *Warsaw Times Union* and *Milford Mail Journal*; and

WHEREAS, on September 6, 2005, the Petitioner has appeared, presented her petition to vacate the roadway, and presented exhibits and factual information regarding same; and

WHEREAS, there were no remonstrances or objections by persons aggrieved by the proposed vacation, 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 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 the undeveloped road 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 undeveloped roadway should not be vacated, and it is further found that said roadway should, THEREFORE, be vacated.
2. The following described real estate situated in Kosciusko County, in the State of Indiana, namely the undeveloped road described as follows:

That part of “Rosemont Avenue” as platted and lying between Lots 15 in Phillips Subdivision No. 3 and Lot 40 in Phillips Subdivision No. 4, more particularly described as:

Beginning at the Northeast corner of Lot 15 in Phillips Subdivision No. 3; thence Easterly along the North line of Lot 15, extended, a distance of 50 feet to the West line of Lot 40 in Phillips Subdivision No. 4; thence South along the West line of Lot 40 140 feet to the Southwest corner of Lot 40; thence Westerly 50 feet to the Southeast corner of Lot 15; thence North along the East line of Lot 15 to the point of beginning.

Should be, and it is now hereby, vacated.

3. Provided further, that an easement is retained in favor of public and private utilities to utilize the vacated street for all appropriate existing and future utility installations and maintenance, including but not limited to drainage, water, sanitary sewer, electric, cable, telephone, gas and similar utility uses.

Done this 6th day of September, 2005.

**IN THE MATTER OF HOSACK VACATION REQUEST – TIPPECANOE TOWNSHIP;
WILLOW COVE:**

Matt Sandy, APC Assistant Director presented a vacation request from Gary and Kay Hosack, Big Barbee Lake. Sandy stated that all utilities had been contacted and there were no objections from any service providers.

Attorney Rick Helm, representing the Hosacks noted that the request was for future planning purposes for set back restriction. No one spoke in opposition to the vacation request.

MOTION: Brad Jackson TO: Approve vacation request as presented.

SECOND: Avis Gunter

AYES: 2 NAYS:

UNANIMOUS

ORDINANCE NO. 05-09-06-002V

-Record#200500013556

**AN ORDINANCE VACATING A ROAD BETWEEN
LOT 24 AND A PORTION OF LOT 23 IN WILLOW COVE SUBDIVISION ON
BIG BARBEE LAKE, KOSCIUSKO COUNTY, INDIANA**

WHEREAS, Gary Hosack and Kay D. Hosack have filed a petition to vacate an undeveloped public roadway; and WHEREAS, the petitioner to vacate the roadway and notice thereof, as well as notice of the hearing on September 6, 2005, were properly published in the *Warsaw Times Union* and *Milford Mail Journal*; and

WHEREAS, on September 6, 2005, the Petitioner has appeared, presented her petition to vacate the roadway, and presented exhibits and factual information regarding same; and

WHEREAS, there were no remonstrances or objections by persons aggrieved by the proposed vacation, 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 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 the undeveloped road 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 undeveloped roadway should not be vacated, and it is further found that said roadway should, THEREFORE, be vacated.
2. The following described real estate situated in Kosciusko County, in the State of Indiana, namely the undeveloped road described as follows:

Beginning at the Northeast corner of Lot 24 in Willow Cove Subdivision on Big Barbee Lake, thence Northeast on a perpendicular to the North line of Lot 24 a distance of 15 feet to the Southwest line of Lot 23 in Willow Cove Subdivision on Big Barbee lake; thence Northwesterly along the Southwest line of Lot 23 to the West corner of Lot 23; thence Southwest approximately 20 feet to the North corner of Lot 24; thence Southeasterly along the North line of Lot 24 to the place of beginning.

Should be and it is now hereby, vacated.

Done this 6th day of September, 2005.

**IN THE MATTER OF SHOWALTER VACATION REQUEST – TIPPECANOE
TOWNSHIP; BLACK’S LANDING:**

Matt Sandy, APC Assistant Director presented a vacation request from Robert G. and Marietta B. Showalter. Sandy stated the petitioners currently own the two lots in the older section of unplatted area. Service providers were contacted and there were no objections to the vacation request. Sandy noted the only recommendation the APC would make is a request for owner to tie the two lots together if vacation is granted.

Bob Showalter spoke to the Commissioners and stated he would like the vacation to tie his properties together as the septic is on the back property. He also noted that his intention was not to changing anything on the lot. He currently parks his car on the back half and he and his neighbors use it for walking. No one spoke in opposition to the vacation request.

MOTION: Brad Jackson TO: Approve vacation request subject to

SECOND: Avis Gunter property owner deeding both lots together.

AYES: 2 NAYS: 0

UNANIMOUS

ORDINANCE NO. 05-09-06-003V

-Record #20050013557

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

Whereas, Robert G. Showalter and Marietta B. Showalter, 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* and *The Mail-Journal*, both newspapers in general circulation and published in the English language in Kosciusko County, Indiana, giving notice of the filing of the verified *Petition to Vacate a Public Way* and giving notice that said petition would be heard by the Kosciusko County Commissioners on the 6th day of September, 2005, at 9:30 a.m., in the Commissioner's Room in the Old Court Room located on the third floor of the Kosciusko County Court House at the corner of North Buffalo Street and West Center Street, Warsaw, Indiana, which notice in the *Warsaw Times Union* was published on the 11th day of August, 2005, and which notice in *The Mail-Journal* was published on the 10th day of August, 2005, both of which notices were published more than ten (10) days prior to the hearing and,

WHEREAS, it does not appear that there are any other adjacent property owners to the public way to be vacated herein, other than the petitioners, and

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

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

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

That certain real estate is a portion of Oak Drive, as labeled on the original plat of Black's Landing, Tippecanoe Lake, and being approximately fifty feet (50') in width east and west, bounded on the north by a tract of ground described as follows: Beginning at an iron pipe thirteen hundred forty-five (1345) feet west and one hundred twenty (120) feet south of the East quarter post of Section 7, Township 33 North, Range 7 East, and running thence East ninety (90) feet to an iron pipe; thence South eight (80) feet to an iron pipe; thence in a northwesterly direction ninety five (95) feet to an iron pipe located fifty-two (52) feet South of the place of beginning; thence North fifty-two (52) feet to the place of beginning.

Bounded on the south a tract of land described as follows: beginning 1245 feet West and 194 feet South of the East Quarter Post of Section 7, Township 33 North, Range 7 East, and running thence South 139 feet to an iron post; thence south 83 degrees East 33 ½ feet to an iron pipe; thence North 9 degrees East 126.5 feet to an iron pipe; thence North 81 degrees West 50 feet to the place of beginning. This tract is commonly known as 31 EMS T42, Leesburg, Indiana 46538.

Bounded on the west by Lots 5 and 6, all as shown upon the Plat thereof, Walker's Park, Tippecanoe Lake, Kosciusko County, and on the east by a continuation of Oak Drive starting at the west boundary of 27 EMS T42 lane, all as shown upon the Plat thereof, Kosciusko County GIS-2003, Office of the Recorder of Kosciusko County, Indiana 46538.

And which public way lies between those lots identified by Key Number 005-028-068 and Key Number 005-028-069

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 ¾ (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 6th day of September, 2005.

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

KOSCIUSKO COUNTY COMMISSIONERS SEPTEMBER 20, 2005

The Kosciusko County Commissioners met for their regular meeting on September 20, 2005 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, PRESIDENT
BRAD JACKSON
RON TRUEX

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

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

IN THE MATTER OF AIC FUNDRAISERS:

Sue Ann Mitchell, County Auditor presented information on behalf of County Clerk, Sharon Christner regarding the Association of Indiana Counties Conference Fundraiser. Mitchell stated the AIC has supplied a list of possible ideas for counties to raise money in order to assist the victims hardest hit by Hurricane Katrina. These funds will be to support parish and county employees in Louisiana, Mississippi and Alabama.

MOTION: Ron Truex

TO: Approve support of the fundraiser

SECOND: Brad Jackson

program.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF STEVE KELLY BIKE TRAIL – TURKEY CREEK:

Steve Kelly came before the Commissioners with new/additional concerns regarding the proposed bike trail he would like to construct. Kelly stated that he has received word from Sprint that they will not move poles that are in the right-of-way because they have not been requested to do so by the county. Sprint also noted that this project is not being funded by the county and therefore, have no legal reason to move the poles. Kelly reiterated that he is not seeking any funding from the county, but would like the county to provide assistance in getting the poles moved. The Commissioners cautioned that if the county would take an active role in this undertaking it could set a precedent for future parties to make similar requests. Commissioner Truex questioned if any utilities had been contacted by the county regarding this issue and suggested that it may bear merit to set up a meeting with the utility companies to discuss these types of issues. He suggested County Administrator, Ron Robinson make some calls and see if a meeting could be arranged. Commissioner Jackson agreed that some type of arrangement that would benefit everyone would be the best solution. Jackson suggested Robinson begin with Sprint and then Kelly would be contacted when information regarding this project was available.

IN THE MATTER OF THE HIGHWAY DEPARTMENT:

Dennis Pletcher, Interim Highway Superintendent raised a question regarding utility burial depths. Pletcher stated that it is a problem for his crews when they are digging and wondered if the county might want to draft a proposal to standardize burial depths. He noted that INDOT specifications are 48”, 36” and 30”. Pletcher was instructed to draw up a draft using INDOT specs for the Commissioners to review.

IN THE MATTER OF NO TRUCK SIGNS:

Dennis Pletcher, Interim Highway Superintendent presented a “No Trucks” sign ordinance for the Commissioner’s signature. Pletcher had requested the ordinance at the September 6, 2005 meeting, but did not have the ordinance prepared at that time.

MOTION: Ron Truex

TO: Approve ordinance as presented.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE NO. 05-09-20-001S

An Ordinance establishing “No Truck” signs 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 “No Truck” signs on County Highways; and WHEREAS, THE COUNTY HIGHWAY Engineering Department has performed a traffic study at the aforementioned road in accordance to the State of Indiana Uniform Traffic Control Manual and hereby recommend “No Truck” signs be installed.

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

1. Install “No Truck” signs on CR 200W – from SR 14 to CR 400S.
2. Install “No Truck” signs on CR 950S – from CR 450W to CR 200W.
3. Install “No Truck” signs on CR 450W – from SR 14 to CR 950S.

THIS ORDINANCE shall be in force and effect on September 13, 2005 and in effect for 60 days. Passed and adopted by the President of Board of Commissioners of the County of Kosciusko this 13th day of September, 2005.

IN THE MATTER OF RFP ENGINEERING SERVICE FOR BRIDGE INSPECTIONS:

Dennis Pletcher, Interim Highway Superintendent reported that a letter had been prepared and was ready to be mailed concerning RFP for engineering services regarding bridge inspections. Pletcher noted that RFP’s are sent out every four (4) years with inspections performed every two (2) years. Pletcher requested the Commissioner’s approval of letter.

MOTION: Ron Truex

TO: Approve letter of RFP Engineering Services for Bridge Inspections.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF SNOW PLOWING CONTRACT:

Dennis Pletcher, Interim Highway Superintendent reported that in past years the county has contracted for snow plowing in some areas and it is time to re-bid those contracts. Commissioner Truex questioned Pletcher if there were any negative aspects from using this program and Pletcher stated that he felt it was a good asset for the county as well as the taxpayers because it allowed the county to keep their bigger trucks out on the main roads and yet get the subdivisions cleared more

IN THE MATTER OF SNOW PLOWING CONTRACT CONTINUED:

quickly. He noted the only negative was that the department did not have enough money to contract out more and with the number of subdivision continuing to increase; this might be an area that will need to be looked at for increased funding.

MOTION: Ron Truex TO: Approve snow plowing contract re-bid as
SECOND: Brad Jackson presented.
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF EMERGENCY BRIDGE REPAIR ON 100N:

Dennis Pletcher, Interim Highway Superintendent reported that a bridge on 100N is in need of repair. Pletcher stated that due to work on another bridge, traffic had been rerouted and this bridge had taken the load. Pletcher noted there have also been varmints digging at the base and if this were not taken care of it could lead to further damage. Pletcher also said he believed the repairs could be completed at a cost of \$20,000 - \$25,000 and the repairs should increase the life expectancy of the bridge.

MOTION: Ron Truex TO: Approve emergency repair work to bridge
SECOND: Brad Jackson as presented.
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF MOWING TRACTORS FOR HIGHWAY DEPARTMENT:

Dennis Pletcher, Interim Superintendent stated the department will need to replace some of their mowing tractors in 2006 and that funds had been budgeted for those purchases. Pletcher requested the Commissioners set up specifications in order for bids to be accepted for those mowers.

MOTION: Brad Jackson TO: Approve specifications for bids on mower
SECOND: Ron Truex replacement purchases for Highway
AYES: 3 NAYS: 0 Department.
UNANIMOUS

IN THE MATTER OF SHERIFF'S DEPARTMENT:

Sheriff, Aaron Rovenstine reported that the officers that recently traveled to New Orleans in order to assist with the cleanup of Hurricane Katrina found the experience to be very rewarding. Rovenstine noted that the community had donated all of the supplies and financial support that allowed the officers to participate in the relief help. He also stated that because of the out pouring of donations by the community, the officers were able to leave monetary aid as well as supplies with a local church in the ravaged area.

IN THE MATTER OF COURTHOUSE RENOVATIONS:

County Administrator, Ron Robinson reported that renovation work is on schedule. He stated crews are now working during business hours also. Robinson noted the offices that were "transplanted" over to the Justice Building seem to be getting along fine and that after seeing some of the pipes that have been replaced from the basement, it was a wonder the basement offices had not been flooded. Robinson stated there have been some "bumps" in the renovations, but overall things are going well.

IN THE MATTER OF WORK RELEASE KITCHEN:

Ron Robinson, County Administrator reported that work is progressing on the Work Release kitchen. He stated that they are waiting on steel building specs and then the concrete can be poured.

