



## **KOSCIUSKO COUNTY COMMISSIONERS**

### **JANUARY 14, 2003**

The Kosciusko County Commissioners met for their regular meeting on January 14, 2003 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 West Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT	SUE ANN MITCHELL, COUNTY AUDITOR
AVIS B. GUNTER	RON ROBINSON, COUNTY ADMINISTRATOR
BRAD JACKSON	MIKE MINER, COUNTY ATTORNEY

President Avis Gunter requested Rob Ladson to open the meeting with a word of prayer. The pledge to the flag was recited.

#### **IN THE MATTER OF ELECTION OF PRESIDENT:**

The first order of business was to elect the President of the Commissioners for the 2003 calendar year.

MOTION: BRAD JACKSON	TO: NOMINATE AND ELECT RON TRUEX
SECOND: AVIS GUNTER	PRESIDENT.
AYES: 3 NAYS: 0	
MOTION CARRIED	

President Ron Truex called the meeting to order. Minutes were approved as presented. Claims were signed and approved for payment.

#### **IN THE MATTER OF 2002 SALARY POSTING:**

Sue Ann Mitchell, Kosciusko County Auditor, presented a listing of all employees and the salaries they were paid for 2002. The Commissioners approved the listing. The list must be published in two newspapers and posted three places. The list has been posted at the Warsaw Public Library, main floor door to Courthouse and the Justice Building.

#### **IN THE MATTER OF WORK RELEASE TOTALS:**

Aaron Rovenstine, Kosciusko County Sheriff, presented totals to the Commissioners. Rovenstine related that \$1.2 million has been collected since the Work Release moved to the hotel. The Commissioners agreed that it would be difficult to measure the true value of the facility because people are kept working while fulfilling their sentences assigned by court.

#### **IN THE MATTER OF REAPPOINTMENTS TO THE BOARD OF HEALTH:**

Bob Weaver, Kosciusko County Health Department, requested the reappointment of Joan Darr and John W. Jones. He requested their reappointment for another four-year term.

MOTION: BRAD JACKSON	TO: APPROVE THE REAPPOINTMENT OF
SECOND: AVIS GUNTER	JOAN DARR AND JOHN W. JONES TO
AYES: 3 NAYS: 0	THE BOARD OF HEALTH.
UNANIMOUS	

#### **IN THE MATTER OF RECORDER UPGRADING SOFTWARE:**

LaShawn Brumfield, Kosciusko County Recorder, presented a contract for the Commissioners approval for the upgrading of software in the Recorder's Office. Brumfield, with the help of Robert Momeyer, Systems Administrator and his assistant, Paul Henning have reviewed several different companies and counties systems to find the best price and the best quality product. Brumfield, Momeyer and Henning agree the ACS system would be the best software upgrade. Brumfield will use her records perpetuation fund to pay for the upgrade. This process will save the County money by not having maintenance contracts on the filming equipment. ACS will take care of all the maintenance. Matt Brown is the contact at ACS. Brown told Ron Robinson, Kosciusko

January 14, 2003

County Administrator, there was a possibility that other departments could also use the imaging system.

MOTION: BRAD JACKSON TO: APPROVE THE CONTRACT WITH ACS  
SECOND: AVIS GUNTER FOR THE UPGRADING OF SOFTWARE  
AYES: 3 NAYS: 0 IN THE RECORDER'S OFFICE.  
UNANIMOUS

*Chapman, Brad*  
**IN THE MATTER OF HESITATION DRIVE AND MARTY DRIVE BEING  
ADDED TO THE COUNTY HIGHWAYS SYSTEM: CR 2003 012148**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, found that Hesitation Drive and Marty Drive currently are not on the state inventory map of county maintained roads. These two roads have been maintained in the past and Ladson would like to bring them into the county highway system. Ladson found out about these roads because a resident called to ask why the road wasn't plowed. Ladson is slowly picking up the roads that have been inadvertently left off the state inventory map.

MOTION: BRAD JACKSON TO: APPROVE HESITATION DRIVE AND  
SECOND: AVIS GUNTER MARTY DRIVE TO BE BROUGHT  
AYES: 3 NAYS: 0 INTO THE COUNTY HIGHWAY  
UNANIMOUS SYSTEM.

**IN THE MATTER OF REQUEST TO ACCEPT BRANDYWINE SUBDIVISION  
FOR MAINTENANCE: CR 2003 012147**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, presented a request to accept Brandywine Subdivision for maintenance. Brandywine Lane is located off EMS B40A Lane. The road is in good condition and all requirements have been met. Ladson recommended accepting Brandywine.

MOTION: AVIS GUNTER TO: APPROVE REQUEST FOR BRANDY-  
SECOND: BRAD JACKSON WINE SUBDIVISION TO BE  
AYES: 3 NAYS: 0 MAINTAINED BY THE COUNTY  
UNANIMOUS HIGHWAY DEPARTMENT.

**IN THE MATTER OF GRAYSTONE SUBDIVISION SNOW REMOVAL: CR 2003 012149**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, requested Commissioners approve snow removal in the Graystone Subdivision, off Chapman Lake Road. The subdivision has not been accepted for full maintenance. To be consistent with other areas, the Highway Department will provide plow service for at least one year.

MOTION: BRAD JACKSON TO: APPROVE SNOW REMOVAL OF  
SECOND: AVIS GUNTER GRAYSTONE SUBDIVISION ROAD  
AYES: 3 NAYS: 0 FOR THE FIRST YEAR PENDING FINAL  
UNANIMOUS APPROVAL.

**IN THE MATTER OF ORDINANCE FOR STOP SIGNS IN PADDLEBROOK**

**POND SUBDIVISION: CR 2003 012131**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, requested approval of an ordinance for stop signs in Paddlebrook Pond Subdivision. The developer installed the stop signs.

MOTION: BRAD JACKSON TO: APPROVE ORDINANCE FOR STOP  
SECOND: AVIS GUNTER SIGNS.  
AYES: 3 NAYS: 0  
UNANIMOUS

**ORDINANCE 03-01-14 - S**

An Ordinance establishing "Stop" signs at various County Road intersection 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 the 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

January 14, 2003

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:

Paddlebrook Pond Addition

1. Install "Stop" sign on the southeast corner of Fox Crest Drive and Nottingham Drive.
2. Install "Stop" signs on the southeast corner of Ashbury Court and Nottingham Drive.

THIS ORDINANCE shall be in full force and effect on January 14, 2003. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 14<sup>th</sup> day of January, 2003.

**IN THE MATTER OF BRIDGE #290 AND # 286 PLANS APPROVAL:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, indicated Bridge #290, Venetian Way, bids will be opened on February 11, 2003. Ladson presented the plans for the Commissioner's approval. The sides of the bridge will be made from concrete with galvanized steel handrail tops. This will make the walls taller to prevent children from jumping off into the channel. It will allow for fishing or looking from the bridge. The bridge will be wider because of an increase in traffic flow. It is the only entrance to the island so the first third of the old bridge will be torn down, and half of the new bridge will be built. Then the other two thirds of old bridge will be torn down and the other half of the new bridge built. Holes have been developing up through the bottom of the bridge. Property owner Mrs. Baiter offered her right of entry. In return, Mrs. Baiter would like one tree removed. Ladson said other trees would have to be removed so it would not cost anymore to remove her tree.

Ladson advised the Commissioners on February 11, 2003, proposals for bridge #286 will also be opened. Bridge #286 is located on 100 S. a little east of the Animal Welfare League. Ladson also indicated truck bids will be opened on February 11, 2003.

MOTION: BRAD JACKSON TO: APPROVE BRIDGE #290 AND # 286 PLANS  
SECOND: AVIS GUNTER ALSO APPROVED THE REMOVAL OF  
AYES: 3 NAYS: 0 MRS. BAITER'S TREE.  
UNANIMOUS

**IN THE MATTER OF LETTER RECEIVED BY COMMISSIONERS FROM TED LEPIRD, TURKEY CREEK TOWNSHIP PROPERTY OWNER:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated he had just received a copy of the letter from a gentleman on North Road in Turkey Creek Township. He is interested in purchasing a portion of a lot the County owns on a Wawasee Channel. Ladson will address this matter at a later date.

**IN THE MATTER OF LETTER FROM DNR ON 350 NORTH IN TIPPECANOE TOWNSHIP:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, received a letter from Department of Natural Resources (DNR) indicating they would like soil information from County Road 350 N. Ladson cited that at Bridge #286, it cost \$2,700 to obtain two 50-foot deep holes. Ladson provided this information as a comparison as to the cost of the DNR request. Ladson would like to see the road closed because it's like building in a sinkhole. It has been very hard to maintain. The Highway Department keeps putting dirt in the holes, it keeps settling, flooding, etc. If it is kept open, Ladson suggested doing it right by finding out what it's going to cost to make it safe. The DNR is willing to assist. Ladson will get something in writing from the DNR on what they're proposing. He will then bring it back to the Commissioners. This appeared to be exactly the opposite of the DNR position when the vacation of 350 N. was considered and denied by the Commissioners.

**IN THE MATTER OF RAILROAD TRACKS AT 600 NORTH:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, met yesterday with Norfolk and Southern Railroad representatives at 600 N. They were trying to resolve the issue of the main track being 12 inches higher than the side track. The grade then falls to



January 14, 2003

abruptly to Old 15. Ladson indicated this is not going to be easy to fix. He will continue to work with the railroad to bring resolution to the problem.

**IN THE MATTER OF COUNTY HIGHWAY HELPING SCHOOLS:**

Ron Robinson, Kosciusko County Administrator, stated the schools would like to have the help of the Highway Department. Robinson was approached by one of the schools in the County and asked if a bus full of children were stuck in the snow or on the soft shoulder and needed some assistance, would the highway truck plowing that road be able to assist in anyway. Ladson said they already do something similar for vehicles stuck. The trucks don't stop to pull everyone out of the ditch, but if a car was in the middle of the road that needed plowed, the car owner would sign a waiver saying the individual was aware their car could be damage. Then the plow would move the car out of the way. Robinson will contact the schools to get a letter requesting the service so a mutual agreement and waiver can be signed. Robinson was instructed to obtain a letter from the school.

**IN THE MATTER OF AREA PLAN COMMISSION BOARD, REQUEST FOR APPOINTMENT OF PROXY:**

Ron Robinson, Kosciusko County Administrator, presented a request from Dan Richard, <sup>Area Plan Director</sup> for the appointment of Ron Sharp as a proxy when someone is unable to attend the Area Plan Board <sup>of Zoning Appeals hearings</sup>.  
MOTION: AVIS GUNTER TO: APPROVE RON SHARP AS A PROXY  
SECOND: BRAD JACKSON FOR THE AREA PLAN BOARD <sup>OF ZONING APPEALS</sup>  
AYES: 3 NAYS: 0  
UNANIMOUS *2471*

**IN THE MATTER OF REPLACEMENT WORK RELEASE INDIVIDUAL ROOM HEATING SYSTEMS:**

Ron Robinson, Kosciusko County Administrator, stated Work Release is having trouble with heaters. The heaters are individual room heaters. Some can be repaired, others can't. Robinson has proposals from two companies for the purchase of furnaces in groups of 5 or 6. The idea is to replace the furnaces when they go bad. If they can be repaired, repair them and keep them for back ups, if not, discard them. The last one cost more to repair than to replace. The approximate cost from one company for furnaces was \$900; the other company was \$1,000. Robinson suggested going with the lowest estimate. This is part of the 400 Accounts, that's why it is going before the Commissioners.

MOTION: BRAD JACKSON TO: APPROVE THE PURCASH OF NEW  
SECOND: AVIS GUNTER FURNACES FOR WORK RELEASE.  
AYES: 3 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF JUSTICE BUILDING CONSTRUCTION COMPLETION:**

Ron Robinson, Kosciusko County Administrator, indicated the construction trailers are going to be removed around January 20, 2003. The Sheriff's Department will be able to move at the end of January. Furniture has been ordered and departments will be functional even if they don't have all of their new furniture.

**IN THE MATTER OF JAIL MEDICAL CONTRACT WITH DR. JENSEN:**

Sue Ann Mitchell, Kosciusko County Auditor, presented Dr. Jensen's medical contract for the year 2003. Dr. Jensen was given a 2.5% increase in salary bringing his contract for the year to \$20364.  
MOTION: AVIS GUNTER TO: APPROVE MEDICAL CONTRACT FOR  
SECOND: BRAD JACKSON DR. JENSEN.  
AYES: 3 NAYS: 0  
UNANIMOUS

January 14, 2003

### **MEDICAL SERVICES AGREEMENT**

This agreement made and entered into as of the 31<sup>st</sup> day of December, 2002, by and between **MARK A. JENSEN, M.D.** hereinafter referred to as "**DR. JENSEN**", and the **BOARD OF COMMISSIONERS OF THE COUNTY OF KOSCIUSKO**, Kosciusko County, Indiana hereinafter referred to as "**THE COUNTY**", **WITNESSETH:**

**WHEREAS**, Dr. Jensen is a duly licensed medical Doctor authorized to practice medicine in the State of Indiana; and

**WHEREAS**, The County has established and operated a County Jail within which to house inmates; and

**WHEREAS**, The County wishes to employ Dr. Jensen for the purpose of providing medical services for the County Jail for the period commencing on the 1<sup>st</sup> day of January, 2003, and terminating on December 31, 2003; and

**WHEREAS**, Dr. Jensen is willing to accept said employment and provide medical services for the County;

**NOW THEREFORE**, Dr. Jensen and the County agree as follows, to-wit:

1. **Employment.** The County hereby employs Dr. Jensen and Dr. Jensen hereby accepts employment with The County to furnish and render medical services for the inmates of the Kosciusko County Jail as may be required. Dr. Jensen further agrees that he will, as required, give and conduct physical examinations on various inmates of The County Jail. Dr. Jensen further agrees to keep and maintain appropriate records relating to all professional services rendered by him under this agreement. In addition Dr. Jensen further agrees to perform such other duties as The County may request and which are consistent with the medical needs and medical requirements for the proper maintenance and operation of the County Jail.

2. **Compensation.** Dr. Jensen shall receive for his services the sum of One Thousand Six Hundred Thirty Eight Dollars and No Cents (\$1,679) per month, which sum shall be paid monthly upon proper presentation, advertisement and allowance of a claim therefore by The County as provided for by the law.

3. **Supplies.** The County shall furnish and supply such as may be necessary for the performance of Dr. Jensen's professional duties under this agreement.

4. **Performance of Services.** It is understood by The County that Dr. Jensen may, from time to time, be unable to personally furnish medical services to The County, but that in his absence he will arrange with other duly licensed and authorized physicians to provide such services as may be required hereunder, with the responsibility for paying and reimbursing such persons to be Dr. Jensen's, it being understood, however, that Dr. Jensen's payment for services hereunder will not be reduced during those periods when he is reasonably unable to personally perform such services as may be required hereunder and for such periods during which a substitute physician is supplied by him.

5. **Availability.** Dr. Jensen agrees that he will provide emergency medical services at all times during the term of this agreement and will provide non-emergency medical services and physical examinations as may be consistent with the needs of The County and his own availability.

6. **Insurance.** Dr. Jensen agrees to carry adequate malpractice and liability insurance at his expense and to hold harmless and indemnify The County, its agents and employees from and against any and all omissions in connection with medical services rendered under this agreement.

7. **Independent Contractor.** In performing the services hereunder, the parties hereto agreement and understood that Dr. Jensen is acting as an independent contractor.

**IN WITNESS THEREOF**, the parties hereto have executed this agreement as of the day and year first above written.

### **IN THE MATTER OF H. J. UMBACH CONTACT FOR JUSTICE BUILDING FEDERAL REPORTING:**

Sue Ann Mitchell, Kosciusko County Auditor, presented to the Commissioners the contract from H. J. Umbaugh to do the annual financial reporting for the Justice Building construction.

January 14, 2003

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

TO:    APPROVE CONTRACT WITH H. J.  
         UMBBAUGH.

**IN THE MATTER OF BOND PAYMENT REQUEST FROM FIFTH THIRD BANK:**

Sue Ann Mitchell, Kosciusko County Auditor, stated Fifth Third Bank sent the information on the payment. Mitchell received information on January 9<sup>th</sup> that the payment was due January 15<sup>th</sup>. The bank wanted the money three days in advance which would have meant Mitchell had to sent it that very day. Mitchell called the bank and spoke with George Bawcum, Fifth Third Bank representative. He said they made a mistake. He indicated the money was due January 25<sup>th</sup>. The payment in the amount of \$947,000 will be paid from the EDIT fund. There is \$20,000 left to pay Schenkel Shultz on their contract and \$585,000 left to pay on the Weigand contract.

**IN THE MATTER OF PROPERTY TAX ASSESSMENT BOARD OF APPEALS**  
**CONFLICT OF INTEREST:**

Sue Ann Mitchell, Kosciusko County Auditor, presented Gerald "Jake" Bitner's Conflict of Interest form for the Commissioners approval. Because the Commissioners appointed him, they need to approve him having a possible conflict of interest. Bitner is disclosing the fact that he is a property owner who could sit in judgment of his own property. If that occurred he would abstain.

**IN THE MATTER OF CONFLICT OF INTEREST:**

Sue Ann Mitchell, Kosciusko County Auditor, presented Conflict of Interest forms for the Commissioners to sign. This document is saying the Commissioners make decisions that can have an effect on property, business, etc.

## IN THE MATTER OF CABLE TV:

Sue Ann Mitchell, Kosciusko County Auditor, received a letter from the cable company saying they have discontinued service to the "town of Hill Lake Resort". Mitchell believed through a company the County may not have ever had a contract with. Mitchell will do more research.

**IN THE MATTER OF COVERED BRIDGES:**

Sue Ann Mitchell, Kosciusko County Auditor, presented the form that must be filed with the State Auditor identifying that there are no covered bridges within the county.

**IN THE MATTER OF CONVENTION AND VISITOR'S BUREAU PROPOSED  
LEGISLATION:**

Sue Ann Mitchell, Kosciusko County Auditor, presented the Commissioners a copy of the information the Council provided to Senator Kent Adams on the Convention and Visitors Bureau proposed bill. Mitchell also provided a list of current appointments to the Convention and Visitor's Bureau Commission.

## IN THE MATTER OF HOME HEALTH CARE CONTRACT:

Sue Ann Mitchell, Kosciusko County Auditor, presented a revised contract for Home Health Care. An error was made in the amount of the agreement for service.

**IN THE MATTER OF REQUEST FROM ART EDUCATION ASSOCIATION OF INDIANA TO DISPLAY ART WORK IN THE COURTHOUSE:**

Sue Ann Mitchell, Kosciusko County Auditor, presented a request from Art Education Association of Indiana to display artwork in the Courthouse the first week in March. The Art Education Association of Indiana is sending information to all the counties and requesting all participate. Ron Robinson stated that as good a cause as this may be, it opens the door to other bad causes. Robinson noted that if they approve this, the Commissioners would need to approve any other cause that made a similar request. The Commissioners took no action.

January 14, 2003

**IN THE MATTER OF THE COUNTY'S WEBSITE:**

Sue Ann Mitchell, Kosciusko County Auditor, requested the Commissioners approval to draft a letter as the welcome on the Kosciusko County website. Mitchell was given permission to proceed with the letter for the Commissioners.

**IN THE MATTER OF JOHN WADE'S REQUEST FOR VACATION IN WAYNE TOWNSHIP:**

Matt Sandy, Kosciusko County Area Plan Assistant Director, presented a request for a vacation located in Wayne Township on Piercetown Road. The Area Plan Commission is not in favor of the vacation because of problems it could cause in future years.

In favor of vacation: Tom Earhart, represented Mr. John Wade, who maintains the property. Earhart does not believe the vacation will cause problems for the County or utilities that need to access the property. Earhart presented copies of notice of publications, return receipts of landowners, and the ordinance for approval.

Earhart indicated there was an error on the GIS that said the property belonged to Wade. Matt Sandy stated the error has been fixed and the property doesn't belong to Mr. Wade. It is a public right-of-way.

Wade has already constructed a home and is too close to the lot line. The purpose of this vacation is to allow Wade to meet lot setbacks.

Opposed vacation: Charles Ashman, homeowner in Kelly Edition, presented a petition he circulated to all neighbors in the Kelly Edition. No one in the subdivision wants this vacation approved. Ashman explained there is only one entrance/exit to Kelly Subdivision and there is a visibility problem to merge onto Piercetown Road because of cars parked on the side of the road. Ashman's personal opinion is to possibly give Wade two feet to give him relief which would not endanger intersection. It was believed by Ashman that subdivision developer's original intent was to leave the land open.

Opposed vacation: Bill Darr, homeowner in Kelly Edition, stated he owns three lots in Kelly Edition and 27 of 55 acres of land south of Kelly Edition. In the future, there is a potential for 30-55 acres being developed into a subdivision. Darr is not opposed to giving Wade 2 or 3 feet, but does not believe it's in the best interest of residents of Cherry Creek Lane to vacate the property in question.

Earhart responded by saying, Kelly probably ran out of land and just left it as we see it today. He stated it doesn't create a dangerous intersection, and vacating this property would benefit everyone. Wade would maintain the property currently owned by the County.

Darr stated he had many conversations with Mr. Kelly and on a number of occasions, Kelly mentioned he intentionally left that land vacant so as not to obstruct the view to the road, etc. The plat map indicated the vacant spot is next to lot 1. If Kelly ran out of land, Darr believes it would have occurred at lot 17 or 18, not lot 1, where the subdivision started.

Wade put in a foundation without a permit that was too close to the lot line. A variance is on today's topics of discussion for the Area Plan Commission.

Brad Jackson, Kosciusko County Commissioner, determined that no one has an objection to what's there right now. Jackson did not think it was a safety issue. Jackson would like to take care of this issue the proper way with a variance. A vacation is only used when a variance would not correct the problem.

Matt Sandy, Area Plan Assistant Director, was told by the Commissioners to relay to the Area Plan Commission Board that the Commissioners would like to see the variance granted for this issue.

January 14, 2003


The Commissioners tabled the vacation request pending outcome of variance. The Commissioners believe a variance should correct the problem.

MOTION: BRAD JACKSON TO: TABLED VACATION PENDING OUTCOME  
SECOND: AVIS GUNTER OF VARIANCE PETITION WITH THE  
AYES: 3 NAYS: 0 AREA PLAN COMMISSION BOARD.  
UNANIMOUS

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

  
RONALD TRUEX, PRESIDENT

  
AVIS GUNTER, MEMBER

  
BRAD JACKSON, MEMBER

ATTEST:   
SUE ANN MITCHELL, AUDITOR

## KOSCIUSKO COUNTY COMMISSIONERS

### JANUARY 28, 2003

The Kosciusko County Commissioners met for their regular meeting on January 28, 2003 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 West Center St., Warsaw, IN.

Those present were:

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

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

#### IN THE MATTER OF ELECTION OF PRESIDENT OF KOSCIUSKO COUNTY BOARD OF FINANCE:

Stephanie Esenwein, Kosciusko County Treasurer, serving as the Secretary of the Kosciusko County Board of Finance advised it was time for the election of officers for 2003.

MOTION: AVIS GUNTER	TO: NOMINATE AND ELECT RON TRUEX AS
SECOND: BRAD JACKSON	PRESIDENT OF THE BOARD OF
AYES: 3 NAYS: 0	FINANCE.
UNANIMOUS	

#### IN THE MATTER OF LAKE CITY BANK SWEEP ACCOUNTS:

Stephanie Esenwein, Kosciusko County Treasurer, presented the sweep account at Lake City Bank ended December 31, 2002 with 1.1% interest rate. The Basic Operating Account and Interest Bearing Account has 1.15% interest rate and Investors Weekly has 1.49% interest rate. Esenwein is keeping the money in Investors Weekly until it is needed.

**IN THE MATTER OF PURCHASE OF VOTING MACHINES:**

Sharon Christner, Kosciusko County Clerk, presented two proposals from ES&S:

1. Purchase – have seven years to pay off, and then own equipment at end. One year warranty for maintenance, hardware, software, training and support; then pay an annual maintenance fee for the following years. The \$1.8 million does not include annual maintenance fees after the warranties expire.

First 5 years = \$228,472 x 5 = \$ 1,142,360

6<sup>th</sup> year = \$ 194,883

7<sup>th</sup> year = \$ 170,947

**Grand Total = \$ 1,508,190**

2. Lease – six years to pay off, but do not own at end. Have the option of keeping the equipment by going into another contract at a reduced rate or upgrading to more advanced technology. Maintenance, hardware, software, training and support are provided for as long as we have the equipment. The \$1.7 million includes the maintenance, etc. and is a locked price.

These proposals are for 165 regular voting machines and 64 ADA terminals for handicapped; a total of 229 voting machines. Christner recommended the second proposal and requested approval to go to Council for an additional appropriation to fund the purchase. The purpose of getting new voting machines is so our votes count in Federal Elections. The money will go first to lever type voting machines and then to punch cards, which are what we have. Christner has indicated this will put us as a first priority. She indicated Indiana's share of the money from the Federal Government will be up to \$75-80 million. The county would get 95% of the \$1.7 million purchase price back. If machines are not purchased now, they will still have to be purchased next year. If ordered now, machines could be here this summer, allowing time for training the public at fairs, schools, organizations, keeping up training all through the winter and to be ready for the primaries next summer. The Commissioners would like ES&S to talk to them about the machines at the February 11, 2003 Commissioners meeting. Christner was asked to schedule them for the next Commissioner's meeting.

**IN THE MATTER OF REDISTRICTING CITY OF WARSAW:**

Sharon Christner, Kosciusko County Clerk, presented an order granting redistricting in the City of Warsaw – changes and annexations for City election.

MOTION: AVIS GUNTER

TO: APPROVE REDISTRICTING OF CITY OF

SECOND: BRAD JACKSON

WARSAW.

AYES: 3 NAYS: 0

UNANIMOUS

**Order Establishing Precinct Boundary Lines for the City of Warsaw**

**State of Indiana**

**Before the Kosciusko County**

**County of Kosciusko**

**Board of Commissioners**

**Order Changing of Voter Precincts**

WHEREAS, Indiana Code 3-1-1-1.5 requires additional precincts and changing boundaries to meet annexation in order to comply with directives of said law; and

WHEREAS, Kosciusko County, Indiana by law through the Board of Commissioners has allowed the Kosciusko County Election Board to research and determine proper voter precincts that need changing or due to annexation and growth for the City of Warsaw.

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

Kosciusko County, Indiana by and through the Board of Commissioners hereby establishes voter precincts for the City of Warsaw, located in Kosciusko County, Indiana.

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

The estimated number of voters in each precinct established by this order is set out as exhibits and made a part thereof.

That changes to the precincts are needed in Wayne Township, City of Warsaw.

That this order shall become effective upon the approval of the Indiana Election Commission.

Ordered this day of 28<sup>th</sup>, January 2003.

Ron Truex, President

Brad Jackson, Member

Avis Gunter, Member

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

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, presented the 2002 annual report to the Commissioners for approval.

MOTION: BRAD JACKSON

TO:

SECOND: AVIS GUNTER

APPROVE HIGHWAYS 2002 ANNUAL REPORT.

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF DRIVEWAY PERMIT WITH POOR VISABILITY -  
MAGEE ROAD:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, presented information concerning a driveway with poor visibility on Magee Road, between 400 South and 450 South, on the west side of the road. A new home is being built on a low traffic volume road. Ladson indicated the county needed to think ahead for possible growth. Ladson recommended the driveway be moved as far north as possible to improve visibility. Ladson will meet with the property owners to locate driveway further North. The Commissioners agreed.

**IN THE MATTER OF DRIVEWAY PERMIT WITH POOR VISABILITY FOR  
HOME LOCATED AT 200 SOUTH WEST OF 450 S ON THE SOUTH SIDE OF  
THE ROAD:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, presented information concerning a driveway with poor visibility at 200 South, west of 450 West, on the south side. Ladson recommends moving driveway as far west as possible. He will work with the property owners to move the drive as far west as possible.

MOTION: AVIS GUNTER

TO:

SECOND: BRAD JACKSON

APPROVE DRIVE AS FAR WEST AS POSSIBLE.

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF SELLING USED COUNTY HIGHWAY MACHINERY:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, advised the Commissioners that a contractor wanted to purchase a one way plow estimated value of \$1,200. A new plow would cost \$5,000. He also wanted to purchase the plow hitch estimated value \$300-\$400. A new plow hitch would cost \$600-\$900. An auction is scheduled for later this year. The Commissioners felt an auction is the best way to be fair to everyone who is interested in purchasing this equipment. Commissioners agreed to put the items in the auction.

**IN THE MATTER OF ANNUAL BRIDGE INSPECTION REPORT:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, presented information concerning the annual bridge inspection report. He indicated the Highway will rehab Bridge 94 on Old 30 west of Big Lots this fall. In North Webster, a bridge needs replaced that is the only access to the island.



**IN THE MATTER OF COUNTY HIGHWAY PURCHASING AGENT**

**PRACTICES:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, requested clarification when it came to selecting engineering firms, bridge replacement/rehab projects, contractors, and bid projects, Ladson advised he has continued to handled the awarding of contracts to keep things moving. Ladson would like to know if he is to continue doing things this way or bring everything to the Commissioners for their approval. Commissioners told Ladson to carry on how he has done in the past. They gave full authority to Ladson to act on matters for the County Highway.

**IN THE MATTER OF ASPHALT RATES:**

In December, the Board of Commissioners locked in asphalt rates for price stability and to encumber money. Seneca is the supplier. Later, Seneca offered to extend the contract at the same price-for an increased quantity. The cost for 600 additional tons of AE 90 would be \$131.88 per ton, fob. The cost for 700 liquid tons of AE 150 would be \$141.48 per ton, fob. The contract indicated Seneca understands that these are estimates and that the county would not be liable for the payment for unused tons. In exchange, the county agrees no to solicit for additional quotes during 2003 unless both parties agree the agreement is void.

MOTION: AVIS GUNTER TO: APPROVE PURCHASE OF ASPHALT FROM  
SECOND: BRAD JACKSON SENECA AT THE STATED PRICE.  
AYES: 3 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF WADE VACATION TABLED AT JANUARY 14, 2003**

**MEETING:**

Matt Sandy, Kosciusko County Area Plan Commissioner Assistant Director, advised the Commissioners that a variance was granted by the Planning Board for the Wade vacation issue.

MOTION: AVIS GUNTER TO: DISSALLOW THE VACATION.  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF ROCK LAKE REZONING REQUEST FOR THOMAS AND SANDRA TOUGH:**

Dan Richard, Kosciusko County Area Plan Commissioner Director, presented in the Rock Lake area there was six acres of land with one home on the tract of ground. The owners, Thomas and Sandra Tough, would like to go from agriculture to residential. The land is a low swampy wetlands made up of 95% undrained Houghton Muck (a soil type). These soils are nearly level and very poorly drained. Often ponded by runoff from higher adjacent soils. The Health Department believes it is not suitable for residential type development or sewage systems. President Truex asked for those in support of the rezoning. No one rose to address the issue. He then asked for remonstrators. There were none present. Area Plan Commission recommended denying the rezoning.  
MOTION: AVIS GUNTER TO: ACCEPT AREA PLAN COMMISSIONS  
SECOND: BRAD JACKSON RECOMMENDATION TO DENY THE  
AYES: 3 NAYS: 0  
UNANIMOUS REZONING REQUEST.

**IN THE MATTER OF ZONING ORDINANCE AMENDMENT:**

Matt Sandy, Kosciusko County Area Plan Commissioner Assistant Director, presented information concerning an ordinance amendment to the Zoning Ordinance. Area Plan Commission allows a side yard setback of 20 feet for older lots that meet size regulations. In these areas, which terminate at the waters edge and meet other requirements, Area Plan Commission would be able to do an automatic setback of 5 feet. The Amendment received unanimous approval from Area Plan Commission. Pedestrian easements will still be treated as right-of-ways.

MOTION: BRAD JACKSON TO: APPROVE ORDINANCE AMENDMENT.

SECOND: AVIS GUNTER  
AYES: 3 NAYS: 0  
UNANIMOUS

*Revised #  
2003090818*

**Ordinance 03-01-28-1Z**

AN ORDINANCE AMENDING, AND TO AMEND THE KOSCIUSKO COUNTY  
ZONING ORDINANCE, ORDINANCE NUMBER 75-1  
BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF KOSCIUSKO  
COUNTY, INDIANA:

Article 1:

That the Kosciusko County Zoning Ordinance be amended as follows:

3.11.5.6 For the purpose of this section those lots which abut up to unimproved streets and alleys, pedestrian easements, and unimproved "stub" right-of-ways, which are not the primary front or rear, which terminate at a waters edge, and do not pose a threat to the public health or safety, the Ordinance Administrator may reduce the setback requirement to five (5) feet.

Article 2 – ADOPTION:

The Kosciusko County Commissioners shall adopt these Revisions and Amendments on the 28<sup>th</sup> day of January 2003. These Revisions and amendments shall be in full force and effective on the 28<sup>th</sup> day of January 2003 from and after its adoption and publication.

**IN THE MATTER OF COUNTY ASSESSOR CONTRACT:**

Ron Robinson, Kosciusko County Administrator, presented a contract for the County Assessor with Indiana Assessment Services. Mike Miner, Kosciusko County Attorney, reviewed the contract and recommended a change to item #11.

MOTION: AVIS GUNTER TO: APPROVE CONTRACT FOR COUNTY  
SECOND: BRAD JACKSON ASSESSOR.  
AYES: 3 NAYS: 0  
UNANIMOUS

**IN THE MATTER APPROVAL OF 400 ACCOUNT EXPENDITURES:**

Ron Robinson, Kosciusko County Administrator, indicated Sue Ann Mitchell, Kosciusko County Auditor, prepared a form to be completed by department heads and elected officials to request spending 400 Account bills. At the last meeting, bills were presented for Work Release and Systems Administration.

**IN THE MATTER OF FLOOR SCRUBBER QUOTES FOR MAINTENANCE:**

Ron Robinson, Kosciusko County Administrator, presented quotes for an additional scrubber. Because of all the additional floor space at the Justice Building one is needed.

Quote 1 - \$3,929 - FemCo, same model scrubber as the one we have now. Lasts four hours before battery goes dead. Four hours is not enough time to finish all the floors, but with one more, the job could get done.  
Quote 2 - \$4,060 – FemCo, upgraded model

By purchasing a second scrubber, the County would save time and man-hours.

MOTION: AVIS GUNTER TO: APPROVE PURCHASE OF SCRUBBER  
SECOND: BRAD JACKSON AT THE LOWER QUOTE PRICE.  
AYES: 3 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF FLOOR WAXER FOR MAINTENANCE:**

Ron Robinson, Kosciusko County Administrator, requested the purchase of a waxer to do the tile floors. There are 2,330 lineal feet of tiled floor that includes the Courthouse but not the Sheriff's Department. Maintenance tried one additional waxer for the night and it took 45 minutes to do two coats (sealer and wax) instead of all night. Robinson presented two prices from FemCo - \$2,011 and \$2,330. Robinson recommended going with the lower bid.

MOTION: AVIS GUNTER TO: APPROVE PURCHASE OF WAXER AT  
SECOND: BRAD JACKSON LOWER BID.  
AYES: 3 NAYS: 0  
UNANIMOUS

January 28, 2003

Page 6 of 7

**IN THE MATTER OF FUNDING FOR DISPATCH:**

Ron Robinson, Kosciusko County Administrator, requested permission to spend \$2,500 out of the 911 Funds to purchase a piece of equipment for dispatch. The new equipment would allow dispatch to pull up individual's names and numbers along with their address within a selected radius for an evacuation if there was a disaster of some kind. The list could be printed out and dispatch could begin calling those individuals and get them out of the area.

MOTION: AVIS GUNTER TO: APPROVE PURCHASE OF EQUIPMENT  
SECOND: BRAD JACKSON FOR DISPATCH.  
AYES: 3 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF MAINTENANCE AGREEMENT:**

Ron Robinson, Kosciusko County Administrator, presented contracts with Building Control Systems of Ft. Wayne for the Maintenance Department. Building Control Systems has provided good service in the past. Robinson recommended going with the lowest contract.

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

**IN THE MATTER OF VOCA GRANT APPLICATION APPROVAL:**

Sue Ann Mitchell, Kosciusko County Auditor, presented the VOCA Grant to the Commissioners for their approval. This is a continuation of the VOCA program now in place. The STOP grant is not being applied for at this time.

MOTION: BRAD JACKSON TO: APPROVE VOCA GRANT APPLICATION.  
SECOND: AVIS GUNTER  
AYES: 3 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF CASA GRANT APPLICATION APPROVAL:**

Sue Ann Mitchell, Kosciusko County Auditor, presented the CASA Grant to the Commissioners for their approval. This is a continuation of the CASA program not in place.

MOTION: AVIS GUNTER TO: APPROVE CASA GRANT APPLICATION.  
SECOND: BRAD JACKSON  
AYES: 3 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF WARSAW HOUSING AUTHORITY:**

Sue Ann Mitchell, Kosciusko County Auditor, presented the semi-annual performance report for Warsaw Housing Authority to the Commissioners for approval.

MOTION: AVIS GUNTER TO: APPROVE SEMI-ANNUAL PERFORMANCE  
SECOND: BRAD JACKSON REPORT FOR WARSAW HOUSING  
AYES: 3 NAYS: 0  
UNANIMOUS

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

Sue Ann Mitchell, Kosciusko County Auditor, presented the annual financial report for the County to the Commissioners. At the end of the year, the County has \$29,230,141.73 in the bank. Mitchell indicated that \$2.6 million was used to reduce bond issue in 2002.

**IN THE MATTER OF WEBSITE LETTER:**

Sue Ann Mitchell, Kosciusko County Auditor, requested the Commissioners approve a letter to be used as a greeting on the Website. It is anticipated the more complete website will be up and functional around April 1.

January 28, 2003  
Page 7 of 7

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

*Ronald Truex*  
RONALD TRUEX, PRESIDENT

*Avis Gunter*  
AVIS GUNTER, MEMBER

*Brad Jackson*  
BRAD JACKSON, MEMBER

ATTEST: *Sue Ann Mitchell*  
SUE ANN MITCHELL, AUDITOR

## KOSCIUSKO COUNTY COMMISSIONERS FEBRUARY 11, 2003

The Kosciusko County Commissioners met for their regular meeting on February 11, 2003 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 West Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT  
AVIS B. GUNTER  
BRAD JACKSON

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

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

### IN THE MATTER OF ANNUAL JAIL REPORT:

Aaron Rovenstine, Kosciusko County Sheriff, submitted for review the Annual Jail Report, which is sent to the State Jail Inspector and the Circuit Court Judge. Jail bookings were the highest ever at around 200 with the average of 144. Rovenstine is looking forward to moving into the new Sheriff's Department.

### IN THE MATTER OF APPROVAL OF KABS FINAL QUARTERLY REPORT FOR 2002:

Rita Baker, KABS, presented vouchers and the report for the last quarter of 2002.

MOTION: AVIS GUNTER

TO: APPROVE REPORT FOR KABS LAST

SECOND: BRAD JACKSON

QUARTER OF 2002.

AYES: 3 NAYS: 0

UNANIMOUS

### IN THE MATTER OF ELECTION SYSTEMS & SOFTWARE:

Sharon Christner, Kosciusko County Clerk, introduced Robert McGinnis and Jack Black of Election Systems & Software to the Commissioners. ES&S presented a long-term proposal to Christner and the Election Board.

#### **Purchasing Outright:**

If the County purchases the 66 machines needed for the Warsaw City election, it will cost \$400,000 for machines and support. The cost of purchasing the 220 machines needed for the entire county, outright is \$989,165, which includes machines, software, support for 1 year, 102 man days support for 1 year, technicians, and trainers. The maintenance fee is \$75 per year per unit. The annual hardware maintenance cost is \$16,920; the annual software and license agreement is \$9,480, for a total of \$26,400 annually for hardware, software and license fees. After the first year 102 man-days support will cost \$400 per day. Coding fees, ballots, and support fees are outside the purchase price. The purchase of equipment past the lease time would result in less expense to the taxpayers. The plan goes beyond 2008.

February 11, 2003

**Leasing (TEAM):**

Included in the long-term lease numbers are ballots, coding, programming, election day support, voter education and outreach, hardware maintenance, software maintenance, logic and accuracy testing. It does not include poll workers and election judges that the county would have to pay. Total cost for leasing 220 machines for the next 6 years is \$1,693,484 estimated \$282,000 per year. Everything is included for running election - programming, maintenance, support, and ballots for absentees. The lease price of \$1,693,484 would be reduced by 80%. At the end of the term, the county would have the option to "re up" with the same equipment at a reduced price because at that point the equipment would almost be paid for or send it back to ES&S and buy new. The yearly payment is cheaper on the lease.

The Commissioners asked exactly what it will cost, between now and 2008, if equipment is purchased. No answer was given by ES&S. The Commissioners can not make a decision because it is not clear what the prices are so they can decide between buying or leasing. Equipment will last a long time. ES&S does not see counties holding onto equipment as long as in the past. They feel counties will want to have the newest version. The Commissioners need to know when the new voting equipment has to be purchased and what is the most economical way to purchase since these are tax dollars. If the equipment is still good they believe it should be retained rather than updating since it is equipment that is only used twice a year. ES&S will put together some numbers to show what the annual cost would be to purchase the equipment and lease it for six years and what the lease may go to after six years. ES&S will send that information to the Commissioners within a reasonable amount of time.

**IN THE MATTER OF BRIDGE 250 IN THE TOWN OF NORTH WEBSTER:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, presented a letter to the Commissioners for their information. Ladson drafted a letter for the bridge replacement or rehabilitation of Bridge 250 and sent it to property owners to inform them of the schedule and what is being proposed. Ladson talked to the Town of North Webster about the issue. The project is moving forward.

**IN THE MATTER OF REPEALING STOP SIGNS AT THE RAILROAD CROSSING AT 200 WEST, SOUTH OF 700 SOUTH:** *OK 3003090823*

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, requested the repeal of stop signs at the railroad crossing at 200 W, south of 700 S. Lights and gates have been installed and are operational so the stop signs are no longer needed.

MOTION: BRAD JACKSON TO: REPEAL STOP SIGNS AT THE RAILROAD  
SECOND: AVIS GUNTER CROSSING AT 200 WEST, SOUTH OF.  
AYES: 3 NAYS: 0 700 SOUTH.  
UNANIMOUS *Repeal # 3003090823*

**ORDINANCE 03-02-11-001S**

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

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

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

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

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

1. Ordinance #00-S015, Item #6. Repeal "Stop" signs on CR 200 W. — south of CR 700 S. at the railroad crossing on the southeast and northwest corners.

THIS ORDINANCE shall be in full force and effect on February 11, 2003. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 11<sup>th</sup> day of February, 2003.

February 11, 2003

**IN THE MATTER OF MUSQUABUCK MEADOWS SUBDIVISION STOP SIGN  
INSTALLATION:**

*CR 2003 090822*

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, requested permission to install four stop signs in the Musquabuck Meadows Subdivision.

MOTION: BRAD JACKSON

TO:

SECOND: AVIS GUNTER

APPROVE ADDITION OF FOUR STOP  
SIGNS IN MUSQUABUCK MEADOWS

AYES: 3 NAYS: 0

SUBDIVISION.

UNANIMOUS

**ORDINANCE 03-02-11-002S**

*Revised #  
2003 090822*

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:

Musquabuck Meadows

1. Install "Stop" sign on the northwest corner of D21A and D21; D21A Stops for D21.
2. Install "Stop" sign on the northwest corner of D21B and D21; D21B Stops for D21.
3. Install "Stop" sign on the northwest corner of D21C and D21; D21C Stops for D21.
4. Install "Stop" sign on the northwest corner of D21D1 and D21; D21D1 Stops for D21.

THIS ORDINANCE shall be in force and effect on February 11, 2003. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 11<sup>th</sup> day of February, 2003.

**IN THE MATTER OF TED LEPIRD REQUEST FOR ACTION ON NORTH STREET IN  
TURKEY CREEK TOWNSHIP:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated Sue Ann Mitchell, Kosciusko County Auditor, received an e-mail from Ted Lepird, property owner on North Street, lot 31, Turkey Creek Township, adjacent to a lot owned by the county. Lepird stated he has maintained the lot for seven years. Lepird's proposal to remedy the problem consisted of: (1.) a request for the county to start mowing and cleaning up the entire property at least every other week from May through October each year and install a retaining wall of some type, preferably a concrete seawall, to prevent erosion; (2.) consider transferring ownership of the portion of the property between the road and the water to Lepird so Lepird would have the legal right to maintain it, as Lepird owns the only property that directly abuts the subject property; (3.) as a last resort, sell Lepird the waterfront portion so that Lepird may legally maintain the property and prevent others from using it as a dumping area for trash. County Attorney Mike Miner was asked to look into the process of selling county owned property. It was discussed that the Auditor and Miner needed to work together to determine properties that are owned by the county that could be sold.

MOTION: BRAD JACKSON

TO:

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

APPROVE MINER AND MITCHELL  
WORKING TO REVIEW THE PROCESS  
OF SELLING COUNTY OWNED

UNANIMOUS

PROPERTY.

**IN THE MATTER OF BRIDGE 290-TURKEY CREEK TOWNSHIP - VENITIAN  
ISLAND:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, reported the County has acquired all necessary rights-of-way with the exception of one owned by Anjum and Mary Dada. Ladson needs both temporary and permanent right-of-ways. Tract 1 is a permanent right-of-way and Tract 1A is a temporary right-of-way. Right-of-ways are needed for part of the guardrail for the bridge. Ladson hand delivered and had the Dada's sign what they received. Ladson offered the Dada's the appraised price in December and gave them 25 days to respond. Ladson received no response. He tried making contact by phone, leaving messages with no

February 11, 2003

response. Ladson sent the same packet of information by certified mail. The appraisal was verbally denied yesterday by the Dada's. They questioned the appraisal. Mrs. Dada said they had a counter offer. All other parties have accepted Ladson offer.

MOTION: AVIS GUNTER  
TO: AUTHORIZE BRAD JACKSON TO  
SECOND: BRAD JACKSON  
MAKE DECISION WHEN LADSON,  
AYES: 3 NAYS: 0  
PRESENTS THE COUNTER OFFER.  
UNANIMOUS

**IN THE MATTER OF BRIDGE 290 BID OPENING:**

County Attorney Mike Miner assisted by Rob Ladson, Kosciusko County Highway Engineer/Superintendent, opened the bids received. The bids were \$274,698 for Primco and \$325,457.50 from Pioneer. Ladson stated the Engineer's estimate was \$260,846.10. The bids were taken under advisement and the bid will be awarded at the February 25<sup>th</sup> Commissioner's Meeting.

**IN THE MATTER OF BRIDGE 286 BID OPENING:**

County Attorney Mike Miner assisted by Rob Ladson, Kosciusko County Highway Engineer/Superintendent, opened the bids received. The bids were \$114,837.50 From Kelcon, \$131,272.58 Primco, \$166,584.80 from Pioneer and \$180,575 from Beer and Slabaugh. The Engineer's Estimate was \$105,440. The bids were taken under advisement and the bid will be awarded at the February 25<sup>th</sup> Commissioner's Meeting.

**IN THE MATTER OF TANDEM AXLE DUMP TRUCK BID:**

County Attorney Mike Miner assisted by Rob Ladson, Kosciusko County Highway Engineer/Superintendent, opened the bids received for two tandem axle dump body and underlay plow with plow hitch. Bids were received as follows:

- Hill Truck Sales, Inc. for \$76,047 for a Sterling Chassis. The WA Jones package was bid at \$33,690, Deeds at \$33,695 and Northern Equipment at \$32,114.
  - Norris Truck Service for \$242,984 for a 2003 International Chassis a WA Jones package. The price was \$246,014 for a Deeds package.
  - Stoops of Lima bid a Sterling with a WA Jones package at \$118,254 each.
- The bids were taken under advisement and the bid will be awarded at the February 25<sup>th</sup> Meeting.

**IN THE MATTER OF USE OF COURTHOUSE LAWN FOR CITY OF LAKES FESTIVAL:**

Ron Robinson, Kosciusko County Administrator, presented a request from the Warsaw Community Development Corporation for use of the Courthouse lawn on Friday, June 20 and Saturday, June 21, 2003 for the City of Lakes Festival. The Courthouse area would primarily be used for crafters, entertainment stage and some additional games or activities. Access to electrical facilities for lights and PA system would also be needed.

MOTION: AVIS GUNTER  
TO: APPROVE USE OF COURTHOUSE LAWN  
SECOND: BRAD JACKSON  
FOR CITY OF LAKES FESTIVAL.  
AYES: 3 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF USE OF COURTHOUSE LAWN FOR DOWNTOWN CAR SHOW:**

Ron Robinson, Kosciusko County Administrator, presented a request from the Warsaw Community Development Corporation for use of the Courthouse lawn on Saturday, July 19, 2003 for activities that will take place during the Downtown Car Show. The Courthouse area would primarily be used for crafters, judging and awards ceremony. Access to electrical facilities for lights and PA system would also be needed.

MOTION: AVIS GUNTER  
TO: APPROVE USE OF COURTHOUSE LAWN  
SECOND: BRAD JACKSON  
FOR DOWNTOWN CAR SHOW.  
AYES: 3 NAYS: 0  
UNANIMOUS



February 11, 2003

**IN THE MATTER OF CORRECTIONS ON VOTER PRECINCT DOCUMENT:**

Sue Ann Mitchell, Kosciusko County Auditor, presented the corrected copy of the voter precinct document to the Commissioners for re-signing.

**IN THE MATTER OF INDIANA HOUSING AUTHORITY:**

Sue Ann Mitchell, Kosciusko County Auditor, presented a form from the Warsaw Housing Authority requesting a change in the number of homes to be rehabilitated from 20 to 12.

MOTION: AVIS GUNTER

TO:

APPROVE CHANGING THE NUMBER OF HOMES  
SECOND: BRAD JACKSON  
TO BE REHABILITATED FROM 20 TO 12.

AYES: 3 NAYS: 0

UNANIMOUS

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

County Attorney Mike Miner advised he was a part owner in Kelcon and filed a conflict of interest with the Commissioners for their approval. They approved the conflict of interest.

**IN THE MATTER OF CONTRACT WITH RIVERSIDE COMMUNITY CORRECTIONS CORPORATION:**

Mike Miner, County Attorney, presented a contract for the arrangement of services from Riverside Community Corrections Corporation at no cost or obligation to the County.

MOTION: BRAD JACKSON

TO:

APPROVE CONTRACT WITH RIVERSIDE  
SECOND: AVIS GUNTER  
COMMUNITY CORRECTIONS CORPORATION.

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF ASSESSOR'S CONTRACT WITH INDIANA ASSESSMENT SERVICES:**

Mike Miner, County Attorney, presented a contract with Indiana Assessment Services for consulting in the amount of \$10,800 annually to be paid in twelve monthly installments. This contract is similar to prior years contracts for consulting with County and Township Officials for appeals etc.

MOTION: AVIS GUNTER

TO: APPROVE CONTRACT WITH INDIANA

SECOND: BRAD JACKSON

ASSESSMENT SERVICES IN THE AMOUNT OF

AYES: 3 NAYS: 0

\$ 10,800 FOR 2003.

UNANIMOUS

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

  
RONALD TRUEX, PRESIDENT

  
AVIS GUNTER, MEMBER

  
BRAD JACKSON, MEMBER

ATTEST:   
SUE ANN MITCHELL, AUDITOR

# KOSCIUSKO COUNTY COMMISSIONERS

## FEBRUARY 25, 2003

The Kosciusko County Commissioners met for their regular meeting on February 25, 2003 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 West Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT  
AVIS B. GUNTER  
ABSENT: BRAD JACKSON

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

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

### IN THE MATTER OF ARROW HEAD 2002 ANNUAL REPORT OF ACTIVITIES:

Randy Moore, Arrow Head Coordinator, presented the Annual Report of Activities for 2002. **The River Rafting Expedition** is an educational program for kids. This year they floated down the Tippecanoe River. There were 550 students from 19 different classes representing 15 high schools, one home school group, and 70 volunteers. Each of the ten counties had a portion of a school system represented on the trip. The students were taught subjects like forestry management, water quality testing, soil, river otters, mussels, and the Tippecanoe River Watershed. Many **grants and contracts** have been used for the planting of trees, completion of studies of wetlands, installation of septic systems, restoring historical buildings, purchasing lake-monitoring equipment, erosion control projects, purchasing computer equipment for CASA, grant writing workshops, monthly newsletters, and other grant consulting services. Many **tours and workshops** were offered including: a council retreat to Earthworks which concentrated on strategic planning for the next several years; a tour of Newton County's basin of a lake long ago drained, an upside down bridge, ate dinner at an old restored prairie home, toured the George Aid home, and learned about geology at the rock quarry; and a tour of the completed erosion control project (log dams, a concrete structure, and fish bunkers) along Buss Ditch in White County. Programs open on an annual basis include: a tree planting workshop, an environmental competition for high school students called Envirothon, Nature's Classroom for teachers, a Trapper's Clinic, and a Forestry Field Day. Arrow Head is redoing the area plan (what to look at in the future). Mr. Moore requested comments/suggestions of things that would be important for Arrow Head to explore in the future.

### IN THE MATTER OF PERMIT REQUEST FOR DETOUR OF TRAFFIC DURING SILVER LAKE DAYS ASSEMBLY AND PARADE:

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, presented a permit request from Rex Clinker, Traffic Permit Chairperson, for a detour of traffic during Silver Lake Days. A one-mile section of State Road 14 between State Road 15 and County Road 200 W. would need to be closed on Saturday, June 21, 2003 from 9:30 a.m. to 12:30 p.m. for Silver Lake Days.

MOTION: AVIS GUNTER TO: APPROVE DETOUR FOR SILVER LAKE  
SECOND: RON TRUEX DAYS ASSEMBLY AND PARADE.  
AYES: 2 NAYS: 0  
UNANIMOUS

### IN THE MATTER OF STOP SIGN ORDINANCE ON EMS B36 LANE: CR 2003090834

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, presented an ordinance to the Commissioners for approval of a stop sign on the southeast corner of EMS B36 Lane.

MOTION: AVIS GUNTER TO: APPROVE STOP SIGN ORDINANCE  
SECOND: RON TRUEX FOR EMS LANE B36, B36A AND B36B.  
AYES: 2 NAYS: 0  
UNANIMOUS

**ORDINANCE 03-02-25-001**

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

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

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

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

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

1. Install "Stop" sign on the southeast corner of B36 and B36A & B; B 36 stops for B36A & B.

THIS ORDINANCE shall be in full force and effect on February 25, 2003. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 25<sup>th</sup> day of February, 2003.

**IN THE MATTER OF TRUCK BID:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, presented the lowest responsible and responsive bid for two (2) 2003 Tandem Axle Dump Trucks was from Norris Truck Service at a price of \$242,806.00.

MOTION: AVIS GUNTER TO: APPROVE TRUCK BID FROM NORRIS  
SECOND: RON TRUEX TRUCK SERVICE.  
AYES: 2 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF BRIDGE 290 BID:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, presented the lowest responsible and responsive bid for Bridge 290 was from Primco at a price of \$274,698.00. Ladson received positive recommendations from several different counties about Primco.

MOTION: AVIS GUNTER TO: APPROVE BRIDGE 290 BID FROM  
SECOND: RON TRUEX PRIMCO AT \$274,698.  
AYES: 2 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF BRIDGE 286 BID:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, presented the lowest responsible and responsive bid for Bridge 286 was from Kelcon at a price of \$114,837.50.

MOTION: AVIS GUNTER TO: APPROVE BRIDGE 286 BID FROM  
SECOND: RON TRUEX KELCON AT \$114,837.50.  
AYES: 2 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF BRIDGE 290:**

Mike Miner, Kosciusko County Attorney, presented information concerning an easement the county was unable successfully negotiate. He requested direction from the Commissioners concerning the condemnation process. Miner was instructed to proceed with a complaint for condemnation.

MOTION: AVIS GUNTER TO: APPROVE MINER FILING A COMPLAINT  
SECOND: RON TRUEX FOR CONDEMNATION.  
AYES: 2 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF LEPRD REQUEST TO PURCHASE COUNTY PROPERTY:**

Mike Miner, Kosciusko County Attorney, stated there are several small orphan strips that need to be addressed. Miner will get with Sue Ann Mitchell, Kosciusko County Auditor; do the steps to sell them to get them off county ownership and onto paying taxes.

**IN THE MATTER OF JUSTICE BUILDING MAINTENANCE CONTRACT**

**APPROVAL:**

Ron Robinson, Kosciusko County Administrator, informed the Commissioners the one-year warranty time limit has expired for some contracts on the Justice Building. Robinson requested Commissioner Avis Gunter be allowed to sign contracts instead of waiting for the next Commissioners meeting.

**IN THE MATTER OF FINAL STAGES OF MOVING INTO JUSTICE BUILDING:**

Ron Robinson, Kosciusko County Administrator, advised the Sheriff's Department has moved into new quarters and the Probation Department will be moving into the Justice Building in March. Robinson will go through the Justice Building with contractors to do a last look at what needs to be done/fixed for maintenance on some items at the Justice Building.

**IN THE MATTER OF WARSAW HOUSING AUTHORITY:**

Sue Ann Mitchell, Kosciusko County Auditor, presented a letter drafted for the Warsaw Housing Authority to the Department of Natural Resources indicating there are no historical preservation issues with the homes at 8531 E. Epworth Forest Road, North Webster and 500 West Street, Winona Lake. They are to be rehabilitated with grant money administered by WHA.

**IN THE MATTER OF RICE FORD PAPERS:**

Sue Ann Mitchell, Kosciusko County Auditor, presented papers from Rice Ford for the purchase of Sheriff's cars for the Commissioner's signature.

**IN THE MATTER OF VACATION OF PUBLIC WALKWAY TO RIDINGER LAKE:**

Matt Sandy, Kosciusko County Area Plan Assistant Director, presented a request to vacate a five-foot walkway between two lots owned by James Metzke that leads to the lake in Slier Subdivision. Metzke would like the walkway vacated. Attorney Jay Lavender represented Metzke who owns lots 21, 22, 32, 33, and part of 36. Metzke would like to combine the lots together, but the walkway cuts down the middle. There was no opposition to the vacation. The Commissioners discussed moving the walkway instead of vacating. They discussed the need to retain some type of walkway for back lots.

MOTION: AVIS GUNTER TO: APPROVE VACATION OF WALKWAY

SECOND: RON TRUEX WHEN NEW ONE IS ESTABLISHED

AYES: 2 NAYS: 0 ON EITHER SIDE OF THE LOT.

UNANIMOUS

**IN THE MATTER OF GORDON NASH REQUEST FOR REZONING FROM AGRICULTURAL TO RESIDENTIAL:**

Dan Richard, Kosciusko County Area Plan Director, presented a petition filed by Gale and Gordon Nash to rezone a 76-acre tract of land from agricultural to residential. The property is located on the Southside of Rozella Golf Course. A unanimous recommendation came from the Board of Zoning Appeals to allow rezoning. Dan Widaman is the end buyer and developer of the south 38 acres of the tract of land. Widaman spoke in favor of the rezoning. Widaman is planning to do a very nice subdivision that butts up against The Meadows. This land is primary for residential living.

MOTION: AVIS GUNTER

TO: APPROVE REZONING FROM

SECOND: RON TRUEX

AGRICULTURAL TO RESIDENTIAL.

AYES: 2 NAYS: 0

UNANIMOUS

**ORDINANCE NO. 03-02-25-1Z**

**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 one half of the Northwest Quarter of Section 19, Township 32 North, Range 6. East. Excepting the following four acres as described:

A tract of land in the Southwest Quarter of the Northwest Quarter of Section 19, Township 32 North, Range 6 East, Kosciusko County, Indiana, better described as follows:

Beginning at a P.K. nail set at the Southwest corner of the Northwest Quarter of said Section 19; thence South 89° 49s East along a fence 660 feet to an iron pipe, thence North 264 feet to an iron pipe; thence North 89° 49s West 660 feet to a P.K. nail on the centerline of County Road 200 West and the West line of said Section 19; thence South along said centerline and said west line 264 feet to the Point of Beginning, containing 4 acres more or less. Subject to public highway.

Be, and the same is hereby, removed from classification as an **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 25<sup>th</sup> day of February, 2003.

**IN THE MATTER OF VACATIONS:**

Mike Kissinger, Kosciusko County Surveyor's Office, presented concerns about vacations the Commissioners have granted because there seems to be a large number of them. Kissinger said there seems to have been a philosophy change on roadways, walkways, and easements going to

February 15, 2003

Page 5 of 5

the lake. In the past, Commissioners have been hesitant to get involved, especially when there is a controversy. Kissinger asked, "What do the Commissioners look at on a roadway or walkway that goes to a lake?" Kissinger asked if the thought crosses the Commissioners mind that maybe this would be affecting the plat. Kissinger was concerned when it is obvious what the proprietor's intention was. It is important that emergency services have access to the lake. Ron Truex, Kosciusko County Commissioner explained the major reason for vacating the unimproved roadways/walkways or accesses that no one even knew existed was because someone wanted to put an addition on their house and they had to meet lot setbacks. In an effort to compromise with the homeowner, if the services and neighbors had no problem, the vacation was granted. In some of the vacations, there was no opposition to vacating. Kissinger explained emergency services had access to water wherever they wanted it, but the problem was when an easement, walkway, roadway, etc. was vacated, control over that access to the water was lost. Property owners could put up a fence, emergency services might have the right to get to the water, but they cannot physically get to it. When easements are vacated, they usually get fenced off. Truex explained with the current fire trucks, most would not back down to the lake and fill up because the ground is too soft. In most cases, the property owner is willing to put in a dry hydrant. Another concern of Kissinger was for individuals who live in the back of a subdivision that they may not receive a notice. Notices are only sent to adjoining landowners. This means they had no say in the matter. The individuals who were not notified could be easement users and have no knowledge that a vacation is being considered. The Commissioners took his comments under advisement.

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

*Ronald Truex*  
RONALD TRUEX, PRESIDENT

*Avis Gunter*  
AVIS GUNTER, MEMBER

Absent  
BRAD JACKSON, MEMBER

ATTEST: *Sue Ann Mitchell*  
SUE ANN MITCHELL, AUDITOR

# KOSCIUSKO COUNTY COMMISSIONERS

## MARCH 11, 2003

The Kosciusko County Commissioners met for their regular meeting on March 11, 2003 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 West Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT  
AVIS B. GUNTER  
BRAD JACKSON

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

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

### IN THE MATTER OF REPEALING STOP SIGNS AT THE RAILROAD CROSSING OF CR 900 NORTH AND OLD 15: *CR 2003090835*

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, requested the repeal of stop signs at the railroad crossing of CR 900 North and Old 15. Lights and gates have been installed and are operational.

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

TO: REPEAL STOP SIGNS AT THE RAILROAD  
CROSSING OF CR 900 NORTH AND OLD 15.

### **ORDINANCE 03-03-11-001S**

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

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

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

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

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

1. Ordinance #00-SO22, Item #1. Repeal "Stop" sign on the northeast corner of railroad tracks on CR 900N. Lights and gates installed at CR 900N. and Old 15.

THIS ORDINANCE shall be in full force and effect on March 11<sup>th</sup>, 2003. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 11th day of March, 2003.

### IN THE MATTER OF PURCHASE OF NEW LOADER AT HIGHWAY DEPARTMENT:

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, requested the approval of the Commissioners to go to Council to get money appropriated to purchase a new loader this year. The Highway Department has five loaders – 1974, 1986, 1988, 1994, and 1997. The Highways oldest loader (1974) is "getting tired" and needs to be replaced. A new loader will cost \$150,000.

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

TO: APPROVE LADSON TO GO TO COUNCIL  
TO GET MONEY APPROPRIATED FOR  
THE PURCHASE OF A NEW LOADER.



March 11, 2003

Page 2 of 3

**IN THE MATTER OF BIDS FOR BRIDGE 227:**

Mike Miner, Kosciusko County Attorney, read off the bids for Bridge 227 located on Hand Avenue over Walnut Creek.

Phend & Brown	= \$32,803 – Bid bond
Pioneer Associates	= \$54,126 – Bid bond
Cripe Excavating	= \$37,378 – Bid bond

Engineer's estimate for Bridge 227 was \$33,460.

The Commissioner's took the bids underadvisement and will address the awarding of the bid at the March 25<sup>th</sup> meeting based on County Highway Superintendent/Engineer's recommendation.

**IN THE MATTER OF EMINENT DOMAIN FILED ON DADA PROPERTY:**

Mike Miner, Kosciusko County Attorney, presented information that an eminent domain suit was filed on the Dada property in Turkey Creek. Land is needed for a bridge project. A court hearing will be held on April 1, 2003.