IN THE MATTER OF 2006 HOLIDAYS:

Sue Ann Mitchell, County Auditor presented the 2006 holiday schedule for the Commissioner's approval stating the courts will need these as soon as possible for scheduling reasons. Mitchell also noted that the dates are federal and state holidays.

MOTION: Brad Jackson TO: Approve 2006 holidays as presented.

SECOND: Ron Truex
AYES: 3 NAYS: 0
UNANIMOUS

**KOSCIUSKO COUNTY
2006 HOLIDAYS**

MONDAY	JANUARY 2	NEW YEARS DAY
FRIDAY	APRIL 14	GOOD FRIDAY
TUESDAY	MAY 2	PRIMARY ELECTION DAY
MONDAY	MAY 29	MEMORIAL DAY
TUESDAY	JULY 4	INDEPENDENCE DAY
MONDAY	SEPTEMBER 4	LABOR DAY
TUESDAY	NOVEMBER 7	GENERAL ELECTION DAY
FRIDAY	NOVEMBER 10	VETERAN'S DAY
THURSDAY & FRIDAY	NOVEMBER 23&24	THANKSGIVING
MONDAY & TUESDAY	DECEMBER 25&26	CHRISTMAS
MONDAY	JANUARY 1, 2007	NEW YEARS

(Same as Federal and State Government)

1 Floating Holiday January to June and 1 Floating Holiday July to December

IN THE MATTER OF NOT FOR PROFIT CONTRACTS:

Sue Ann Mitchell, Auditor stated that the agreement for service contracts had been prepared for the not for profit organizations and were ready to be signed by the Commissioners.

IN THE MATTER OF UNITED WAY REQUEST:

Sue Ann Mitchell, Auditor reported a letter had been received from United Way requesting permission to place the community thermometer on the courthouse lawn from October 1st to November 30, 2005.

MOTION: Ron Truex TO: Grant permission for United Way to place
SECOND: Brad Jackson community thermometer on courthouse lawn.
AYES: 3 NAYS: 0
UNANIMOUS

**IN THE MATTER OF TURKEY CREEK REGIONAL SEWER DISTRICT
APPOINTMENT:**

Sue Ann Mitchell, Auditor reported Joe Todd had submitted a letter offering to serve as Trustee for the Turkey Creek Regional Sewer District. Todd is currently serving as trustee and would like to continue on in that capacity.

MOTION: Brad Jackson TO: Approve reappointment of Joe Todd as
SECOND: Ron Truex trustee to Turkey Creek Regional Sewer
AYES: 3 NAYS: 0 District.
UNANIMOUS

IN THE MATTER OF NOBLE COUNTY GIS DATA EXCHANGE AGREEMENT:

Sue Ann Mitchell, Auditor presented a GIS Data Exchange Agreement from Noble County for the Commissioner's signatures. It was noted that Noble Co. is the only county to request the data exchange, agreement even though we already have neighboring counties data.

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

IN THE MATTER OF GARY BAKER REZONING REQUEST-HARRISON TOWNSHIP:

Dan Richard, Area Plan Director presented a request from Gary Baker to rezone a parcel in Harrison Township from Industrial II to Agricultural. Richard stated the parcel would be well suited to go to agricultural and the APC unanimously approved the rezoning request. No one appeared in opposition to the request.

MOTION: Ron Truex TO: Approve APC recommendation to rezone
SECOND: Brad Jackson from Industrial II to Agricultural.
AYES: 3 NAYS: 0
UNANIMOUS

**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:

Part of the West Half of the Northeast Quarter of Section Six (6), Township 32 North, Range 5 East of the 2nd P.M., all in Harrison Township, Kosciusko County, Indiana, more particularly described as follows: Beginning at the Northeast corner of the aforesaid West Half of the Northeast Quarter (which point is the Northeast corner of the Lester Shand Property) and running South Seven Hundred Five (705) feet on the East line of said West half of the Northeast Quarter; West Thirty-three (33) feet to an iron pipe; North Seven Hundred Five (705) feet to a point; East Thirty-Three (33) feet to the point of beginning, containing 0.534 acre.

Part of the West Half of the Northeast Quarter of Section Six (6), Township 32 North, Range 5 East of the 2nd P.M., all in Harrison Township, Kosciusko County, Indiana, more particularly described as follows: Beginning at a point on the East line of said West Half of the Northeast Quarter that is Seven Hundred Five (705) feet South of the Northeast corner of the West Half of the Northeast Quarter; thence South Four Hundred Thirty-four and one tenths (434.1) feet to an iron rail on end in concrete; thence West Six Hundred Seventy-three and five tenths (673.5) feet on a fence line; North Four Hundred Thirty-four and one tenth (434.1) feet on the fence line; East Six Hundred Seventy-three and five tenths (673.5) feet to the point of beginning containing 6.712 acres.

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

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

ARTICLE 2.

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

Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana on the 20th day of September, 2005.

IN THE MATTER OF FLOOD RECERTIFICATION:

Matt Sandy, Area Plan Assistant Director presented the annual flood re-certification form for Commissioner's signatures. Sandy stated that by re-certifying annually it allows for a 5% reduction on flood policy insurance. He noted that there were 3 forms, one for the county as a whole, one for Milford Junction, and one for North Webster.

MOTION: Ron Truex TO: Approve annual flood re-certification
SECOND: Brad Jackson forms as presented.
AYES: 3 NAYS: 0
UNANIMOUS

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

**KOSCIUSKO COUNTY COMMISSIONERS
OCTOBER 4, 2005**

The Kosciusko County Commissioners met for their regular meeting on October 4, 2005 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, PRESIDENT MIKE MINER, COUNTY ATTORNEY
BRAD JACKSON SUE ANN MITCHELL, COUNTY AUDITOR
RON TRUEX RON ROBINSON, COUNTY ADMINISTRATOR

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

IN THE MATTER OF HEALTH DEPARTMENT – WATER WELL ORDINANCE:

Bob Weaver, Health Department Administrator presented a request for wording changes in the well ordinance. Weaver stated that the county has run into a few problems with well sites being located in places that interfere with adjoining lots. He also noted that with the proposed wording change to the ordinance, it would allow more precision in where wells are located.

MOTION: Ron Truex TO: Approve change in well ordinance wording
SECOND: Brad Jackson as presented.
AYES: 3 NAYS: 0
UNANIMOUS

Kosciusko County Commissioners
Kosciusko County, Indiana

The Kosciusko County Health Department requests that the County Private Water Well Ordinance number 88-12 be amended to include the following:

Article II – Addition to Section 1

“No well driller shall construct a private water well within the County until the location *and/or area* of such water well is approved by the Health Department.”

Article VI –Change to Section 1

“. . . shall be fined not more than two hundred-fifty dollars (\$250.00) for the first violation and not more than five hundred dollars (\$500.00) for the second and each”

Explanation:

The proper location of water wells is critical in a County that relies heavily on on-site sewage disposal systems for waste disposal. Wells must be located with the anticipation of septic repair and/or expansion on not only the primary lot but neighboring lots as well.

The Health Department is encountering problems with some well drillers constructing wells regardless of whether or not a permit has been issued to the homeowner. In addition, we have discovered wells constructed on properties in locations that preclude future septic repairs and/or expansion for the primary and adjoining lots.

Since water wells can have a useful life of many decades we feel it imperative to choose a proper and best location for these wells. The proposed Ordinance addition and change will serve to benefit public health and welfare as long as water wells and on-site disposal systems are relied upon by a majority of our households.

Respectfully submitted,

Robert C. Weaver
Administrator/Chief Scientist
Kosciusko County Health Department

IN THE MATTER OF CARDINAL CENTER PLANNING GRANT RESOLUTION:

Jane Greene, Cardinal Center presented a Resolution Authorizing Application Submission and Local Match Commitment Agreement for the Commissioner's approval. Green stated this resolution will be attached to the application for grant funding to address the rehabilitation needs of the Cardinal Center. Greene noted that the grant would be used to repair/replace the heating and cooling unit at Cardinal Center and the County is strictly a pass through agency for the grant and no financial commitment from the County would be involved. Greene stated that a public hearing was required for the grant application and requested the hearing be held at the next scheduled Commissioner's meeting on October 18, 2005.

MOTION: Ron Truex TO: Approve the resolution as presented in
SECOND: Brad Jackson support of the grant application.
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF WORKFORCE DEVELOPMENT APPOINTEE:

Mayor, Ernie Wiggins appeared before the Commissioners to present a Local Elected Official Agreement with Workforce Development. Wiggins stated that he had spoken to Lynn Goff with Workforce Development and due to reorganization efforts; they would like to have one of the Commissioners sit on the committee. Wiggins requested Avis Gunter be appointed to the committee.

MOTION: Ron Truex TO: Appoint Avis Gunter to the Workforce
SECOND: Brad Jackson Development Committee as requested.

AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF BRIDGE 250 CONSTRUCTION:

Dennis Pletcher, Interim Highway Superintendent presented a Title Sheet for the Commissioner's signatures for work on Bridge 250 in North Webster. Pletcher stated that this project has been in the planning stages for approximately a year and that the department would like to begin the work in the Spring. He also noted that they hoped to have the work completed before Memorial Day.

MOTION: Brad Jackson TO: Approve Title Work for Bridge 250 as
SECOND: Ron Truex presented.
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF ROAD CLOSINGS:

Dennis Pletcher, Interim Highway Superintendent stated that he had received a request from Camp Creek Church of the Brethren to close county road 750 N to SR 19 and 900 W back to 750 for approximately an hour in order for them to host a fundraiser for the Cystic Fibrosis Foundation.

MOTION: Ron Truex TO: Approve temporary road closing as
SECOND: Brad Jackson presented.
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF NO TRUCKS ON 400 N NEAR ETNA GREEN:

Dennis Pletcher, Interim Highway Superintendent noted there have been an increased number of trucks using 400 N from 800 W to gain entrance to Wausau Homes near Etna Green. Pletcher stated that those roads are beginning to show signs of damage and questioned if No Trucks signs could be posted on those roads. Commissioner Truex asked if Pletcher had communicated with anyone in management at Wausau to see if they could redirect their traffic and Pletcher stated that he had not spoken with anyone there. Truex stated he would be willing to contact Wausau Homes and see if trucks delivering to them could be routed to enter from State Road 19 and US 30 in order to keep from posting road 400 N for No Trucks as this is a rural road that farmers also use. Truex noted that after speaking with someone from Wausau he would inform Pletcher of his findings.

IN THE MATTER OF UTILITIES & BIKE PATHS:

County Attorney, Mike Miner stated that he had spoken with people at the state level regarding the issue of utilities and bike paths. Miner noted his findings showed that it is not the utility companies' responsibility to move poles in order for bike paths to be put in. However, Miner stated that after reviewing the statutes, there is room for interpretation and that this matter could be a legislative issue, noting that there may be other entities with the financial means to pursue the (bike path) subject. Commissioner Truex noted this might be the time to act on this issue as Governor Daniels is actively promoting healthy lifestyles for all Hoosiers. Commissioner Jackson reported that he was to meet with Sprint representatives today (October 4th) to discuss the matter. Jackson also noted that he had spoken with Jeff Noffsinger, Syracuse Town Manager about a possible meeting with Sprint regarding this matter.

IN THE MATTER OF COURTHOUSE UPKEEP:

Ron Robinson, County Administrator reported that Maintenance crews are in the process of power washing the building and that a noticeable difference can be seen.

IN THE MATTER OF MILEAGE REIMBURSEMENT:

County Administrator, Ron Robinson reported that the State is increasing the mileage rate from 34¢ to 40¢ effective October 1, 2005. Robinson recommended the county follow suit with like ordinance subject to Council's approval.

MOTION: Ron Truex TO: Approve recommendation to increase
SECOND: Brad Jackson mileage to 40¢ subject to Council approval with
AYES: 3 NAYS: 0 stipulation that county employees use good
UNANIMOUS judgment when submitting mileage claims.

IN THE MATTER OF GAS TANK REMOVAL:

County Administrator, Rob Robinson requested permission to remove the gas tank located in the parking lot. Robinson stated that he is currently working with the city on an agreement for gas purchases. Robinson also noted that this may provide a better tracking system on the fuel usage.

MOTION: Ron Truex
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

TO: Approve removal of gas tank located in county parking lot.

IN THE MATTER OF WORK RELEASE CENTER WATER SOFTNER:

Ron Robinson, County Administrator reported the water softener at the work release center had quit and needed to be replaced. Robinson stated that a larger capacity softener would have been needed when work on the kitchen was completed but this just expedited the need for replacement. He estimated the replacement cost at \$8,000 - \$10,000.

MOTION: Brad Jackson
SECOND: Ron Truex
AYES: 3 NAYS: 0
UNANIMOUS

TO: Approve replacement of water softener located in the Work Release Center.

IN MATTERS OF THE AUDITOR'S OFFICE - STATE COMPLIANCE:

Sue Ann Mitchell, County Auditor reported that she had received notification from the State that the county was non-compliant for 02 Pay 03, 03 Pay 04, and 04 Pay 05. However, Mitchell stated there were 92 counties in the State that were also not in compliance. Mitchell added that the State Auditor's Conference was to be held this week (October 5th – 7th) and that she hoped to learn more about the report at that time. She noted that she felt it was a matter of formatting (Excel) on the information filed, not the information that was non-compliant. Mitchell also commented that there did not seem to be an answer as to why this was not brought to the Auditors attention when the 02 Pay 03 reports were filed. Mitchell said she would go over the report with the Commissioners after she had more information from the State Conference.

IN OTHER MATTERS:

Jerry Frost, Frost Engineering introduced himself and said that he had information about his firm that he would be forwarding to the Commissioners, but just wanted to put a face with a name for their benefit. Frost also complimented the Board on their critical thinking earlier in the meeting regarding the No Trucks sign issue. He commented that he thought contacting the business first was a great idea on handling the situation.

Commissioner Truex commented on an item that he had heard earlier on the news regarding voting machines for the handicapped. Truex stated that according to new reports, St. Joseph County would need to purchase some handicap accessible voting machines at a cost between \$600,000 and \$900,000. Reports indicated that St. Joseph County had purchased new machines in 2003; however they did not meet handicap specifications. Truex noted that he felt that Kosciusko County's judgment in waiting to purchase new voting machines until this year had been cost effective.