**IN THE MATTER OF KONE ELEVATOR MAINTENANCE CONTRACT FOR JUSTICE BUILDING:**

Ron Robinson, Kosciusko County Administrator, requested permission to sign the contract with Kone. The cost is \$1,300 per quarter.

MOTION: AVIS GUNTER	TO: APPROVE SIGNING OF CONTRACT
SECOND: BRAD JACKSON	WITH KONE FOR ELEVATOR SERVICE.
AYES: 3 NAYS: 0	
UNANIMOUS	

**IN THE MATTER OF FILE TRACKING SOFTWARE FOR CLERK'S OFFICE:**

Ron Robinson, Kosciusko County Administrator, presented Sharon Christner, Kosciusko County Clerk, would like to purchase software to keep track of files. Christner has the funds in her records perpetuation account to cover the cost of the tracking system. The cost is \$17,000 for tracking, training, and getting the files up-to-date.

MOTION: BRAD JACKSON	TO: APPROVE PURCHASE OF TRACKING
SECOND: AVIS GUNTER	SOFTWARE FOR CLERK'S OFFICE.
AYES: 3 NAYS: 0	
UNANIMOUS	

**IN THE MATTER OF APPOINTMENT OF EMERGENCY MANAGEMENT DIRECTOR:**

Ron Robinson, Kosciusko County Administrator, stated 13 applicants applied for the Emergency Management position. The list was narrowed down to three individuals. The committee, including Commissioner Ron Truex, Council member John Kinsey, and Dr. Michael Williams, interviewed the three individuals. It is the recommendation of the Committee that Edward Rock be appointed as the Emergency Management Director.

MOTION: AVIS GUNTER	TO: APPOINT EDWARD ROCK AS NEW
SECOND: BRAD JACKSON	EMERGENCY MANAGEMENT
AYES: 3 NAYS: 0	DIRECTOR.
UNANIMOUS	

**IN THE MATTER OF APPOINTMENT OF WEIGHTS AND MEASURES INSPECTOR:**

Ron Robinson, Kosciusko County Administrator, stated 28 applicants applied for the Weights and Measures position. The list was narrowed down to six individuals. The six individuals were tested by the State locally. It is the recommendation of the Committee that Larry Marner be appointed as the Weights and Measures Inspector. Marner will go through several weeks of training with the State. The position is still considered part-time.

MOTION: AVIS GUNTER	TO: APPOINT LARRY MARNER AS NEW
SECOND: BRAD JACKSON	WEIGHTS AND MEASURES
AYES: 3 NAYS: 0	INSPECTOR.
UNANIMOUS	

**IN THE MATTER OF DEOBLIGATION OF KABS TRANSIT GRANT FUNDS:**

Sue Ann Mitchell, Kosciusko County Auditor, presented the Indiana Department of Transportation will deobligate \$1,697 in Federal Transit Administration Funds and \$11,294 in State Public Mass Transportation Funds. These funds represent the unexpended balance of transit funds.

MOTION: AVIS GUNTER

TO: APPROVE DEOBLIGATION OF

SECOND: BRAD JACKSON

TRANSIT GRANT FUNDS.

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF ANIMAL WELFARE LEAGUE LEASE AGREEMENT:**

Sue Ann Mitchell, Kosciusko County Auditor, presented the corrected copy of the lease agreement to the Commissioners for signing.

**IN THE MATTER OF TURKEY CREEK REGIONAL SEWER DISTRICT SEMI-ANNUAL REPORT:**

Sue Ann Mitchell, Kosciusko County Auditor, presented the semi-annual report for the Turkey Creek Regional Sewer District to the Commissioners for signing.

MOTION: AVIS GUNTER

TO: APPROVE SEMI-ANNUAL REPORT

SECOND: BRAD JACKSON

FOR TURKEY CREEK REGIONAL

AYES: 3 NAYS: 0

SEWER DISTRICT.

UNANIMOUS

**IN THE MATTER OF ADDITIONAL APPROPRIATION:**

Sue Ann Mitchell, Kosciusko County Auditor, presented the Commissioners would need an additional appropriation of \$600,000 to cover the shortfall in insurance - \$300,000, PERF - \$200,000, and Social Security - \$100,000. It will be considered at the Council's March 13<sup>th</sup> meeting.

MOTION: AVIS GUNTER

TO: APPROVE ADDITIONAL APPROPRIATION

SECOND: BRAD JACKSON

REQUEST TO COVER SHORTFALL.

AYES: 3 NAYS: 0

UNANIMOUS

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

  
RONALD TRUEX, PRESIDENT

  
AVIS GUNTER, MEMBER

  
BRAD JACKSON, MEMBER

ATTEST:   
SUE ANN MITCHELL, AUDITOR

## KOSCIUSKO COUNTY COMMISSIONERS

### MARCH 25, 2003

The Kosciusko County Commissioners met for their regular meeting on March 25, 2003 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 West Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT	SUE ANN MITCHELL, COUNTY AUDITOR
AVIS B. GUNTER	
BRAD JACKSON	

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

#### IN THE MATTER OF AWARD OF BRIDGE 227 CONTRACT:

Dennis Pletcher, Kosciusko County Highway Road Supervisor, acting on behalf of Rob Lason, County Highway Superintendent/Engineer, recommended the Commissioner's accept the lowest responsible and responsive bid for Bridge 227 which was Phend and Brown at \$ 32,803.

MOTION: BRAD JACKSON	TO: APPROVE PHEND AND BROWN CONTRACT
SECOND: AVIS GUNTER	FOR BRIDGE 227 at \$32,803.
AYES: 3 NAYS: 0	
UNANIMOUS	

#### IN THE MATTER OF REPEALING STOP SIGNS AT THE RAILROAD CROSSING ON 400 EAST, SOUTH OF 850 SOUTH: *CR 2003090827*

Dennis Pletcher, Kosciusko County Highway Road Supervisor, requested the repeal of stop signs at the railroad crossing on CR 400 East, south of CR 850 South.

MOTION: AVIS GUNTER	TO: REPEAL STOP SIGNS AT RAILROAD
SECOND: BRAD JACKSON	CROSSING OF CR 400 EAST.
AYES: 3 NAYS: 0	
UNANIMOUS	

#### ORDINANCE 03-03-25-S1

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

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

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

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

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

1. Ordinance #00-SO15, Item #10. Repeal "Stop" signs on the southeast and northwest corners of railroad tracks on CR 400 E., south of CR 850 S. Lights and gates installed.

THIS ORDINANCE shall be in full force and effect on March 25, 2003. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 25<sup>th</sup> day of March, 2003.

#### IN THE MATTER OF COUNTY HIGHWAY SAFETY TRAINING:

Dennis Pletcher, Kosciusko County Highway Road Supervisor, presented a thank you letter for the Commissioner's to sign in appreciation for safety training provided.

**IN THE MATTER OF MACALLISTER ENGINE CONTRACT FOR 2003 FOR  
MAINTENANCE OF EMERGENCY POWER GENERATOR:**

Sue Ann Mitchell, Kosciusko County Auditor, presented a contract to the Commissioners for signing for Macallister Engine. The contract is for Preventative Maintenance Level 1 (inspections) and Preventative Maintenance Level 2 (service with inspection) each to occur once a year during normal working hours. The engine covered by this agreement is CAT 3508B SN. 4GM00712. The annual price for the contract is \$1,831.00. Costs broken down are as follows: PM Level 1 (inspection) - \$408.00/visit, PM Level 2 (service with inspection) - \$1,264.00/visit and Annual Transfer Switch Inspection Qt. 1 - \$159.00/visit.

MOTION: AVIS GUNTER  
TO: APPROVE MACALLISTER ENGINE  
SECOND: BRAD JACKSON  
CONTRACT FOR 2003 IN THE AMOUNT  
AYES: 3 NAYS: 0  
OF \$1831  
UNANIMOUS

**IN THE MATTER OF INDIANA HOUSING FINANCE AUTHORITY AUDIT:**

Sue Ann Mitchell, Kosciusko County Auditor, presented a letter for the Commissioner's signature from IHFA requesting information on the status of the Counties 2002 audit. If an organization expends greater than \$300,000 of Federal funds (from all sources) during the FY 2002 year, then an audit has to be submitted. The State Board of Accounts will take approximately 2 months to finalize the Audit as is noted on the information requested. The audit will be forwarded to IHFA when it is received back from the State Board of Accounts.

**IN THE MATTER OF INDIANA HOUSING FINANCE AUTHORITY CLAIM-  
VOUCHER APPROVAL:**

Sue Ann Mitchell, Kosciusko County Auditor, presented a claim-voucher to the Commissioners for signing. Warsaw Housing Authority, acting on behalf of the county, is asking to be reimbursed for money spent on homes they have repaired. This is federal grant money.

**IN THE MATTER OF DEPARTMENT OF TRANSPORTATION DE OBLIGATION OF  
TRANSIT GRANT FUNDS:**

Sue Ann Mitchell, Kosciusko County Auditor, presented a letter to the Commissioners for signing. The Department of Transportation will de obligate \$128.00 in Federal Transit Administration Funds. These funds represent the unexpended balance of transit funds approved but not spent on the KABS grant project. The funds will be released for use on other projects.

**IN THE MATTER OF PURCHASE OF A VEHICLE FOR PRISONER TRANSPORT  
FROM COMMUNITY TRANSITIONS GRANT:**

Sue Ann Mitchell, Kosciusko County Auditor, presented paper work on behalf of the Sheriff, for approval of the purchase of a vehicle from the Community Transitions Grant. The vehicle will be purchased with grant money. The money is already appropriated.

**IN THE MATTER OF WORKMEN'S COMPENSATION CONTRACT:**

Ron Truex, Kosciusko County Commissioner, requested approval from the Commissioner's that when the contract comes in for the workers compensation coverage that Avis Gunter, Kosciusko County Commissioner or Ron Truex, President, can sign. It was agreed that depending on the time of the receipt of the bill, the Auditor would be given authority to pay the check immediately to insure continued coverage and advertise the claim with the next claims advertisement.

MOTION: BRAD JACKSON  
TO: APPROVE AVIS OR RON TO SIGN  
SECOND: AVIS GUNTER  
WORKERS COMPENSATION AGREEMENT  
AYES: 3 NAYS: 0  
WHEN RECEIVED AND AUTHORIZE  
UNANIMOUS  
EARLY PAYMENT IF NECESSARY.

**IN THE MATTER OF VACATION REQUEST BY PHIL BIEHL, CRESTWOOD  
SUBDIVISION IN TIPECANOE TOWNSHIP:**

This matter was continued from December 17, 2002 for the purpose of allowing an ordinance be adopted to reduce lot set backs. Steve Snyder, representing the Biehl's, requested the unimproved street that ends at the waters edge be vacated. The plat indicated the original sub division plat made that road for access to the last two lots. Access to the back two lots is not necessary anymore since the homes are built on two lots. There is a dedicated area (beach, pier,

March 25, 2003  
Page 3 of 3

float, and boat launch) for those lot owners with or without lake access. Snyder presented photographs to the Commissioners to help them better understand. No one other than Snyder rose to speak in favor of the vacation.

No one in the audience rose to speak in favor of the vacation when the audience was asked.

**Opposition –**

**Francis Nickols**, Lot 19 and part of 30. Nickols says the plated access road affects all homeowners and an illegal seawall was put up at the end of the road. This particular location is the only open area that you can see across the lake, no channel or house is in the way.

**David Rim**, owner of Lot 20 and part of 30 read a letter to the Commissioners from Roger Alford who was unable to attend the meeting. Alford would like to see everything remain the same. Access to the water is very important. Rim stated that boat is his primary means of transportation in the summer. He needs a place for company to park their boat when they come to visit. Rim said if the public beach was going to be closed, he would not be notified because he is not an adjoining property owner. Rim stated he needs to look out for the property close to him. If this road is vacated, a new property line would be created. Thus allowing the home owner to put up a fence and causing land locking. Rim strongly feels it should be left as is.

**Allen Myers, Lot 17.** Myers stated his neighbor, Jack Rhodes, came around and asked if people using the road would contribute to the repair of the road. Jack maintained the road until he sold his property. Myers stated he was unaware that the road was open to the public, Myers thought it was private property.

Lynn Stevens, reported there is no record on file with the DNR for the construction of the seawall. She suggested she could look again under the contractors name instead of the individuals name.

Steve Snyder responded that one has to have some interest to object. Stevens has no property interests. As far as Rim's guests parking their boats, it is only 7 inches deep, it is no place to park a boat. Rim has room to park boats on the channel. Everyone could utilize the public beach and boat launch. The road is not county maintained and the seawall is most likely in the name of the contractor Troy Ousley or Bob Likens. Snyder highly doubts the contractors didn't get a seawall permit. Snyder stated the people in opposition of this vacation don't want access to the lake, they want more access to lake from someone else's property. The road is there to provide access to the last two lots which is no longer necessary.


Dan Richard, Area Plan Director, stated it was the recommendation of the Area Plan Commission to deny the vacation.


MOTION: AVIS GUNTER	TO: DENY VACATION FOLLOWING THE
SECOND: BRAD JACKSON	AREA PLAN COMMISSIONS
AYES: 3 NAYS: 0	RECOMMENDATION.
UNANIMOUS	


**IN THE MATTER OF PHILLIP SMITH REZONING FROM COMMERCIAL TO AGRICULTURAL IN TIPECANOE TOWNSHIP:**

Steve Snyder, acting on behalf of Phillip Smith requested the rezoning be tabled for two weeks.	TO: APPROVE TABLEING PHILLIP SMITH
MOTION: AVIS GUNTER	VACATION FOR TWO WEEKS.
SECOND: BRAD JACKSON	
AYES: 3 NAYS: 0	
UNANIMOUS	

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

  
RONALD TRUEX, PRESIDENT

  
AVIS GUNTER, MEMBER

  
BRAD JACKSON, MEMBER

ATTEST:   
SUE ANN MITCHELL, AUDITOR

# KOSCIUSKO COUNTY COMMISSIONERS

## APRIL 8, 2003

The Kosciusko County Commissioners met for their regular meeting on April 8, 2003 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 West Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT

AVIS B. GUNTER

BRAD JACKSON WAS ABSENT

SUE ANN MITCHELL, COUNTY AUDITOR

MIKE MINER, COUNTY ATTORNEY

RON ROBINSON, COUNTY ADMINISTRATOR

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

### IN THE MATTER OF WESTERN ROUTE PRESS RELEASE:

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, requested approval for a press release regarding Western Route Project, to be held on Tuesday, April 29, 2003 at 7:00 p.m. at the Kosciusko County Justice Building in the Multi-Purpose Room. The purpose of the meeting is to review traffic counts, level of services for different routes, and other items related to the Western Route Project. .

### IN THE MATTER OF OVERPASS ON SR 15 NEAR THE TOWN OF CLAYPOOL:

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, presented a letter to INDOT for the Commissioners signatures regarding the overpass bridge on State Road 15 near the Town of Claypool. The letter states the County Commissioners would like to get together with INDOT to talk about this problem and resolve consider ways to resolve the problem. The Commissioners stated it would be beneficial to the community because many accidents have occurred over the years regardless of what has been done to try and fix the problem. Mr. Eugene Zolman, landowner in the area, is willing to donate right-of-way for the relocation of the county road to provide an access to State Road 15 in a much safer place. The Commissioner's approved the signing of the letter by acclamation.

### IN THE MATTER OF MAINTENANCE AGREEMENTS WITH THE TOWN OF SYRACUSE DUE TO AN ANNEXATION:

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, stated when land is annexed to an abutting road, maintenance of the road becomes the responsibility of the entity annexing the roadway. The County Highway and The Town of Syracuse are working out an agreement for normal maintenance of the road, patching, etc. A snow agreement already exists.

MOTION: AVIS GUNTER

TO: APPROVE AGREEMENT WITH TOWN OF

SECOND: RON TRUEX

SYRACUSE FOR MAINTENANCE OF

AYES: 2 NAYS: 0

ROAD.

UNANIMOUS ~

### ROAD MAINTENANCE AGREEMENT

This agreement made and entered into this 8<sup>th</sup> day of April 2003 by and between the Kosciusko County Highway Department, hereinafter referred to as "County Highway", and the Town of Syracuse;

### WITNESSETH:

Since Recent annexations along Kern Road have resulted in several non-uniform areas of road maintenance jurisdictions along Kern Road and whereas, to avoid road maintenance overlaps, resource waste, and to maintain the highest level of safety possible for the motoring public, the following Road Maintenance Agreement on Kern Road has been proposed to the town of Syracuse;

1. The County Highway will provide Normal Highway Maintenance – according to the policies and procedures of the Kosciusko County Highway Department – for Kern Road from CR 1200 N to a place more commonly known as the intersection of the south property line of the Wawasee School Corporation and Kern Road.

April 8, 2003

Page 2 of 3

2. The Town of Syracuse will provide Normal Highway Maintenance – according to the policies and procedures for the Town of Syracuse – for Kern Road from CR 1300 N to a place more commonly known as the intersection of the south property line of the Wawasee School Corporation and Kern Road.
  3. Normal Highway Maintenance is defined as all activities related to the upgrade or repair of the road pavement and the right-of-way. Including – but not necessarily limited to- activities such as paving, chip sealing, patching, road signage, roadside mowing, striping, and drainage work. It does not include snow plowing.
- The agreement shall expire if and when new annexations occur that change the existing road maintenance jurisdiction on Kern Road or if either party notifies the other six months in advance of its intent to void the agreement.
- In the Witness Whereof, the parties have executed this agreement on said date and year aforementioned.

Kosciusko County Board of Commissioners

Avis B. Gunter

Ronald Truex

Town of Syracuse

Brian Redshaw, Town Manager

ATTEST:

Syracuse Town Council

Barbara Carwile

Carol F. Koble

Paul Stoelting

William Hane

Sue Ann Mitchell, Auditor

**IN THE MATTER OF SOUTH SHORE GREEN DRAINAGE:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, stated the drainage on the roads in South Shore Green need to be updated. One property owner has signed off the other has not. All the Commissioners are interested in is which way the water flows.

**IN THE MATTER OF PADDLE BROOK PONDS DITCHES:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, stated ditches need to be established in Paddle Brook Pond Subdivision. Another issue in the area is that the Mayor of Nappanee is concerned about the speed limit on 1350 Northeast of 19 near Paddle Brook Pond. Rob advised he will look into both issues and report back to the Commissioners.

**IN THE MATTER OF KOSCIUSKO COUNTY HIGHWAY SAFETY PROGRAM:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, stated the Highway Department is moving ahead on the safety program. At least once or twice a month, a meeting will be held to review the information that must be covered.

**IN THE MATTER OF BRIDGE 290 LAND ACQUISITION/CONDEMNATION PROCEEDINGS:**

Mike Miner, Kosciusko County Attorney, presented an update on condemnation proceedings so Bridge 290 can be completed. Miner advised the appraisers must agree on one price to report to the Court. As soon as the appraisers make a report to the court, Rob Ladson, Kosciusko County Highway Superintendent/Engineer, can file a claim and have a check cut immediately so construction on the bridge and road can begin. The Bridge was to be done by Memorial Day, but it probably will not get started until then.

MOTION: AVIS GUNTER TO: AUTHORIZE ROB LADSON TO ACT FOR THE  
SECOND: RON TRUEX COMMISSIONERS WHEN THE PROCESS IS  
AYES: 2 NAYS: 0 COMPLETED AND ALLOW EARLY PAYMENT OF  
UNANIMOUS THE PRICE SET BY THE COURTS.

**IN THE MATTER ALL OFFICES MOVED INTO THE JUSTICE BUILDING:**

Ron Robinson, Kosciusko County Administrator, stated everyone has moved into his or her new offices in the Justice Building. A time capsule needs to be put in place. Robinson suggested working with the Historical Society for a dedication ceremony for the plaque and time capsule on May 4. Robinson asked the Commissioners to think about what they want in the time capsule.



**IN THE MATTER OF MAINTENANCE ON ELEVATORS:**

Ron Robinson, Kosciusko County Administrator, requested the old elevators – two in Justice Building, one in Courthouse be looked at and updated. The elevators were installed in 1981.

MOTION: AVIS GUNTER

TO: APPROVE UPDATING THE

SECOND: RON TRUEX

ELEVATORS.

AYES: 2 NAYS: 0

UNANIMOUS

**IN THE MATTER OF EMERGENCY MANAGEMENT DIRECTOR AND CENTRAL PURCHASING:**

Ron Robinson, Kosciusko County Administrator, stated Edward Rock, Kosciusko County Emergency Management Director, has moved into his new office in the basement of the Justice Building. Rock moved into the Clerk's old storage space. There are two offices and a large storage room. The large room will be a conference room for Rock and to store the supplies for Central Purchasing. Cathy Tucker, Human Resource Administrative Assistant, will be moving to the front office to assist Rock (located in the back office) and oversee Central Purchasing while still working in Human Resources. If time permits she will continue to assist the Auditor.

**IN THE MATTER OF SOUTH STEPS TO THE COURTHOUSE:**

Ron Robinson, Kosciusko County Administrator, stated the steps on the Southside of the Courthouse are crumbling the worst, but all steps needs to be repaired. Robinson would like to wait until Brad Jackson, Kosciusko County Commissioners, gets back to show him the quotes and utilize his expertise. It will be a large and difficult task to repair and maintain the steps because of the historical value. The architecture cannot be altered or the historical value is compromised.

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

Ron Robinson, Kosciusko County Administrator, stated he and Ed Rock, Kosciusko County Emergency Management Director, met with some individuals to discuss funding for Homeland Security. \$17,500 is allotted for Kosciusko County for planning purposes only. Tom Brindle, Kosciusko County Dispatch Commander, Robinson, and Rock made the decision to select Titan as the state vendor to help with the writing of the plan.

**IN THE MATTER OF EMERGENCY MANAGEMENT DIRECTOR FUNDING INFORMATION FILED WITH STATE:**

Sue Ann Mitchell, Kosciusko County Auditor, presented the approved salary and benefit allocation for Edward Rock, Kosciusko County Emergency Management Director, for the fiscal year 2003. The total salary/benefit allocation is \$42,282.34. This information has been forwarded to the state for their consideration.

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

  
RONALD TRUEX, PRESIDENT

  
AVIS GUNTER, MEMBER

  
Absent  
BRAD JACKSON, MEMBER

ATTEST:   
SUE ANN MITCHELL, AUDITOR

## KOSCIUSKO COUNTY COMMISSIONERS

### APRIL 22, 2003

The Kosciusko County Commissioners met for their regular meeting on April 22, 2003 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 West Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT  
AVIS B. GUNTER  
BRAD JACKSON

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

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

#### IN THE MATTER OF SENDING REASSESSMENT EQUALIZATION TO STATE:

Laurie Renier, Kosciusko County Assessor, stated she e-mailed the equalization report to the Department of Local Government Finance yesterday. She stated it should take 10 days before approval is received. This is a step required before the reassessment can be completed and tax bills can be mailed.

#### IN THE MATTER OF REPRESENTATION OF TRUSTEES AND ASSESSOR:

Ben McKrill, Kosciusko County Trustee, attended the Commissioners meeting to represent the Trustees and the Assessor.

#### IN THE MATTER OF PRELIMINARY RENEWAL OF EMPLOYEE LIFE INSURANCE AND MEDICAL BENEFITS:

Bob Baker, Kosciusko County Insurance Consultant, presented the costs and percentages of renewing the life and medical benefits. The current cost for life insurance for a year is \$10,500 and medical premium is \$132,000 with a cap of \$1,440,000 for a total liability of \$1,573,000. It is estimated that medical premiums will increase 12% for next year. It is estimated prescriptions will increase 18% because people are self-diagnosing themselves. It is estimated the cap will increase 23% from \$1,400,000 to \$1,770,000. The preliminary renewal for life insurance is a no change. The preliminary renewal for the premium on medical is a 31% increase and the variable is a 29% increase; the cap is locked in until June 1<sup>st</sup>. Even though the life insurance had zero increase, if the County changes from Highmark to Prudential there would be a decrease of 26%; reducing cost approximately \$3,500. Baker suggested talking to Highmark and asking if they would like to adjust their premium. If they won't adjust the premium, he recommended the county selecting Prudential. He believed the liability could be reduced by \$140,000. Max liability is \$1,573,000 and would be increased to \$1,898,000.

MOTION: AVIS GUNTER TO: APPROVE BOB BAKER TO TALK TO  
SECOND: BRAD JACKSON HIGHMARK TO ASK FOR ADJUSTMENT.  
AYES: 3 NAYS: 0  
UNANIMOUS

#### IN THE MATTER OF PROVISIONAL TAX BILL:

Sue Ann Mitchell, Kosciusko County Auditor, stated the state legislature is still working on the provisional tax bill. It has passed both the House and the Senate, but amendments were added in the Senate so it will go to Conference Committee. After agreement there, it will await the Governor's signature. The county plans to send the provisional tax bill which will require taxpayers to pay the same amount in the spring of 2003 that they paid in the spring of 2002 since the reassessment has not yet been completed. This will allow taxing entities in the county to receive funding earlier than waiting for the actual tax rates. It is the hope that this will save taxing entities in the county from having to borrow money.

**IN THE MATTER OF REPEAL OF STOP SIGNS AT RAILROAD CROSSING ON CR 200 SOUTH EAST OF SR 15:** *CR 2003090 826*

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, requested the repeal of stop signs at the Railroad Crossing of 200 South, East of State Road 15. Lights and gates are installed and operational so there is no need for the stop signs.

MOTION: AVIS GUNTER

SECOND: BRAD JACKSON

AYES: 3    NAYS: 0

UNANIMOUS

TO:    REPEAL STOP SIGNS AT THE RAILROAD  
CROSSING EAST OF SR 15 AT 200  
SOUTH.

**IN THE MATTER OF SUPERFUND SITE:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, stated the County is in the process of putting the road back at the super fund site located on 450 West South of SR 25. The Commissioners must be responsible for mowing the Superfund site lawn. Ladson would prefer not using roadside mowers. It was suggested possibly contracting with a local farmer who has a large mower or contractors who are interested. It could be moved once a month during the summer. The Commissioners gave approval by consensus for Ladson to contract out the mowing of the Superfund Site located on 450 West, South of 25.

**IN THE MATTER OF FEDERAL AID ROAD PROJECT BY TOWN OF WINONA LAKE AT 250 EAST NEAR US 30:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, stated on 250 East, South of U.S. 30, the Town of Winona Lake is heading a Federal Aid Project. The Commissioners designated funds to contribute toward the project but the County contribution to repair is still in question. The Highway Department was proposing to do a County project and repave, do drainage work, etc. just like what was done on 250 East, North of U.S. 30. Ladson was setting money aside to do the project but, found out there was a Federal Aid Grant approved for the area. Ladson determined what the cost would be for the type of project the Highway Department was going to do and the Commissioners dedicated those funds to Winona Lake to do with what they like. No money has been given yet. Each year, Ladson has added additional money to the total budgeted for the project.

**IN THE MATTER OF BIDS FOR NEW WHEEL LOADER:**

Mike Milner, Kosciusko County Attorney, read off the bids for the new wheel loader for the Highway Department. The new loader is replacing the 1974 model.

Southeastern Equipment Co. = \$146,406 with out trade

- \$ 6,500 trade-in deduction

\$139,906 with trade

Bid bond

MacDonald Machinery Co. = \$142,850 with out trade

- \$ 6,000 trade-in deduction

\$136,850 with trade

Bid bond

MacAllister Cat = \$161,228.93 with out trade

- \$ 8,500 trade-in deduction

\$152,728.93 with trade

Bid bond

**IN THE MATTER OF REZONING FOR PHILLIP SMITH, TIPPECANOE TOWNSHIP SR 13 AND ARMSTRONG ROAD:**

Matt Sandy, Kosciusko County Area Plan Commission Assistant Director, requested on behalf of Attorney Steve Snyder, representing Mr. Smith that the rezoning be rescheduled to May 5, 2003.

MOTION: BRAD JACKSON

TO:    APPROVE RESCHEDULING OF

SECOND: AVIS GUNTER

REZONING FOR MONDAY, MAY 5, 2003.

AYES: 3    NAYS: 0

UNANIMOUS

April 22, 2003  
Page 3 of 3

**IN THE MATTER OF VACATING A PORTION OF WRAY DRIVE IN PRAIRIE**

**TOWNSHIP:** *CR 8003090804*

Matt Sandy, Kosciusko County Area Plan Commission Assistant Director, recommended the vacation of Wray Drive behind the homes of Martin and Shelly Randall and Loran and Helen Stackhouse located in Old Wray Homestead Subdivision. Loran Stackhouse rose to speak in favor of the vacation. He purchased property on either side of the street and would like to vacate the road to combine the two lots. No opposition was present.

MOTION: AVIS GUNTER TO: APPROVE VACATION OF WRAY  
SECOND: BRAD JACKSON DRIVE BEHIND LOTS 90 AND 91.  
AYES: 3 NAYS: 0  
UNANIMOUS

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

*Ronald Truex*  
RONALD TRUEX, PRESIDENT

*Avis B. Gunter*  
AVIS GUNTER, MEMBER

*Brad Jackson*  
BRAD JACKSON, MEMBER

ATTEST *Sue Ann Mitchell*  
SUE ANN MITCHELL, AUDITOR

**KOSCIUSKO COUNTY COMMISSIONERS**  
**MAY 5, 2003**

The Kosciusko County Commissioners met for their regular meeting on May 5, 2003 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 West Center St., Warsaw, IN.

Those present were:	
RON TRUEX, PRESIDENT	SUE ANN MITCHELL, COUNTY AUDITOR
AVIS B. GUNTER	RON ROBINSON, COUNTY ADMINSTRATOR
BRAD JACKSON	

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

**IN THE MATTER OF DUMPING ON BOARD OF COMMISSIONERS PROPERTY:**

Jennifer Peneherrer, Health Department, stated the property owned by the Commissioners, on Dewart Lake, is being dumped on. Tires, glass, metal, etc. are littering the lot. The Health Department is in the process of locating the person responsible. When responsible party is identified, a letter will be sent requesting the lot be cleaned up immediately. The Commissioners agreed that dumping on County property can not be tolerated.

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

Aaron Rovenstine, Kosciusko County Sheriff, stated Homeland Security Grants have been applied for. A detective is attending classes, but the classes are taking up time he could be investigating crime. Homeland Security is not going away.

**IN THE MATTER OF GRANT FOR COUNTY SHERIFF'S OVERTIME PAY IN CASE OF AN EMERGENCY:**

Aaron Rovenstine, Kosciusko County Sheriff, stated \$100,000 is available for overtime pay for officers. The county may be required to prepare for smallpox vaccinations. This would mean extra manpower would be needed for security. Congressman Souder wrote a letter in support of us. Ed Rock, Emergency Management Director, stated if something happens, overtime pay would be required. The Sheriff is getting prepared. The would be a matching grant with the county paying 25% and the grant paying 75%. The Commissioners agreed that paying 25% vs paying 100% made sense.

**IN THE MATTER OF REASSESSMENT VALUES FOR WAYNE TOWNSHIP:**

Kristy Mayer, Wayne Township Assessor, stated she is waiting on information from the State for acceptance of the equalization values. Mayer estimates a 2-3 day turn around, and then the values will be given to the Auditor.

**IN THE MATTER OF EQUALIZATION VALUES FOR COUNTY ASSESSOR:**

Laurie Reiner, Kosciusko County Assessor, stated her values have made the first approval but still have two more people to go through.

**IN THE MATTER OF KABS OPERATIONAL VOUCHERS:**

Rita Baker, KABS, presented the first quarter operational vouchers to the Commissioners for their approval and signing.

MOTION: BRAD JACKSON	TO: APPROVE KABS FIRST QUARTER
SECOND: AVIS GUNTER	OPERATIONAL VOUCHERS.
AYES: 3 NAYS: 0	
UNANIMOUS	

**IN THE MATTER OF FIVE OAKS SUBDIVISION:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, stated a catch basin is failing in the Five Oaks Subdivision. He stated this is not really a job for the County Highway to do but there is a chance of people getting hurt. Ladson documented what needs to be done at Five Oaks Subdivision.

**IN THE MATTER OF AWARD OF WHEEL LOADER BID:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, stated the lowest responsible and responsive bid for a 2003 Wheel Loader with trade in of the 1974 Case W-20 was received from MacDonald Machinery Co., Inc. Ladson recommends trading in the old Case and accept MacDonald Machinery's offer. The Commissioners approved the bid from MacDonald Machinery at a final price of \$136,850.