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

**KOSCIUSKO COUNTY COMMISSIONERS
OCTOBER 18, 2005**

The Kosciusko County Commissioners met for their regular meeting on October 18, 2005 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, President - Absent
Brad Jackson
Ron Truex

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

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

IN THE MATTER OF CARDINAL CENTER PUBLIC HEARING FOR GRANT REQUEST:

Randy Cullum appeared before the Commissioners to conduct a public hearing on behalf of the Cardinal Center for the purpose of a grant request. Cullum stated Cardinal Center would like to apply for a Community Focus Fund Grant in hopes to obtain the funds to replace the heating/cooling system now in place at the Center. Cullum noted that the County is strictly a pass through agency for the grant and the County has no financial responsibility. As there was no opposition to the grant request the public hearing was concluded.

IN THE MATTER OF HUNTERS RIDGE ROAD SANDING:

Dennis Pletcher, Interim Highway Superintendent reported he had received a letter from the homeowner's association at Hunter's Ridge requesting that the County sand only the intersections, not the street during the winter.

MOTION: Ron Truex

TO: Approve request as presented to sand only the intersections at Hunter's Ridge.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF ELI LILLY PROJECT:

Dennis Pletcher, Interim Highway Superintendent presented a request from USI to submit the Eli Lilly Project to the Engineering Excellence Awards Competition.

MOTION: Ron Truex

TO: Approve submission of Eli Lilly Project to the USI Engineering Excellence Awards Competition.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF BRIDGE INSPECTIONS:

Dennis Pletcher, Interim Highway Superintendent presented letters of interest, as well as service guides to the Commissioners regarding bridge inspections. Pletcher noted the bidding only takes place every four years, with the actual inspections every two years. At this time, Pletcher stated he had received letters of interest, from USI Consultants, Inc. and American Consulting. Pletcher left packets from both companies for the Commissioners to review and stated he would make a recommendation at a later date.

IN THE MATTER OF ALTERNATIVE HEATING FOR HIGHWAY DEPARTMENT:

Dennis Pletcher, Interim Highway Superintendent requested permission from the Commissioners to seek additional funds from the Council to install an alternative heating unit at the Highway Garage. Pletcher reported that he has looked into several systems that burn "waste oil" and has spoken with some businesses that now use that type of heating to get a true picture of the benefits and savings possible. Pletcher commented that he believed a system could be installed for approximately \$25,000 and that it would pay for itself in three years based on last year's prices.

MOTION: Ron Truex

TO: Grant permission to seek additional funds from the County Council for alternative heating.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

IN OTHER HIGHWAY MATTERS:

Dennis Pletcher, Interim Superintendent reported paving projects have been completed on 200 N to 175 E including Biomet Drive and also 250 N (city limits) to 100 E. Pletcher stated paving was tentatively scheduled to begin on Deerwood Park at the end of this week.

IN THE MATTER OF SPRINT UTILITY POLES:

County Attorney, Mike Miner stated that he had been contacted by a representative from Sprint, but as of date they have not had a chance to speak to each other regarding the matter of moving poles in order for a bike trail to be built. Commissioner Brad Jackson noted that he had met with representatives from Sprint who were going to meet with Jeff Noffsinger. Miner felt Jackson's initial meeting with Sprint had prompted the call to his office and he would follow up on the matter.

**IN THE MATTER OF BLUE PRINT DEVELOPMENT – WAYNE TOWNSHIP
REZONING REQUEST:**

Matt Sandy, Area Plan Assistant Director presented a request from Blue Print Development to rezone two tracts in Wayne Township from Agricultural to Residential. Sandy stated this was a logical request and the APC recommendation was to approve the rezoning request. Attorney Richard Helm spoke on behalf of Mike Hyatt (Blue Print Development) stated the rezoning would allow the tracts to be consistent with the surrounding area. No one spoke in opposition to the rezoning request.

MOTION: Ron Truex TO: Accept APC recommendation to rezone
SECOND: Brad Jackson from Agricultural to Residential.
AYES: 2 NAYS: 0
UNANIMOUS

ORDINANCE NO. 05-10-18-001Z

**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:

TRACT 1:

Part of the East half of the Northeast Quarter of Section 28, Township 32 North, Range 6 East, Kosciusko County, Indiana, more particularly described as follows, to wit:

Commencing at a two (2) inch diameter pipe post found at the Southeast corner of said Northeast Quarter; thence North 00 degrees 38 minutes 03 seconds West, on and along the East line of said Northeast Quarter, a distance of 1805.78 feet to a Mag nail at the point of intersection with the centerline of County Road 225 South; thence South 88 degrees 45 minutes 08 seconds West, on and along the centerline of said County Road 225 South, a distance of 254.08 feet to a Mag nail at the true point of beginning; thence continuing South 88 degrees 45 minutes 08 seconds West, on and along said centerline, a distance of 1066.93 feet to a PK nail found at the point of intersection with the West line of the East half of said Northeast Quarter, said PK nail being situated North 00 degrees 31 minutes 28 seconds West, a distance of 1798.44 feet from a rail post found at the Southwest corner of said East half; thence North 00 degrees 02 minutes 20 seconds East, on and along the West line of said East half; being within the right-of-way of County Road 75 East, a distance of 881.0 feet to a Mag nail at the Northwest corner of said East half; thence North 89 degrees 53 minutes 30 seconds East, on and along the North line of the East half of said Northeast Quarter, a distance of 1056.56 feet to a 5/8 inch diameter iron pin capped "Walker", said iron pin being situated south 89 degrees 53 minutes 30 seconds West, a distance of 254.08 feet from a two (2) inch diameter pipe post found at the Northeast corner of said Northeast Quarter thence South 00 degrees 38 minutes 03 seconds East, parallel to the East line of said Northeast Quarter, a distance of 859.82 feet to the true point of beginning.

TRACT II:

Part of the East half of the Northeast Quarter to Section 28, Township 32 North, Range 6 East, Kosciusko County, Indiana, more particularly described as follows, to wit:

Commencing at a two (2) inch diameter pipe post found at the Southeast corner of said Northeast Quarter; thence North 00 degrees 38 minutes 03 seconds West, on and along the East line of said Northeast Quarter, a distance of 1805.78 feet to a Mag nail at the point of intersection with the centerline of County Road 225 South, said Mag nail being at the true point of beginning; thence continuing North 00 degrees 38 minutes 03 seconds West, on and along said East line, a distance of 854.77 feet to a two (2) inch diameter pipe post found at the Northeast corner of said Northeast Quarter; thence South 89 degrees 53 minutes 30 seconds West, on and along the North line of the East half of said Northeast Quarter, a distance of 254.08 feet to a 5/8 inch diameter iron pin capped "Walker"; thence South 00 degrees 38 minutes 03 seconds East, parallel to said East line, a distance of 859.82 feet to a Mag nail on the centerline of said County Road 225 South; thence North 88 degrees 45 minutes 08 seconds East, on and along said centerline, a distance of 254.08 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 the 18th day of October, 2005.

IN THE MATTER OF CARR DEVELOPMENT – TIPPECANOE TOWNSHIP REZONING REQUEST:

Matt Sandy, Area Plan Assistant Director presented a request from Carr Development to rezone a parcel in Tippecanoe Township from Commercial to Residential. Sandy stated that this particular parcel had been recently zoned from Residential to Commercial and is suitable for either type of development. Sandy reported that the APC’s recommendation was to approve the rezoning request to Residential. No one spoke in opposition to the rezoning.

MOTION: Ron Truex TO: Accept APC recommendation to rezone
SECOND: Brad Jackson from Commercial to Residential.
AYES: 2 NAYS: 0
UNANIMOUS

ORDINANCE NO. 05-10-18-002Z

**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 parcel of land in the northeast quarter of Section 22, Township 33 North, Range 7 East, Tippecanoe Township, Kosciusko County, Indiana, being more particularly described as follows:
Commencing at the northeast corner of said northeast quarter; thence north 90°00’00” west, 850.00 feet, along the north line of said northeast quarter to the point of beginning; thence south 00° 21’24” east, 580.80 feet; thence south 89°38’36” west, 468.76 feet; thence north 00°21’24” west, 583.72 feet, to the north line of said northeast quarter; thence north 90°00’00” east, 468.76 feet, along said north line, to the point of beginning, containing 6.27 acres more or less.

Be, and the same is hereby, removed from classification as a **Commercial** 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 the 18th day of October, 2005.

IN THE MATTER OF STANLEY CUSTER – WASHINGTON TOWNSHIP REZONING REQUEST:

Matt Sandy, Area Plan Assistant Director presented a request from Stanley Custer to rezone a parcel in Washington Township from Agricultural to Residential. The area in question is currently the “Little Bighorn” golf course. Sandy stated the APC does not feel the area is ready or suited for residential at this time. Sandy also noted that the LESA (Land Evaluation Site Assessment) score was very high making it more suited for agriculture; therefore it was the APC’s recommendation to deny the rezoning request.

Speaking on behalf of Stanley Custer was attorney, Rick Helm who stated the aerial photos that were used by the APC did not show the true layout of the golf course. He also went on to say that Mr. Custer has looked at other courses and realizes the need to reconfigure a portion of his course if residences were to be added to the location. Helm also said that he felt the LESA scoring was inaccurate and not a reliable source. Helm also went on to say that he felt the APC has concerns with the residential growth in the county and felt that matter should be left to the Commissioners as they make the final decisions regarding that issue. Helm stated that the landowner of property (Mr. Williamson) on three sides of the golf course has no objections to the rezoning request.

Speaking in opposition to the rezoning request was Bruce Messmore (who also filed a remonstrance with the APC). Messmore noted the nearest subdivision was 3 miles away and his property is currently surrounded by farm ground. He also stated he felt the time would probably come that this area would need to be rezoned, but at this time there were hog and duck operations close and his feeling was that new additions should be located from the town out, saving the

farming ground for as long as possible. Messmore also commented that because of the proximity of the livestock farms, there were sure to be complaints about the odors if additional residences were allowed.

County Surveyor, Dick Kemper was questioned on this matter and stated this request might have held more merit if the petitioner had requested it during the original zoning request.

Commissioner Truex asked Matt Sandy what the LESA score was when this property was zoned for the golf course and Sandy stated there was no score at that time.

In rebuttal, Attorney Helm reiterated that the parcel in question was large enough to support the golf course and a residential subdivision. Helm also noted that there are many other livestock farms throughout the county and odors should not play into zoning decisions.

Commissioner Truex commented that regardless of the decision the Commissioners made someone would be unhappy. Truex also stated that although they had heard from those involved, he was not comfortable rendering a decision at this time and would like to table this matter until the Commissioners could further review all the information.

MOTION: Ron Truex TO: Table recommendation for further review
SECOND: Brad Jackson until November 15, 2005 meeting.
AYES: 2 NAYS: 0
UNANIMOUS

IN THE MATTER OF REX HOGAN – WAYNE TOWNSHIP REZONING REQUEST:

Matt Sandy, Area Plan Assistant Director presented a request from Rex Hogan to rezone a parcel in Wayne Township from Agricultural to Residential. Sandy stated that the APC’s recommendation was to deny the request by a 6-0 vote. When questioned for the reasoning behind this decision, Sandy said the APC did not feel the land was suited for residential zoning and noted that there had been remonstrance filed in opposition to the rezoning.

IN THE MATTER OF REX HOGAN – WAYNE TOWNSHIP REZONING REQUEST CONTINUED:

Speaking on his own behalf, Rex Hogan stated this ground is poor farm ground and he would like to have this rezoned Residential so that single family and duplex homes could be built there. Hogan said that he does not want to see \$400,000 homes built there but homes for young families starting out or semi-retired people that would enjoy an outdoor/wildlife setting. He also went on to say that currently the property has trails for wildlife and retention ponds and the DNR works with Hogan on these issues. Hogan also commented that there would be roads built to county specifications, but he would not ask the county to maintain those roads.

Speaking in opposition to the rezoning request was John Hire who owns property adjoining Hogan’s. Hire stated that his family sold Mr. Hogan the property and at that time there was a stipulation in the sales agreement that this property could not be used for a mobile home park. Hire also noted that this issue has come up before and been denied.

In reviewing the information, it was noted that there area adjacent to the property in question is residential and if this parcel were rezoned, it would still need to be platted if the owner wished to develop.

MOTION: Ron Truex TO: Approve request to rezone from
SECOND: Brad Jackson Agricultural to Residential.
AYES: 2 NAYS: 0
UNANIMOUS

No Ordinance Prepared

IN THE MATTER OF SEARFOSS – PRAIRIE TOWNSHIP REZONING REQUEST:

Matt Sandy, Area Plan Assistant Director presented a request from Lucille Searfoss to rezone a parcel in Prairie Township from environmental to agricultural. At the time this property was zoned environmental it was a sound decision based on the layout of the landscape and wildlife. At this time, that no longer applies and it was the APC’s unanimous decision to rezone to agricultural. The Commissioners questioned Sandy regarding the number of sell offs that would be allowed if this were zoned back to agricultural. Sandy stated to his knowledge rezoning this would not change the number allowed. No one spoke in opposition to the rezoning request.

MOTION: Ron Truex TO: Accept APC’s recommendation to rezone
SECOND: Brad Jackson from Environmental to Agricultural.
AYES: 2 NAYS: 0
UNANIMOUS

**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:

The West 15 acres of the following described real estate situated in Kosciusko County, Indiana, to wit: The South 30 acres of the East Half of the Northeast Quarter of Section 1, Township 33 North, Range 5 East.

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

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

ARTICLE 2.

Section 1. This ordinance shall be in full force and effect from and after its passage.
Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana on the 18th day of October, 2005.

IN THE MATTER OF ZONING ORDINANCE REVISION:

Matt Sandy, Area Plan Assistant Director presented an ordinance to amend Zoning Ordinance Number 75-1; regarding the size allowed for real estate signs. The amendment would allow signs up to seven (7) square feet in place of the previous four (4) square feet to be located in residential, agricultural environmental or public use districts.