Base bid	=	\$142,850
Trade in deduction	=	- 6,000
<b>FINAL PRICE</b>	<b>=</b>	<b>\$136,850</b>

MOTION: AVIS GUNTER TO: APPROVE BID FROM MACDONALD  
SECOND: BRAD JACKSON MACHINERY FOR THE 2003 WHEEL  
AYES: 3 NAYS: 0 LOADER WITH TRADE IN.  
UNANIMOUS

**IN THE MATTER OF REHABILITATION OF BRIDGE 94:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, stated Bridge 94 located on Old 30 West over Walnut Creek (by Big Lots) needs to be rehabilitated. The steel beams at the supports are corroding. The Highway Department is going to clean the beams, re-prime and re-paint, make the ends integral so there will not be a joint by incasing the ends in concrete, and mill off the deck and put in a concrete deck. The project is estimated to occur late summer, early fall. Environmental permits are required and must be obtained from the DNR. The DNR and property owners were notified by Certified Mail and Donnelley's was also notified out of courtesy. The bridge will be closed for approximately two months.

May 5, 2003  
Page 3 of 4

**IN THE MATTER OF CONSTRUCTION OF BRIDGE 227:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, stated construction on Bridge 227, on Hand Street, begins this week.

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

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, stated Bridge 226, on Market Street that connects to Zimmer will be rehabilitated as well.

**IN THE MATTER OF BRIDGE 286:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, stated Bridge 286 located near the Animal Welfare League is moving along. Piles have been driven in on the East side and the soil was not acting how Ladson had anticipated. An investigation was done with the soil engineer and things are look good now.

**IN THE MATTER OF PLAIN TOWNSHIP ASSESSOR'S OFFICE LEASE WITH TOWNSHIP:**

Ron Robinson, Kosciusko County Administrator, stated the lease for the Plain Township Assessor's Office and Plain Township needs to be renewed. Robinson would like to extend the contract in place for the last five years for another five years. The cost is \$700 per month.

MOTION: BRAD JACKSON

TO: APPROVE LEASE WITH PLAIN

SECOND: AVIS GUNTER

TOWNSHIP FOR THE PLAIN

AYES: 3 NAYS: 0

TOWNSHIP ASSESSOR'S OFFICE.

UNANIMOUS

**IN THE MATTER OF INSURANCE DOCUMENT APPROVAL:**

Ron Robinson, Kosciusko County Administrator, requested the approval and signature of the Commissioners on the plan documents for insurance.

MOTION: BRAD JACKSON

TO: APPROVE DOCUMENTS FOR INSURANCE.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF PERSONNEL POLICE EXCEPTION ON VACATION LEAVE:**

Ron Robinson, Kosciusko County Administrator, requested the leave for an injured employee be extended another 15 days. The individual has reached the max of 30 days. Robinson explained an injured person receives 30 max days off, however, this individual's anniversary date accrues during the time off, and thus vacation time must be used or is lost.

MOTION: BRAD JACKSON

TO: APPROVE EXTENTION OF LEAVE TIME.

SECOND: AVIS GUNTER

AYES: 3 NAYS: 0

UNANIMOUS

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

Sue Ann Mitchell, Kosciusko County Auditor, requested the Commissioner's approval of the annual report for the congressional Township Common School and Permanent Endowment Funds for the year ending April 30, 2003. This report is requested per IC 21-1-7-29 and IC 21-1-7-32.

**IN THE MATTER OF DATE NON-PROFITS WILL PRESENT INFORMATION FOR 2004 BUDGET:**

Sue Ann Mitchell, Kosciusko County Auditor, indicated it was again time for the non profit organizations included in the Commissioner's budget to present information concerning their 2004 requests for funding. Mitchell was advised to include the non profit organizations on the June 17<sup>th</sup> agenda.

**IN THE MATTER OF TIPEECANOE TOWNSHIP REZONING REQUEST BY PHIL**

**SMITH:**

Sue Ann Mitchell, Kosciusko County Auditor, stated that Steve Snyder, attorney for Smith is withdrawing the rezoning request.

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

*Paul D. Truex*  
RONALD TRUEX, PRESIDENT

*Avis B. Gunter*  
AVIS GUNTER, MEMBER

*Brad Jackson*  
BRAD JACKSON, MEMBER

ATTEST *Sue Ann Mitchell*  
SUE ANN MITCHELL, AUDITOR

## KOSCIUSKO COUNTY COMMISSIONERS MAY 20, 2003

The Kosciusko County Commissioners met for their regular meeting on May 20, 2003 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 West Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT

AVIS B. GUNTER

BRAD JACKSON

SUE ANN MITCHELL, COUNTY AUDITOR

RON ROBINSON, COUNTY ADMINISTRATOR

MIKE MINER, COUNTY ATTORNEY

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

### IN THE MATTER OF DATE FOR DEDICATION:

Aaron Rovenstine, Kosciusko County Sheriff, asked if a date had been set for the dedication of the Justice Building. Rovenstine was advised no date was set yet because there are a few construction concerns still being addressed.

### IN THE MATTER OF CREATION OF COUNTY WEB SITE:

Matt Sandy, Area Plan Commission Assistant Director, and Chasity Schooley, GIS Coordinator, presented examples of ideas for the Commissioners web page for the County web site. The site will be made up of five pages. Page 1 – (Opening Page) greeting, individual pictures or group picture, contact information, etc. Page 2 – (Community Links) cities and towns within county, news, schools, etc. Page 3 – (Events) government – bid deadlines, etc. and/or county wide – festivals, fairs, etc. Page 4 – (Materials) minutes, agendas, commissioner district map, appointments, etc. Page 5 – (News) bid openings, other motions and regulation changes, etc. Sandy proposes the date of June 1, 2003 to get the web site out to the offices. A web site does exist for the County that was free through Access Indiana. The state has failed to allow the county the ability to update the site. The layout was different for each department and not very user friendly. The new web site for the County will be very helpful. The public can go to the web site and down load or view forms, property record, aerial photos, etc. The benefits will far out weight the cost of having the web site and will reduce amount of time being spent to provide this service for the public. Work hours can be spent being more productive for the county. A contract already exists with Schneider. The Commissioners will give guidance for their web page.



May 20, 2003  
Page 2 of 5

**IN THE MATTER OF REPEAL OF STOP SIGNS ON 300 SOUTH AT THE RAIL ROAD CROSSING:** *CR 2003090800*

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, requested the repeal of stop signs at the railroad crossing of 300 South, east of State Road 15. Lights and gates are installed and operational so the signs are no longer needed.

MOTION: AVIS GUNTER

TO: APPROVE REPEAL OF STOP SIGNS ON

SECOND: BRAD JACKSON

300 SOUTH.

AYES: 3 NAYS: 0

UNANIMOUS

**ORDINANCE 03-05-19S1**

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

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

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

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

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

1. Ordinance #00-012S, Item #1. Repeal "Stop" signs on the southwest and northeast corners of railroad tracks on CR 300 South, east of SR 15. Lights and gates installed on May 14, 2003.

THIS ORDINANCE shall be in full force and effect on May 20, 2003. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 20<sup>th</sup> day of May, 2003.

**IN THE MATTER OF INFORMATION RELATED TO THE PHASE 2 CLEAN WATER ACT:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, presented a letter of solicitation for services related to phase 2 – quality of storm water. City of Warsaw is going to be involved.

**IN THE MATTER OF COUNTY DUST CONTROL PROGRAM:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, advised the dust control program usually starts in May, but because of all the rain, it will probably be done in June.

**IN THE MATTER OF ROAD VACATION FROM THE 30'S NOT BEING RECORDED:**

Mike Miner, Kosciusko County Attorney, presented information on a road that was vacated in the 1930's but the vacation was never recorded. Miner has prepared an ordinance to replace a lost ordinance to clear the record and get the road vacation recorded. He indicated that another vacation is not needed since the road has already been vacated by previous Commissioners.

Miner recommends clarifying the record.

MOTION: BRAD JACKSON

TO: APPROVE SIGNING REPLACEMENT

SECOND: AVIS GUNTER

ORDINANCE FOR THE LOST

AYES: 3 NAYS: 0

DOCUMENT.

UNANIMOUS

AN ORDINANCE TO REPLACE A LOST ORDINANCE  
VACATING SPRING STREET BETWEEN LOT 29 AND  
LOT 30 IN THE PLAT OF THE 1<sup>ST</sup> ADDITION OF  
KALORAMA PARK, KOSCIUSKO COUNTY, INDIANA

ORDINANCE NO. 03-05-20- Repl Vac

*Record #*  
*2003090800*

WHEREAS, Bruce Romey on behalf of the Estates of Norman J. Romey and Dorothy Romey has filed with the Commissioners of Kosciusko County a petition to replace a lost ordinance; and,

WHEREAS, the Commissioners are convinced by the information presented that Spring Street between Lot 29 and Lot 30 in the 1<sup>st</sup> Addition to Kalorama Park appears to have been vacated sometime in 1939, but that the record does not appear in the Auditor's records until 1981, and no ordinance is extant or available; and,

WHEREAS, it would be inappropriate to require a second vacation proceeding for the purpose of vacating an area which has already been vacated; and,

WHEREAS, it is appropriate to provide a replacement ordinance in order to make a proper public record of the vacation; and,

WHEREAS, on examination, it appears that the area, which has already been vacated, constitutes a steep gully which would never, in any event, be paved or utilized as a public way, but which presently serves as a drainage area, which cannot be altered by petitioner, under current Indiana law,

WHEREAS, it has been requested that the replacement ordinance be provided in order to clarify titles issues, subject to the existing drainage;

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

1. The Board of Commissioners finds that the area between Lot 29 and Lot 30 in the 1<sup>st</sup> Addition to Kalorama Park was vacated previously, sometime in 1939; the vacation was recorded on the records of the Auditor of Kosciusko County in 1981; and no ordinance is extant at this date.
2. An ordinance should be enacted to replace the lost ordinance.
3. The following described real estate situate in Kosciusko County, in the State of Indiana, to-wit:

All of Spring Street between Lot 29 and Lot 30 in the 1<sup>st</sup> Addition to Kalorama Park, more particularly described as beginning at the Southwest corner of Lot 30; 50 feet to the Northwest corner of Lot 29; 150 feet along the North line of Lot 29 to the Northeast corner of Lot 29; 50 feet more or less to the Southeast corner of Lot 30; then Westward along the South line of Lot 30 to the point of beginning, is vacated.

4. This vacation ordinance is made to commemorate and confirm the existing indication of vacation first occurring in 1939 and first recorded in the records of the Auditor of Kosciusko County in 1981, and to replace lost or missing records.

**IN THE MATTER OF EMERGENCY MANAGEMENT MUTUAL AID AGREEMENTS:**

Ed Rock, Kosciusko County Emergency Management Director, informed the Commissioners that Mutual Aid Agreements were sent to the City/Towns in Kosciusko County. Each of the City/Town Common Councils have been asked to sign the agreement and send it back to Rock. After all agreements are received, the Commissioners will need to sign them and then the agreements will need to be recorded. This will ensure that if a disaster occurs, FEMA will cover the entire county as opposed to just one section or another.

**IN THE MATTER OF LEASE FOR PLAIN TOWNSHIP ASSESSOR'S OFFICE WITH PLAIN TOWNSHIP:**

Ron Robinson, Kosciusko County Administrator, presented the agreement to the Commissioners for signing that was approved at their last meeting. The lease with Plain Township is the same as the last five years.

**IN THE MATTER COUNTY ADMINISTRATOR ATTENDING A RISK MANAGEMENT MEETING:**

Ron Robinson, Kosciusko County Administrator, stated he would not be present at the next Commissioners meeting; he would be at a meeting for Risk Management. Bob Baker, insurance consultant, will be here that day to present more information and answer any questions.

**IN THE MATTER OF INDIANA HOUSING FINANCE AUTHORITY:**

Sue Ann Mitchell, Kosciusko County Auditor, stated the time frame has been extended for the Warsaw Housing Authority administration of the grant on behalf of the county. It appeared the WHA would not be able to complete the projects they had started because the funding was withdrawn because they were not completed as quickly as was required by the grant.

May 20, 2003  
Page 4 of 5

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

TO: APPROVE THE EXTENSION OF THE  
GRANT TIME PERIOD SO PROJECTS  
STARTED CAN BE COMPLETED.

**IN THE MATTER OF PROVISIONAL TAX BILL:**

Sue Ann Mitchell, Kosciusko County Auditor, stated getting the provisional tax bills are time critical. The forms have already been ordered with the due date of June 30<sup>TH</sup>. The Treasurer and Auditor are meeting regularly to address issues related to the approval and printing of tax bills.

**IN THE MATTER OF ASSOCIATION OF INDIANA COUNTIES AWARD**

**APPLICATION:**

Sue Ann Mitchell, Kosciusko County Auditor, asked the Commissioners to look over what Mitchell wrote for the County Achievement award which is presented by the AIC at their annual dinner meeting during the AIC conference. Mitchell will follow up with the Commissioners for their input.

**IN THE MATTER OF REZONING OF CB FARMS LAND FROM AGRICULTURAL  
TO RESIDENTIAL: CR 2003090819**

Dan Richard, Area Plan Commission Director, presented rezoning from agricultural to residential on a vacant track of land on CB Farms – 78 acres total. Ron Truex, Kosciusko County Commissioner, abstained from voting on this issue. In favor: Richard and Carol Rule support the building of a housing addition 100%. The Rule's own property on the east side of 175 East directly south of the proposed addition. No opposition present. The recommendation from the Planning Commission is to allow the rezoning from agricultural to residential.  
MOTION: AVIS GUNTER TO: APPROVE REZONING FROM  
SECOND: BRAD JACKSON AGRICULTURAL TO RESIDENTIAL.  
AYES: 2 NAYS: 0  
1 ABSTAIN

ORDINANCE NO. 03-05-20-01Z  
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 Southwest Quarter of the Southwest Quarter of Section 2, Township 32 North,  
Range 6 East.

Also, all that part of the South half of the Southeast Quarter of Section 3, Township 32 North, Range 6 East, lying and being East of the public highway running northerly and southerly through said quarter section, saving and excepting there from the following described tract, to-wit: beginning at the intersection of the South line of said quarter section with the center line of said public highway; running thence northerly along the center of said highway 16 rods; thence East parallel with the South line of said Quarter Section 20 rods; thence southerly parallel with the center line of said highway 16 rods to said South line of said Quarter; thence West on said South line to the place of beginning.

Also excepting the following: commencing at a railroad spike in the center line of a public road, 264 feet North of the intersection of the centerline of said public road and the South line of said Section 3; thence North 0 degrees 57 minutes West along the centerline of said road,

May 20, 2003  
Page 5 of 5

155 feet to a point; thence East 328 feet to an iron pipe; thence South 0 degrees 57 minutes East, 155 feet to a wooden corner post; thence West 328 feet to the place of beginning.

Be, and the same is hereby, removed from classification as an 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 20<sup>th</sup> of May, 2003.

#### IN THE MATTER OF POOR RELIEF HEARING:

A Poor Relief Hearing was scheduled for 9:45 a.m. for Jesse Megathing who did not show. The statute says the applicant must be present at the hearing. Because Megathing did not appear, the poor relief hearing could not proceed.

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

Ronald Truex  
RONALD TRUEX, PRESIDENT

Avis B. Gunter  
AVIS GUNTER, MEMBER

Brad Jackson  
BRAD JACKSON, MEMBER

ATTEST: Sue Ann Mitchell  
SUE ANN MITCHELL, AUDITOR

### KOSCIUSKO COUNTY COMMISSIONERS

JUNE 3, 2003

The Kosciusko County Commissioners met for their regular meeting on June 3, 2003 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 West Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT

AVIS B. GUNTER

BRAD JACKSON

SUE ANN MITCHELL, COUNTY AUDITOR

MIKE MINNER, COUNTY ATTORNEY

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

#### IN THE MATTER OF LETTER OF INTENT TO SEEK GRANT FOR KABS:

Rita Baker, KABS, presented a letter of intent to apply for the capital and operating grants for KABS to the Commissioners for their signing.

MOTION: AVIS GUNTER

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

TO: APPROVE LETTER OF INTENT TO APPLY  
FOR CAPITAL AND OPERATING GRANTS  
FOR KABS.

June 3, 2003

**IN THE MATTER OF AGREEMENT BETWEEN TOWN OF SYRACUSE AND KOSCIUSKO COUNTY HIGHWAY DEPARTMENT FOR STREET STRIPING AND SWEEPING:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, presented a mutual agreement between the Kosciusko County Highway Department and the Town of Syracuse to the Commissioners for signing. The Commissioners accepted and signed the following agreement:  
**AGREEMENT** *Record # 2003 090833*

It is the mutual agreement between the Kosciusko County Highway Department and the Town of Syracuse for exchange of like services for paint striping and road sweeping as follows:  
The Kosciusko County Highway Department will provide the equipment, man power, and materials to stripe the road down the center of identified sections of Bowser Road, Chicago Street, Harkless Drive, Long Drive, Main Street, North Shore Drive, Pickwick Drive, and Syracuse Webster Road (If the Town desires to close the street, the Town would be responsible for providing the necessary barricades and signs). The sections of the above-mentioned streets are identified on the enclosed map. In return, the Town of Syracuse Street Department will sweep the subdivisions of Fox Run, Country Cove, and Woodland Acres; along with Shore Lane, Kings Drive, Garden Ave, Island Ave, and Pickwick Park Drive twice a year.  
Said agreement expires one year from the date of issuance. Dated: 6-3-2003

**IN THE MATTER OF COUNTY HIGHWAY AND WARSAW CITY JOINT SALT**

**PURCHASE:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, discussed the opportunity to purchase salt with the City of Warsaw and other towns in the county. This would help reduce price because the salt could be purchased in bulk. Ladson felt it would build a good relationship between each of the groups involved.

MOTION: AVIS GUNTER TO: APPROVE SALT PURCHASE WITH THE  
SECOND: BRAD JACKSON CITY AND OTHER TOWNS WITHIN THE  
AYES: 3 NAYS: 0 COUNTY.

**IN THE MATTER OF SPEED LIMIT ORDINANCE FOR 250 E APPROACHING THE TOWN OF WINONA LAKE:** *CR 2003 090839*

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, presented an ordinance to the Commissioners regarding the speed limit be reduced on CR 250 East, south of US 30 to 35 miles per hour. This is the same speed limit as west of US 30 on CR 250 East.  
MOTION: AVIS GUNTER TO: APPROVE SPEED LIMIT CHANGE TO  
SECOND: BRAD JACKSON 35 MPH ON 250 EAST, FROM US 30 TO  
AYES: 3 NAYS: 0 WINONA TOWN LIMITS.

**ORDINANCE 03-06-02-01SL**

*Record # 2003 090839*

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 250 E. from US 30 to Winona Town Limits shall be 35 mph.

THIS ORDINANCE shall be in full force and effect on June 3, 2003. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 3<sup>rd</sup> day of June 2003.

June 3, 2003

**IN THE MATTER OF CR 700 W AND 1150 S INTERSECTION CHANGE TO 4 WAY**

**STOP:** *CR 2003090 830*

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, presented an ordinance to the Commissioners regarding the installation of an additional stop sign at an intersection that is currently a 3-way stop. By installing another stop sign and making it a 4-way stop, the intersection would be more uniform and less confusing.

MOTION: AVIS GUNTER

TO: APPROVE INSTALLATION OF STOP

SECOND: BRAD JACKSON

SIGN ON THE SOUTHEAST CORNER OF

AYES: 3 NAYS: 0

CR 700 WEST AND CR 1150 SOUTH.

**ORDINANCE 03-06-02-01S** *Adopted #2003090830*

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-way; and

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

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

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

1. Install "Stop" sign on the southeast corner of CR 700 W. and CR 1150 S. making this intersection a 4-way stop.

THIS ORDINANCE shall be in full force and effect on June 3, 2003. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 3<sup>rd</sup> day of June 2003.

**IN THE MATTER OF REQUIRED YARD MOWING AT LAKELAND LANDFILL:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, presented a mowing issue at the Lakeland Landfill. There is a concern about the vents being hit by the mower. Ladson has been informed that some special qualifications must be met by the person mowing. Insurance coverage is required. Ladson was instructed by the Commissioners to include insurance coverage in the specs to solicit quotes for service.

**IN THE MATTER OF BRIDGE 290 CONSTRUCTION DELAY:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, stated there has been a delay in the startup of work to Bridge 290. He reported that the appraisal has been completed and the money escrowed prior to Memorial Day. Primco has stated they will start work in mid August due to illness of some of their major employees and their receipt of state contracts. Ladson asked for guidance from the Commissioners on when to start construction. Ladson has contacted people in the area and they are eager to get the work completed even if it means starting in August. The Commissioners advised construction should begin as soon as possible if the residents are agreeable. Ladson will make contact with all residents in the area to advise them of the planned schedule.

**IN THE MATTER OF SOUTH SHORE GREEN SUB DIVISION FINAL**

**ACCEPTANCE:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, stated the release signatures for the reestablishment of side ditches has not yet been completed. One homeowner has signed, one has refused to return Ladson's phone calls and has no interest in signing. Ladson has inspected the area and feel there is no more water coming down today than there was five years ago. The Board of the property owners of the sub division would like the Commissioners to waive this issue and accept the roadways for county maintenance. Ladson recommends taking in the property. He noted that residents in the subdivision have indicated the developer restrictions have improved values of property by \$15,000. Ladson will draft an ordinance for road maintenance acceptance for the Commissioner's approval at their next meeting.

June 3, 2003

**IN THE MATTER OF SIGNATURES FOR THE RELEASE OF VEHICLE TITLES:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, asked for approval for Commissioner Avis Gunter to sign titles for him when items are sold at the auction. Avis Gunter, Kosciusko County Commissioner, was approved to release the titles. County Auditor Sue Ann Mitchell noted that the Auditor had traditionally released car titles on behalf of the Commissioners. Mitchell retains all titles except those of the County Highway.

MOTION: BRAD JACKSON TO: APPROVE COMMISSIONER AVIS GUNTER TO SIGN  
SECOND: AVIS GUNTER VEHICLE TITLES. APPROVE THE COUNTY AUDITOR  
AYES: 3 NAYS: 0 TO SIGN FOR THE RELEASE OF VEHICLE TITLES.


**IN THE MATTER OF PROVISIONAL TAX BILL:**

Sue Ann Mitchell, Kosciusko County Auditor, stated the "provisional tax bill" will be sent out on June 13, 2003 with a due date of June 30, 2003. Mitchell estimated there are 54,000 parcels of ground in the county. Personal property and mobile homes were not billed.

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

  
RONALD TRUEX, PRESIDENT

  
AVIS B. GUNTER, MEMBER

  
BRAD JACKSON, MEMBER

ATTEST:   
SUE ANN MITCHELL, AUDITOR

**KOSCIUSKO COUNTY COMMISSIONERS**

**JUNE 17, 2003**

The Kosciusko County Commissioners met for their regular meeting on June 17, 2003, at 9:00 A. M. in the Courtroom on the third floor of the Courthouse, 100 West Center Street, Warsaw, Indiana.

Those present:

RON TRUEX PRESIDENT	SUE ANN MITCHELL, COUNTY AUDITOR
AVIS B. GUNTER	RON ROBINSON, COUNTY ADMINISTRATOR
BRAD JACKSON	MICHAEL MINER, COUNTY ATTORNEY-ABSENT

President Ron Truex invited Rob Ladson to open the meeting with a word of prayer. The pledge to the flag was recited. President Truex called the meeting to order. The minutes of the June 3, 2003, were approved as presented. Claims were signed and approved for payment.

**IN THE MATTER OF INTERNET HOSTING AGREEMENT:**

Bill Holder, GIS Director, reported to the Commission that approximately one year ago he presented a program to the Commission in consideration of a countywide with countywide GIS mapping. He is now requesting approval of the Schneider Corporation of Indianapolis to act as host for these websites. The cost of hosting a website is in the neighborhood of \$800.00 per month plus a one-time setup cost of \$3,000.00 after signing an eighteen (18) month contract. Costs for 2003 would be \$7,800.00 and for 2004 would be \$9,600.00. Another option would be to have the site hosted in-house, which would require considerable hardware and staffing. With the current workload, this option is not



June 17, 2003

Page 2 of 7

viable. Other firms with similar costs have been reviewed to act as hosts including DDTI in Ohio, Woolpert, and Sidwell. Holder reminded the Commission that Kosciusko County entered into a professional services agreement early in 2003 with Schneider Corporation. He requested Commission's approval of Schneider hosting the web site under that professional services agreement. He reported to the Commission that money has been budgeted in the GIS portion of the Commissioner's account and that there is \$8,500.00 remaining for 2003. Discussion was held concerning advantages of having a countywide website and countywide GIS mapping website for home computer use, for use by realtors, as an aid to the staff of the offices of Auditor and Assessor.

MOTION: Avis Gunter  
SECOND: Brad Jackson  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Approve Schneider as the hosting  
agent of a countywide website and GIS  
mapping site.

**IN THE MATTER OF COUNTY LIFE AND HEALTH INSURANCE  
COVERAGE:**

Bob Baker, Group Alternatives Representative, reported to the Commissioners the results of inquiries to Prudential Insurance and Highmark Insurance. Costs for Prudential Insurance is 18% lower and 30% less cost of same insurance for 2002. Baker recommended that the Commissioners accept offer of Prudential Insurance. Baker recommended continuing with the medical coverage even though the premium is up \$17,000.00 from 2002 for the fixed costs with an overall net increase of 17% at \$266,943.00. He reported that application has already been submitted to Prudential and has been accepted by Prudential if the County wants to begin the program on July 1, 2003. Commissioner Truex noted that negotiations were successful in reducing the amount of increase to 17% with the same benefit package as last year for County employees.

MOTION: Avis Gunter  
SECOND: Brad Jackson  
AYES: 3 NAYS: 0  
UNANIMOUS

TO: Approve the recommendation  
presented to accept the offer of Prudential  
Insurance as provider for County life and  
health insurance coverage.

**IN THE MATTER OF KOSCIUSKO HOME CARE AND HOSPICE, INC.:**

Cathy Simpson, Kosciusko County Home Care and Hospice, Inc. representative, presented to the Commissioners a request for funding in the amount of \$50,000 which is the same amount granted for 2003 for the allied services program. Allied services is a non-skilled service including but not limited to homemaker, house-cleaning, assist with shopping, run errands, home health aide provided to assist clients in their homes enabling them to remain in their homes. A nurse supervisor on a bimonthly basis oversees this service. Generally, this service operates at a loss partly because of state regulations and requirements.

**IN THE MATTER OF ANIMAL WELFARE LEAGUE OF KOSCIUSKO  
COUNTY, INDIANA:**

Frank Scolett, Board President, Animal Welfare League of Kosciusko County, requested funding of \$69,300. This amount remains the same as that amount granted in 2002. All of these funds would be used to cover part of the payroll expenses of AWL employees. Some of the highlights of 2002 included animal control issues, image enhancement issues, and fundraising efforts.

**IN THE MATTER OF KOSCIUSKO COUNTY HISTORICAL SOCIETY:**

Jerry Frush, Board President, Kosciusko County Historical Society, requested funding of \$23,000.00. This sum remains the same as that amount requested in 2002.

**IN THE MATTER OF SOUTH SHORE GREEN SUBDIVISION ACCEPTANCE  
TO THE COUNTY MAINTENANCE SYSTEM:**

Rob Ladson, Kosciusko County Highway Engineer and Superintendent, recommend that the Commissioners accept South Shore Green Subdivision more specifically Dogleg Drive East, Dogleg Drive West, and Tee Trail into the county maintenance system as per discussions of previous meetings.

June 17, 2003

Page 3 of 7

MOTION: Avis Gunter      FO: Accept Dogleg Drive East, Dogleg Drive West and  
SECOND: Brad Jackson      Tee Trail into the county maintenance system.  
AYES: 3    NAYS: 0  
UNANIMOUS

**IN THE MATTER OF WESTERN ROUTE PROJECT MEETING:**

Rob Ladson reminded the Commissioners that on July 8, 2003, at 7:00 p.m. in the public meeting room of the Kosciusko County Justice Building, 121 N. Lake Street, Warsaw, Indiana, there will be a public meeting to present draft proposals of the western corridor. Letters will be sent to all names on the contact list on June 23, 2003.

**IN THE MATTER OF REZONING OF CARL WETTERS, PLAIN TOWNSHIP,  
FROM AGRICULTURAL TO RESIDENTIAL: 22 2003090820**

Dan Richard, Director of the Kosciusko County Area Plan Commission, presented information regarding the petition filed by Garl Wetters to request rezoning of a 12.48-acre tract of land in Plain Township from Agricultural to Residential including review of aerial map for purposes of demonstrating use of surrounding tracts. Richard reported the Area Plan Commission conducted hearing on said petition and heard remonstrances. After considering said petition and said remonstrances, Area Plan Commission unanimously recommends that the Commissioners favorably rezone said tract of land in Plain Township from Agricultural to Residential.

Attorney Richard K. Helm, representing Garl Wetters, stated that he believes any issues of remonstrance concerning public safety should be dealt with during the platting process not at this rezoning hearing. Helm stated that the contemplated subdivision would include 7-9 lots. After recommending that the Commission favorably rezone said tract of land in Plain Township from Agricultural to Residential, Helm relinquished the floor to remonstrators.

Bryon J. Berry, resident of 679 E. Levi Lee Road, adjacent property owner of 3.66 acres, remonstrated as to public safety indicating changes to Levi Lee Road and pointing out curves in road and a hill which bottoms in the area of the tract of land as issue. He referenced the intersection of Levi Lee Road and State Road 15, which, according to Berry, the Sheriff's Department lists as one of the 12 most dangerous intersections within Kosciusko County. Berry stated he believes 2000 people live on SR15. Berry stated that allowing the tract of land in question to be rezoned would seriously affect public safety, would significantly increase the usage of the intersection of Levi Lee Road and SR 15, and would cause a roadway to be created at the bottom of the hill previously mentioned. Berry stated use of this tract of land would interfere with established wetlands and potentially cause flooding to surrounding real estate. Berry stated that when Wetters filed his petition, Wetters did not have an ownership interest in the tract of land and, according to ordinances, which direct at least a 50% ownership interest, is denied from presenting any petition as to land he has no ownership in which he has no ownership interest. Berry requests the Commissioners deny the petition to rezone or table the petition.

Patrick Creamer, adjacent property owner, stated there are two mobile home parks on Levi Lee Road, which have empty lots, and empty homes in them and he doesn't feel there is a need for more construction. He stated he believes that allowance of the rezoning will potentially create considerably more traffic, more people, and congestion.

Kevin Gates, adjacent property owner, expressed his concern with additional construction causing runoff. He feels one or two houses would be fine.

Kay Tusing, spoke on behalf of her mother who owns farmland "to the backside of the tract." Tusing expressed concern for issues of safety on the curves and at the intersection. She has lived over 50 years in the area and notes that visibility along the road has diminished as the trees have matured.

Domabelle Glant, adjacent property owner, stated that the road is very crooked. She noted there have been numerous accidents in the area and that additional building would possibly bring additional traffic, which would be a hazard.

June 17, 2003

Page 4 of 7

Dan Richard, Director of the Kosciusko County Area Plan Commission, addressed the issue of legality of filing dates and signature dates. He stated that the petition was filed on May 14, 2003, and indicated that Mr. Wetters officially filed and signed the petition on May 21, 2003, as the legal owner of the tract in question. Richard explained office procedures of the Area Plan Commission.

Attorney Helm stated that the ownership issue should be a moot point to this rezoning petition. Helm stated it is his understanding that one of the remonstrators is going to petition the court to overturn approval of the underlying petition. He wishes to have his statements become "part of the record" in this procedure. He stated the two people who live across the road are complaining about runoff but that doesn't really say anything to the petition to rezone as there is a ditch and the Subdivision Ordinance required to deal with that in a subdivision plat. Responding to Kay Tusing's remonstrance, Helm stated that at the Plan Commission meeting Ms. Tusing said nothing with regards to safety issues, she did, however, at that time have comments concerning children coming in from the mobile home parks. Helm addressed Bryon Berry's remonstrance of safety at the intersection of Levi Lee Road and State Road 15 by indicating that the tract in question is not located at that intersection. He also stated issues of public safety should be dealt with at the time of platting. Helm noted that he believes none of the remonstrators with safety issues have at any previous time requested a hearing as to safety issues on Levi Lee Road. Helm stated that after the Area Plan Commission reviewed the above-referenced petition they made a determination that the tract of land was not agricultural land and that it was appropriate to rezone it to residential with certain self-limits imposed by ditch, pond, wetlands and powerlines.