MOTION: Ron Truex

TO: Approve amended Zoning Ordinance 75-1 as presented by the APC.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

AN ORDINANCE AMENDING, AND TO AMEND

**THE KOSCIUSKO COUNTY ZONING ORDINANCE,
ORDINANCE NUMBER 75-1**

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

3.19.3.1 Real estate / service signs located in Residential, Agriculture 2, Environmental, or Public Use districts shall comply with the following regulations:

- f. Signs shall not exceed three (3) feet in height.
- g. Signs shall not exceed **seven (7)** ~~four (4)~~ square feet in display area.
- h. Signs shall not be placed closer than five (5) feet to any right-of-way, easement, or access drive.
- i. Only one (1) sign for each service rendered shall be permitted per zoned lot except where a property abuts more than one right-of-way, easement, access drive, or waters edge one sign may be placed adjacent to each right-of-way, easement, access drive, or waters edge that the property abuts.
- j. Signs shall be removed from the premises within fourteen (14) days of the sale, lease, rental, or completion of service provided of the premises.

ARTICLE 4: Adoption

Section 1. This Ordinance shall be in full force and effect from and after its passage and is intended to replace and amend those sections referenced within and related. Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana on this the 18th day of October 2005.

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

**KOSCIUSKO COUNTY COMMISSIONERS
NOVEMBER 1, 2005**

The Kosciusko County Commissioners met for their regular meeting on November 1, 2005 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, PRESIDENT
BRAD JACKSON

MIKE MINER, COUNTY ATTORNEY
SUE ANN MITCHELL, COUNTY AUDITOR

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

IN THE MATTER OF COMMUNITY FOUNDATION PRESENTATION:

Suzie Light, Foundation Director appeared before the Commissioners on behalf of the Board of Directors to present Avis Gunter with a plaque of recognition for Gunter's years of service on the Foundation's Board. Light stated the Board had drafted the Resolution of Appreciation to thank Gunter for her many years of service, dedication and innovative ideas, noting that Gunter had served the Foundation since 1992 and in that time had only missed one meeting. Light went on to read the content of the plaque to those in attendance. Light, along with two members of the Kosciusko Endowment of Youth Services then presented Gunter the plaque to a standing ovation.

IN THE MATTER OF KABS QUARTERLY FINANCIAL REPORT:

Rita Baker presented the KABS Quarterly Operating Financial Status Report for approval. Baker also presented the KABS Annual Report.

IN THE MATTER OF EMERGENCY MANAGEMENT:

Ed Rock, Emergency Management Director presented a service agreement for the Kosciusko County Public Safety Departments and WTH (an engineering firm from Rochester, IN) for the "Think Map". Rock stated the "Think Map" is currently used in the 911 center as has been installed in most of the county's squad cars. Rock said it is a valuable tool for the county and the service agreement would expand the license allowing other departments in the county to use also.

IN THE MATTER OF EMERGENCY MANAGEMENT CONTINUED:

Rock noted that if approved the contract would be contingent upon grant funding and would not require any county financing.

MOTION: Ron Truex TO: Approve service agreement as presented
SECOND: Brad Jackson contingent to grant funding.
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF NAPPANEE PUBLIC LIBRARY APPOINTMENT:

A letter was received requesting that Angela Pletcher be reappointed to the Board of Trustees for the Nappanee Public Library.

MOTION: Brad Jackson Approve the appointment as requested.
SECOND: Ron Truex
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF MILFORD PUBLIC LIBRARY APPOINTMENT:

A letter was received from Robert Olson requesting Margaret Cousins be appointed to the Board of Trustees for the Milford Public Library. It was noted in the letter that Cousins is currently filling Olson's position.

MOTION: Brad Jackson TO: Approve the appointment as requested.
SECOND: Ron Truex
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF THE JAIL'S SECURITY CAMERA UPGRADE:

Ron Robinson, County Administrator requested permission to begin the security camera upgrade at the jail. Robinson stated the upgrade would cost approximately \$260,000 and funding is in place to begin the project. Robinson also noted the upgrade would be greatly beneficial in liability issues at the jail.

MOTION: Ron Truex TO: Approve the security camera upgrade at
SECOND: Brad Jackson the jail as presented.
AYES: 3 NAYS: 0

IN THE MATTER OF THOMAS ARNOLD – TURKEY CREEK TOWNSHIP VACATION REQUEST:

Matt Sandy, Area Plan Assistant Director presented a vacation request for Thomas Arnold – Sunrise Drive in Turkey Creek. Sandy stated the request is for a vacation and rededication of right of way. Sandy also noted there is already a road in place and that road has been in place for many years. Sandy reported surrounding property owners had been contacted as well as the utilities and the APC’s recommendation was to approve the vacation request as presented. Steve Snyder, Attorney for the Arnold’s presented information in favor of the vacation stating that none of the surrounding property owners would see a decrease in their properties, just varied set backs. Once again it was noted that there is a road located along the right of way and that road is not going to change, therefore the vacation request would correct what is already in place.

MOTION: Brad Jackson TO: Approve APC recommendation for
SECOND: Ron Truex vacation.
AYES: 3 NAYS: 0
UNANIMOUS

ORDINANCE NUMBER 05-11-1-001-V

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

Section 1.

WHEREAS, Thomas R. Arnold and Rosalie A. Arnold have filed their Petition for vacation and relocation of portions of Sunrise Drive, an easement in the plat of Mason’s Sunrise Beach with the Board of Commissioners of Kosciusko County, Indiana; and

WHEREAS, a hearing on said Petition was set for November 1, 2005 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 owners of real estate adjacent to the easement to be vacated and relocated and have been notified of the hearings. The easement is described as follow, to wit:

All that portion of Sunrise Drive as shown on the Plat of Mason’s Sunrise Beach lying south of a line connecting the NE corner of Lot 45A and NW corner of Lot 45 and north of a line connecting the NE corner of Lot 16 and NW corner of Lot 19, all as shown on the Plat of Mason’s Sunrise Beach.

And is relocated to the following described Tract

A 25 foot wide easement for ingress, egress and utility purposes, being a part of Lots Numbered 17, 35A, 36A, 37A, 38A, 39A, 40A, 41A, 42A, 43A, 44A, and 45A, together with a part of a 25 foot wide private drive, all being in Mason Sunrise Beach Addition as recorded in Plat Book 4, page 185, in the records of Kosciusko County, Indiana, the East line of said 25 foot wide easement being more particularly described as follows, to wit:

Beginning at a point on the East edge of the existing pavement, said point being at the point of intersection of the Westerly projection of the South line of Lot Number 18 in Mason Sunrise Beach Addition as recorded in Plat Book 4, page 185, of the records of Kosciusko County, Indiana, said point also being situated a distance of 3.1 feet Westerly from the Southwest corner of Lot 18 in said Mason Sunrise Beach Addition; thence N02 degrees – 22’W, on and along said edge of pavement, a distance of 49.25 feet to a point of intersection with the Westerly projection of the South line of Lot Number 35 in said Mason Sunrise Beach Addition, said point of intersection being situated 7.5 feet Westerly of the Southwest corner of said Lot Number 35; thence N02 degrees – 05’W, on and along said East edge of pavement, a distance of 50.0 feet to a point of intersection with the Westerly projection of the South line of Lot Number 36 in said Mason Sunrise Beach Addition, said point of intersection being situated 10.9 feet Westerly of the Southwest corner of said Lot Number 36; thence N01 degrees -31’W, on and along said East edge of pavement, a distance of 49.3 feet to a point of intersection with the Westerly projection of the South line of Lot Number 37 in said Mason Sunrise Beach Addition, said point of intersection being situated 14.5 feet Westerly of the Southwest corner of said Lot Number 37; thence N01 degrees -47’W, on and along said East edge of pavement, a distance of 49.4 feet to a point of intersection with the Westerly projection of the South line of Lot Number 38 in said Mason Sunrise Beach Addition, said point of intersection being situated 18.3 feet Westerly of the Southwest corner of said Lot Number 38; thence N02 degrees - 19’W, on and along said East edge of pavement, a distance of 50.25 feet to a point of intersection with the Westerly projection of the South line of Lot Number 39 in said Mason Sunrise Beach Addition, said point of intersection being situated 20.6 feet Westerly of the Southwest corner of said Lot Number 39; thence N04 degrees -41’W, on and along said East edge of pavement, a distance of 50.7 feet to a point of intersection with the Westerly projection of the South line of Lot Number 40 in said Mason Sunrise Beach Addition, said point of intersection being situated 21.7 feet Westerly of the Southwest corner of said Lot Number 40; thence N06 degrees -22’W, on and along said East edge of pavement, a distance of 50.75 feet to a point of intersection with the Westerly projection of the South line of Lot Number 41 in said Mason Sunrise Beach Addition, said point of intersection being situated 20.9 feet Westerly of the Southwest corner of said Lot Number 41; thence N07 degrees -12’W, on and along said East edge of pavement, a distance of 50.7 feet to a point of intersection with the Westerly projection of the South line of Lot Number 42 in said Mason Sunrise Beach Addition, said point of intersection being situated 17.1 feet Westerly of the Southwest corner of said Lot Number 42; thence N07 degrees -23’W, on and along said East edge of pavement, a distance of 50.0 feet to a point of intersection with the Westerly projection of the South line of Lot Number 43 in said Mason Sunrise Beach Addition, said point of intersection being situated 12.0 feet Westerly of the Southwest corner of said Lot Number 43; thence N08 degrees -30’W, on and along said East edge of pavement, a distance of 49.8 feet to a point of intersection with the Westerly projection of the South line of Lot Number 44 in said Mason Sunrise Beach Addition, said point of intersection being situated 7.8 feet Westerly of the Southwest corner of said Lot Number 44; thence N10 degrees - 20’W, on and along said East edge of pavement, a distance of 49.95 feet to a point of intersection with the Westerly projection of the South line of Lot Number 45 in said Mason Sunrise Beach Addition, said point of intersection being

situated 5.3 feet Westerly of the Southwest corner of said Lot Number 45; thence N10 degrees -20°W, on and along said East edge of pavement, a distance of 49.9 feet to a point on the South line of Lot Number 46 in said Mason Sunrise Beach Addition, said point being situated 2.6 feet Westerly of the Northwest corner of said Lot Number 45, said point being at the point of termination of said easement.

AND WHEREAS, those portions of the easement to be vacated and relocated 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 easement difficult or inconvenient, will not hinder 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 and relocate the easement described in said Petition pursuant to IC 36-7-3-16 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 portion of the easement herein described is now vacated and relocated as described herein.

Section 2.

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

ORDAINED AND PASSED this 1st day of November, 2005.

IN THE MATTER OF SPEED LIMITS:

Dennis Pletcher, Interim Highway Superintendent requested speed limit revisions for two roads. Pletcher stated that the speed limits had been reduced during a construction period and felt the adjustment back to the pre-construction speed was warranted. Pletcher also felt a section of Ferguson Road needed a reduced speed limit due to new housing additions in that area.

MOTION: Ron Truex TO: Approve speed limit changes as requested.
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

ORDINANCE 05-11-01-001S

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.

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

1. Speed limit on Ferguson Road – from CR 300 S to CR 200 S shall be 45 mph. Revision to Ordinance #95-18 Item #2.
2. Speed limit on Ferguson Road – from CR 200 S to SR 24 shall be 35 mph. Revision to Ordinance #95-18 Item #2.
3. Speed limit on CR 450W – from CR 525 S to CR 625 S shall be 45 mph. Revision to Ordinance #01-10-22-S1 Item #2.

THIS ORDINANCE shall be in full force and effect on November 1, 2005. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 1st day of November 2005.

IN THE MATTER OF STOP SIGN ORDINANCES:

Dennis Pletcher, Interim Highway Superintendent requested guidance on the issue of stop sign ordinances. Pletcher stated that in most cases the stop signs have already been put into place by the developer before an Ordinance is requested. Pletcher questioned County Attorney, Mike Miner if the Ordinances should be drafted before or after the signs have been placed. Miner noted that in order for the stop sign to be binding, the developer should contact the Highway department before installing any sign.

IN THE MATTER OF BRIDGE INSPECTIONS:

Dennis Pletcher, Highway requested permission of the Commissioners to obtain a quote from USI for the county bridge inspections. Pletcher stated that after reviewing the information submitted by interested parties, he felt USI would be a good choice.

MOTION: Ron Truex TO: Grant permission to obtain price quote for
SECOND: Brad Jackson bridge inspections.
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF COUNTY HIGHWAY ANNUAL MATERIAL BIDS:

Sealed bids for Highway materials for 2006 were opened by County Attorney, Mike Miner. Bids were received from the following:

Bridgetek	Brooks Construction	Elkhart Co. Gravel, Inc.
IMI	Rock Industries	Hanson Aggregates Midwest – Ardmore
Siders & Son Gravel	Speedway Sand & Gravel	Hanson Aggregates Midwest – Lower Huntington Rd.
Hall Signs	Rocal, Inc.	Zimmerman-Newcomer Gravel Co.
G&G Hauling	McCullough	Phend & Brown
J & M Gravel	Daltons	Seneca Petroleum
Sim Materials	Ranger Materials	Great Lakes
Jerry Bailey	Pierceton Trucking	
Reith Riley	Stello	

Following the opening of the bids, Pletcher met with the bidders that were present to go over the bids. Pletcher will review the bids and bring back his recommendations for the Commissioner's consideration at a later date.

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

KOSCIUSKO COUNTY COMMISSIONERS NOVEMBER 15, 2005

The Kosciusko County Commissioners met for their regular meeting on November 15, 2005 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Brad Jackson	Michelle Puckett, Chief Deputy – Auditor's Office
Ron Truex	Ron Robinson, County Administrator

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

IN THE MATTER OF KABS GRANT:

Rita Baker, KABS presented the 2006 Grant Agreement with INDOT for the Commissioner's signatures. Baker noted KABS would be receiving \$353,000 for operational expenses and \$75,000 for capital expenses through the grant agreement.