Commissioner Truex inquired of Richard whether the issues raised by the remonstrators would be addressed in the final plat of whatever happens to this tract of land. Richard responded by saying that each individual issue would have to be specifically addressed. He stated that there is a technical review committee, which would give comments to the Area Plan Commission before the final plat is developed.

MOTION: Avis Gunter TO: APPROVE THE REZONING AS REQUESTED

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF REZONING ISSUES OF THOMAS AND SANDRA GRONINGER OF PRAIRIE TOWNSHIP FROM AGRICULTURAL TO INDUSTRIAL II: 062003090821**

Dan Richard, Director of the Kosciusko County Area Plan Commission, presented information regarding the petition filed by Tom Groninger to request rezoning of a 34.888 acre tract of land in Prairie Township from Agricultural to Industrial II including review of aerial map for purposes of demonstrating use of surrounding tracts. Richard stated that in 1986 the City of Warsaw and Kosciusko County entered in to an agreement delineating the "Industrial Corridor" and setting aside certain real estate within that corridor as industrial. The tract of real estate herein named was removed from that corridor because of environmental issues. Richard reported the Area Plan Commission conducted hearing on said petition and heard remonstrances. After considering said petition and said remonstrances, Area Plan Commission by a vote of 5-2 recommends that the Commissioners favorably rezone said tract of land in Prairie Township from Agricultural to Industrial II.

Commission Truex asked to what extent rezoning has happened on any of the real estate within the Industrial Corridor and what happened to any existing housing within the corridor. Richard responded by saying that when the rezoning to Industrial was adopted, all of the houses within the corridor automatically became non-conforming. Richard also said that is was understood that if the homeowners within the corridor wanted to expand, the Area Plan Commission would hold hearings and pretty well grant its approval. Richard explained that at the time the corridor was developed, some owners of real estate did not want to be included in a rezoning effort and remained agricultural.

Kerry Groninger, acting on behalf of his parents, the petitioners, Thomas and Sandra Groninger, spoke in favor of the rezoning request. He stated they are looking to the

June 17, 2003

Page 5 of 7

future. Groninger indicated that his father has owned some real estate for over 25 years, that some is zoned Industrial II and that he is looking to a continuation of existing zoning.

Attorney Jack Birch, representing Mark and Chad Botts and Andy Swihart, nearby property owners, stated that his clients purchased real estate at a recent auction. Birch stated that the tract of real estate in question is not located within the Industrial Corridor but is located East of the corridor. Birch noted that in 1986, this tract was zoned environmental. He stated if it was appropriate at that time to zone it industrial it would have been so zoned; that nothing has changed since that time to make it appropriate to rezone it to industrial. He stated that there is adequate industrial real estate for development within the corridor. He noted that the 35-acre tract in question was carved out of a 71-acre tract with six other tracts making up the remaining 36 acres. He stated that the size of the tracts range from one 10-acre tract to 4-acre and 7-acre tracts, all of which are too small to be farmed or to be used for industrial purposes. Birch indicated that directly adjacent to the tract herein referenced there are seven residences with at least five more residential tracts occurring at the auction. He said the comprehensive plan provides that there are policies and objectives and that the policies and objectives for industrial zoning is to locate what public utilities are available. Birch said that currently there are no public utilities available or sewer. Birch said that there should be a segregation of industrial from public residential use.

Birch noted that another criteria for rezoning from residential to industrial when a small number of people are affected and further noted that there are 12 structures located directly contiguous to this property. Birch noted another key point in favor of denial of the petition has to do with the Land Evaluation Soil Assessment system. This system is the objective criteria for determining rezoning with a LESA score with top-rated soil and a high-rated site assessment both of which indicate denial of rezoning. Birch said just because this tract of real estate touches the Industrial Corridor doesn't mean it should be rezoned but should remain zoned residential.

Jeff Bridge, resident of 350 W, stated that he believes the purpose of the auction was to make money. He noted that Tom Groninger is the Western Route Project Advisor. He advised the Commissioners to look to all of the issues before making their decision.

Larry Kinsey, resident of 200 N, stated that his property is surrounded on three sides by the tract of land in question. He noted the history of the area and the need for the Commissioners to deny the rezoning petition.

Chris Garza offered her remonstrance to the petition file by Thomas and Sandra Groninger requesting an amendment to reclassify their property from an Agricultural District to an Industrial II District. Garza remonstrated at the Area Plan Commission public hearing on June 4, 2003. She represents there are 327 residences in the area of the Industrial Corridor. According to Garza, the Area Plan Commission has received reports of the County Traffic Counts and has received information about the land auction. However, Garza explained that she believes the Area Plan Commission did not review any of that information before approving the petition to rezone. Garza requested that the Commissioners carefully review all of the information available before making a decision. Garza suggested that the City of Warsaw consider annexing the area and enforce compliance with water and sewer. Garza presented a petition to the Commissioners opposing rezoning signed by 117 area residents.

Speaking in support of the petition for rezoning Kerry Groninger stated that his family has been in the area for over 100 years and they want what is best for the community. The Commissioners noted that in 1986 the land was zoned environmental. In 2002 the commissioners rezoned the tract of land from environmental to agricultural, thereby sending a message that houses could be build encouraging residential development. They agreed that if the area changed Groninger could petition the Commissioners again in one year.

MOTION: Avis Gunter TO: Deny the recommendations of the Are Plan Commission  
SECOND: Brad Jackson by denying the rezoning request.

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF CARDINAL CENTER, INC. FUNDING REQUEST:**

N. Jane Green, President of Cardinal Center, Inc., requested an appropriation of \$110,000.00, which sum is less than 1% of the total operating budget of \$16,400,000.00. Cardinal Center has experienced significant State Budget cuts in three of the children's programs this year. Cardinal Center offers job placement services, supervises community living services, provides the public transit system KABS and supervises the Head Start program. Green stated that another program overseen by Cardinal Center is the *SUS AMIGOS*, started 2 years ago by volunteers and which has received funding from the Kosciusko County Foundation, the K21 project, and the United Way. Green introduced Randy Hall who provided background information about the *SUS AMIGOS* project. Hall related to the Commissioners that while Kosciusko County ranks as the 9<sup>th</sup> most populous county in the State of Indiana, it ranks 8<sup>th</sup> in terms of Hispanic population with an estimation of an Hispanic population of between 5,000 to 10,000 people. Programs through the project include prenatal counseling, translation and interpretation services, health care, employee intervention services, and assistance with application of drivers licenses, etc. The goal of *SUS AMIGOS* during the next year is to serve 300 people, which could include up to 1,200 repeat visits.

**IN THE MATTER OF COMBINED COMMUNITY SERVICES FUNDING REQUEST:**

Laura Kaufman, Executive Director of Combined Community Services, requested \$20,000.00 as a first time contribution from Kosciusko County. The programs at Combined Community Services offer support for many issues commonly faced by low-income residents of Kosciusko County including emergency assistance, family independence as to financial assistance, individual development accounts, people services, and assisting qualified Kosciusko County households purchase a vehicle.

**IN THE MATTER OF ARROWHEAD RC & D FUNDING REQUEST:**

Randy Moore, representing Arrowhead RC & D, requested \$500.00 which is to be used toward the operating budget including insurance expenditures.

**IN THE MATTER OF KOSCIUSKO COUNTY SENIOR SERVICES COUNCIL ON AGING FUNDING REQUEST:**

Jack Felger, Executive Director of the Kosciusko County Senior Services Council on Aging, requested \$40,000.00. They are receiving \$ \$31,500 for 2003. Felger explained that all of the KCSSCA programs enable participants to remain independently living. The programs include a transportation service providing over 12,000 van rides, meals delivered including emergency meals and meals for weekends and holidays, and senior activities. Felger explained that funds received from Kosciusko County are discretionary and are being applied to senior activities.

**IN THE MATTER OF KOSCIUSKO DEVELOPMENT, INC. FUNDING REQUEST:**

Roger Monihan, Board Chairman of Kosciusko Development, Inc., requested \$80,000.00. Monihan explained to the Commissioners that past County contributions have approximately equaled funds received from the private sector. He indicated that the present request of KDI represents a substantial commitment of the County toward economic development of the County. He asked that the money be given outright and that they have the matching requirement. Monihan stated that the requested funds would allow the KDI to institute a revolving loan fund in promoting business throughout the County, an entrepreneurial program, create new brochures, do some training, help Warsaw school system with training system for technical issues, and to develop a task force. KDI was granted \$ \$35,000 matching funds for 2003.

**IN THE MATTER OF KOSCIUSKO COUNTY 4-H PROGRAM REQUEST FOR FUNDS:**

Tracy M. George, Executive Educator for 4-H and Youth Development, requested \$22,000.00 in appropriations to finance expenses for 4-H project judges, ribbons to recognize 4-H members, youth trips, and for premiums to recognize 4-H members for their accomplishments. 4-H programs provide services to approximately 642 members

kindergarten through 12<sup>th</sup> grade. There are approximately 366 adult volunteers involved with the 4-H program. George indicated the 4-H program has requested \$27,948 of the Kosciusko County Fair Board.

**IN THE MATTER OF THE BEAMAN HOME REQUEST FOR FUNDS:NDING:**

Eugenia G. Campbell, Executive Director of the Beaman Home requested \$34,000.00 to be used for salary and employment related expenses, for utilities, building repair, maintenance, food, household and personal expenses. Campbell extended her sincere gratitude for funds appropriated in the past. She stated to the Commissioners that the Beaman Home provides services 24 hours a day 7 days a week to residents of Kosciusko County and Marshall County. She also stated that during 2002 the 24-hour crisis line received 3,400 telephone calls, that the outreach program has served 515 families, and that 204 victims and their minor children received shelter. Campbell related that cuts would be forthcoming in funding received both from the State and Federal governments. The request is the same amount that was granted for 2003.

**IN THE MATTER OF SIGNING OF THE LEASE FOR THE MUNSON BUILDING:**

Ron Robinson, County Administrator, presented to the Commissioners a renewal of a lease contract for the Munson Building.

MOTION: Avis Gunter

TO: Renew lease for the Munson Building.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF KOSCIUSKO COUNTY TAX BILLS:**

Sue Ann Mitchell, Kosciusko County Auditor, reported that the spring provisional tax bills are out and collection of taxes has begun.

**IN THE MATTER OF WAR MEMORIAL UPDATE:**

Commissioner Brad Jackson presented a request from a State Senator who would like to see a white star be added to the War Memorial. Commissioner Ron Truex made note that the War Memorial has been brought up to date with the Iraq War casualty, David Fribley.

**IN THE MATTER OF STEPS REPLACEMENT AT THE JUSTICE BUILDING:**

County Administrator Ron Robinson noted the steps at the Justice Building have been replaced at no cost to the County. They were incorrectly installed and the contractor will be responsible for the replacement.

There being no further business to come before the Commissioners, the meeting was adjourned.

  
RONALD TRUEX, PRESIDENT

  
AVIS GUNTER, MEMBER

  
BRAD JACKSON, MEMBER

ATTEST:   
SUE ANN MITCHELL, AUDITOR



## KOSCIUSKO COUNTY COMMISSIONERS

JULY 1, 2003

The Kosciusko County Commissioners met for their regular meeting on July 1, 2003, at 9:00 A. M. in the Courtroom on the third floor of the Courthouse, 100 West Center Street, Warsaw, Indiana.

Those present were:

RON TRUEX PRESIDENT  
AVIS B. GUNTER  
BRAD JACKSON

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

President Ron Truex invited Rob Ladson to open the meeting with a word of prayer. The pledge to the flag was recited. President Truex called the meeting to order. Minutes were approved as presented. Claims were signed and approved for payment including Justice Building claim # 40.

### IN THE MATTER OF QUARTERLY REPORT ON EMERGENCY MANAGEMENT POSITION:

Ed Rock, Director of the Emergency Management Program of Kosciusko County, presented the quarterly report on the emergency management position. He requested that the Commissioners advise him of any information they would like to see in his report. Rock stated that work on mutual aid agreements among the various municipalities continues.

### IN THE MATTER OF THE JESSE AND SHIRLEY BEER RIGHT-OF-WAY LOCATED AT CR 300 E, SOUTH OF CR 1300 N, MILFORD:

*Revised 20030708225*

Rob Ladson, Kosciusko County Highway Engineer and Superintendent, has requested that 10 feet of a 30-foot right-of-way previously dedicated in 1996 to Kosciusko County by Jesse and Shirley Beer and located at CR 300 E, south of CR 1300 N in Milford, be returned to Mr. & Mrs. Beer. The usual dedication of a right-of-way is 20 feet. The 30-foot right-of-way was dedicated to the County in anticipation of additional ditch work. The additional work was not necessary which eliminated the need for the additional right-of-way. Mr. & Mrs. Beer are requesting that the 10-foot right-of-way be returned to them. Kosciusko County Attorney Michael Miner advised the Commissioners that he has prepared the document, which would return the 10-foot right-of-way to Mr. & Mrs. Beer.

MOTION: Brad Jackson

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve return of a certain 10-foot right-of-way to Jesse and Shirley Beer and directing the Commissioners to sign the aforementioned document.

### IN THE MATTER OF MOWING THE LAKELAND LANDFILL LOCATED AT CR 450 W, NORTH OF CR 700 S NEAR CLAYPOOL

Rob Ladson reported to the Commissioners results of his requests for estimates from contractors for mowing at the Lakeland Landfill in Claypool. By agreement with ARCADIS, the consulting engineer working for the EPA and overseeing the Lakeland Landfill, Kosciusko County is responsible for mowing the 20-25 acre landfill at least one time per month. Mowing is to be done with restrictions concerning the many vents, fences, and monitoring wells on/or in the landfill. He reported that of estimates received, \$975.00 per month was low and \$5,500.00 per month was the highest estimate received. In addition to the cost of mowing, additional insurance will be required to cover any damages to said vents, fences, and/or wells which would necessitate possible costly repairs by special contractors. Ron Robinson, Kosciusko County Administrator, will review the County's insurance policies. Discussion was held concerning the possibility of Kosciusko County mowing crews accepting responsibility for this job including rental of an appropriately sized mower. Ladson will check into cost of renting a mower.

MOTION: Brad Jackson

SECOND: Avis Gunter

AYES: 3 NAYS: 0

UNANIMOUS

TO: Table any further discussion until Robinson and Ladson have had an opportunity to complete their research



**IN THE MATTER OF INSURANCE REPORTS:**

Ron Robinson, Kosciusko County Administrator, requested permission of the Commissioners to authorize him to sign several insurance reports concerning renewal of insurance after County Attorney Michael Miner reviews the reports.

MOTION: Avis Gunter

TO: Authorize Ron Robinson, County

SECOND: Brad Jackson

Administrator, to sign insurance reports.

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF SIGNING CONTRACT WITH THE INDIANA STATE BOARD OF ANIMAL HEALTH:**

Sue Ann Mitchell, Kosciusko County Auditor, presented the contract from the Indiana State Board of Health concerning contracts for Bovine Brucellosis and Tuberculosis eradication for the Commissioner's signatures. Mitchell advised the contract was an annual contract signed by the Commissioners.

MOTION: Avis Gunter

TO: Sign the Indiana State Board of Health

SECOND: Brad Jackson

AYES: 3 NAYS: 0


contract for Bovine Brucellosis and Tuberculosis eradication programs.

UNANIMOUS

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

  
RONALD TRUEX, PRESIDENT

  
AVIS GUNTER, MEMBER

  
BRAD JACKSON, MEMBER

ATTEST:   
SUE ANN MITCHELL, AUDITOR

## **KOSCIUSKO COUNTY COMMISSIONERS**

### **July 15, 2003**

The Kosciusko County Commissioners met for their regular meeting on July 15, 2003 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 West Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT  
AVIS B. GUNTER  
BRAD JACKSON

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

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

#### **IN THE MATTER OF STATE EMERGENCY MANAGEMENT ASSISTANCE (SEMA) DISASTER REIMBURSEMENT:**

Ed Rock, Emergency Management Director, presented information he received from SEMA concerning application for reimbursement to municipalities and government entities. Rock was contacted by Phil Brown with SEMA indicating Kosciusko County was included in the disaster plan because it is a county contiguous to counties that did claim and qualify for losses. He noted the funding reimbursements would be made if the county could meet the \$2.72 per capita in from July 4<sup>th</sup> thru today for storm related expenditures. This would mean countywide, qualifying entities would have to spend \$201,552 for expenses related to recent storms and floods. He has contacted or will contact today all municipalities reference their expenditures during the recent storms. He noted public losses including utilities can be included, but does not include private homeowners. There are other funds available for private homeowners. Rock indicated the deadline was today to file for reimbursement.

#### **IN THE MATTER OF FALSE ALARM ORDINANCE PROPOSAL:**

Sheriff Aaron Rovenstine presented a request for the adoption of an ordinance to charge for false alarms. He stated he felt it was something long overdue. He stated the intent was not to get alarms out of businesses. He stated there would be exemptions for the elderly and weather related trips. He noted that in 2002 the department had over 1000 false alarms. Following up on each alarm takes approximately 30 minutes by the time the officer arrives at the scene and determines the site is secure. The proposed ordinance would allow three free false trips per year with charges of \$25 to \$50 to accrue thereafter. The intended purpose is to get individuals and businesses that have alarms to update their alarms so false trips are kept to a minimum. Rovenstine indicated some people do not even come to the scene when they are called by the dispatchers when an alarm is received. He stated he felt some were abusing the system. As the department gets busier, it is evident false alarms are a waste of manpower that could be prevented. Sergeant Chad Hill with the Sheriff's Department has researched the issue with other counties. He reported his findings to the Commissioners. He noted three individuals with numerous repeat alarms. He noted St. Joe County had enacted an ordinance similar to what they are proposing which collected \$8,000 in one year which was used for training for their department. This would only apply to automated alarms not to false alarms placed by phone. Collections would be done by a letter of request to be handled by Sergeant Hill. Sheriff Rovenstine and Sergeant Hill were instructed to work with County Attorney Mike Miner to develop this ordinance.

#### **IN THE MATTER KABS CAPITAL VOUCHER:**

Rita Baker, KABS representative, requested the Commissioners approve the application of the Capital Voucher requesting 80% of the funding for the new buses. She noted the new busses would be received with no actual charge to the county because of the 20% matching money grant from the K21 Foundation. The Department of Transportation grant is in the amount of \$88,501 and will allow Baker to purchase two busses with more efficient fuel mileage. Commissioner Gunter asked about the display of advertising on the busses. Baker indicated they do have a program in place for businesses to pay for advertisement. The Commissioners agreed this was a good additional source of revenue.

July 15, 2003

MOTION: AVIS GUNTER TO: APPROVE SIGNING OF THE CAPITAL  
SECOND: BRAD JACKSON VOUCHER REQUESTING \$88,501 FROM  
AYES: 3 NAYS: 0 THE DOT FOR THE BUS PURCHASE.

**IN THE MATTER OF LAKELAND LANDFILL MOWING:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, presented information to the Commissioners concerning the mowing of the 23 acres at the Lakeland Landfill site. He noted it would cost \$14.00 per acre or \$322. This cost does not include the operator. Ladson indicated the county insurance would cover it if it was an employee doing the work but the county insurance would not cover a private contractor. This estimate did not include hand trimming. He indicated he felt it would take approximately one full day to mow the area in question. Commissioner Truex asked if the price included the tractor. Ladson indicated he believed it included both. The low bid was \$975 for three mowings. He indicated he had additional inquiries concerning the mowing after the quotes were opened. He noted using weed killer can not be done on the site. Arcadis is the company advising as to the requirements of mowing. Ladson indicated he was told they would be there watching when mowing occurs. Ladson indicated when new projects are first considered, the price is usually higher than following years, once the job has been done and the scope is better understood. Ladson was advised the claims would be paid from the contractual account in the Commissioner's budget. Truex clarified that all liability would be the contractors. County Administrator indicated the county would need a copy of the insurance.  
MOTION: BRAD JACKSON TO: APPROVE LOW BID OF \$975 FOR THE  
SECOND: AVIS GUNTER MOWING OF LAKELAND LANDFILL.  
AYES: 3 NAYS: 0

**IN THE MATTER HEALTH DEPARTMENT ORDINANCE PROHIBITING THE ACCUMULATION OF GARBAGE AND RUBBISH: CR 2003092174**

Mike Miner, County Attorney, presented information concerning an ordinance revising the original ordinance passed in 1986. This will allow the county to charge back to the property owner any costs of cleaning up sites.  
MOTION: AVIS GUNTER TO: APPROVE ORDINANCE AMENDMENT  
SECOND: BRAD JACKSON PROHIBITING THE ACCUMULATION  
AYES: 3 NAYS: 0 OF GARBAGE AND RUBBISH.

ORDINANCE 03-07-15

**AN ORDINANCE PROHIBITING THE ACCUMULATION OF GARBAGE AND RUBBISH IN KOSCIUSKO COUNTY**

BE IT ORDAINED by the Board of Commissioners of Kosciusko County, Indiana as follows:  
Section 1. Definitions: The following terms shall be defined as set forth below for the purpose of interpreting and enforcing this section:

Section 1.1 "County" means Kosciusko County, Indiana and 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 16-1.

Section 1.2 "Garbage means and includes rejected food wastes including every waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attends the preparations, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables, but specifically excludes livestock waste.

Section 1.3 "Health Officer" means the Kosciusko County Health Officer, or his or her authorized representative.

Section 1.4 "persons" means but is not limited to, any individual, partnership, co-partnership, firm, company corporation, association, joint-stock company, trust, estate, or municipality or his, her or its legal representative or agent.

Section 1.5 "Rubbish" means and includes ashes, cans, metalware, broken glass crockery, sweepings, boxes, furniture, appliances, cardboard, paper cartons, containers or litter of any kind, and all similar matter.

Section 1.6 "Sanitary fill" means the placement of garbage and rubbish in an especially prepared trench or its equivalent with that material being thoroughly compacted and covered with at least two (2) feet of compacted fresh earth.

Section 1.7 "Vector" means any living animal capable of harboring and transmitting microorganisms from one animal to another animal or human, specifically including in said definition rats, mice, rodents, mosquitoes, and flies.

July 15, 2003

SECTION 2. Regulation: It shall be unlawful for any person to cause, or allow to be caused, an accumulation or scattering of garbage or rubbish upon his or her property within the County. Any such accumulation or scattering of garbage or trash is, and hereby declared to be, a public health nuisance.

Section 2.1 This ordinance shall not be construed to prohibit the accumulation of garbage or refuse prior to disposal.

Section 2.2 All garbage and receptacles for the collection of garbage shall be kept enclosed, inaccessible to vectors and shall be removed from the premises before putrification sets in.

Section 2.3 If so ordered by the Health Officer, the garbage and rubbish may be covered at the site with sanitary fill. Otherwise, all garbage and rubbish must be hauled to a sanitary landfill in accordance with Indiana Code 13-20.

SECTION 3. Enforcement: The Kosciusko County Health Officer shall enforce this ordinance.

SECTION 4. Powers of inspection: The Health Officer shall 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 County Health Officer shall, upon request, produce and display proper credentials and identification.

SECTION 5. Notices: The County Health Officer shall serve any person found to be violating any provisions of this ordinance with a written order stating the nature of the violation and providing a time limit for its satisfactory correction. In no less than five days upon the failure of the property owner to abate said nuisance, the Health Officer may enter upon said premises and abate the same, the costs of which shall be assessed against the owner of said property, and if not paid within 30 days after notification thereof the Health Department may impose a lien upon such property for such expense and shall place the same upon the tax duplicate in the office of the Treasurer of Kosciusko County, Indiana for collection as provided by law.

SECTION 6. Penalties: Any person who violates any provision of this ordinance shall be deemed to have committed an ordinance violation and, upon conviction, shall be fined not more than One Hundred Dollars (\$100.00) for the first violation and not more than Two Hundred Dollars (\$200.00) 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 Section 5 of this ordinance for abating unsanitary conditions and completing improvements as ordered by the Health Officer constitutes a separate violation.

Section 6.1 Any person violating any provision of this ordinance shall be liable to the County for any expenses, including attorney fees, loss, or damage suffered by the County due to that violation.

Section 6.2 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.

SECTION 7. Severability: 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.

Adopted 7-15-2003 Board of Commissioners of the County of Kosciusko

**IN THE MATTER OF JTAC STEERING COMMITTEE APPOINTMENT:**

County Administrator Ron Robinson presented information concerning the creation of the JTAC Committee to address the computer program to be used state wide for the County Clerks and Courts. Robinson indicated the Committee is chaired by Judge Rex Reed and includes the Clerk, a Court Secretary, a Probation Department representative, a representative of the Prosecutor's Office and the Computer Systems Administrator. Robinson has set on these meetings as the Commissioner's representative. He indicated this will be a savings to the county because the relationship with Manatron will be terminated. The savings within three years will more than pay for the charges related. The Commissioners agreed with the appointments as presented by consensus.

July 15, 2003

**IN THE MATTER OF AN APPOINTMENT TO THE PIERCETON COMMON WAGE COMMITTEE FOR THEIR SEWER CONSTRUCTION PROJECT:**

County Administrator Ron Robinson presented a request from the Pierceton Town Board for a Commissioner's appointment to the Common Construction Wage Committee for the Pierceton Sewer Project. Pierceton requested the appointment of Jerry Kreger who is on their Town Board.

MOTION: BRAD JACKSON TO: APPROVE THE APPOINTMENT OF JERRY KREGER  
SECOND: AVIS GUNTER TO THE PIERCETON COMMON CONSTRUCTION WAGE  
AYES: 3 NAYS: 0 COMMITTEE FOR THEIR SEWER PROJECT.

**IN THE MATTER OF JUSTICE BUILDING REPORT:**

County Administrator Ron Robinson indicated the sidewalk ice melt system at the Justice Building has been repaired, the doors have been fixed, the air conditioning, electronic doors and other items are still being addressed.

**IN THE MATTER OF TREES ON COURTHOUSE LAWN:**

County Administrator Ron Robinson indicated some trees were damaged by the storms and that another tree on the Courthouse lawn has died. They were trees planted in memory of former Commissioners. The family responsible for the original planting of one tree has been contacted and they are willing to replace the tree. Robinson will contact the other family with the Commissioner's approval for tree replacement. The Commissioners agreed with the replanting of the trees.

**IN THE MATTER OF THE PURCHASE OF A SMALL SHED FOR SAND BAGS TO BE PLACED AT THE COUNTY HIGHWAY:**

County Administrator Ron Robinson requested permission to purchase a small shed for sandbags with the building to be located at the County Highway. He indicated the price is \$1,200, equal to the current annual rent. Rob Ladson, County Highway Engineer, is also looking for a shed for the County Highway. Robinson and Ladson will work together to secure the best deal for the county.

**IN THE MATTER OF PLACEMENT OF UNITED WAY SIGN ON COURTHOUSE LAWN:**

County Auditor Sue Ann Mitchell presented a request by the Kosciusko County United Way to display a sign on the Courthouse lawn from September 5<sup>th</sup> to November 21<sup>st</sup> noting their collections. The Commissioners agreed with the placement.

**IN THE MATTER OF ENDORSEMENT OF GRANT REQUEST FOR INDIANA HOUSING FINANCE AUTHORITY:**

County Auditor Sue Ann Mitchell indicated requests were received from both Pathfinders of Huntington and Combined Community Services to request funding for similar programs for the county. Mitchell will research the issue and handle appropriately.

**IN THE MATTER OF BRENT AND NANCY STEWART VACATION IN PLAIN TOWNSHIP:**

Area Plan Commission Assistant Director Matt Sandy presented information concerning the request for vacation of land lying within the real estate commonly know as 56 EMS C3 LN, Warsaw, Indiana in Rummels Haven on Chapman Lake. He indicated there was no opposition from emergency service providers. This is not a county maintained tract. Brent Stewart presented documentation of proof of publication and additional paper work related to the vacation. There were no remonstrators present. The Area Plan indicated there was no adverse effect on vacating.

MOTION: AVIS GUNTER TO: APPROVE THE VACATION OF THE TRACT OF  
SECOND: BRAD JACKSON GROUND LYING WITHIN THE REAL ESTATE  
AYES: 3 NAYS: 0 COMMONLY KNOW AS 56 EMS C3 LN, WARSAW, IN.

July 15, 2003

*Record # 200400003689*

ORDINANCE NO 03-07-15 001V  
AN ORDINANCE OF THE KOSCIUSKO COMMISSIONERS S  
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 Warsaw Times-Union newspaper in general circulation and published in the English language in Kosciusko County, Indiana, giving notice of the filing of the verified Petition to Vacate a Public Way and give notice that said petition would be heard by the Kosciusko County Commissioners on the 15<sup>th</sup> day of July, 2003 at 10AM 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 or before the 2<sup>nd</sup> day of July, 2003, which notice was 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 contiguous, nor will this result in the creation of an difficulty or inconvenience to the access of any lands by means of 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 contiguous, and there does not appear to be any public utilities located within the public way for which the vacation is sought.

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

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

A tract of land 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 24, Township 33 North, Range 6 East, Kosciusko County, Indiana.  
Beginning at a point located at the Southeast corner of Lot number 5 in the Third Addition to Rummels Haven on Chapman Lake, said point also being the point of beginning (POB); thence North on and along the East line of Lot number 5, said line also being the west line of a Private Easement as platted in the Third Addition to Rummels Haven on Chapman Lake, a distance of 27.7 feet(more or less) to a point, said point also being the Southwest corner of Lot number 6 in the Third Addition to Rummels Haven on Chapman Lake; thence East on and along the South line of Lot number 6, said line also being the North line of a Private Easement as platted in the Third Addition to Rummels Haven on Chapman Lake, a distance of 20 feet(more or less) to a point; thence South on and along the westerly line of Lot number 6, said line also being the East line of a Private Easement as platted in the Third addition to Rummels Haven on Chapman Lake, a distance of 27.7 feet(more or less) to a point; thence West a distance of 20 feet(more or less) to a point, said point being the Southeast corner of Lot number 5 in the Third Addition to Rummels Haven on Chapman Lake, said pint also being the point of beginning, described tract containing 554 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, IN.

And which public way lies within the lot identified by Key Number 029-095-005.C.  
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)

July 15, 2003

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 15<sup>th</sup> day of July, 2003.

**IN THE MATTER OF REQUEST FOR ENFORCEMENT OF SHELF DRIVE RIGHT  
OF WAY IN VANATOR BLUFF PARK:**


Steve Snyder, attorney representing property owner John Hidy, indicated he had appeared before the Commissioners previously to request Shelf Drive be vacated on behalf of his client. The vacation was denied because of numerous remonstrators indicating the drive is needed to access wells and septic. Now Hidy need to have his septic system reworked, but can not get the necessary equipment to the area because of sheds, gazebos, steps and other items placed on the right of way. He was required to move his shed and gazebo since the vacation was not granted. The east end of Shelf Drive has been vacated, but the west end is still open at "Bass Street".


Snyder indicated this is a public right of way not private. Commissioner Jackson asked if there was a way to get to the area from Sullivan Road. Snyder indicated it could not be accessed from Sullivan Drive. Snyder asked the Commissioner to send a letter requesting all structures be removed promptly so his client can don the necessary septic work required. Snyder indicated the septic system is being pumped every three days to keep the house from being condemned.

County Attorney Mike Miner indicated the Commissioners are not required to act. He stated it would be appropriate to contact the property owners who have items placed in the right of way requesting the removal of those items. Snyder indicated his client has no authority to file suit unless the Commissioners specifically state they are not willing to do so. At that point his client could go to the courts for a remedy. Matt Sandy indicated the Area Plan Commission has been trying to address Shelf Drive, but the problem is that it is not specifically described on the plat. Snyder indicated several surveys are available of properties in the area. Snyder indicated there are about a half dozen surveys in the area. Sandy indicated a legal survey is needed. Snyder indicated that if the issue goes to court the Judge would set where the drive is located. Snyder indicated sending letters to each property owner and requesting they provide surveys to prove they have nothing setting on Shelf Drive. The Commissioners agreed that the County Attorney should direct letters to the property owners requesting they comply with the right of way. Snyder will provide Mike Miner with a list of property owners in the area.

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

  
RONALD TRUEX, PRESIDENT

  
AVIS B. GUNTER, MEMBER

  
BRAD JACKSON, MEMBER

ATTEST   
SUE ANN MITCHELL, AUDITOR



## KOSCIUSKO COUNTY COMMISSIONERS

### JULY 29, 2003

The Kosciusko County Commissioners met for their regular meeting on June 29, 2003 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 West Center St., Warsaw, IN. Those present were:

RON TRUEX, PRESIDENT  
AVIS B. GUNTER  
BRAD JACKSON

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

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

#### IN THE MATTER OF FALSE ALARM ORDINANCE:

Aaron Rovenstine, Kosciusko County Sheriff, provided a copy of the proposed false alarm ordinance to the Commissioners for their consideration. The City of Warsaw is interested in enacting the same ordinance. The first year fine would be \$25 with a possible progressive increase in fines for continued false alarms. Rovenstine requested the ordinance be considered at the next meeting.

#### IN THE MATTER OF LAND OWNED BY COMMISSIONERS:

Attorney Max Reed, representing Jeff Services, indicated a strip of land, 157' x 3' at 1809 Bayview Dr. owned by the Commissioners, but maintained by the home owners for over 20 years. It was discovered from a recent survey that the land actually belongs to the County. The land was appraised by Paul Reith at \$400. If the County should see fit to sell the land to Services, he is willing to pay the \$400. Mike Miner, Kosciusko County Attorney, stated the only way for the homeowners to achieve ownership is buying it from the County. It would be more costly to finalize and transfer the strip of land instead of just leaving it as it has been for the last 20 years. It is the Commissioners intent not to maintain the strip of land and the homeowners are okay with maintaining it and using it. The Commissioners determined that no action would be taken.

MOTION: AVIS GUNTER TO: APPROVE LEAVING LAND THE WAY  
SECOND: BRAD JACKSON IT HAS BEEN FOR THE LAST 20  
AYES: 3 NAYS: 0 YEARS.

#### IN THE MATTER OF MAINTENANCE ON 350 NORTH:

Dennis Pletcher, Kosciusko County Highway Department, stated 350 North is closed per a prior determination by the County Commissioners. Pletcher would like clarification regarding maintenance of that gravel road while it is closed. People are moving the barricades and signs to travel the road. The Commissioners advised a more permanent sign is needed to indicate the road is closed. It was noted by the Commissioners that people who travel the roadway will be traveling at there own risk. The Commissioners instructed Pletcher that no further maintenance is to be done on 350 North until they give further notice.

#### IN THE MATTER OF RECOVERING FURNITURE FOR THE JUSTICE BUILDING:

Ron Robinson, Kosciusko County Administrator, asked permission from the Commissioners to recover chair cushions at a cost of \$4,300 for furniture for the Justice Building. Robinson determined it was cheaper to recover the cushions than to purchase new since they were in structurally good sharp. Commissioners approved the expenditure.

#### IN THE MATTER OF FEMA AND COUNTY DAMAGE:

Ron Robinson, Kosciusko County Administrator, reported for Edward Rock, Kosciusko County Emergency Management Director, that FEMA was here last week to assess the storm damage. Initially Rock had identified \$268,000, but FEMA cut out some things and the amount was adjusted to \$211,000. The County needed \$201,552 in order to qualify for receiving money. FEMA has sent our information to the Governor, the Governor will take it to the President, if the President approves, the money will be sent to the various jurisdictions making application within the county.

**IN THE MATTER OF HIGHWAY GARAGE STRUCK BY LIGHTENING:**

Ron Robinson, Kosciusko County Administrator, reported the County Highway Garage was struck by lightning effecting the radio and computer systems. A further inventory of damage is still being done.

**IN THE MATTER OF GRANT ENDORSEMENTS:**

Sue Ann Mitchell, Kosciusko County Auditor, presented two letters of support for grants for homeownership counseling for the Commissioner's signatures. Mitchell explained there were two because Pathfinders of Huntington and Combined Community Services of Warsaw are requesting funding for the same type of grant. If both are approved by the granting body, the county will receive a greater amount to help local residents.

**IN THE MATTER OF OPERATION PULL-OVER:**

Sue Ann Mitchell, Kosciusko County Auditor, presented a grant request for operation pullover. Mitchell explained that the Click It or Tick It and the City and County Traffic Grant have been combined. This grant has been received by the county for several years and requires the Commissioner's signature for approval. The Commissioners approved the grant.

**IN THE MATTER OF UMBAUGH CONTRACT:**

Sue Ann Mitchell, Kosciusko County Auditor, stated the Umbaugh contract was supposed to have been received yesterday, but it never came. Because of reassessment, TIF growth must be neutralized so a windfall doesn't happen. All paperwork has been completed and sent to Umbaugh. The contract will probably arrive later today. Mitchell requested approval for when she receives the contract. The Commissioners approved the contract.

**IN THE MATTER OF MORTGAGE BOND:**

Sue Ann Mitchell, Kosciusko County Auditor, informed the Commissioners H.J. Umbaugh has provided the mortgage bond report. She indicated this report lists many facts concerning not only the county finances, but debt for the entire county. Mitchell provided each Commissioner with a copy of the report.

**IN THE MATTER OF 5<sup>th</sup> 3<sup>rd</sup> BANK AUTHORIZATION TO ACT AS THE TRUSTEE FOR THE JUSTICE BUILDING CORPORATION:**

Sue Ann Mitchell, Kosciusko County Auditor, presented a document to the Commissioners for signing to authorize 5<sup>th</sup>/3<sup>rd</sup> Bank to remain as trustee for the Kosciusko County Justice Building Corporation First Mortgage Bonds, Series 2000. With this authorization, 5<sup>th</sup>/3<sup>rd</sup> Bank will semi-annually pay administrative fees from the Operation and Reserve Fund without further direction until said bonds have been paid in full or until such authorization has been revoked in writing and delivered to the Trustee. The Commissioners agreed to the authorization.

**IN THE MATTER OF OPENING OF DEICING SALT BIDS:**

Mike Miner, Kosciusko County Attorney, read the three salt bids received. Bids were based on the estimated purchase of 4040 tons of street deicing salt to be used by Kosciusko County Highway and Warsaw Street Department.

- Anderson Morton Salt..... \$36.43/ton ..... Fixed
- Cargill Deicing Technology..... \$38.88/ton ..... Fixed
- North American Salt Co..... \$40.93/ton ..... Fixed

Warsaw City Street Department representative Lacy Francis and County Highway Superintendent /Engineer Rob Ladson will review the bids. Ladson will make a recommendation at the next Commissioners meeting in two weeks.

July 29, 2003

Page 3 of 9

**IN THE MATTER OF RICHARD & MARY JO VALENTINE VACATION IN THE TOWN OF WOOSTER:** *CR 2003 090809*

Matt Sandy, Kosciusko County Area Plan Assistant Director, presented information on the vacation of an un-opened right-of-way in Wooster requested by Richard and Mary Jo Valentine. Sandy indicated Fire, EMS, etc. were contacted with no opposition. The area in question is not county maintained. Area Plan recommends allowing the vacation. Attorney Rick Helm spoke on behalf of the Valentines. He indicated the Valentines will receive half of the area to be vacated and the adjoining property owner will receive half of the area to be vacated. There was no one present to speak in opposition of the vacation.

MOTION: AVIS GUNTER TO: APPROVE VACATION OF RIGHT-OF-  
SECOND: BRAD JACKSON WAY IN THE TOWN OF WOOSTER AS  
AYES: 3 NAYS: 0 PRESENTED.

AN ORDINANCE VACATING RIGHT-OF-WAY ADJACENT  
TO LOT 7 IN BLOCK 5 AND LOT 2 IN BLOCK 8,  
ALL IN THE TOWN OF WOOSTER, KOSCIUSKO COUNTY, INDIANA

**ORDINANCE NUMBER 03-07-29-001V** *Read 12003090809*

WHEREAS, Richard and Mary Jo Valentine have filed a petition to vacate undeveloped public right-of-way; and WHEREAS, the petition to vacate the right-of-way and notice thereof, and notice of the hearing to be held on July 29, 2003, were properly published in the *Warsaw Times-Union* and the *Milford Mail Journal*; and

WHEREAS, on July 29, 2003, the Petitioners have appeared, presented their Petition to vacate right-of-way and presented exhibits and factual information regarding same; and

WHEREAS, there were no remonstrances or objections by persons aggrieved (as defined by statute) 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, nor does the vacation hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous; and,

WHEREAS, it is proper and appropriate that said undeveloped right-of-way 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 right-of-way should not be vacated and it is further found that said right-of-way should, THEREFORE, be vacated.
2. That the following described real estate situated in Kosciusko County in the State of Indiana, namely:

All of the platted roadway denominated "Center Street" in the Town of Wooster lying between Lot 7 in Block 5 and Lot 2 in Block 8, in the Town of Wooster, according to the recorded plat; this is more specifically described as that portion of the platted but unused Center Street beginning at the Southwest corner of Lot 7 in Block 5; then Southerly in a straight line to the Northwest corner of Lot 2 in Block 8; then along the North line of said Lot 2 to its Northeast corner; then Northerly to the Southeast corner of Lot 7 in Block 5; then along the South line of said Lot 7 to the point of beginning, should be and they are now hereby vacated. Done this 29<sup>th</sup> day of July 2003

**IN THE MATTER OF URSCHEL VACATION REQUEST IN PFEIFFER-VEACH ADDITION IN TIPECANOE TOWNSHIP:** *CR 2003 090805*

Matt Sandy, Kosciusko County Area Plan Assistant Director, presented information concerning a vacation request by Susan Urschel for a plated alley between 26 & 23, 25 & 22 in Pfeiffer Veach Addition in Tippecanoe Township. The owners would like to consolidate the lots into one for construction purposes. Fire, EMS, etc. were contacted with no objections. Attorney Rick Helm represented Urschel. No one present in opposition. Area Plan recommends allowing the vacation.

MOTION: AVIS GUNTER TO: APPROVE VACATION OF PLATED  
SECOND: BRAD JACKSON ALLEY IN PFEIFFER VEACH ADDITION  
AYES: 3 NAYS: 0 AS PRESENTED.

July 29, 2003

Page 4 of 9

AN ORDINANCE VACATING RIGHT-OF-WAY ADJACENT  
TO LOTS 22, 23, 25 AND 26 PREIFFER-VEACH ADDITION,  
KOSCIUSKO COUNTY, INDIANA  
**ORDINANCE NUMBER 03-07-29-002V**

WHEREAS, Susan A. Urschel has filed a petition to vacate undeveloped public right-of-way; and

WHEREAS, the petition to vacate the right-of-way and notice thereof, and notice of the hearing to be held on July 29, 2003, were properly published in the *Warsaw Times-Union* and the *Milford Mail Journal*; and

WHEREAS, on July 29, 2003, the Petitioner has appeared, presented her Petition to vacate right-of-way and presented exhibits and factual information regarding same; and

WHEREAS, there were no remonstrances or objections by persons aggrieved (as defined by statute) 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, nor does the vacation hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous; and,

WHEREAS, it is proper and appropriate that said undeveloped right-of-way 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 right-of-way should not be vacated and it is further found that said right-of-way should, THEREFORE, be vacated.
2. That the following described real estate situated in Kosciusko County in the State of Indiana, namely:

An undeveloped and unused "alley" platted between Lot 22 and 23 on the South and Lot 25 and 26 on the North of this strip, all in Pfeiffer-Veach Addition, on Sawmill Lake, in Tippecanoe Township as recorded in the Office of the Recorder of Kosciusko County. The strip is more particularly described and bounded as follows: Within Pfeiffer-Veach Addition and beginning at the Southwest corner of Lot 25; then Easterly along the South line of Lot 25 and 26 to the Southeast corner of Lot 26; then Southerly to the Northeast corner of Lot 23; then Westerly along the North line of Lot 23 and Lot 22 to the Northwest corner of Lot 22; then in a straight line Northwesterly to the point of beginning, constituting a platted "alley" shown as five feet in width on the original plat,

should be and they are now hereby vacated.

Done this 29<sup>th</sup> day of July 2003.

**IN THE MATTER OF DOUG HOFFERT REZONING FROM AGRICULTURAL TO RESIDENTIAL IN TIPPECANOE TOWNSHIP:** *CR 2003090814*

Dan Richard, Kosciusko County Area Plan Director, presented information concerning a request from Doug Hoffert for the rezoning of a tract of land located in Tippecanoe Township to go from agricultural to residential. There were serious questions regarding wetlands, elevation, flood zone, and soil. Richard indicated Hoffert did an excellent job in providing valuable information to Area Plan and the Planning Commission making their decision easier. Hoffert worked with the DNR and the Army Corp of Engineers. The Area Plan Commission recommendation was to rezone. No one spoke in opposition.

MOTION: AVIS GUNTER

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

TO: APPROVE REZONING OF HOFFERT  
LAND FROM AGRICULTURAL TO  
RESIDENTIAL.

**ORDINANCE NO. 03-07-29-001Z**  
**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 East Fractional Half of the Southwest Quarter of Section 20, Township 33 North, Range 7 East, Kosciusko County, Indiana more particularly described as follows, to wit:

Beginning at an iron pin at the Northwest corner of Lot Number 18 in the Plat of the First Addition to Lookout Point Revised Subdivision; thence North 6 degrees 56 minutes East (Plat Bearing), on and along the Easterly right-of-way line of Robert Lewis Drive a distance of 41.38 feet (platted 41.49 feet) to an iron pipe found; thence North 32 degrees 5 minutes West, on and along said Easterly right-of-way lines, a distance of 9.97 feet to an iron pin; thence South 77 degrees 22 minutes East, a distance of 182.48 feet to an iron pin; thence South 71 degrees 35 minutes East, a distance of 257.6 feet to an iron pin; thence South 21 degrees 38 minutes West, a distance of 200 feet to a point on the waters edge of Irish Lake; thence North 75 degrees 7 minutes West, on and along said waters edge, a distance of approximately 186 feet to a point; thence North 14 degrees East, continuing on and along said waters edge, a distance of approximately 152 feet to a point; thence North 71 degrees 35 minutes West, on and along the same waters edge 50 feet to an iron pin; thence South 20 degrees 12 minutes West on and along the same waters edge 30.52 feet to an iron pipe found at the Northeast corner of said Lot Number 18; thence North 63 degrees 29 minutes West, on and along the North line of said Lot Number 18, a distance of 124.54 feet to an iron pin; thence North 74 degrees 56 minutes West, on and along a North line of Lot Number 18, a distance of 39.86 feet to the point of beginning, containing 1.23 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 29<sup>th</sup> day of July 2003.

**IN THE MATTER OF THE LMA MILLER REZONING AGRICULTURAL TO**  
**RESIDENTIAL:** *CR 2003090815*

Dan Richard, Kosciusko County Area Plan Director, presented information on rezoning of a tract of land located in Lake Township to go from agricultural to residential. The Town of Silver Lake has indicated they will be able to provide utilities. The tract of land is 19 acres which includes four separate parcels. No one spoke in opposition to the rezoning. Richard reported there was a unanimous recommendation by the Planning Commission to allow rezoning.

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

TO:        APPROVE REZONING OF MILLER  
          PROPERTY IN LAKE TOWNSHIP FROM  
          AGRICULTURAL TO RESIDENTIAL.

**ORDINANCE NO. 03-07-29-002Z**

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:

Partition lots numbered seven (7) and eight (8) situate in the Northeast Quarter of the Northwest Quarter of Section 8, Township 30 North, Range 6 East (which partition lots originated in a partition case had at the April term, 1872, of the Circuit Court of Kosciusko County, Indiana, in a cause of action entitled: "Mary J. Rantz and Charles E. Rantz vs. Welcome B. Herendeen, et al"), excepting therefrom 522 ½ feet off the North end of said partition lots which has been platted as Fairview Addition to the Town of Silver Lake. Lake No. 336-Key No. 35-66-10-No Ditches-F76-737-C.

An undivided one-half (½) interest as tenant-in-common in: Commencing 54 feet due East from the Northwest corner of Lot Number 79 in Sell's Addition to the Town of Silver Lake; thence South 8 rods; thence East 63 feet, more or less, to Harrison Street; thence North 8 rods; thence West to the place of beginning.

Subject to any possible assessments levied by the Town of Silver Lake. Silver Lake No. 136-Key No. 18-66-37-No Ditches-F76-736-C.

Also: partition lots numbered Seven (7) and Eight (8) situate in the Northeast Quarter of the Northwest Quarter of Section 8, Township 30 North, Range 6 East (which partition lots originated in a partition case had at the April term, 1872, of the Circuit Court of Kosciusko County, Indiana, in a cause of action entitled Mary J. Rantz and Charles E. Rantz vs. Welcome B. Herendeen, et al"). Excepting therefrom 522 ½ off the North end of said partition lots which has been platted as Fairview Addition to the Town of Silver Lake. Lake No. 335-Key No. 35-66-10-No Ditches-F76-737-C.

Also: 38 rods by parallel lines off the South ends of partition lots numbered Nine (9) and ten (10) in the Northeast Quarter of the Northwest Quarter of Section 8, Township 30 North, Range 6 East (which partition lots originated in a partition case had at the April term, 1872, of the Circuit Court of Kosciusko County, Indiana, in a cause of action entitled "Mary J. Rantz and Charles E. Rantz vs. Welcome B. Herendeen, et al").

Lake No. 336-Key No. 35-66-8-No Ditches-F76-737-C.

Also: commencing 31 rods and ¾ feet South of the Northeast corner of the West half of the Northwest Quarter of Section 8, Township 30 North, Range 6 East; thence South 63 rods and 22 links; thence West 25 rods and 1 link; thence North 63 rods and 22 links; thence East 25 rods and 1 link to the place of beginning.





July 29, 2003

Page 8 of 9

Beginning at a railroad spike set on the Southwest corner of the aforesaid West one-half, thence East along the south line of said section 480 feet to the point of beginning of this zoning description; thence continuing East along the same south line 350 feet to a point; thence North 200 feet to a point; thence West 350 feet to a point; thence South 200 feet back to the point of beginning. Containing approximately 1.607 acres,

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 29<sup>th</sup> day of July 2003.

#### IN THE MATTER OF ROOKSTOOL REZONING REQUEST FOR FROM AGRICULTURAL TO RESIDENTIAL IN TIPECANOE TOWNSHIP: 022003090817

Dan Richard, Kosciusko County Area Plan Director, presented information on a requested rezoning of a tract of land in Tiptecanoe Township from Agricultural to Residential. The tract of land is located at the intersection of SR 13 & Armstrong Rd. for a total of 20 acres. No one present spoke in opposition to the rezoning. Richard reported a unanimous recommendation by the Planning Commission to allow rezoning.

MOTION: AVIS GUNTER TO: APPROVE REZONING FROM  
SECOND: BRAD JACKSON AGRICULTURAL TO RESIDENTIAL.  
AYES: 3 NAYS: 0

#### ORDINANCE NO. 03-07-29-004Z

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 half of the Southeast Quarter of the Northeast Quarter of Section 22,  
Township 33 North, Range 7 East, Kosciusko County, Indiana containing 20  
acres 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.

July 29, 2003

Page 9 of 9

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 29<sup>th</sup> day of July 2003.

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

  
RONALD TRUEX, PRESIDENT

  
AVIS GUNTER, MEMBER

  
BRAD JACKSON, MEMBER

ATTEST:   
SUE ANN MITCHELL, AUDITOR

## KOSCIUSKO COUNTY COMMISSIONERS

### AUGUST 12, 2003

The Kosciusko County Commissioners met for their regular meeting on August 12, 2003 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 West Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT

AVIS B. GUNTER

BRAD JACKSON

SUE ANN MITCHELL, COUNTY AUDITOR

RON ROBINSON, COUNTY ADMINISTRATOR

MIKE MINER, COUNTY ATTORNEY

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

#### IN THE MATTER OF MONEY FROM FEMA FOR DISASTER RELIEF:

Edward Rock, Emergency Management Director, stated the President has approved the distribution of FEMA disaster money for Kosciusko County. Each jurisdiction will be receiving their allotted amount of \$211,000.

#### IN THE MATTER OF FALSE ALARM ORDINANCE APPROVAL:

Aaron Rovenstine, Kosciusko County Sheriff, stated he would like to vote at the next meeting on the false alarm ordinance. There are still some issues he would like to address with the ordinance.

#### IN THE MATTER OF MAILER FOR CLERK'S OFFICE:

Sharon Christner, Kosciusko County Clerk, stated ISETS will no longer be providing maintenance for the dot matrix check printer. A new mailer and equipment to process them is needed for printing, signing, packaging and sealing the checks. Christner received a quote from

August 12, 2003

Page 2 of 5

On Line Prices – Hiram J. Hash & Sons, Inc. They offered three packages to choose from for the printing and processing of checks. Christner recommended package 3 at a cost of \$3,395 including the following:

1. Wycom Cn-2000 Elite with *MCCR license* plus formatting for self mailers.
2. Programming to condense the current format to self-mailers.
3. Signature Signer for laser.
4. Installation and training with 90 day warranty.

In addition, Christner advised she would be required to purchase new equipment to fold and seal the self mailers. She recommended Formax 2052P with conveyor and stand for \$10,705.50 from Hiram J. Hash & sons, Inc. The total purchase price would be \$14,100.50. Christner offered to pay for the new equipment from her support incentive account.

MOTION: BRAD JACKSON  
SECOND: AVIS GUNTER

TO:

APPROVE PURCHASE OF NECESSARY  
EQUIPMENT FOR CLERK'S OFFICE  
FOR SELF MAILERS TO BE PAID FROM  
CLERK'S INCENTIVE FUNDS.

AYES: 3 NAYS: 0

#### **IN THE MATTER OF KABS GRANT FOR 2004:**

Rita Baker, KABS, presented a copy of the grant to the Commissioners for their approval and signing. Mike Miner, Kosciusko County Attorney, has reviewed. KABS will receive \$250,000 from the Federal Government and \$94,000 from the State. Baker reported that the Federal grant is being reduced from \$280,000 but she has made cuts to accommodate the reduced funding. KABS is providing transportation for many children to and from school or the babysitters. There is a limit as to the number of people they can serve.

MOTION: AVIS GUNTER

TO:

APPROVE KABS GRANT FOR 2004.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

#### **IN THE MATTER OF COUNTY WEBSITE:**

Matt Sandy, Area Plan Assistant Director, is helping to produce the County's website. Sandy showed the Commissioners the website and stated every office has information on the site. Sandy indicated it is work in progress and information will continue to be added and updated. Sandy asked for feedback from the Commissioners as well as the public. The web site can be found on the internet at: [www.kcgov.com](http://www.kcgov.com).

#### **IN THE MATTER OF AWARD OF SALT PURCHASE BID:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, recommended accepting the lowest and most responsive bid of Morton Salt at \$36.43 per ton contingent upon the approval of Warsaw City. The City meets August 22, 2003. Ladson indicated he believed the rate was about the same as what it would have been had the county solicited bids by themselves without the increase in amount of salt to be bid. He indicated last year the county paid \$33.29 per ton based on the extension of the contract price that was in place which was extremely low. Later in the year Ladson ordered additional salt after the expiration of the original agreement and paid \$39.65 per ton.

MOTION: BRAD JACKSON

TO:

APPROVE AWARDING OF BID

SECOND: AVIS GUNTER

PENDING THE APPROVAL OF

AYES: 3 NAYS: 0

WARSAW CITY.

#### **IN THE MATTER OF ELLILLY ROAD FINAL ALIGNMENT DETAILS:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, introduced Phil Beer, USI, to discuss final alignment details of Eli Lilly Road. Beer presented information based on the request for a change at the western end of the project. The western end curve changed to a 1,200 feet flat radius; originally, it was to be only 950 feet radius curves. Additional property has been purchased to accomplish the change. Everything else is the same as first submitted. Turkey Creek Regional Sewer District has been contacted and the necessary accommodations have been made for their lift stations. Phend & Brown are the contractors on the job that will be clearing the right of way and will not be resurfacing until later. Beer indicated traffic will be required to drive on the binder surface for some time. Resurfacing will go all the way to Warner Road to the West, 1 ½" of surfacing over 2" of binder. Clearing has begun on Mr. Nicholas property.

Stationing goes from West to East, when the curve was changed, the road needs to be restaked. Paving is expected to begin in October. Final surfacing will be done next spring. Beer indicated that by May of 2004 the road should be ready for traffic pending weather issues. If it is not

August 12, 2003

Page 3 of 5

complete, the existing road will be left in place until fall so as not to disrupt traffic. President Truex made it clear the work time was from Labor Day to Memorial Day not from Memorial Day to Labor Day. Beer agreed that they and Mr. Nicholas understood that issue. Ladson expressed concern about the further extension west requiring a vacation hearing. Truex reminded that the right of way vacation is not finally approved until the project is completed. He asked if once they tied in could they go ahead and remove pavement. President Truex clarified that the original motion was that upon completion of the project to Ladson's satisfaction, the roadway would be vacated. He was concerned that pavement would be removed from a stretch in advance of the vacation being finally approved. The right of way would still exist, but the pavement would be gone. The homeowners want assurance that the pavement would be removed because they do not want two roads on their property. There will also be an additional area to be vacated with the change in layout. It was noted that additional areas will need to be vacated because of the changes, but the Commissioners agreed the pavement could be removed. Beer indicated utilities are located on the north side of the road and will be buried as much as possible. NIPSCO will be running two facilities at once to get all the connection made. An electric switchover will occur with no interruptions of service. Nipsco will start tearing down the old one as soon as the new one is in place and running.

Ladson indicated the new portion of roadway includes plans for a bike path. Ladson has been asked about widening the old portion to accommodate a bike path. This can be done by widening and striping. Ladson favors bike paths but not right next to vehicle traveled areas. Beer indicated Nicholas was willing to pay for the extension of the bike path to Warner road at a cost of about \$35-40,000. Placing curbing to define the bike path was discussed. Beer indicated curbing creates drainage issues. Ladson favored running the bike path parallel to the railroad right of way, not on county road right of way.

Beer stated the project from where they are tying in will transition from a rolled curb section per county standards then an eight foot pedestrian path through the Tobias property to Nicholas property where it will transition out another 10 feet from the pavement which will be an even larger buffer. That will tie back in at the curb line of Bishop Rd. The Syracuse Parks Department is looking at the bike path. They approached Beer asking if the bike path could be run along with the roadway. Beer indicated it can be done, but it would not meet bike path standards. It would be only a four foot paved shoulder. Bike path standards indicate there should be bike paths on both sides of the roadway so they can run with the traffic. Beer indicated there could be a five foot usable shoulder. Jackson asked if the roadway could not just be made wider with no designated bike path. Beer indicated striping edge of pavement would create less legal issues. Ladson state he could not recommend that because he felt if it look like a bike path, was used like a bike path, it would be considered a bike path for liability purposes. He felt having the bike path at a different grade was a safer option. President Truex asked how wide the roads are without bike paths. Ladson indicated county roads are 20' wide with 10' lanes. The new subdivision requirements are for 22' roads with 11' lanes. Truex asked if there was room for 11' lanes in this area back to Warner Road. Beer indicated he believed that is what is in place currently. Truex encouraged making a lane as wide as possible to increase safety regardless of what the additional pavement is called. Beer noted widening the roadway may cause additional issues for digging and providing footers, base and binder plus surfacing. He stated would be easier to make the road 24 feet wide instead of 22 feet because of extension labor. Beer will discuss with Phend and Brown.

Beer stated Mr. Nicholas is willing to pave the road wider if requested by the county. Beer has no further approval to make changes to the program. Ladson noted there were safety, striping and maintenance issues. It was decided the road would have 11-foot lanes to Warner Road.

**IN THE MATTER OF TRUSDELL AVENUE DRAINAGE EASEMENT:**

Mike Miner, Kosciusko County Attorney, requested the Commissioners approve the drainage easement drafted for storm water run off in relationship to the Trusdell Avenue.

MOTION: AVIS GUNTER

TO: APPROVE DRAINAGE EASEMENT AS

SECOND: BRAD JACKSON

PRESENTED.

AYES: 3 NAYS: 0

DRAINAGE EASEMENT

*CR 2003 090813*

Reference Deed Record 312 Page 378 *03-08-12 Eaal*

This Agreement, made this 30<sup>th</sup> day of December, 2001, between WILLIAM P JOHNSON AND TONI T. JOHNSON, husband and wife and each over the age of 18, of Elkhart County, Indiana ("Johnson") and the BOARD OF COMMISSIONERS OF KOSCIUSKO COUNTY, INDIANA ("County").

**SECTION 1  
RECITALS**

- 1.1 The following recitals are a material part of this agreement.
- 1.2 Johnson is the owner of real estate located in Kosciusko County, Indiana, and more particularly described on Exhibit "A" attached hereto ("Easement Tract").
- 1.3 County desires to acquire a drainage easement over the Easement Tract for the purpose of providing access to a storm water system outside the right-of-way of Trusdell Avenue.

**SECTION 2  
CONSIDERATION**

- 2.1 The consideration for this agreement is One and 00/100 Dollar (1.00) and other valuable consideration.

**SECTION 3  
GRANT**

- 3.1 Johnson grants to County an easement in, over, through and across the Easement Tract for the purpose of access to and maintenance of storm water drainage system located on the Easement Tract.
- 3.2 Johnson shall not construct any permanent improvements or any nature within the Easement Trace.
- 3.3 In the event of maintenance of the storm water drainage system by County, County, at the conclusion of such maintenance, shall restore the Easement Tract to its condition immediately prior to the performance of such maintenance.

**SECTION 4  
MISCELLANEOUS**

- 4.1 This agreement shall be construed in accordance with the laws of the State of Indiana and shall be enforceable with attorney's fees and without relief from valuation or appraisal laws.

IN WITNESS WHEREOF, the parties have executed this Agreement the day above

written.

William P. Johnson      Toni T. Johnson

Accepted by the Board of Commissioners of Kosciusko County, Indiana, this 12<sup>th</sup> day of December, 2003.

**EXHIBIT "A"**

A PART OF THE North West Quarter of Section 16, Township 34 North, Range 7 East, Turkey Creek Township, Kosciusko County, Indiana, being more particularly described as follows:

Commencing at an iron pipe marking the southeast corner of lot number one as the said lot is known and designated on the plat of first addition to Freeman Orchard Addition, said plat being recorded in the office of the Recorder of Kosciusko County in plat book 5, page 33; Thence on an assumed bearing of south 89 degrees 24 minutes 17 seconds east along the north right of way line of Margaret Drive, being the easterly extension of the south line of lot number one in said First Addition to Freeman Orchard Addition, a distance of 226.91 feet; thence northeasterly along the arc of a 20.00 foot radius curve to the left, concave to the northwest, a distance of 31.22 feet (chord bearing north 45 degrees 52 minutes 19 seconds east, chord distance 28.15 feet) to the point of compound curvature of a 265.00 foot radius curve to the left, concave to the southwest; thence northwesterly along the arc of said 265.00 foot radius curve, a distance of 124.82 feet (chord bearing north 12 degrees 20 minutes 41 seconds west, chord distance 123.67 feet) to the point of beginning of this easement description thence south 70 degrees 06 minutes 34 seconds west, a distance of 20.12 feet; thence north 19 degrees 53 minutes 26 seconds west, a distance of 20.00 feet; thence north 70 degrees 06 minutes 34 seconds east, a distance of 18.19 feet; thence southeasterly along the arc of a 215.00 foot radius curve to the left, concave to the northwest, a distance of 17.74 feet (chord bearing south 25 degrees 01 minutes 55 seconds east, chord distance 14.74 feet) to the point of reverse curvature of a 265.00 foot radius curve to the right, concave to the southwest; thence southeasterly along the arc of said 265.00 foot radius curve, a distance of 5.36 feet (chord bearing south 26 degrees 25 minutes 02 seconds east, chord distance 5.36 feet) to the point of beginning of this easement description containing .0087 of an acre, more or less, being subject to all easements, restrictions and public rights of way of record.

August 12, 2003

Page 5 of 5

**IN THE MATTER OF CHANGE IN COMMISSIONER'S OCTOBER 7<sup>TH</sup> MEETING  
DATE FOR ATTENDANCE AT THE AIC CONFERENCE:**

Sue Ann Mitchell, Kosciusko County Auditor, stated the October 7<sup>th</sup> Commissioners meeting falls on the same day as the AIC Conference. Mitchell asked if the Commissioners would be willing to move the Commissioners meeting scheduled for Tuesday, October 7<sup>th</sup> to Monday, Monday, October 6<sup>th</sup>. The Commissioners agreed to the change in meeting dates.