MOTION: Ron Truex	TO: Approve grant agreement as presented
SECOND: Brad Jackson	with Avis Gunter to sign all documentation at
AYES: 2 NAYS: 0	her earliest convenience.
UNANIMOUS	

IN THE MATTER OF HEALTH BOARD APPOINTMENT:

Bob Weaver, Health Administrator appeared before the Commissioners reporting that due to the recent death a Board of Health member there was a vacancy that needed filled. Weaver requested that Larry Coplen be appointed to the Board.

MOTION: Ron Truex	TO: Appoint Larry Coplen to the Board of
SECOND: Brad Jackson	Health.
AYES: 2 NAYS: 0	
UNANIMOUS	

IN THE MATTER OF JOHNSTON VACATION:

Michelle Puckett, Chief Deputy Auditor presented a vacation ordinance for Archie and Deborah Johnston for the Commissioner's signature. Puckett noted this vacation had been approved at an earlier meeting, but no ordinance was prepared at that time.

ORDINANCE 05-11-15-002V

AN ORDINANCE OF THE KOSCIUSKO COMMISSIONERS VACATING A PUBLIC WAY

WHEREAS, Archie D and Deborah J. Johnston, Husband and Wife, filed a *Petition to Vacate a Public Way* with the Kosciusko County Commissioners,
WHEREAS, notice was published as required by law in the Warsaw *Times Union* and *The Mail-Journal*, both newspapers in general circulation and published in the English Language in Kosciusko County, Indiana, giving notice of the filing of the verified *Petition to Vacate a Public Way* and giving notice that said petition would be heard by the Kosciusko County Commissioners on the 19th day of April, 2005 at 9:30 a.m. in the Kosciusko County 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 was published in the *Warsaw Times Union* on the 30th day of March, 2005, and which Notice was published in *The Mail-Journal* on the 30th day of March, 2005, both of which Notices were published more than ten (10) days prior to the hearing, and

WHEREAS, it does not appear that there are any other adjacent property owners to the public way to be vacated herein, other than petitioners, and,

WHEREAS, The Kosciusko County Commissioners have determined, after hearing that the vacation requested herein should be granted, that the public way for which vacation is sought is not located within any corporate boundaries, and that the vacation sought will not hinder the growth or development of the neighborhood in which it is located or to which it is contiguous, nor will it result in the creation of 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 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;

Section 1.

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

Public tract of land between lot 48 and lot 45 in Kosciusko County, Indiana.

And which public way is identified as an unimproved tract of land lying between the real estate commonly known as 7280 Kokomo Road and 7296 Kokomo Road, Claypool, Indiana 46510.

IS NOW HEREBY VACATED

Section 2.

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

Upon motion duly made, seconded and 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 15th day of November, 2005.

IN THE MATTER OF HEALTH DEPARTMENT WATER WELL ORDINANCE:

Michelle Puckett, Chief Deputy Auditor presented the Well Water Ordinance for the Commissioner's signature. This ordinance request had been approved at an earlier Commissioner's meeting but the Ordinance was not prepared at that time.

ORDINANCE NUMBER 05-11-15-001W

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR PRIVATE WATER WELLS IN KOSCIUSKO COUNTY, INDIANA

WHEREAS, in order to protect the health and welfare of the citizens of Kosciusko County, the Kosciusko County Board of Health has found it necessary to enact an Ordinance establishing specific rules and regulations for private water wells in Kosciusko County, Indiana, and

WHEREAS, pursuant to 16-20-1-19 the Board of health is authorized to enforce the health laws, ordinances, orders, rules, and regulations of their own and superior boards of health;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Kosciusko County, Indiana, that the Private Water Well Ordinance for the County of Kosciusko shall read as follows:

ARTICLE I

Definitions

Section 1. The following terms and phrases shall be defined as following for the purposes of this Ordinance:

"Person" means an individual, firm, corporation, partnership, or association

"Private Water Wells" means any water well, including those serving geothermal heat pump systems, constructed to provide water to one and/or two family dwellings totally or in part.

Among those wells specifically excluded from this definition are those which do not provide water to one or two family dwellings and which serve commercial, public, or agricultural needs.

Also excluded from this definition are all wells constructed, installed, maintained, operated and owned by a municipality or a taxing district established for the purpose of providing water.

"Annular Space" means the space between the exterior of the well casing and the natural formation in a drilled well.

"Aquifer" means any underground geologic formation (consolidated or unconsolidated) that has the ability to receive, store, and transmit water in amounts sufficient for the satisfaction of any beneficial use.

"Casing" means a pipe installed to prevent unwanted solids, liquids, or gases from entering the interior of a well.

"County" means those unincorporated areas which are under the jurisdiction of the Kosciusko County Health Officer and not incorporated cities or towns, except as provided for under authority of Indiana Code 16-20.

"Health Officer" means the Kosciusko County Health Officer or a duly authorized representative.

ARTICLE II

Private Water Wells

Section 1. No person shall place, install, or permit the installation of a private water well in an unsanitary or unsafe manner within the county. No well driller shall construct a private water well within the County until the location and/or area of such water well is approved by the Health Department.

Section 2. No private water well shall be installed which does not conform to any ruling of the Health Officer issued under this ordinance.

Section 3. If any defect exists or occurs in any private water well which could cause that private water well to contaminate an existing aquifer or the groundwater, the owner or occupant shall correct the violation immediately.

Section 4. If the owner or occupant of any property, or his or her agent, receives a written order from the Kosciusko County Board of Health or Health Officer, he or she shall comply with the provisions of the order and perform all acts required by the order within the time limit set forth in that order. The order shall be served on the owner or occupant of the property or his or her agent, but may be served on any person who, by contract with the owner, has assumed the duty of complying with the provisions of this Ordinance and any order issued under this Ordinance.

ARTICLE III

Permits and Inspections

Section 1. Private water wells shall be located in accordance with the distances shown in Table I below:

Table I

Minimum Horizontal Separation Distances from private water wells:

Lake, pond, river, stream or open public ditches	25 feet	
Dwelling or other structures	5 feet	
Side, rear or front yard lines	5 feet	
Septic tanks		50 feet
Sewage Absorption Systems (in soils where aquifers are in danger of contamination)	75 feet	
Sewage Absorption Systems (in soils where aquifers are not in danger of contamination)	50 feet	
Underground Storage Tanks for fuel or chemicals	50 feet	
Permanently fixed aboveground storage tanks for fuels or chemicals (300 gallons or more)	25 feet	
Earthen Agricultural Waste Pits	200 feet	
Concrete Agricultural Waste Pits	50 feet	
Sanitary Sewage Lagoons	300 feet	
Landfills (presently or previously licensed or permitted by the State of Indiana)	600 feet	

Section 2. Private water well casings shall be a minimum of two (2) inches in diameter.

Section 3. Private water wells shall not be placed in below grade well pits.

Section 4. The cap of the private water well shall be visible and securely attached. Minimum well depth shall be forty-five (45) feet or more if necessary to enter a satisfactory aquifer. Single suction lines must be fifty (50) feet from septic tanks and sewage absorption systems.

Section 5. No annular space may exist. Materials and design for sealing must conform to the standards of the Indiana Department of Natural Resources.

Section 6. Pitless adaptors shall be required on each new private water well as in accordance with the requirements of the Indiana Department of Natural Resources.

Section 7. All new water wells shall be properly disinfected at the time of installation.

Section 8. The owner of any building or private residence where a private water well is to be installed, or the replacement of an existing water well is planned, shall obtain a written permit signed by the Kosciusko County Health Officer before any construction begins. The owner shall apply for a permit on a form provided by the County. The applicant shall supplement the application with plans, specifications and other information deemed necessary by the Kosciusko County Health Officer. The applicant shall pay a permit and inspection fee of Ten Dollars (\$10.00), as established under Indiana Code 16-20-5-6, to the County Treasurer at the time the application is filed. The fee shall be accounted for and paid into the County Health Fund. The installation or repair of well lines, screens, pump, pressure tanks, etc. are exempted unless a new well is also installed.

Section 9. No permit for a private water well shall become effective until the installation is completed to the satisfaction of the Kosciusko County Health Officer. The officer shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the Kosciusko County Health Officer when the work is ready for final inspection. The Kosciusko County Health Officer shall make the inspection within two (2) working days of the receipt of notice from the applicant.

Section 10. A copy of any well log, as required by the Indiana Department of Natural Resources for licensed well drillers, shall be submitted to the Kosciusko County Board of Health within forty-five (45) days from the date that the Private water well was installed.

Section 11. The Kosciusko County health Officer shall, upon the request of the applicant, sample and test the new private water well for total coliform, nitrate/nitrogen, and any other substances as deemed necessary by the Kosciusko County Health Officer initially free of charge. The applicant may employ private water laboratory personnel to conduct the required test under the direction of the Kosciusko County Health Officer. The Kosciusko County Health Officer may, in any event, conduct tests deemed necessary by the Kosciusko County Health Officer. All final sample results must be within acceptable primary standards as established by the United States Environmental Protection Agency for Public Drinking Water Sources. If necessary, additional water testing shall be the responsibility of the individual property owner.

Section 12. All water tests shall be run according to most recent Standard Methods for the Examination of Water and Wastewater. These test results will be provided in writing to the Kosciusko County Health Department within forty- five (45) days from the date of well completion. The failure of a private water well to meet any of these primary water quality standards will constitute ground for rejection of the private water well by the Kosciusko County Health Officer.

Section 13. The applicant will post the permit in a conspicuous place at or near the building where the private water well is under construction. The notice shall be plainly visible from the public thoroughfare nearest this building.

Section 14. Where the installation of private water well is required for a dwelling constructed before the enactment of this Ordinance, the owner, or agent of the owner must first obtain a written permit signed by the Kosciusko County Health Officer. The provisions of this Ordinance relating to private water well design, installation and location shall not apply to existing dwellings. Such installations shall be made in accordance with the best judgment of the Kosciusko County Health Officer.

Section 15. Subdivisions designed to utilize private water wells, the plans for which were duly recorded in the Office of the Kosciusko County Recorder prior to January 1, 1989 are exempt from the provisions of this Ordinance regarding location, and may be located in accordance with the best judgment of the Kosciusko County Health Officer.

Section 16. The private well permit is valid for a term of one (1) year from the date of issue, unless otherwise voided by the Kosciusko County Health Officer.

Section 17. In cases of extreme emergency and when the Kosciusko County Board of Health is not open for public business, a private water well may be installed without first obtaining a local permit provided that the property owner or his agent obtains a local private well permit within the next two (2) working days.

The private water well must meet all other requirements of this ordinance.

ARTICLE IV

Powers for Inspection

Section 1. The Kosciusko County Health Officer will be permitted to enter upon all properties at any reasonable and proper time to inspect, observe, measure, sample and test to carry out the provisions of this Ordinance. The Kosciusko County Health Officer shall, upon request, produce and display proper credentials and identification.

ARTICLE V

Notices

Section 1. The Kosciusko County Health Officer will serve any person found to be violating any provision of this Ordinance with a written order stating the nature of the violation and providing a time limit for its satisfactory correction.

ARTICLE VI

Penalties

Section 1. Any person who violates any provision of this Ordinance will be deemed to have committed an ordinance violation and upon conviction shall be fined not more than Two Hundred Fifty Dollars (\$250.00) for the first violation and not more

than Five Hundred Dollars (\$500.00) for the second and each subsequent violation. Each day a violation continues after the expiration of the time set forth in any order issued under this Ordinance for abating unsafe conditions and completing improvements as ordered by the Kosciusko County Health Officer constitutes a separate violation.

Any person violating any provision of this Ordinance will be liable to the County for any expense, including attorney fees, loss or damage suffered by the County due to that violation.

Nothing in this Ordinance shall be deemed or construed to bar, abridge or limit in any way any existing legal or equitable remedies for the abatement of a private or public nuisance.

ARTICLE VII

Disclaimer

Section 1. Because of many interrelating factors contributing to the failure of a private water well, acceptance of a private water well does not imply approval, and it cannot be considered as a guarantee by the Board of Health of successful portability or operation. The Kosciusko County Health Officer's signature merely signifies that, as of the date of signing, the private water well meets the Kosciusko County Board of Health's minimum standards. The Kosciusko County Health Officer's signature makes no other representations.

ARTICLE VIII

Appeals

Section 1. Any directive issued by the Kosciusko County Health Officer which either denies or revokes the issuance of a private water well permit or which rejects the final approval of a permitted well shall be in writing and certified by the Kosciusko County Health Officer. A person who receives such a directive may, within ten (10) days after its receipt, appeal the directive to the Kosciusko County Board of Health. If the decision of the Kosciusko County Board of Health is adverse to the property owner or his agent, he or she may appeal that decision to the County Circuit or Superior Court as provided by law in other civil actions.

ARTICLE IX

Severability

Section 1. If any section, paragraph, sentence, clause, phrase or word of this Ordinance, or any other part thereof be declared invalid for any reason, the remainder of said Ordinance shall not be affected thereby and shall remain in full force and effect.

This Ordinance shall become effective as of the 15th day of November, 2005.

Adopted by the Board of Commissioners of Kosciusko County on this 15th day of November, 2005.

IN THE MATTER OF HIGHWAY ANNUAL BID RECOMMENDATIONS:

Dennis Pletcher, Interim Highway Superintendent presented his recommendation for 2006 supplies as submitted by bidders.

MOTION: Ron Truex TO: Approve bid recommendations as
SECOND: Brad Jackson presented by Pletcher.
AYES: 2 NAYS: 0
UNANIMOUS

Highway Bids Awarded for 2006

Dust Control – Great Lakes Chloride

Road Signs – Hall Signs, Inc.

Weed Spray – Daltons

Sign Posts – Hall Signs, Inc.

Pre-cast Concrete Structures – Bridgetek

Plant Rental for Mixing H.A.C. or H.A.E. – NiBlock (County provided materials)

Aggregate – Given that the gravel pits and stone quarries are located in various areas throughout and around the County, it is recommended that all bids be accepted. (The exception being IMI, the IMI bid should only be accepted contingent upon the withdrawal of the Federal Highway Administration suspension and debarment.)

Corrugated Metal Pipe – Given that pipe sizes and types are extremely varied, it is recommended that quotes be solicited throughout the year on a project by project basis.

Liquid Bituminous Materials – Accept bids from Pierceton Trucking, SEM Materials (formerly Koch) and Seneca Petroleum Company due to bids being based upon an escalation clause.

Bituminous Hot Mix H.A.C. or H.A.E. (Contractor provided materials in county trucks)– Since the best value to the County is difficult to determine due to the escalation clause, accepts bids from Phend and Brown, NiBlock and Brooks Construction, and obtain firm prices that are based upon the annual bids for each specific project. Accept the Ranger Materials bid contingent upon State certification of the asphalt plant. (Plant is not state certified at this time.)

Bituminous Hot Mix H.A.C. or H.A.E (Laid by Contractor) – Since the best value to the County is difficult to determine due to the escalation clause, accept bids from Phend and Brown, NiBlock, Reith-Riley and Brooks Construction and obtain firm prices that are based upon the annual bids for each specific project.

IN THE MATTER OF BARRINGTON HILLS HIGHWAY ACCEPTANCE:

Dennis Pletcher, Interim Highway Superintendent presented an Acceptance for County Maintenance Agreement for Barrington Hills – Phase 1 located at 100 E and 350 N for the Commissioner's approval.

MOTION: Ron Truex TO: Approve County Maintenance Acceptance
SECOND: Brad Jackson agreement as presented.
AYES: 2 NAYS: 0
UNANIMOUS

**KOSCIUSKO COUNTY HIGHWAY
ACCEPTANCE FOR COUNTY MAINTENANCE**

Name of Subdivision: Barrington Hill-Phase 1

Road Location: 100 E and 350 N

Road Length: Saddlebrook Lane: 1068 feet +/-

Bus Stop: 255 feet +/-

Hawthorn Drive: 1744 feet +/-

Barrington Place: 1556 feet +/-

Arlington Court: 380 feet +/-
Lancaster Court: 264 feet +/-

Person Requesting Acceptance: Donnie Hamby
Date of Recommendation: 11-14-2005
County Engineer's Recommendation:

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

IN THE MATTER OF STANLEY CUSTER – WASHINGTON TOWNSHIP REZONING REQUEST:

Matt Sandy, Area Plan Assistant Director presented information regarding Stanley Custer's request to rezone a parcel in Washington Township from Agricultural to Residential that was tabled at the October 18, 2005 meeting. Sandy stated that it was still the recommendation of the APC to deny the request. Sandy also noted that the APC had received additional remonstrance after the initial hearing on this rezoning.

Attorney Rick Helm, representing Stanley Custer stated that it was his understanding that the hearing on this matter had been closed at the October 18th meeting and he did not plan to introduce new information. Helm also noted that it was his understanding that the Commissioners tabled a decision at the earlier meeting in order to gather additional facts on their own. Therefore, he was in attendance to learn the Commissioner's ruling on this matter.

Commissioners Jackson and Truex stated for those in attendance that the motion made at the October 18, 2005 meeting had been to close discussion on the rezoning request, but would further investigate on their own. Therefore, there would be no public input allowed at this meeting.

Commissioner Truex then went on to say that the Commissioners had reviewed the request as well as had spoken with several of the neighboring property owners and were ready to render a decision based on those facts.

MOTION: Ron Truex TO: Accept Area Plan recommendation to deny
SECOND: Brad Jackson rezoning from Agricultural to Residential.
AYES: 2 NAYS: 0
UNANIMOUS

IN THE MATTER OF BRIAN AND RANAI SMITH – PLAIN TOWNSHIP VACATION REQUEST:

Matt Sandy, Area Plan Assistant Director presented a vacation request for Brian and Ranai Smith, Plain Township – Chapman Lake. Sandy noted that the Petitioners had requested a vacation in the same area back in June and at that time a compromise had been reached with the Petitioners as well as the neighboring property owners allowing the vacation. Sandy stated the Petitioners were now requesting to vacate up to the driving surface on Lots 17 & 18. Sandy also stated that it was the APC recommendation to deny the vacation as a minimum of five (5) feet was needed for highway maintenance.

Commissioner Truex questioned if the compromise reached earlier did give the petitioners what they needed but did not affect the other property owners. Sandy noted that it did. Truex then asked if the original remonstrance was filed with the thought that the entire cul-de-sac was to be vacated. Once again Sandy stated that it was.

Attorney Steve Snyder representing Brian and Ranai Smith stated that the vacation being sought at this time did in fact state there would be a five (5) foot set back parallel to and five (5) feet east of the pavement. Snyder then went on to state that the vacation requested was not to change the previous vacation, only the legal description to support the survey. In essence, to make legal what had already been approved per the "Walker Survey".

Remonstrators questioned the need for them to be in attendance if this request was not to vacate any additional property.

Commissioner Jackson apologized to those in attendance stating that it appeared to be an error in the language of the original vacation request and that had it included all of the legal descriptions, there would have been no need for the Petitioners to advertise and go through the current request.

MOTION: Ron Truex TO: Approve previously approved vacation as
SECOND: Brad Jackson noted in June 28, 2005 minutes.
AYES: 2 NAYS: 0
UNANIMOUS

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

Section 1

WHEREAS, Brian Smith and Ranai L. Smith have filed their petition for vacation of a portion of EMS C 28 F Land and EMS C 28F Lane in Kosciusko County, Indiana; and

WHEREAS, a hearing on said petition was set for November 15, 2005 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, Brian Smith and Ranai L. Smith are the owners of real estate adjacent to the public way to be vacated, which public way is described as follows, to wit:

TRACT I

Part of the road right-of-way West of Lot Number 17 in First Addition to Chapman’s Lake Park, located in the Northeast Quarter of Section 26, Township 33 North, Range 6 East, in Plain Township, as recorded in Plat Book 4, page 110, in the Office of the Recorder of Kosciusko County, Indiana, said part being more particularly described as follows, to wit:

Commencing at an iron pipe found at the most Southerly corner of said Lot Number 17, thence N63 degrees – 23’ W (Plat bearing), on and along the Southwesterly line of said Lot Number 17, a distance of 14.0 feet to a chiseled “X” found at a corner of said Lot Number 17, said point being the true point of beginning; thence continuing N63 degrees-23’W, on and along the Northwesterly projection of said Southwesterly line, a distance of 30.0 feet to the point of intersection with the Northeasterly edge of the existing pavement; thence Northerly, on and along said edge of pavement, being defined by a regular curve to the right, having a radius of 95.5 feet, an arc length of 39.70 feet (the chord of which bears N14 degrees – 40’W for a distance of 39.42 feet) to the point of intersection with the Southwesterly projection of the Northwesterly line of said Lot Number 17; thence N77 degrees -34’30”E, on and along said Southwesterly projection, a distance of 20.8 feet to an iron pipe found at the Northwest corner of said Lot Number 17; thence S00 degrees-12’W, on and along a West line of said Lot Number 17, a distance of 29.41 feet (platted 29.53 feet) to a chiseled “X” found at the point of curvature of a regular curve to the left, having a radius of 30 feet; thence Southeasterly, on and along a Southwesterly line of said Lot Number 17, being defined by said curve, an arc distance of 33.03 feet (the chord of which bears S31 degrees -51’E for a distance of 31.38 feet) to the true point of beginning, containing 0.018 acres of land, more or less, subject to all legal right-of-way, subject to all legal drain easements and all other easements of record. Less and excepting the West 5 feet thereof by parallel lines.

TRACT II

Part of the road right-of-way West of Lot Number 18 in First Addition to Chapman’s lake Park, located in the Northeast Quarter of Section 26, Township 33 North, Range 6 East, in Plain Township, as recorded in Plat Book 4, page 110 in the Office of the Recorder of Kosciusko County, Indiana, said part being more particularly described as follows, to wit:

Commencing at an iron pipe found at the most Southerly corner of Lot Number 17 in said First Addition to Chapman’s Lake Park; thence N63 degrees – 23’W (Plat bearing), on and along the Southwesterly line of said Lot Number 17, a distance of 14.0 feet to a chiseled “X” found at a corner of said Lot Number 17; thence continuing N63 degrees -23”W, on and along the Northwesterly projection of said Southwesterly line, a distance of 30.0 feet to the point of intersection with the Northeasterly edge of the existing pavement; thence Northerly, on and along said edge of pavement, being defined by a regular curve to the right, having a radius of 95.5 feet, an arc length of 39.70 feet (the chord of which bears N14 degrees – 40’W for a distance of 39.42 feet) to the point of intersection with the Southwesterly projection of the Southeasterly line of said Lot Number 18, said point of intersection being at the true point of beginning; thence Northwesterly, on and along said edge of pavement, being defined by a regular curve to the left, having a radius of 95.5 feet, an arc length of 59.54 feet (the chord of which bears N30 degrees -35’W for a distance of 58.58 feet); thence N47 degrees-14’W, on and along said edge of pavement, a distance of 35.25 feet to the point of intersection with the Westerly projection of the North line of said Lot Number 18; thence S89 degrees-08’16”E, on and along said Westerly projection, a distance of 5.8 feet to an axle found at the Northwest corner of said Lot Number 18; thence Southeasterly, on and along the Westerly line of said Lot Number 18, being defined by a regular curve to the right, having a radius of 70 feet, an arc length of 109.96 feet (the chord of which bears S45 degrees-09’40”E for a distance of 99.0 feet) to an iron pipe found at the Southwest corner of said Lot Number 18; thence S77 degrees-34’30”W, on and along the Southwesterly projection of the Southeasterly line of said Lot Number 18, a distance of 20.8 feet to the true point of beginning, containing 0.046 acres of land, more or less, subject to all legal right-of-way, subject to all legal drain easements and all other easement of record. Less and expecting the West 5 feet thereof by parallel lines.

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

Section 2.

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

ORDAINED AND PASSED this 15th day of November, 2005.

IN THE MATTER OF BID OPENING FOR BRIDGE 250:

Sealed bids were opened by County Administrator, Ron Robinson for Bridge 250. Bids were received from:

Primco, Inc. –	\$270,175.43
RL McCoy, Inc. –	\$318,959.75
Pioneer Associates, Inc. –	\$264,559.40

Dennis Pletcher, Interim Highway Superintendent will review the bids and make a recommendation at the next meeting.

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

KOSCIUSKO COUNTY COMMISSIONERS
November 29, 2005

The Kosciusko County Commissioners met for their regular meeting on November 29, 2005 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, PRESIDENT

MIKE MINER, COUNTY ATTORNEY

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 NORTH WEBSTER PUBLIC LIBRARY APPOINTMENT:

The Library Board submitted three candidates to fill a position on the Board. The names submitted included Tony England, Linda Stookey, and Rich Hays. It was noted that Linda Stookey had sent a letter expressing her interest in being appointed to the Library Board.

MOTION: Ron Truex TO: Appoint Linda Stookey to Library Board
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF APPROVAL OF K-CODE FUNDING:

Michelle Sammons, Coalition on Drug Education introduced Heather Desenberg stating that Desenberg will be taking over for her. Sammons went on to say that they were requesting approval from the Commissioners for their 2006 spending proposal. Sammons noted that K-Code's funding originated from drug/alcohol user fees generated in the county. Sammons also stated that their funding was very similar to 2005.

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

IN THE MATTER OF BRIDGE 250 BID AWARD:

Dennis Pletcher, Interim Highway Superintendent presented his recommendation for hiring Pioneer to complete work on Bridge 250. Pletcher stated Pioneer had placed the lowest bid and he felt comfortable in awarding Pioneer the contract.

MOTION: Brad Jackson TO: Approve contract for Pioneer regarding
SECOND: Ron Truex work/repairs to Bridge 250.
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF SYRACUSE SMALL STRUCTURE REPAIR:

Dennis Pletcher, Interim Highway Superintendent presented an agreement from USI for engineering services to a small structure (Structure #1) located near Main Channel Marina that is need of repairs. Pletcher went on to state that Main Channel Marina had requested the structure be raised to allow for larger boats to pass. Pletcher noted that he had spoken with Jeff Noffsinger, Syracuse Town Manager regarding Main Channel Marina's request and Noffsinger agreed that raising the structure would be beneficial to the community. Pletcher stated that the cost involved to raise the structure would be incurred by the Marina, not the county. He also stated that the agreement would be signed by the Town of Syracuse also holding them accountable for payment of the additional work in raising the structure. Pletcher then went on to say that USI's agreement for services would include the additional billing to the City of Syracuse for the additional work.

MOTION: Ron Truex TO: Approve USI Engineering Services for
SECOND: Brad Jackson repairs to Syracuse structure.
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF ROAD MAINTENANCE AGREEMENTS:

Dennis Pletcher, Interim Highway Superintendent reported that road maintenance agreements with the Town of Syracuse and the City of Warsaw were due to expire in December and therefore requested those be renewed. Pletcher noted that the agreements were for snow plowing and designed to alleviate overlapping of plowing on streets/roads.

MOTION: Brad Jackson TO: Approve renewal of road maintenance
SECOND: Ron Truex agreements as presented.

AYES: 3 NAYS: 0
UNANIMOUS

Road Maintenance Agreement

This agreement made and entered into this 13th day of December 2005 by and between the Kosciusko County Highway Department, hereinafter referred to as "County Highway", and the Town of Syracuse;

WITNESSETH:

Whereas, to avoid plow overlaps, resource waste, and to maintain the highest level of safety possible for snowplow drivers and the motoring public, the following snow and ice control routes have been proposed to the Town of Syracuse for the 2005 and 2006 winter season;

1. The County Highway will provide snow and ice control, according to the Kosciusko County Highway Department policy, for the following roads maintained by the Town of Syracuse:
 - a) Kern Road from CR 1200N to CR 1300N of which the Town of Syracuse maintains approximately 2,600 feet.
2. The Town of Syracuse will provide snow and ice control for the following roads maintained by the County Highway:
 - a) Syracuse-Webster Road from the Syracuse corporate limits south to Fox Run Drive.
 - b) CR 1200N from the Skinner ditch to Syracuse-Webster Road, with the County Highway maintaining "Crazy Corners".
 - c) Bayview Drive west off of SR 13.