**IN THE MATTER OF LEONARD ESTEP QUESTION OF AREA PLAN COMMISSION  
ACTIONS:**

Leonard Estep, stated he leased land for the placement of a mobile home eight years ago. The Area Plan Commission determined the mobile home was placed too close to the road. Estep was required to obtain a variance because of the placement of the structure. Estep recently obtained the variance and was told he then needed to apply for the permit for the placement of the mobile home which was not previously done. He indicated there has been a mobile home located on this same location for 30 years. There is a crawl space like area for the placement of a mobile home. The last permit was issued eight years ago in 1995. The Area Plan Commission has "come back on" Estep because he owns the ground. A new mobile home was placed on the property to replace the old one. The Area Plan Commission is now telling him he needs to pay \$250 for a new permit because the old one is no good. He feels they are passing the buck onto him. Commissioner Jackson asked how the mobile home was placed without Estep's knowledge. Estep state he knew the mobile home was being placed and asked the people about a permit. Estep was told the mobile home manufacturer took care of application and permits. President Truex indicated the Commissioners will check with Area Plan Commission and get back to him.

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

  
RONALD TRUEX, PRESIDENT

  
AVIS GUNTER, MEMBER

  
BRAD JACKSON, MEMBER

ATTEST   
SUE ANN MITCHELL, AUDITOR

## KOSCIUSKO COUNTY COMMISSIONERS

### AUGUST 26, 2003

The Kosciusko County Commissioners met for their regular meeting on August 26, 2003 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT  
AVIS B. GUNTER  
BRAD JACKSON

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

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

**IN THE MATTER OF FALSE ALARM ORDINANCE:** *el 2003090812, el 2003092173*

Aaron Rovenstine, Kosciusko County Sheriff, requested approval of the False Alarm Ordinance.

The first three times would result in a warning, the fourth or more would be a \$25.00 fine.

Letters would be written when fines should apply. The ordinance would require revision to increase the fine in future years.

MOTION: BRAD JACKSON TO: APPROVE FALSE ALARM ORDINANCE  
SECOND: AVIS GUNTER AS PRESENTED.  
AYES: 3 NAYS: 0 ORDINANCE NO. 03-08-26

#### FALSE ALARMS

##### STATEMENT OF PURPOSE AND INTENT

The Kosciusko County Sheriff's Department responds to alarms installed in private residences and businesses. These alarms are designed to alert the property owners and security forces to the existence of an emergency security problem, whether it be burglary, robbery, or fire. A substantial proportion of these alarms, upon investigation, are found to be false alarms. The number of false alarms is increasing as more citizens seek greater physical security for their homes and businesses. False alarms present an increased economic burden on the Sheriff's Department and place our law enforcement forces in situations of increased danger due to the potential of traffic accidents involved in responding rapidly to the alarm, excessive response time to other calls for service when officers are involved in responding to a false alarm, reduction of crime suppression control while responding to false alarms, and danger to police officers after several responses to a location of frequent false alarms.

The Commissioners therefore find it in the best interest of the public health, safety and welfare of the County to institute a charge for response to false alarms in an amount reasonably related to the cost of the response to that false alarm.

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

#### **Section 1. Alarm Systems**

##### **A. Definitions.**

The following terms when used herein shall have the following meanings:

- (1) "Alarm system" means any mechanism, equipment or device which is designed or used for the detection of an unauthorized entry into a building, structure, facility or enclosed area for alerting others to the commission of an unlawful act or a fire within a building, structure, facility or enclosed area, or both, and which emits a sound or transmits a signal or message when activated; this definition shall include local alarm systems.
- (2) "Alarm user" means any natural person, firm, association, partnership, limited partnership, sole proprietorship or corporation, which is in control of any building, structure or facility wherein an alarm system is installed, operated or maintained.
- (3) "False alarm" means the activation of an alarm system eliciting a response by the police which is not in response to actual or threatened danger to persons or damage to property. "False alarms" also means the activation of an alarm system through mechanical failure, malfunction, improper installation or maintenance, or negligence of the alarm user or his employees or agents; but it does not include alarm activation caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by an alarm user or alarm system installer or servicer.



- (4) "Local alarm system" means a signaling system which when activated causes an audible and/or visible signaling devise to be activated only in or on the premises in which the system is installed, operated or maintained.
- (5) "Notice" means written notice either by certified mail, return receipt requested, or by personal service upon the addressee at his last known address.

B. Response to Alarm; Determination of Validity.

- (1) Whenever an alarm system is activated in Kosciusko County which results in an emergency response to the premises by the Kosciusko County Sheriff's Department, the officer on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response was required or was a false alarm.
- (2) If the Officer at the scene of the activated alarm system determines the alarm to be false, a report shall be made of the false alarm, notice of which shall be sent to the alarm user at the address of the premises, or at the last known address of the alarm user, if different from the premises address.

C. False Alarm.

- (1) Whenever an alarm user issues, causes to be issued, or permits the issuance of a false alarm, this section shall apply.
- (2) The Kosciusko County Sheriff's Department shall maintain appropriate records of all false alarms to which the Kosciusko County Sheriff's Department responds. After the Kosciusko County Sheriff's Department has responded to three (3) false alarms at a location within a calendar year, the department shall charge the alarm user a Twenty-Five Dollar (\$25.00) user fee for each additional false alarm dispatched during the balance of that calendar year as reasonable compensation for the cost of the departments personnel, equipment, and overhead utilized in the response. Provided, however, that any residential alarm user aged sixty-five (65) years, or older, shall be exempt from these charges. For purposes of this paragraph, a calendar year shall be that period commencing on January 1 and ending December 31 of each year.
- (3) All fees billed and collected by the Kosciusko County Sheriff's Department under this section shall be deposited into the Kosciusko County General Fund.

D. Automatic Telephone Dialing Systems Prohibited.

- (1) It shall be unlawful for any reason to sell, offer for sale, install, maintain, lease, operate, or assist in the operation of an automatic telephone dialing alarm systems which utilizes a telephone line or lines used exclusively by the public to call the Kosciusko County Central Dispatch directly to request emergency service, without first having such request routed through a third person or organization.
- (2) The Kosciusko County Sheriff, or his designee, upon receiving knowledge of an automatic telephone dialing system installed or operated in violation of this section shall order in writing the owner, operator or lessee to disconnect and cease operation of the system within seventy-two (72) hours of receipt of the order.

E. Alarm Silencer Required.

- (1) No alarm shall be installed on any premises in the County which does not have an operable automatic resetting devise to silence the audible sounder within thirty (30) minutes after activation.

F. Penalties.

- (1) Any alarm system installed, operated, or maintained in violation of this ordinance is hereby declared to be a nuisance and may be abated in the manner as nuisances are now or may hereafter be abated under existing law.
- (2) The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

**Section 2.** Any section or parts of sections of the Kosciusko County Code or ordinance or parts of ordinances in conflict herewith shall be and the same are hereby repealed to the extent of the conflict.

**Section 3.** If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the unconstitutionality or invalidity thereof shall not affect the validity of any of the remaining portions of this ordinance.

**Section 4.** This Ordinance shall be in full force and effect ninety (90) days after its passage by the Kosciusko County Board of Commissioners.

ORDAINED and PASSED by the Board of Commissioners of Kosciusko County, Indiana, this 26<sup>th</sup> day of August, 2003 by a vote of 3 ayes and 0 nays.

**IN THE MATTER OF CHECK RECEIVED FOR HOUSING PRISONERS:**

Aaron Rovenstine, Kosciusko County Sheriff, presented checks in the amount of \$7700.00 from Delaware County and \$3,808.14 from the State of Indiana to Sue Ann Mitchell, Kosciusko County Auditor.

**IN THE MATTER OF APPROVAL FOR ESTHER PFEIDERER CHARITABLE TRUST GRANT:**

Aaron Rovenstine, Kosciusko County Sheriff, requested permission from the Commissioners to apply for the Esther Pfeiderer Charitable Grant. Rovenstine is asking for \$8,400 for the purchase of two highly visibility traffic speed display boards.

**ESTHER PFEIDERER CHARITABLE TRUST**

The Esther Pfeiderer Charitable Trust was established by Esther to assist charitable organizations located in Kosciusko County in improving the quality of life in the county. The Advisory Committee will review each request and make grants to those who have demonstrated a clear need that their organization can fulfill with the aid of a grant. The discretionary grants will be made to 501 organizations established for one of the following purposes: charitable, preservation of family genealogies, church pre-school programs, human services, recreational, educational, arts, civic enhancement, and public safety.

In making grants, the Advisory Committee shall give consideration to the overall number of people who would potentially benefit from the grant. Organizations that Esther Pfeiderer was involved with during her lifetime will receive preference in the awarding process. In addition the Advisory Committee will favor activities that:

- Φ Reach citizens whose needs are not being met by government sources.
- Φ Stimulate and encourage additional funding.
- Φ Assist organizations in becoming more effective or operate more efficiently.
- Φ Provide seed money for a community wide project.
- Φ Promote cooperation among various charitable organizations.

Low priority will be given to applications for debt reduction, salaries, fund raising projects, contributions to endowments, or projects where the grant is the sole funding source.

The Advisory Committee will review applications once a year. Grant Applications need to be submitted no later than September 30. The Committee will announce the winner in December with the grants being distributed by March 31.

**IN THE MATTER OF CLERK'S REQUEST FOR THE EXTENSION OF THE FAMILY AND MEDICAL LEAVE ACT FOR ONE OF HER DEPUTIES:**

Sharon Christner, Kosciusko County Clerk, requested an extension of FMLA for one of her employees. The employee applied for family medical leave last year in December and has exhausted all that time off. The employee now requires more surgery. After some deliberation, the Commissioners denied the request for an extension of FMLA. They stated they believe extending FMLA sets a precedence for the county.

**IN THE MATTER OF APPROVAL OF KABS QUARTERLY OPERATING FINANCIAL STATUS REPORT:**

Rita Baker, KABS, presented a claim for the KABS DOT Grant of \$79,785 to the Commissioners for signing.

MOTION: BRAD JACKSON	TO: APPROVE KABS GRANT
SECOND: AVIS GUNTER	APPLICATION
AYES: 3	NAYS: 0

August 26, 2003

Page 4 of 7

**IN THE MATTER OF THE TIPPECANOE RIVER WATERSHED REPORT:**

Bob Knudsen, reported that the Tippecanoe River and Lakes have been cleaned up by the Soil and Water. He reported that Kosciusko County water is looking much better.

**IN THE MATTER OF COUNTY TRANSITIONS APPROVAL:**

Sue Ann Mitchell, Kosciusko County Auditor, presented the Kosciusko County Community Transition Grant to the Commissioners for signing. This is a renewal for Work Release.  
MOTION: AVIS GUNTER TO: APPROVE COUNTY TRANSITION  
SECOND: BRAD JACKSON GRANT RENEWAL FOR WORK  
AYES: 3 NAYS: 0 RELEASE.

**IN THE MATTER OF TURKEY CREEK SEWER DISTRICT SEMI ANNUAL REPORT APPROVAL:**

Sue Ann Mitchell, Kosciusko County Auditor, presented the Subrecipient Semi-Annual Report for the Turkey Creek Regional Sewer District.

**IN THE MATTER OF MAILING OF FORM 11'S FOR THE 2002 PAYABLE 2003**

**REASSESSMENT:**

Sue Ann Mitchell, Kosciusko County Auditor, announced that the Township Assessors are mailing Form 11's to notify taxpayers of the new values assigned to their properties. She noted the Turkey Creek and Wayne Township have already mailed their notices. Plain Township will mail on Friday, August 29<sup>th</sup>. Tippecanoe Township will mail on Wednesday, September 3<sup>rd</sup>.

**IN THE MATTER OF CERTIFYING ASSESSED VALUES TO THE DEPARTMENT OF LOCAL GOVERNMENT FINANCE:**

Sue Ann Mitchell, Kosciusko County Auditor, reported that assessed values for Kosciusko County are being certified to the DLGF today. She stated the State is working on Fulton County rates which include Tippecanoe Valley School Corporation. There are some issues with Whitko and WaNee School Corporation because Whitley and Elkhart Counties have not yet certified their values. It is unknown if the other counties will certify their values by the time Kosciusko County rates are set by the DLGF. The DLGF will only certify rates two times so the county would be forced to wait until those are certified before all taxpayers could receive their tax bills. Mitchell stated the county will probably receive the majority of the tax rates quickly, but may have to wait on rates for townships that pay into Whitko and WaNee Schools. LOW, the counties tax billing computer company, is working on being able to bill multiple times. Mitchell hoped Whitley and Elkhart Counties would have assessed values certified in time for the DLGF to set rates so taxes can still be collected with a timely due date of November 10, 2003. Mitchell advised the new assessed valuations for the county are close to \$4.8 Billion.

**IN THE MATTER OF BARTELS REZONING REQUEST FROM AGRICULTURAL TO RESIDENTIAL IN TIPPECANOE TOWNSHIP:** *OR 8003090811*

Dan Richard, Kosciusko County Area Plan Director, presented a rezoning request from Agricultural to Residential for Duane Bartels in Tippecanoe Township. He stated it came from the Area Plan Commission with a unanimous recommendation to allow rezoning. This is located in the area of Between the Lakes near Tippecanoe Lake. Attorney Steve Snyder, representing Duane Bartels, stated this is a tract of lakefront property that should be residential not agricultural. Attorney Denise Davis, representing adjacent property owner Dr. Chris Hollan, spoke in opposition of the rezoning. The Hollan's are the Bartels' neighbors. Davis presented maps and surveys of the area. She stated Bartels sold the Hollan's their property. She noted Dr. Hollan has filed a writ of cert to block the variance allowed by the BZA with the courts. She stated she felt it was not appropriate to rezone while that matter is pending. She noted this is a peaceful, uncongested area with larger homesites. She noted Bartels was attempting to squeeze out one more building lot at the expense of the building standards. She noted this is on a private road. She questioned the use of the road. Richard stated the best use of this ground is residential. The house would sit 95 feet from the waters edge. She stated the Planning Commission made it very clear to Bartels not to come back for another variance. She was concerned about the size of the home that could be constructed. She also felt it was spot zoning. She felt surrounding property owners should be contacted concerning the how the ground is used. Davis indicated this was a self inflicted problem created by the Bartels.

August 26, 2003

Page 5 of 7

Richard explained the set backs are reasonable for the area and that the lot meets lot size. A variance was granted so the lot could met the width requirements. The side setbacks will be at 10'. Richard made it clear the 10' rule will be enforced. He noted the problems identified by Davis are not related to the zoning. They are a different issue. Richard indicated zoning relates to the best use for the property.

President Truex asked what he was missing in the process. Attorney Snyder stated what he was missing was Dr. Hollan's appeal of the Board of Zoning appeals decision. If he chooses to take the case to the Supreme Court it could stretch out for two years. Bartels has a buyer for the property now. Snyder noted that if Dr. Hollan wanted to control the property he could buy it and control the use. Bartels went to the Board of Zoning Appeals and offered Dr. Hollan something he can not otherwise receive. It was agreed that if the variance was received the house would be set back 95' from the water in line with Dr. Hollan's house. He chose to appeal that in the courts. This left Bartels no choice but to request a rezoning. He noted lakefront is not agricultural ground. Snyder further noted this would not be spot zoning since the area is residential. The Commissioners decided to uphold the decision to Area Plan.

MOTION: AVIS GUNTER TO: REZONE THE BARTELS PROPERTY FROM  
SECOND: BRAD JACKSON AGRICULTURAL TO RESIDENTIAL  
AYES: 3 NAYS: 0

#### ORDINANCE NO. 03-08-26-001Z

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:

Part of the Southeast Quarter of Section 8, Township 33, North, Range 7, East in Kosciusko County, Indiana. More particularly described as follows; to-wit:

Commencing at a railroad spike found marking the Northeast Corner of said Southeast Quarter; thence South 90 degrees 00 minutes West on and along the North Line of said Southeast Quarter being within the right-of-way of County Road 650 North, a distance of 1,752.80 feet to a PK Nail found; thence South 01 degrees 13 minutes 40 seconds West, on and along the East Line of a 30 foot wide private road, a distance of 1423.8 feet to an iron pin at the true point of beginning; thence continuing South 01 degrees 13 minutes 40 seconds West, on and along the East Line of said 30 foot wide private road, a distance of feet to an iron pin found; thence South 64 degrees 26 minutes 30 seconds East, a distance of 51.37 feet to an iron pipe found; thence South 67 degrees 08 minutes East, a distance of 151.2 feet to an iron pin at the waters edge of Lambs Lake; thence North 40 degrees 1 minute East, on and along said waters edge a distance of 470 feet to an iron pin; thence North 49 degrees 46 minutes 15 seconds West, a distance of 175.0 feet to an iron pin; thence North 83 degrees 52 minutes West, a distance of feet to the true point of beginning. be, and the same is hereby, removed from classification as an 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 26<sup>th</sup> day of August, 2003.

IN THE MATTER OF HOCHSTETLER REZONING FROM AGRICULTURAL TO AGRICULTURAL II IN JEFFERSON TOWNSHIP:

Dan Richard, Kosciusko County Area Plan Director, presented a rezoning from Agricultural to Agricultural II for Devon & Laura Hochstetler in Jefferson Township, Southeast of Nappanee on CR 700 W. The Planning Commission recommends denying the rezoning because they felt the request should go to the Board of Zoning Appeals because they can accommodate the selling of one more tract with a variance. The Board of Zoning Appeals meets September 8, 2003 to discuss this rezoning. Hochstetler has a daughter with a handicapped child. They plan to build a new house to accommodate the child's disability. It would be less expensive to rebuild than to remodel their current house. However, a family member owns the lot already created and is not willing to sell. Mr. Hochstetler addressed the issue with the Commissioners. There was no one present in opposition. It was recommended to table the rezoning until the Board of Zoning Appeals meeting September 8, 2003 to handle the situation the proper way.

MOTION: AVIS GUNTER TO: TABLE REZONING REQUEST UNTIL SEPT 23  
SECOND: BRAD JACKSON COMMISSIONERS MEETING PENDING  
AYES: 3 NAYS: 0 DETERMINATION OF BOARD OF ZONING APPEALS.

IN THE MATTER OF SLONE REZONING FROM COMMERCIAL TO AGRICULTURAL IN WASHINGTON TOWNSHIP: CR 2003090810

Dan Richard, Area Plan Director, presented a rezoning from Commercial to Agricultural for Virginia Sloane in Washington Township, South of Piercetown. Currently there is a single-family dwelling located on the lot in question. Because of the zoning any changes to the structure require an appearance at the Board of Zoning Appeals. Richard reported the unanimous recommendation from the Planning Commission to allow rezoning. No one was present to speak for or against the request.

MOTION: BRAD JACKSON TO: APPROVE REZONING OF SLONE  
SECOND: AVIS GUNTER PROPERTY FROM COMMERCIAL TO  
AYES: 3 NAYS: 0 AGRICULTURAL.

ORDINANCE NO. 03-08-26-002Z

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 34, Township 32 North, Range 7 East, Kosciusko County, Indiana, more particularly described as follows, to-wit:

Commencing at the Southwest Corner of said Northwest Quarter; thence North 62 degrees 32 minutes East, a deeded distance of 541 feet to a railroad tie post found at the true point of beginning; thence South 79 degrees 28 minutes East, a distance of 203.8 feet (recorded 205 feet) to the Southeast Corner of a railroad tie post found on the Westerly right-of-way line, a distance of 200.0 feet to an iron pin set; thence North 80 degrees 00 minutes West (recorded North 79 degrees 28 minutes West), a distance of 199.6 feet (recorded 200 feet) to a rail post found; thence South 26 degrees 00 minutes West (recorded South 26 degrees 44 minutes West), a distance of 199.13 feet (recorded 201.7 feet) to the true point of beginning.

be, and the same is hereby, removed from classification as a Commercial 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 26<sup>th</sup> day of August, 2003.

**IN THE MATTER OF FENCE ENCROACHMENT INTO A RIGHT-OF-WAY IN  
TURKEY CREEK TOWNSHIP:**

Attorney Steve Snyder stated Bill Pipp owns a piece of property on Wawasee that is immediately adjacent to a public road that has been used as an access place for non lakefront owners to maintain a pier. There has been a 3 foot fence shielding this area from the Pipp property for years. Recently it was replaced with a 6 foot fence that the Board of Zoning Appeals did not like because it abuts a right of way. An appeal has been filed with the BZA for approval of the 6' fence. Snyder believes the BZA will not allow the fence to remain unless there is an encroachment agreement in place. The right-of-way is a public access to the lake and is only used by pedestrians. The fence shields traffic. The county does not maintain the right-of-way. He noted pier repair people are the only ones to drive the area. Snyder requested permission to prepare an encroachment agreement. President Truex asked how long the encroachment agreement would be in effect. Snyder stated it will remain in effect until the time the Commissioners decided to revoke the agreement. Area Plan Commission Director Dan Richard indicated he had done research on the tract in question and it was developed for ice rights, as a way to get ice from the lake. Richard asked Snyder to clarify if encroachment agreements required advertising. Snyder indicated they did not. Commissioner Jackson asked they were closing any doors. He was assured that this could be revoked at any time.

MOTION: BRAD JACKSON TO: APPROVE PROCEEDING WITH  
SECOND: AVIS GUNTER ENCROACHMENT SUBJECT TO MIKE  
AYES: 3 NAYS: 0 MINER'S APPROVAL OF THE

DOCUMENT.

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

“RONALD TRUEX, PRESIDENT

AVIS GUNTER, MEMBER

~~BRAD JACKSON, MEMBER~~

ATTEST: *Sue Ann Mitchell*  
SUE ANN MITCHELL, AUDITOR



## **KOSCIUSKO COUNTY COMMISSIONERS SEPTEMBER 9, 2003**

The Kosciusko County Commissioners met for their regular meeting on September 9, 2003 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, Indiana.

Those present were:

RON TRUEX, PRESIDENT  
AVIS B. GUNTER  
BRAD JACKSON

SUE ANN MITCHELL, COUNTY AUDITOR  
RON ROBINSON, COUNTY ADMINSTRATOR

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

### **IN THE MATTER SHERIFF'S PRESENTATION OF MONEY RECEIVED FROM STATE FOR THE HOUSING OF DEPARTMENT OF CORRECTION PRISONERS:**

Aaron Rovenstine, Kosciusko County Sheriff, presented two checks totaling \$79,660 for housing prisoners. He is still waiting on an additional \$83,000 due from the Department of Corrections for prisoners being housed by Kosciusko County for the State of Indiana.

### **IN THE MATTER OF GIS MAPPING ON COUNTY WEBSITE:**

Bill Holder, Kosciusko County GIS Director, stated the mapping system on the county website is up and running. Holder indicated it was very slow due to the overwhelming number of people using it so the server had to be updated by Schneider, host of the website. Holder indicated the mapping system can be found at kcgov.com by selecting GIS Maps located at the bottom of the page. The mapping system provides the same information as is available on the public terminals in the Auditor's Office and Assessor's Office. This can be made available to be used on all terminals in the county without having to connect to the internet.

### **IN THE MATTER OF EMERGENCY GUARDRAIL PROJECT APPROVAL:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated an emergency existed on 900 West between 600 and 700 N. Guardrail needed to be placed because of the deep ditches. Ladson's ultimate goal is to install guardrail along the miles and miles of road. In the spring when the Highway Department began installing guardrails in the area, it was discovered that along a large portion of the open ditch it was very mucky. The bank of the ditch was about ready to slide away and take the road with it. He was concerned that if we had a severe rain storm, the road would wash away. Ladson made the decision to go ahead with the guardrail project and to rip rap the bank. The location of the project is not close to a limestone quarry. The project took a great deal of rip-rap to complete the project. Ladson requested the Commissioners declare the project an emergency since the project is necessary to insure the stability of the roadway. The costs will be \$15.00/ton to buy, haul and place. It would cost \$11.00 - \$12.00/ton to buy it from an aggregate supplier. There would be additional charges to have it hauled and placed. Approximately 1,000-1,500 tons are needed for the project. He felt the money needed for the project is inline with what he would expect.

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

TO:    APPROVE DECLARATION OF  
EMERGENCY FOR REPAIR OF BANK  
ON 900 WEST BETWEEN 600 AND 700  
NORTH.

### **IN THE MATTER OF EMERGENCY REPAIR TO OUTLET FOR RETENTION POND ON 200 S & FERGUSON ROAD:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated the outlet to retention pond on 200 S. and Ferguson Rd. started backing up. It was discovered there was a problem under the road – a cavity that would have someday collapsed. Ladson requested this project be declared an emergency. Because of the urgency of the repairs, Ladson was not able to secure quotes for the job. The contractor is continuing to find problems. Ladson indicated there is money available within his budgets to do the work.

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

TO:    APPROVE DECLARATION OF  
EMERGENCY FOR 200 S. AND  
FERGUSON RD REPAIR PROJECT



September 9, 2003

Page 2 of 3

**IN THE MATTER OF SIGNAGE FOR 350 NORTH NEAR DURHAM LAKE:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated this issue was discussed at the last Commissioners Meeting. It was decided at the last meeting that no further maintenance was to be done on this gravel road and more permanent signs needed to be put up because people kept moving the others. Ladson asked for further clarification on the signs. He was instructed to remove the barricades since they are being thrown into the wetlands. The Commissioners instructed Ladson their intent was to leave the road open for the people who wanted to use it in the condition it is in because of the complications of improving it with the DNR. Ladson stated the County Highway has put up permanent signs on both ends of the road off to the side. He was instructed to remove the barricades

**IN THE MATTER OF LETTER FROM DNR:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, referenced a letter given to the Commissioners by Ladson two weeks ago from the DNR reference the state funding an upgrade which may include paving the road from SR 5 in Whitley County to SR 13 in Kosciusko County with funding for recreational areas. If interested, a letter needs to be sent to the DNR. It could be an extended period of time before the work would be done. Ladson stated he felt the road should either be brought up to county standards or removed. It was noted that when the road issue came before the Commissioners previously, the DNR was very negative about improving the roadway. Commissioner Jackson noted the DNR stated that if the county did any filling, they would be in violation of wetland rules. Ladson was instructed to draft a letter stating the county plans to do nothing further to the roadway, but would support the DNR's project of rebuilding the road at their expense. The county would be willing to accept the roadway for maintenance if it was built to county standards including size and area opening. Due to limited county budgets and restrictions already stated by the DNR the county would have no interest in helping fund the project.

**IN THE MATTER OF REPLACING TREES ON COURTHOUSE LAWN:**

Ron Robinson, Kosciusko County Administrator, stated the State Tree Biologist was here to inspect the two dying trees on the Southside of the Courthouse lawn. The State Tree Biologist diagnosed it as heart rot. He recommended cutting the trees down and replanting new ones. There is an issue that the dead limbs could fall during a storm. Robinson was instructed to remove the trees as soon as possible because of the safety issue.

**IN THE MATTER OF APPROVAL FOR HEALTH DEPARTMENT:**

Sue Ann Mitchell, Kosciusko County Auditor, presented an amended version of the Health Department Ordinance that was signed at a previous meeting. The following changes were proposed to ordinance 03-07-15:

SECTION 2. Regulation: It shall be unlawful for any person to cause, or to allow to be cause, an accumulation or scattering of garbage or rubbish upon property owned or occupied by said person within the County.

SECTION 5. Notices: The County Health Officer shall serve any person found to be violating any provisions of this ordinance with a written order stating the nature of the violation and providing a time limit for its satisfactory correction.

SECTION 6. Abatement by County: In addition to or in lieu of any other remedies or penalties under this ordinance, in no less than ten days upon the failure of the property owner to abate said nuisance, the Health Officer may enter upon said premises and abate the same, the costs of which, including removal costs and administration costs, shall be assessed against the owner of said property, and if not paid within 30 days after notification thereof, shall constitute a lien against such property, shall be placed upon the tax duplicate for such property, and such total costs, including any accrued interest, shall be collected as delinquent taxes are collected.

SECTION 7. Penalties (No changes to body of Penalties)

SECTION 8. Expenses and Attorney Fees (No changes to body)

SECTION 9. Emergency Fund: any amounts collected under any provision of this ordinance shall be dispersed to the Health Department Emergency Clean-up Fund(a sub fund of the General Health Fund).

SECTION 10. Existing Legal or Equitable Remedies: (No change to body.)

MOTION: BRAD JACKSON

TO: APPROVE HEALTH DEPARTMENT

SECOND: AVIS GUNTER

ORDINANCE.

AYES: 3 NAYS: 0

September 9, 2003  
Page 3 of 3

**IN THE MATTER OF WARSAW COMMUNITY DEVELOPMENT CORPORATION  
SPOOKTAKULAR ON COURTHOUSE LAWN:**

Sue Ann Mitchell, Kosciusko County Auditor, presented a letter from the WCDC asking permission to use the Courthouse lawn, steps and electricity for the downtown Spooktakular to be held on October 24<sup>th</sup> from 5:00 – 8:00 p.m.

MOTION: AVIS GUNTER

TO: APPROVE USE OF COURTHOUSE.

SECOND: BRAD JACKSON

LAWN FOR DOWNTOWN

AYES: 3 NAYS: 0

SPOOKTAKULAR.

**IN THE MATTER OF RECEIPT OF TAX RATES FOR THE COUNTY:**

Sue Ann Mitchell, Kosciusko County Auditor, stated she received only tax rates for the county and not for all entities. The goal is to have tax bills mailed no later than October 25, (15 days before due date) to have a November 10 collection date. The cross county schools are causing a hold up. The big 4 – Tippecanoe Township, Turkey Creek Township, Wayne Township and Plain Township have their Form 11's out. The balance are scheduled to be mailed sometime around October 1<sup>st</sup>. When the people receive their Form 11's, they have 45 days to file an appeal if they do not agree with the value assigned to their property.

**IN THE MATTER OF 2003 PAYABLE 2004 BUDGET:**

Sue Ann Mitchell, Kosciusko County Auditor, stated the 2003 Payable 2004 budget will be approved by the Council at their meeting on September 12th.

**IN THE MATTER OF ASSOCIATION OF INDIANA COUNTIES COUNTY  
ACHIEVEMENT AWARD:**

Sue Ann Mitchell, Kosciusko County Auditor, stated the AIC was here yesterday shooting a video for presentation at the awards ceremony to be held in Indianapolis on Wednesday, October 8. Kosciusko County is receiving the County Achievement Award. The county will receive a sign to be displayed along a major road that says Kosciusko County was the Recipient of the 2003 County Achievement Award, plus a plaque.

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

  
RONALD TRUEX, PRESIDENT

  
AVIS GUNTER, MEMBER

  
BRAD JACKSON, MEMBER

ATTEST:   
SUE ANN MITCHELL, AUDITOR

Those present were:  
RON TRUEX, PRESIDENT  
AVIS B. GUNTER  
BRAD JACKSON  
MIKE MINER, COUNTY ATTORNEY  
SUE ANN MITCHELL, COUNTY AUDITOR  
RON ROBINSON, COUNTY ADMNSTRATOR

## IN THE MATTER OF WORLD WAR II RECOGNITION DAY:

**IN THE MATTER OF LILLY ROAD REQUEST FROM THE WAWASEE PROPERTY OWNERS ASSOCIATION:**

President Truex noted anyone can walk or ride on a county road now and the county has no responsibility. He noted that roads are built for autos and that the county is not obligated to provide bike paths. Milner replied the answer was no. Truex's concern is that if the county calls this a bike

path but it is only a wide road how misleading it may be. He felt this was creating a false sense of security. He felt it should be called what it would be which is a wider road.

Tranter noted Mike Hixenbaugh, Syracuse Parks Department, sent him information from a national safety source noting that adding or improving paved shoulders often can be the best and only way to accommodate bicyclists and runners in rural areas. He noted the fact that this would cost nothing. He noted that on Labor Day weekend he did a non-scientific study indicating that within three hours 135 people were either walking or riding the portion of roadway in question. He noted anything the county can get for free could then eventually be tied together.

Truex noted he did not want the issue called a bike path nor did Commissioner Gunter. He noted there were other issues to be addressed such as the highway department, maintenance, population, future considerations. Truex stated newspaper headlines stating "BPOA moves to reverse decision on bike path" were misleading. He noted that there was no reversing the bike path decision because no decision was made. He felt it was starting at the wrong point. Truex indicated he felt a better starting point would be to address a way to make a bad situation better. He felt widening the roadway based on the increased safety would make good sense.

Jackson indicated he wanted to set the record straight that the vote was not unanimous because no vote was taken. He felt approving the paving of the shoulder to be wider in one area would not establish a policy because each area would be different. It was noted this would be an independent decision based on the opportunity that presented itself to the Commissioners.

Truex asked Rob Ladson, County Highway Engineer, if there would be any additional maintenance required to plow snow if the roadway was wider. Ladson noted a 10' wide plow would require an additional pass to open the roadway.