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.

This agreement shall expire on December 13, 2008.

In the Witness Whereof, the parties have executed this agreement on said date and year aforementioned.

Kosciusko County Board of Commissioners Town of Syracuse

Road Maintenance Agreement

This agreement made and entered into this _____ day of December 2005 by and between the Kosciusko County Highway Department, hereinafter referred to as "County Highway", and the City of Warsaw;

WITNESSETH:

Whereas, to avoid plow overlaps, resource waste, and to maintain the highest level of safety possible for snowplow drivers and the motoring public, the following snow and ice control routes have been proposed to the City of Warsaw for the winter season:

1. The County Highway will provide snow and ice control, according to the Kosciusko County Highway Department policy, for the following roads:
 - b) CR 300 N – West of CR 150 W
 - c) CR 200 S – West of County Farm Road to the Warsaw City Limits.
 - d) Old Road 30 E – from US 30 to the Warsaw City Limits (Cheyenne Dr.).
 - e) Kosciusko Drive - from Old Road 30 E to E Center Street.
 - f) CR 175 E - from Kosciusko Drive to E Center St.
 - g) Cheyenne Drive - from Warsaw City Limits south to Old Road 30 East.
 - h) Cr 225 E - from Warsaw City Limits south to Old Road 30 East.
 - i) Pontiac Drive - from Warsaw City Limits west to Cr 225 E.
 - j) Rozella Rd - from SR 25 to SR 15.
2. The City of Warsaw will provide snow and ice control for the following roads:
 - d) CR 300 N from CR 150 W to SR 15.
 - e) Husky Trail (CR 100 E) - from the Warsaw City Limits to CR 200 N.
 - f) Anchorage Road (Cr 200 N) - from SR 15 to Husky Trail (Cr 100 E).
 - g) Center Street Extended – from the Warsaw City Limits to CR 175 E.
 - h) Hepler Drive - form the Warsaw City Limits to Old 30 West.
 - i) Tippecanoe Drive - from the Warsaw City Limits to Hepler Drive
 - j) Cr 150 W - from the Warsaw City Limits south to Fox Farm Road.
 - k) Sharon Street, Nye Street, and Cambridge Drive between Green Hill Drive and Tippecanoe Drive.
 - l) Country Club Rd - from the Warsaw City Limits, south to 200 S.

Snowplow damages (such as but not limited to sod, mailboxes, driveway approaches) would be repaired by the entity responsible for providing snow and ice control on that particular road and not the entity that is responsible for normal highway maintenance.

3. The County Highway will provide gravel road maintenance which includes grading and providing dust control according to the Kosciusko County Highway Department policy for the following roads maintained by the City of Warsaw:
 - a) CR 300 N to west of CR 150 W

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 supersede 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.

Kosciusko County Board of Commissioners City of Warsaw Board of Public Works and Safety

IN THE MATTER OF STOP SIGN ACCEPTANCE:

Dennis Pletcher, Interim Highway Superintendent presented three stop ordinances for approval. Pletcher noted he is still working with developers in trying to have ordinances prepared before the stop signs are installed.

MOTION: Ron Truex TO: Approve stop sign ordinances are presented.
SECOND: Brad Jackson

AYES: 3 NAYS: 0
UNANIMOUS

Ordinance 05-11-29-001S

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 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 herby recommend "Stop" signs be installed.

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

Blackberry Trace Addition

1. Install "Stop" sign on the southwest corner of Blackberry Trail and Ferguson Road – Blackberry Trail stops for Ferguson Road.
2. Install "Stop" sign on the northwest corner of Blackberry Trail and Blackberry Trail, in the southeast corner of Lot #15 – Southbound traffic on Blackberry Trail stops for Eastbound and Westbound traffic on Blackberry Trail.

This Ordinance shall be in full force and effect on November 29, 2005. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 29th day of November, 2005.

Ordinance 05-11-29-002S

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:

Whitetail Run Addition

1. Install "Stop" sign on the northwest corner of Placidview Lane East and LaPoint Drive – Placidview Lane East stops for LaPoint Drive.
2. Install "Stop" sign on the northwest corner of Placidview Lane West and LaPoint Drive – Placidview Lane West stops for LaPoint Drive.
3. Install "Stop" sign on the southeast corner of Hamill Court and LaPoint Drive – Hamill Court stops for LaPoint Drive
4. Install "Stop" sign on the southeast corner of Ashe Court and LaPoint Drive – Ashe Court stops for LaPoint Drive

This Ordinance shall be in full force and effect on November 29, 2005. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 29th day of November, 2005.

Ordinance 05-11-29-003S

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:

Cherry Creek Subdivision

1. Install "Stop" sign on the northeast corner of Blossom Lane and Packerton Road – Blossom Lane stops for Packerton Road.
2. Install "Stop" sign on the northeast corner of Masters Lane and Packerton Road – Masters Lane stops for Packerton Road.
3. Install "Stop" sign on the southeast corner of Augusta Lane and Masters Lane – Augusta Lane stops for Masters Lane.
4. Install "Stop" sign on the northwest corner of Augusta Lane and Blossom Lane – Augusta Lane stops for Blossom Lane.
5. Install "Stop" sign on the southwest corner of Masters Lane and Blossom Lane – Masters Lane stops for Blossom Lane.
6. Install "Stop" sign on the northeast corner of Blossom Lane and Blossom Lane, on the southwest corner of Lot #34 – Westbound traffic on Blossom Lane stops for Northbound and Southbound traffic on Blossom Lane.

This Ordinance shall be in full force and effect on November 29, 2005. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 29th day of November, 2005.

IN THE MATTER OF CENTER OF HOPE GRANT REQUEST:

Sue Ann Mitchell, County Auditor presented the Center of Hope Grant for approval. Mitchell stated that the grant had been previously submitted but was denied due to lack of information on how the monies had been spent the prior year. Mitchell noted that even though the time frame for submitting the grant had passed, Craig Allebach – Grant Administrator felt it was worth resubmitting as there were items that might still be approved.

MOTION: Ron Truex
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

TO: Approve grant application request as presented.

IN OTHER MATTERS:

Ron Robinson, County Administrator, reported that he received a letter from an attorney requesting the Sheriff's signature. Robinson noted that he felt Mike Miner, County Attorney, should look the letter over first and if everything is in order forward it to Sheriff Rovenstine for his signature.

MOTION: Ron Truex
SECOND: Brad Jackson
AYES: 3 NAYS: 0

TO: Approve Robinson's recommendation for Miner to inspect documentation requiring the Sheriff's signature.

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

KOSCIUSKO COUNTY COMMISSIONERS DECEMBER 13, 2005

The Kosciusko County Commissioners met for their regular meeting on December 13, 2005 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, President

Mike Miner, County Attorney

Brad Jackson

Sue Ann Mitchell, County Auditor

Ron Truex

Ron Robinson, County Administrator

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

IN THE MATTER OF APPOINTMENT TO ALCOHOL BEVERAGE COMMISSION:

A request was received by the ABC to reappoint Gordon Vanator to the Alcohol Beverage Board.

MOTION: Brad Jackson

TO: Reappoint Vanator to ABC Board

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF APPOINTMENT TO DRAINAGE BOARD:

A letter from the Drainage Board was received requesting Donald Goon be reappointed to the Board.

MOTION: Ron Truex

TO: Reappoint Goon to Drainage Board

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF EMERGENCY MANAGEMENT EXECUTIVE ORDER FOR NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) STANDARD:

Ed Rock, Emergency Management Director, presented a presidential executive order pertaining to the National Incident Management System (NIMS). Rock stated that in order to continue receiving federal funds, the county must approve the order and agree to follow the standards set forth in the National Incident Management System (NIMS).

MOTION: Ron Truex

TO: Approve the National Incident

SECOND: Brad Jackson

Management System order as presented.

AYES: 3 NAYS: 0

UNANIMOUS

EXECUTIVE ORDER

DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE COUNTY OF KOSCIUSKO IN THE STATE OF INDIANA.

WHEREAS, the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, Local, and Tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity;

WHEREAS, the collective input and guidance from all Federal, State, Local, and Tribal Homeland Security Partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS;

WHEREAS, it is necessary and desirable that all Federal, State, Local and Tribal Emergency Agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management;

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, Local, and Tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters;

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the State's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes.

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the State, including current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System;

NOW, THEREFORE, WE THE KOSCIUSKO COUNTY COMMISSIONERS, in the State of Indiana, by the virtue of the authority vested in us by the Constitution and Laws of the State of Indiana do hereby establish the National Incident Management System (NIMS) as the County standard for incident management.

GIVEN under my hand and the Privy Seal of The County of Kosciusko in the City of Warsaw this 13th day of December in the year Two Thousand and five.

IN THE MATTER OF KDI FUNDING REQUEST:

Roger Moynahan, KDI Chairman, appeared before the Commissioners at the request of the County Council to provide additional information regarding their budget request. Moynahan stated that KDI has been operating with a part time staff and would like to hire a full time Director as well as a full time office person. Commissioner Truex commented that he and Council member Bob Sanders also serve on the KDI Board and commended KDI for their work. Truex also noted that additional support staff is needed above their current levels. Moynahan pointed out that KDI works very closely with the Chamber but both need full time directors/presidents.

IN THE MATTER OF RENEWAL OF SNOW PLOWING AGREEMENT WITH WINONA LAKE:

Dennis Pletcher, Highway Supervisor, presented an agreement for services with the Town of Winona Lake for renewal. Pletcher stated that these agreements work well for the county as well as for the town in avoiding overlap of work to be done. He also noted that the county would be using some private contractors for snow removal in some of the subdivisions as they have done in the past.

MOTION: Brad Jackson TO: Approve renewal agreement with Winona
SECOND: Ron Truex Lake.
AYES: 3 NAYS: 0
UNANIMOUS

Road Maintenance Agreement

This agreement made and entered into this 13th day of December 2005 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 250 E., CR 275 E., Packerton Road, and CR 225 S.; 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 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 250 E. – 1,548 feet south of the south right of way line of Wooster Road.
 - b) On CR 275 E. – 905 feet north of the south right of way line of CR 225 S.
 - c) On CR 225 S. – 1,320 feet east of the east right of way line of Country Club Road.
 - d) Pierceton Road – 2,283 feet west of the east right of way line of CR 350 E.
 - 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 225 S. 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 from Winona Lake line west to Country Club Road.
 - d) Packerton Road from CR. 225 S. 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 of Kosciusko 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 supersede all previous agreements and expires three years 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 REMOVAL FOR CHERRY CREEK AND FOXWOOD SUBDIVISIONS:

Dennis Pletcher, Highway Supervisor, stated he had been contacted by the Cherry Creek and Fox Wood subdivisions to see if an agreement could be arranged for snow removal. Pletcher presented

those agreements for the Commissioner's approval on a one year basis in advance of the subdivision being finally accepted.

MOTION: Ron Truex TO: Approve subdivision snow removal
SECOND: Brad Jackson agreements as presented.
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF HIGHWAY TRACTOR BIDS:

Dennis Pletcher, Highway Supervisor, requested permission to seek bids for the purchase of two new mowing tractors. Pletcher noted that the funds had been budgeted for 2006. It was also noted that these tractors would be replacing two older ones currently being used.

MOTION: Ron Truex TO: Approve request to seek bids to replace
SECOND: Brad Jackson mowing tractors.
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF BRIDGE 250:

Dennis Pletcher, Highway Supervisor, requested approval for the relocation of sewer lines under Bridge 250 in North Webster. Pletcher noted that he had received an estimate from Good Excavating of \$19,200 for the work.

MOTION: Ron Truex TO: Accept estimate for relocation of sewer
SECOND: Brad Jackson line with the stipulation that county will seek
AYES: 3 NAYS: 0 reimbursement for expenses from Town of
UNANIMOUS North Webster.

IN THE MATTER OF DEPARTMENT CREDIT CARDS:

Ron Robinson, County Administrator, reported that he and Auditor, Sue Ann Mitchell had resolved the matter of department credit cards and new cards should be issued for each department shortly.

IN THE MATTER OF GAS CARD PURCHASES:

Ron Robinson, County Administrator, stated that gas cards would be issued shortly to the Sheriff as well as other employees that purchase gas. These cards will have exceptions, but will be accepted at more locations. Robinson also noted that the current county gas tank will be removed soon.

IN THE MATTER OF WORK RELEASE KITCHEN:

Ron Robinson, County Administrator, reported progress is being made on the Work Release Kitchen. Concrete has been poured and they are waiting on the steel to arrive. The only delays have been for materials.

IN THE MATTER OF COURTHOUSE RENOVATIONS:

Ron Robinson, County Administrator, also reported that the renovation work is nearing completion. He noted that it is expected to be complete by the end of the month. Work on the 3rd floor should be finished by the end of the week, and the ceiling in the basement is being installed now. New wiring for the sound system in the Court Room has been completed and the microphones have been installed with new speakers to be in place shortly.

**IN THE MATTER OF TONY AND SARA ENGLAND – VANBUREN TOWNSHIP
VACATION REQUEST:**

Matt Sandy, Area Plan Assistant Director presented a vacation request from Tony and Sara England, Ralph Metzler Subdivision, Dewart Lake. Sandy stated the England's wanted to vacate an undeveloped alley way and there was no opposition from adjoining property owners, emergency personnel or any utilities. Sandy noted it was the recommendation of the APC to approve the vacation request. No one in attendance spoke in opposition to the vacation. Torrey Bauer, Attorney for the England's, presented the vacation ordinance for approval.

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

Ordinance No. 05-12-13-001V

**Ordinance of the Kosciusko County Commissioners
Vacating a Portion of a Public Road**

WHEREAS, Tony England and Sara England, have filed with the Board of Commissioners a Petition for Vacation of Public Way, which Petition was filed with the Board on October 25, 2005, and,
WHEREAS, Notice was published as required by law in the Warsaw Times-Union and the Mail-Journal, both newspapers in general circulation and published in the English language in Kosciusko County, Indiana, giving notice of the filing of the verified Petition to Vacate a Public Road and giving notice that said Petition would be heard by the Kosciusko County Commissioners on the 13th day of December, 2005 at 9:30 o'clock a.m. in the Commissioner's 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 12th day of November, 2005, and which Notice in the Mail-Journal was published on the 39th day of November, 2005, both of which Notices were published more than ten (10) days prior to the hearing, and
WHEREAS, the Kosciusko County Commissioners have determined, after hearing, that the vacation requested herein should be granted, that the public way for which vacation is sought is not located within any corporate boundaries, and that the vacation sought will not hinder 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 the vacation is sought.
NOW THEREFORE BE IT ORDAINED, BY THE COMMISSIONERS OF KOSCIUSKO COUNTY, WARSAW, INDIANA, AS FOLLOWS:

Section 1. That the following described public roadway situated in Kosciusko County, Indiana, in the Town of Syracuse, more particularly described as a portion of an alleyway running east and west for 110 feet, adjacent to the north by Lot Four of the first addition to Ralph Metzler's Subdivision on Dewart Lake and bordered on the south by Lots Two and Three and partially Lot One in the first addition to Ralph Metzler's Subdivision on Dewart Lake
IS NOW HEREBY VACATED.

Section 2. That the vacation granted by this ordinance shall be subject to the rights of any utility easements which are presently being used, if any, upon, along, through or over the portions of the public roadway vacated by this ordinance.

Section 3. This ordinance shall be in full force and effect from and after the date of its adoption hereafter.

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

Upon motion duly made, seconded, and passed by a vote of 3 ayes and 0 nays, the foregoing Ordinance was adopted by the Kosciusko County Commissioners at its regular meeting this 13th day of December, 2005.

IN OTHER MATTERS:

Commissioner President, Avis Gunter recognized Dennis Pletcher, Highway Supervisor for the good work that he and his crews are doing in keeping the roads cleared.

Ron Robinson, County Administrator expressed appreciation for Auditor, Sue Ann Mitchell's patience in regards to the renovation work noting that the main electrical source for the courthouse is located in Mitchell's closet and her office has been in chaos for quite some time. Robinson also noted that everyone had been cooperative and patient during the renovations, even when there was no air conditioning or heat.

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

**KOSCIUSKO COUNTY COMMISSIONERS
DECEMBER 27, 2005**

The Kosciusko County Commissioners met for their regular meeting on December 27, 2005 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 - President

Mike Miner, County Attorney

Brad Jackson - *Absent*

Sue Ann Mitchell, County Auditor

Ron Truex

Ron Robinson, County Administrator

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

IN THE MATTER OF BEAMAN HOME CERTIFICATION FOR APPROVAL:

The Beaman Home submitted their annual Certification of Local Approval for Nonprofit Organizations for the Emergency Shelter Grant Program.

MOTION: Ron Truex

TO: Approve the Grant Certification of

SECOND: Avis Gunter
AYES: 2 NAYS: 0
UNANIMOUS

Approval as presented.

IN THE MATTER OF SYRACUSE-TURKEY CREEK TOWNSHIP PUBLIC LIBRARY APPOINTMENT:

Turkey Creek Township – Syracuse requested Cynthia J. Thornburg be reappointed to the library board for a term to expire December 31, 2009.

MOTION: Ron Truex TO: Appoint Thornburg to Syracuse Public
SECOND: Avis Gunter Library Board.
AYES: 2 NAYS: 0
UNANIMOUS

IN THE MATTER OF PTABOA APPOINTMENT:

Laurie Renier, County Assessor, presented a request by letter asking that Gerald “Jake” Bitner and Richard Shipley be reappointed to the County Property Tax Assessment Board of Appeals.

MOTION: Ron Truex TO: Appoint Bitner and Shipley to PTABOA
SECOND: Avis Gunter
AYES: 2 NAYS: 0
UNANIMOUS

IN THE MATTER OF KOSCIUSKO COUNTY CONVENTION RECREATION VISITORS COMMISSION APPOINTMENT:

KCCRVC requested John Elliott and Jan Carter be appointed to the KCCRVC Board.

MOTION: Ron Truex TO: Appoint Elliott and Carter to KCCRVC.
SECOND: Avis Gunter
AYES: 2 NAYS: 0
UNANIMOUS

IN THE MATTER OF AREA PLAN COMMISSION APPOINTMENT:

Due to recent restructuring guidelines, it was determined that additional appointments would be needed to serve on the Area Plan Commission. Currently the Surveyor and the Ag Agent are both members of the Area Plan Board and only one may continue to serve. Commissioner Truex stated that after speaking with several people throughout the community, he felt there was a strong need for someone with the surveyor’s expertise to serve on the Area Plan Commission.

MOTION: Ron Truex TO: Appoint Dick Kemper to the Area Plan
SECOND: Avis Gunter Commission.
AYES: 2 NAYS: 0
UNANIMOUS

IN THE MATTER OF AREA PLAN COMMISSIONER APPOINTMENT:

Due to recent restructuring guidelines, it was determined that a County Commissioner would be needed to serve on the Area Plan Commission.

MOTION: Ron Truex TO: Appoint Avis Gunter to the Area Plan
SECOND: Avis Gunter Commission.
AYES: 2 NAYS: 0
UNANIMOUS

IN THE MATTER OF COUNTY APPOINTMENTS FOR 2006:

The following appointments were considered and approved for 2006:

- | | |
|---------------------------------|-----------------|
| 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: | _____ |

County Highway Assistant:	_____
Drainage Board (Commissioner):	Ron Truex
GIS:	Bill Holder
Home Land Security/Local Emergency Preparedness:	Ed Rock
KDI Representative:	Ron Truex
Maintenance:	Don Taylor
St. Joe River Basin (1 year)	Jon Roberts
Systems Administrator:	Bob Momeyer
Systems Administrator Assistant:	Paul Henning
Veteran Officer:	Mike Barnett
Wage Committee Representative:	_____
Warsaw Community Development Committee:	Avis Gunter
Weights & Measures:	Larry Marner

MOTION: Ron Truex TO: Approve appointments as presented.
 SECOND: Avis Gunter
 AYES: 2 NAYS: 0
 UNANIMOUS

IN THE MATTER OF SHERIFF’S CONTRACT:

The Sheriff’s contract for 2006 in the amount of \$88,000 was presented for approval.

MOTION: Ron Truex TO: Approve Sheriff’s contract for 2006 as
 SECOND: Avis Gunter presented.
 AYES: 2 NAYS: 0
 UNANIMOUS

SHERIFF’S SALARY CONTRACT

This agreement entered into as of the first day of January, 2006, by and between C. Aaron Rovenstine, Sheriff of Kosciusko County and the County Council (“the Council”) and the Board of Commissioners (“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 Eight Thousand Dollars (\$ 88,000) (\$3,384.62 bi weekly) for the calendar year 2006. 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 officials 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 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 construed in any manner to relieve the Sheriff of any of his responsibilities or duties under I.C. 6-8.1-8-3 or I.C. 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, 2006, provided the same has been previously approved by resolution of both the Council and the Commissioners.

DATED THIS 27TH DAY OF DECEMBER, 2005.

IN THE MATTER OF SNOW PLOWING AGREEMENT FOR WHITETAIL RUN SUBDIVISION:

Dennis Pletcher, County Highway Supervisor, presented a one year agreement for snow removal in the Whitetail Run Subdivision noting there has not been a road maintenance acceptance agreement yet with the county for this Division.

MOTION: Ron Truex TO: Approve snow plowing agreement as presented.
SECOND: Avis Gunter
AYES: 2 NAYS: 0
UNANIMOUS

IN THE MATTER OF COURTHOUSE RENOVATIONS:

Ron Robinson, County Administrator, reported that renovations in the Courthouse are still taking place with an estimated completion date of mid January. Robinson noted that the electrical work seemed to be taking more time than was expected, however the ceiling grids were being installed in the basement and those offices should be moving back soon. Robinson also reported that the Work Release project was progressing and was tentatively scheduled for a March completion.

IN THE MATTER OF KDI AGREEMENT:

Sue Mitchell, County Auditor, presented an agreement for services with Kosciusko (County) Development, Inc. for approval. Mitchell noted the agreement included the changes that had been discussed at an earlier meeting.

MOTION: Ron Truex TO: Approve Agreement for Services as presented.
SECOND: Avis Gunter
AYES: 2 NAYS: 0
UNANIMOUS

AGREEMENT FOR SERVICES

THIS AGREEMENT made and entered into this 1st day of January, 2006 by and between THE BOARD OF COMMISSIONERS OF THE COUNTY OF KOSCIUSKO, and Kosciusko (County) Development, Inc. hereinafter referred to as "The Agency", WITNESSETH:

By way of background, The Agency has requested The Board provide funds to The Agency in order that the Agency may provide certain services to the citizens of Kosciusko County, Indiana; and

By way of further background, The Board, has caused the request for funding of The Agency to be transmitted to and considered by the Kosciusko County Council and the Kosciusko County Council has appropriated Thirty-Five Thousand Dollars (\$ 33,250) for the use of The Agency for the year 2006; and

By way of further background, The Board and The Agency wish to set forth their agreements with regard to the services to be rendered and the payment to be made therefore.

NOW, THEREFORE, the parties hereto agree with each other as follows:

1. The agency hereby agrees to provide services to the citizens of Kosciusko County, Indiana, in accordance with the presentations and representations made by The Agency to The Board in The Agency's request for funding. The agency agrees to provide services set forth in "Exhibit A" attached hereto and made a part hereof.
2. The Board hereby agrees that it will from time to time cause \$25,000 of the \$ 33,250 previously appropriated by the Kosciusko County Council specifically for The Agency to be disbursed in mutually convenient installments, but not more frequently than monthly, and in accordance with the directions given by The Board to the Kosciusko County Auditor. The balance of \$8,250 shall be made available to The Agency when they have matched the \$25,000 in donations. The Agency agrees to submit a claim with the proof of actual receipt of funds. A pledge of funding does not constitute a receipt of funds. Upon submission of claim form and proof of \$25,000 in matching funds, the amount of \$8,250 will be disbursed to The Agency.
3. The Agency and The Board both understand and agree that should the Board in its sole judgment determine that any funds appropriated and set aside for The Agency hereunder are not in fact being utilized in accordance with The Agency's representations or agreements with the Board, The Board may, without notice, terminate further disbursement of County funds to The Agency without regard to the fact that there remain appropriated funds that have not yet been disbursed to The Agency.

4. That this agreement shall be deemed to have commenced on January 1, 2006 and shall terminate December 31, 2006.

IN WITNESS WHEREOF, The Board and The Agency have hereunto set their hands and seal this 27th day of December, 2005.

IN THE MATTER OF ELECTION OF OFFICERS FOR COUNTY COMMISSIONERS:

Commissioner Ron Truex made the following nominations for the 2006 County Commissioner's Officers: Brad Jackson, President and Avis Gunter, Vice President.

MOTION: Ron Truex TO: Approve 2006 office nominations as presented.
SECOND: Avis Gunter

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF V.H. BATALIS – WAYNE TOWNSHIP REZONING REQUEST:

Dan Richard, Area Plan Director presented a rezoning request from V.H. Batalis to rezone a parcel in Wayne Township from Commercial to Industrial II. The property is adjacent to both commercial and industrial properties and had at one time been zoned Industrial. Richard stated it had been an easy transition to rezone to Commercial when requested and would be just as easy to rezone back to Industrial II. Richard noted it was the APC's unanimous recommendation to allow the rezoning to Industrial II.

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

MOTION: Ron Truex TO: Accept APC recommendation to rezone from Commercial to Industrial II.
SECOND: Avis Gunter

AYES: 2 NAYS: 0

UNANIMOUS

ORDINANCE NO. 05-12-27-001Z

**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:

Part of the Southeast Quarter of Section 13, together with part of the Northeast Quarter of Section 24, all being in Township 32 North, Range 6 East, Kosciusko County, Indiana, and all together being more particularly described as follows, to wit:

Commencing at a rail post found at the Northeast corner of the Southwest Quarter of said Section 13; thence South, on and along the East line of the Southwest Quarter of said Section 13, a distance of 2399.9 feet (deed) to a railroad spike found at the point of intersection with the centerline of County Road 100S; thence S87°-47'E, on and along said centerline, a distance of 1194.88 feet to a Mag nail found; thence S88°-22'E, on and along said centerline, a distance of 28.48 feet to a Mag nail found at the Northeast corner of a certain tract of land recorded in Document Number 20030120693 of the records of Kosciusko County, Indiana, said Mag nail also being at the Northwest corner of a certain tract of land as recorded in Document Number 98-04-1342 in said records, said Mag nail further being at the true point of beginning; thence continuing S88°-22'E, on and along said centerline, being also the North line of said tract in Document Number 98-04-1342 and the North line of a certain Tract II as recorded in Document Number 2003040168, of said records, a distance of 413.0 feet to a railroad spike found at the Northeast corner of said Tract II, also being the Northwest corner of a certain tract of land recorded in Document Number 95-03-0861, of said records; thence S10°-11'-05"W (recorded S10°-31'-15"W and also recorded S10°-12'-15"W), on and along the East line of said Tract II, also being the West line of said tract in Document Number 95-03-0861, of said records, a distance of 345.48 feet to a 5/8 -inch diameter iron pin capped "Walker"; thence N88°-22'W, parallel to the centerline of said County Road 100S, a distance of 352.02 feet to a 5/8 -inch diameter iron pin capped "Walker" on the Southerly projection of the West line of said tract in Document Number 98-04-1342, of said records; thence N00°-01'-23"E, on and along said Southerly projection and on and along the West line of said tract, and on and along the East line of said tract of land in Document Number 200300120693, a distance of 341.77 feet to the true point of beginning, containing 3.000 acres of land, more or less, subject to legal right-of-way for County Road 100S, subject to all legal drain easements and all other easements of record.

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

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

authorities, as the same may be applicable to the construction of streets, parking facilities, storm sewers, drains, sidewalks and sewer and water facilities.

ARTICLE 2.

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

Passed and adopted at a regular and duly constituted meeting of the Board of Commissioners of Kosciusko County, Indiana on the 27th day of December, 2005.

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