Kay Young, President of the WPOA, noted she had letters indicating support for the widening of the roadway. She stated WPOA did not care what it was called if the wider roadway could be provided. She encouraged the Commissioners to approve the project and allow other groups to dedicate their efforts to the development of bike paths. Steve Snyder indicated he talked with Phil Beer, USI Engineer for the project. He noted time may be an issue on this decision.

Larry Segal, Syracuse Town Council, supported the improvement of the roadway. He noted the back roads around the lake are now heavily populated. He cited heavy traffic that is not safe for pedestrians. He noted only positive comments from the community for the project. He encouraged doing what is safer for the community.

Truex then asked if there was anyone opposed to the project. Rob Ladson, County Highway Engineer, rose to speak against the project. While he noted he was not opposed to the idea but he felt that regardless of what it is called it will be a bike path. He stated he felt there was a better plan that could be implemented by asking Mr. Nicholas to escrow the funds that would be spent for the current proposal and take some time and planning to develop a true bike path with safety barriers. Ladson noted a precedence is being set by approving this proposal. He noted this will determine how areas are maintained and what is allowed in road right of ways. He reiterated he does not oppose bike paths but felt this was being looked at as an afterthought. He felt private easements should be dedicated. He felt there should be some type of divider from the traffic. He stated he would do what he was instructed to do. Truex asked Ladson if the county would have two weeks to work through the information. Ladson stated he talked with Phil Beer and asked if he would ask Nicholas would be willing to escrow the funds. Ladson felt Nicholas would be willing to set some money aside to strive for a better option. He did not feel there was a risk of losing the funds. Ladson was of the impression that two weeks were not that critical because paving is not planned until the spring of 2004. He felt there would not be much engineering planning required to extend the paving a few feet. Ladson posed the question "Do we want something that is just better than what we have or do we really want to have a flagship of a project that says... this is the standard that we should have and this is what we should strive for?" He noted he had fears for a 10 year old child riding on the roadway assuming he was safe, not the 20+ year olds. There have been no presentations concerning the non-relocated portion of the roadway. Ladson noted North

September 23, 2003

Page 3 of 9

Webster and Warsaw have developed bike paths. He felt a policy needed to be established by the Commissioners. He encouraged the Commissioners to set a policy for him to follow.

Truex questioned the utility services along the roadside. Ladson noted there is no drainage plan. Currently the policy is that drainage issues are approached before paving areas. Commissioner Jackson noted he asked Phil Beer at a previous meeting if a separate bike path could be a consideration. Beer replied that was not on the table at this time. Jackson noted it was discussed if there could be a bike path in the area of the road relocation and then a wide shoulder with possible curb separation in front of the additional homes in the area. Jackson stated "approving this step not does not preclude doing additional later."

Snyder asked if the Commissioner's policy is to make the public portion of the highways safer. He noted that was a yes. He asked if creating a wider shoulder made the road safer and because of the added width allowed bikes and pedestrians to travel safer would the county be creating a bike path policy? Snyder asked why would the Commissioners ever consider turning it down if it enhances safety. He noted even the 10 year old child Ladson spoke of would be safer with the road improvement than he would be today. He noted it was a safety enhancement and was free and requires virtually no maintenance. He noted there was a possibility the cost of the improvement could be used as matching funds for an 80% grant for a trail located along the railroad or another area.

Truex asked Ladson if authorization has already been given to widen the roadway. He believed it was agreed to make the roadway as wide as the new part. Truex was concerned with additional issues related to the road extension.

Tranter stated people are going to walk and ride their bicycles regardless of what the county does. Making the roadway wider for safety makes sense. Jackson asked if those present representing the WPOA favored making the road wider and taking what they have or waiting to pursue the possibility of Nicholas escrowing the money and creating a real bike path. They answered they preferred to take what is offered. It was determined that the last approval was for a 22' road with curb and gutter. Under consideration today is two 11' lanes plus an additional 4' on the north side or 2' one each side. The road is currently 20' wide.

MOTION: BRAD JACKSON TO: ACCEPT THE ROAD PAVED TO THE MAXIMUM  
SECOND: AVIS GUNTER WIDTH NICHOLAS IS WILLING TO PROVIDE WITHIN  
AYES: 3 NAYS: 0 THE ROAD RIGHT OF WAY.

#### IN THE MATTER OF DRAFT LETTER REFERENCE RAIL ROAD:

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated he prepared a draft letter to the railroad on behalf of the Commissioners in response to an inquiry received from a property owner.

#### IN THE MATTER OF DRAFT LETTER REFERENCE CR 350N TO DNR:

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, presented a draft letter to the Commissioners in response to the DNR – 350 N issue. This area was closed by the Commissioners last year because of continual road flooding and unsafe conditions. Ladson noted he will meet with the DNR at the site sometime in the future.

#### IN THE MATTER OF TEMPORARY ROAD CLOSURE REQUEST:

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated Mark Ridge of Camp Creek Church of the Brethren, wants to close a portion of the road from 750 N to 900 W then south to 500 N for two miles for a 10K/5K run/walk. Ridge will provide signs, barricades and people at intersections. The event will take place on November 8, 2003 from 9:00 to 10:30 am. Ladson had no problem with the closing.

MOTION: BRAD JACKSON TO: ALLOW TEMPORARY CLOSING OF  
SECOND: AVIS GUNTER ROAD AS PROPOSED.

AYES: 3 NAYS: 0

#### IN THE MATTER OF ENCROACHMENT AGREEMENT: CR 3003 / 00144

Mike Miner, Kosciusko County Attorney, presented a copy of the encroachment agreement prepared by Steve Snyder to address an issue previously addressed by the Commissioners. The Commissioners signed the agreement which was previously approved.

ENCROACHMENT AGREEMENT

September 23, 2003  
Page 4 of 9

*Planned #  
2003100144*

This Agreement, made this 23<sup>rd</sup> day of September, 2003, between THE BOARD OF COMMISSIONERS OF KOSCIUSKO COUNTY, INDIANA ("County") and WILLIAM J. PIPP AND TERRY ANNE PIPP, husband and wife and each over the age of 18("Pipp").

## **SECTION I RECITALS**

1.1 The following recitals are a material part of this Agreement.

1.2 Pipp is the owner of the following described real estate in Kosciusko County, Indiana, to-wit: That part of Lot Number One (1) in Sudlow and Marsh's Corrected Plat of South Park and Lot Number One (1) in Marsh's addition to South Park, more particularly described as follows, to-wit: Beginning on the South line of said Lot Number One (1) in Marsh's Addition to South Park at a point 115.3 feet East of the Southwest corner of said Lot Number One (1); thence in an Easterly direction following the South line of Lot Number One (1) in marsh's Addition to South Park and Lot Number One (1) in Sudlow and Marsh's Corrected Plat of South Park to the Southeast corner of said Lot Number One (1) in Sudlow and Marsh's Corrected Plat of South Park; thence in a Northwesterly direction along the shore of lake Wawasee, said shore being also the East line of Lot Number One (1) in Sudlow and Marsh's Corrected Plat of South Park 93 feet, more or less, to a point 100 feet South of the Northeast corner of Lot Number Two (2) in Sudlow and Marsh's Corrected Plat of South Park, being the Southeast corner of a tract sold by James D. Adams and Mary M. Adams, husband and wife, to Charles M. Harrison and Blanca H. Harrison, husband and wife, by deed dated October 4, 1935, and recorded in Deed Record 142, page 249, of the records of Kosciusko County, Indiana; thence in a Southwesterly direction along the Southeast line of said tract a distance of 176.75 feet, more or less, to the place of beginning.

("Pipp Lot")

1.3 County maintains jurisdiction over public rights-of-way in Kosciusko County, Indiana.

1.4 A portion of the fence on the Pipp Lot encroaches onto the right-of-way of the Public Way, as shown on the survey of D. H. Lessig, Jr. dated August 15, 1983 and attached as Exhibit A. ("Encroachment")

1.5 The parties desire to make provision for the continued existence of the Encroachment.

## **SECTION II CONSIDERATION**

2.1 The consideration for this Agreement is One Dollar (\$1.00) and the mutual covenants contained herein.

## **SECTION III TERMS**

3.1 The Encroachments shown on Exhibit "A" shall be allowed to continue in their current location for so long as the Encroachments function for the purposes intended or can be repaired to continue to so function. In the event County desires to improve the Public Way onto which the fence encroaches, on forty-five days written notice, Pipp shall remove that portion of the Encroachment located in the right-of-way of Public Way. In the event the Encroachments cannot be repaired and are replaced, they shall be located wholly within the boundaries of the Pipp Lot.

3.2 Pipp shall be entitled to make routine repairs and perform routine maintenance on the Encroachments.

## **SECTION IV MISCELLANEOUS**

4.1 This agreement shall be binding upon, and inure to the benefit of, the parties hereto, their successors and assigns and shall be enforceable with attorney's fees and without relief from valuation or appraisal laws.

4.2 This Agreement shall be recorded in the Office of the Recorder of Kosciusko County, Indiana. IN WITNESS WHEREOF, the parties have executed this Agreement the day above written.

Board of Commissioners of Kosciusko County, Indiana



September 23, 2003

Page 5 of 9

**IN THE MATTER OF MEDICAL INSURANCE PLAN COVERAGE:**

Ron Robinson, Kosciusko County Administrator, presented an amendment to the benefit plan. He stated the benefit plan will now cover the Lutheran Preferred provider network and will now cover physicians at Kosciusko Community Hospital that are not included in the Lutheran preferred group.

**IN THE MATTER OF GROUP ALTERNATIVE CONTRACT:**

Ron Robinson, Kosciusko County Administrator, presented the contract with Group Alternatives. He noted the contract price has been negotiated down from the first offer submitted. The contract is for continuing services from August 1, 2003 through July 31, 2006. The contracted amount is as follows: 8/1/03 through 1/31/05 \$1,700 per month 2/1/05 through 7/31/05 \$2,000 per month. The county may cancel this contract anytime with ninety days written notice without incurring any penalties.

**IN THE MATTER OF UNITED WAY CAMPAIGN APPROVAL:**

Sue Ann Mitchell, Kosciusko County Auditor, discussed the United Way Campaign. The campaign will be conducted with the distribution of payroll checks.

MOTION: AVIS GUNTER TO: APPROVE THE UNITED WAY  
SECOND: BRAD JACKSON CAMPAIGN WITH THE PAYROLL  
AYES: 3 NAYS: 0 DISTRIBUTION.

**IN THE MATTER OF THOMAS KELLY VACATION PETITION FOR TURKEY CREEK**

**TOWNSHIP:** *CR 2003100117*

Matt Sandy, Assistant Area Plan Commission Director, noted this was a right of way vacation that is really more like a driveway. There was an existing North South road that was vacated several years ago. This was the T into the Waco Drive Area. It was not included in the original area that was vacated. Kelly owns property to the North, East and West of the drive. Sandy stated it was about 100'. There were no negative responses from emergency service providers. Sandy noted that because this was a drive there are no issues not vacate. Steve Snyder represented Kelly. No one rose to speak against the vacation.

MOTION: BRAD JACKSON TO: ACCEPT RECOMMENDATION OF THE AREA  
SECOND: AVIS GUNTER PLAN TO VACATE THE AREA REQUESTED.  
AYES: 3 NAYS: 0

ORDINANCE NUMBER  
03-09-23-01V

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

Section 1.

WHEREAS, Thomas W. Kelley and Patricia A. Kelley have filed their Petition for vacation of a portion of Wood Street, a public way, with the Board of Commissioners of Kosciusko County, Indiana; and

WHEREAS, a hearing on said Petition was set for September 23, 2003 at 9:30 am and notice of said hearing was published in the Warsaw Times Union and the Milford Mail Journal as required by law; and

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

And

WHEREAS, Wood Street does not serve as access to any property other than petitioners' and there are no owners of real estate adjacent to the public way to be vacated other than Petitioners, which public way is described as follows, to-wit:

All of that portion of Wood Street located within the following described tract:

All of Lot Numbered 22, together with part of Lots Numbered 21 and 23 in South Park, also together with all of Lot Number 5, also together with part of Lots Numbered 4 and 6 in Marsh's Addition to South Park, also together with part of platted Woods Street and all being at Lake Wawasee, in Kosciusko County, Indiana, and all together being more particularly described as follows, to wit:

Beginning at a point on the Northeasterly face of a concrete seawall, said point being situated, by deed, N34 ¾ Degrees West, a distance of 72.4 feet from the Southeast corner of Lot Number 21 in said South Park, said point of beginning being situated n53 Degrees 50' 50"E, a distance of 16.92 feet from an iron pipe found; thence N 36 Degrees 42' 30" W, on and along said Northeasterly face, a distance of 73.1 feet; thence N32 Degrees 31' W, on



and along said Northeasterly face, a distance of 21.87 feet to a point situated N 54 Degrees 11' 03" E, a distance of 22.16 feet from an iron pipe found; thence S 54 Degrees 11' 3"E, a distance of 22.16 feet from an iron pipe found; thence S 54 Degrees 11' 03" W (recorded S 55 1.4 Degrees W), a distance of 246.9 feet (recorded 235 feet) to an iron pin found on the Northeasterly right-of-way line of Waco Drive (recorded Warner Drive); thence S 34 Degrees 45' E(deed bearing), on and along said Northeasterly right-of-way line, a distance of 96.4 feet to an iron pin; thence N 53 Degrees 50' 50" E (recorded N 55 ¼ Degrees E), a distance of 248.58 feet (recorded 235 feet) to a point of beginning, containing 0.543 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.

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

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

Section 2.

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

ORDAINED AND PASSED this 23<sup>rd</sup> day of September, 2003  
KOSCIUSKO COUNTY  
BOARD OF COMMISSIONERS

**IN THE MATTER OF WEAVER VACATION REQUEST IN TIPPECANOE TOWNSHIP:**

Matt Sandy, Assistant Area Plan Commission Director, presented information concerning the vacation request for Tippecanoe Township. Within the last year, a vacation request was considered to relocate the roadway. The adjoining roadway has all been vacated except for this section. There were no negative responses from emergency services. Attorney Steve Snyder represented Weaver.

No one rose to speak against the vacation.

MOTION: AVIS GUNTER TO: ACCEPT RECOMMENDATION OF THE AREA  
SECOND: BRAD JACKSON PLAN TO VACATE THE AREA REQUESTED.  
AYES: 3 NAYS: 0

ORDINANCE NUMBER *CR 2003100118*  
03-10-23-02V

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

Section 1.

WHEREAS, Margaret Ann Weaver has filed her Petition for vacation of an unnamed public way with the Board of Commissioners of Kosciusko County, Indiana; and

WHEREAS, a hearing on said Petition was set for September 23, 2003 at 9:30 am and notice of said hearing was published in the Warsaw Times Union and The Milford Mail Journal as required by law; and

WHEREAS, the time of said hearing has arrived and a hearing is conducted thereon; and  
WHEREAS, the unnamed public way does not serve as access to any property the owners of real estate adjacent to the public way to be vacated are Huntington YMCA, R. Wyatt and Judy A. Weaver, who have been properly notified, which public way is described as follows, to-wit:

All that portion of the public way as shown on the Plat of Lewallen Park, recorded in Plat Book 3, page 303 in the Office of the Recorder of Kosciusko County, Indiana located between the side lot lines of Lot 1 extended to the waters of James Lake.

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

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

Section 2.

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

September 23, 2003  
Page 7 of 9

ORDAINED AND PASSED THIS 23<sup>RD</sup> DAY OF September, 2003.  
KOSCIUSKO COUNTY  
BOARD OF COMMISSIONERS

**IN THE MATTER OF SLEDGE VACATION REQUEST IN TIPPECANOE TOWNSHIP:**

Matt Sandy, Assistant Area Plan Director, presented information on the Tippecanoe Township vacation request by Barbara Sledge for vacation of area between EMS B42E and B42F Ln. This is an unopened alley way. There is a 5' easement left that will not be vacated. Emergency services were contacted agreed with the vacation. No one rose to speak against the vacation. Sledge was advised a signed copy will be returned to her.

MOTION: AVIS GUNTER TO: ACCEPT RECOMMENDATION OF THE AREA  
SECOND: BRAD JACKSON PLAN TO VACATE THE AREA REQUESTED.  
AYES: 3 NAYS: 0

ORDINANCE 03-09-23-03V *CR 2003 092169*  
An Ordinance of the Kosciusko County Commissioners  
Vacating a Public Way

WHEREAS, Douglas and Barbara Sledge, husband and wife, Donald Smith C/O Paul and Betty Smith (ETAL), Joseph and Brenda Oswalt, 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 Times Union and The Mail Journal, both newspapers in general circulation and published in the English language in Kosciusko County, Indian, 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 23<sup>rd</sup> day of September 2003, at 9:30 AM 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 10<sup>th</sup> day of September, 2003 and which notice in The Mail Journal was published on the 10<sup>th</sup> day of September, 2003, 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 the vacation is being 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 of any 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 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 site in Kosciusko County, State of Indiana, and more particularly described as follows, to wit:

That certain real estate labeled as an alley, and being 14 foot (14') in width, bounded by the east by lots 4, 8, 12 and 16, and lots 3, 7, 11, and 15 to the west. The alley runs between northeast corner of lot 15 to the southeast corner of lot 3, and from the southwest corner lot 4 to the northwest corner of lot 16, less excepting the 5 foot easement between lot 8 and 12 and lot 7 and 11, as shown upon the Plat of Pfeiffer-Veach Addition on Sawmill Lake thereof, as recorded in Plat Book 3, page 403, in the office of the recorder of Kosciusko County, Indiana and which the public was is also identified as an unimproved tract of land lying between the real estate commonly known as 125 EMS B 42 for Douglas and Barbara Sledge, Leesburg, 12 EMS D42F LN for Joseph and Brenda Oswalt and 16 EMS B F1 LN for Donald Smith C/O Paul and Betty Smith (ETAL). And which public way lies between those lots identified by key numbers 005-083-275 for lots 12 and 16, 5-83-274 for lots 11 and 15 and 5-83-281 for lot 2, 4, 7 and 8.

IS NOW VACATED

SECTION 2. This ordinance shall be in 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, Indian, 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 23<sup>rd</sup> day of September, 2003.

KOSCIUSKO COUNTY  
BOARD OF COMMISSIONERS

**IN THE MATTER OF JACKIE & CAUDILL REQUEST TO REZONE LAND IN  
SEWARD TOWNSHIP FROM COMMERCIAL TO AGRICULTURAL: CE2003092168**

Dan Richard, Area Plan Director, presented information on the rezoning request for an area adjacent to the town of Burket. Caudill's have horses and have no need for the area to be commercial. The request is to change the zoning from Commercial to Agricultural. The Area Plan Commission unanimously recommended the rezoning. There is a total of 6.3A in the tract to be rezoned. No one rose to speak against the vacation.

MOTION: BRAD JACKSON TO: ACCEPT RECOMMENDATION OF THE AREA  
SECOND: AVIS GUNTER PLAN TO REZONE THE AREA REQUESTED FROM  
AYES: 3 NAYS: 0 COMMERCIAL TO AGRICULTURAL.

ORDINANCE 03-09-23-01Z

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; Part of the Northeast Quarter of Section 9, Township 31, North, Range 5 East, Kosciusko County, Indiana, more particularly described as following to wit:

Beginning at a rail-post found at the point of intersection of the West Line of said Northeast Quarter with the South right of way line of the New York and St. Louis Railroad; thence South 00 degrees 32 minutes East, on and along the West Line of said Northeast Quarter, being established by an existing line fence, a distance of 562.6 feet (recorded 561 feet) to a railroad tie corner post found; thence South 89 degrees, 20 minutes East, on and along a line established by an existing line fence and monuments found, a distance of 615.0 feet to an iron pin found; thence North 06 degrees, 45 minutes West, on and along a line established by an existing line fence and monuments found, a distance of 359.3 feet (recorded 360 feet) to a rail post found on the South right of way line of said New York and St. Louis Railroad; thence North 69 degrees 46 minutes 30 seconds West (Recorded North 70 Degrees West) on and along said South right of way line, a distance of 615.94 feet (recorded 615 feet) to the point of beginning.

Tract II: Part of the Northeast Quarter of Section 9, Township 31 North, Range 5 East, Kosciusko County, Indiana, more particularly described as follows, to wit:

Commencing at a rail post found at the point of intersection of the West Line of said Northeast Quarter with South right of way line of the New York and St. Louis Railroad; thence south 00 degrees, 32 minutes East, on and along the West Line of said Northeast Quarter, being established by an existing line fence, a distance of 562.6 feet (recorded 561 feet) to a railroad tie corner post found; thence South 89 degrees 20 minutes East, on and along a line established by an existing line fence and monuments found, a distance of 615.0 feet to an iron pin found at the true point of beginning; thence North 90 degrees 00 minutes East, a distance of 628.76 feet to a point on the South right of way line of said New York and St. Louis Railroad; thence North 69 degrees 36 minutes 20 seconds West, on and along said South right of way line, a distance of 114.79 feet to an iron stake found; thence South 90 degrees 00 minutes West, a distance of 525.9 feet to a point on

September 23, 2003

Page 9 of 9

the Easterly Line of a certain 6.23 acre tract of land in said Northeast Quarter; thence South 06 degrees 45 minutes East, on and along said East Line, a distance of 40.28 feet to the true point of beginning.

Be, and the same is hereby, removed from classification as a Commercial 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 sewers 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 23<sup>rd</sup> day of September, 2003.

KOSCIUSKO COUNTY  
BOARD OF COMMISSIONERS

#### IN THE MATTER OF COUNTY FLOOD PLAN RECERTIFICATION:

Matt Sandy, Assistant Area Plan Director, noted the county participates in the national flood program. As a branch of that the county also participates in the community rating system. The county does a little more than what is required under the standard program which gets property owners in the flood plain a 5% savings on their flood insurance. Sandy stated currently there are 520 policies in place in the county which equals \$209,000 being paid for the insurance coverage. The program must be re-certified each year. Elevations, drainage maintenance, notification are among the items that are done to meet the criteria to receive the savings.

MOTION: AVIS GUNTER TO: ADOPT THE COUNTY FLOOD PLAN

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

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

*Ronald Truex*  
RONALD TRUEX, PRESIDENT

*Avis Gunter*  
AVIS GUNTER, MEMBER

BRAD JACKSON, MEMBER

ATTEST: *Sue Ann Mitchell*  
SUE ANN MITCHELL, AUDITOR

## KOSCIUSKO COUNTY COMMISSIONERS

### OCTOBER 6, 2003

The Kosciusko County Commissioners met for their regular meeting on October 6, 2003 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT  
AVIS B. GUNTER  
BRAD JACKSON

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

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

#### IN THE MATTER OF ES&S CONTRACT:

Sharon Christner, Kosciusko County Clerk, requested permission from the Commissioners for signing of the maintenance contract for ES&S.

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

TO: APPROVE CHRISTNER TO SIGN  
MAINTENANCE CONTRACT WITH  
ES&S.

#### IN THE MATTER OF KOSCIUSKO COUNTY DISASTER EXERCISE:

Edward Rock, Emergency Management Director, informed the Commissioners how well the drill went on Saturday, October 4, 2003. More than 16 Emergency Response organizations and local industries came together to test a portion of our county's disaster preparedness system. The disaster started at 9:00 am with a simulated explosion and fire at RR Donnelley. Donnelley's internal response team (RRD ERT) was first on the scene followed closely by Warsaw Fire Department, Kosciusko County Sheriff's Department and Multi-Township EMS. When Warsaw FD arrived they called for the Special Hazard and Operations Team (Haz-Mat). As more resources were needed Mentone EMS, Etna Green First Responders and Winona Lake Fire Department were activated. Meanwhile across town Kosciusko Community Hospital was preparing to receive and treat the victims for the disaster. First they set up security around the hospital to insure that no one contaminated from the explosion compromised the sterile medical setting. The security was handled by the Warsaw Police Department. They then established a decontamination area with the help of DePuy's Emergency Response Team and the Winona Lake Fire Department. In the midst of these activities the local chapter of the American Red Cross mobilized their personnel and opened a shelter for local residents who would have to be evacuated during a real disaster. Communications for all of these activities was coordinated by our 911 Central Dispatch Center and augmented by our local Amateur (HAM) Radio Operators. The exercise is mandated as a portion of the State Emergency Management Agency (SEMA) criteria to ensure local preparedness in the event of a disaster. It was sponsored and funded by the Local Emergency Planning Committee (LEPC) and the Kosciusko County Emergency Management Agency. Donnelley ERT worked side by side with Warsaw Fire Department to extract the victims. A lot of lessons were learned. Overall, it was an excellent exercise.

#### IN THE MATTER OF FREIGHT STUDY:

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, presented a request from Macog for a representative from Kosciusko County to be on their Steering Committee for a freight study. Ladson is willing to participate. Macog would also like someone from the private sector to be involved. Ladson asked the Commissioners for recommendations. The Commissioners will discuss this issue and let him know.

MOTION: AVIS GUNTER TO: APPROVE LADSON TO PARTICIPATE  
SECOND: BRAD JACKSON IN THE FREIGHT STUDY.  
AYES: 3 NAYS: 0

**IN THE MATTER OF TIPPY VALLEY'S FUTURE CITY PROJECT:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, presented a request for his participation in the designing and building of a future city. June Yeasel works with gifted students at Tippecanoe Valley Middle School and they are entering into a competition called Future City. They design and build a model of a future city. An engineer team member is needed and they have requested Ladson's involvement with the project. The group will meet once a week until January. Ladson asked the Commissioners for permission to participate. Ladson would like the opportunity to be involved with this project.

MOTION: AVIS GUNTER TO: APPROVE LADSON TO PARTICIPATE WITH THE  
SECOND: BRAD JACKSON TIPPECANOE VALLEY STUDENTS IN  
AYES: 3 NAYS CONSTRUCTING A FUTURE CITY.

**IN THE MATTER OF DECLARING A ROADSIDE AREA AN EMERGENCY:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, requested the Commissioners declare an emergency. There was a hole alongside the road that needed to be fixed. Due to the sandy/wet soil, the area had to be excavated. A pipe was then discovered under the road flowing the wrong way. The project cost \$12,400. This is the 3<sup>rd</sup> emergency declared.

MOTION: BRAD JACKSON TO: APPROVE DECLARATION OF  
SECOND: AVIS GUNTER EMERGENCY ON 500 E.  
AYES: 3 NAYS: 0

**IN THE MATTER OF TAXES FORGIVEN AT THE CLAYPOOL ELEVATOR:**

Sue Ann Mitchell, Kosciusko County Auditor, requested permission from the Commissioners to forgive the taxes from 1999 to 2003 on the Claypool Elevator. On July 26, 1999 the Commissioners received a letter from Norfolk Southern stating they had been working with the Town of Claypool and the Indiana Department of Transportation to implement a rail crossing safety project. If the County would forgive the back taxes, Norfolk Southern would demolish the existing Elevator and put in new rail crossings. Once this was completed Norfolk Southern would take title to the property. On August 4, 1999 the Auditor responded on behalf of the Commissioners to Norfolk Southern pledging full support of this project. On April 30, 2001 \$15,449.87 in back taxes were removed for tax years 2000 and prior. Mr. Kelley, Real Estate Department with Norfolk Southern, stated because of environmental issues that needed to be addressed before demolishing the Elevator, the process has taken much longer than expected. All projects are now complete and Mr. Kelley is asking for any additional taxes to be removed. He anticipates the deed will be recorded before January 2004. Currently \$2,656.15 is due and this is eligible for tax sale. Mr. Kelley is awaiting a response.

MOTION: AVIS GUNTER TO: APPROVE FORGIVENESS OF TAXES  
SECOND: BRAD JACKSON ON THE CLAYPOOL ELEVATOR.  
AYES: 3 NAYS: 0

**IN THE MATTER OF 2003 PAY 2004 TAX RATES ADVERTISEMENT:**

Sue Ann Mitchell, Kosciusko County Auditor, stated in the paper Wednesday, October 8, 2003 the proposed tax rate chart for 2003 payable 2004 will appear. We will not receive rates for Wane, Whitko and Triton High Schools because the counties they are located in are not done yet. Mitchell is still shooting for an October 24 deadline for tax bills to be mailed.

**IN THE MATTER OF REZONING FROM AGRICULTURAL TO INDUSTRIAL II:**

Matt Sandy, Area Plan Commission Assistant Director, presented a rezoning from Agricultural to Industrial II for William Bibler in Wayne Township on 200 N. near 100 E – 30.72 acres. The vote was 5 to 2 vote in favor of allowing the rezoning from the Planning Commission. Speaking in favor of the rezoning was Steve Snyder, representing Terry Crips Mineral Extraction Co. He stated Cripe would like to extend the industrial park to the woods, swamp and creek. Speaking in opposition was Carl Lozier who lives East of the lot in question. He stated Husky Trail has been residential since 1964. Lozier is opposed the mess and the increased traffic of dump trucks, etc. Lozier stated the road can not handle all the traffic. Sandy explained to Mr. Lozier the ordinances that are in place to protect surrounding residents. There are strict criteria for buffers, dust control, noise, and building situation which requires the area must be kept looking nice. If it starts to get "junky", Area Plan will take a look and do something. A 24 ft.



buffer is required between any properties; no storage of materials or finished projects is allowed and it cannot be visible from the road. Driveway and parking must be kept as dust free as possible.

MOTION: AVIS GUNTER TO: APPROVE RECOMMENDATION OF  
SECOND: BRAD JACKSON AREA PLAN FOR REZONING.  
AYES: 3 NAYS: 0

ORDINANCE NO. 03-11-03-01Z  
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 Fractional Northeast Quarter of Section 4, Township 32 North, Range 6 East, Kosciusko County, Indiana, more particularly described as follows, to-wit:

Commencing at a P.K. nail found at the Northwest corner of said Fractional Northeast Quarter; thence S89°-35'-30"E, on and along the North line of said Fractional Northeast Quarter, a distance of 1143.44 feet to a Mag nail found at the true point of beginning; thence continuing S89°-35'-30"E, on and along said North line, being within the right-of-way of County Road 200 N., a distance of 1234.76 feet to a P.K. nail found, said P.K. nail being situated N89°-35'-30"W, a distance of 257.79 feet from the Northeast corner of said Fractional Northeast Quarter, said P.K. nail also being at the Northwest corner of a certain tract of land as recorded in Document Number 99-06-0484, of the records of Kosciusko County, Indiana; thence S01°-38'W, on and along the West line of said tract in Document Number 99-06-0484, being parallel to the East line of said Fractional Northeast Quarter, a distance of 419.97 feet to an iron pin found at the Southwest corner of said tract, being a point on the North line of a certain tract of land as recorded in Document Number 96-12-1067; thence N89°-33'-52"W, on and along said North line, a distance of 82.21 feet to an iron pipe found at a corner of said tract; thence S01°-38'W, on and along a West line of said tract in Document Number 96-12-1067, being parallel to the East line of said Fractional Northeast Quarter, a distance of 18.0 feet to an iron pin found at a corner of said tract; thence N89°-33'-52"W, on and along a North line of said tract, a distance of 71.79 feet to an iron pipe found at a corner of said tract; thence S00°-34'W, on and along a West line of said tract in Document Number 96-12-1067, a distance of 182.0 feet to an iron pipe found at the Southwest corner of said tract, also being the Northwest corner of a certain tract of land as recorded in Document Number 95-11-1237; thence S01°-38'W, on and along the West line of said tract in Document Number 95-11-1237, being parallel to the East line of said Fractional Northeast Quarter, a distance of 361.0 feet to an iron pin found at the Southwest corner of said tract; thence S89°-33'-14"E, on and along the South line of said tract, a distance of 92.74 feet to the point of intersection with the centerline of Deeds Creek; thence S65°-47'-00"W, on and along said centerline, a distance of 130.0 feet; thence S68°-10'-00"W, on and along said centerline, a distance of 374.0 feet; thence S76°-41'-00"W, on and along said centerline, a distance of 86.10 feet; thence S89°-23'-17"W, on and along said centerline, a distance of 166.17 feet; thence S89°-24°-51"W, on and along said centerline, a distance of 321.89 feet (recorded 322 feet); thence N89°-27°-40"W, on and along said centerline, a distance of 157.53 feet to a pint situated S02°-11°-40"W, a distance of 20.0 feet from an iron pin; thence N02°-11°-40"E, parallel to the West line of said Fractional Northeast Quarter, a distance of 1205.65 feet to the true point of beginning, containing 30.716 acres of land, more or less, subject to legal right-of-way for County Road 200 N., subject to all legal drain easements and all other easements of record.

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



October 6, 2003

Page 4 of 4

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 6<sup>th</sup> day of October 2003.

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

*Ronald Truex*  
RONALD TRUEX, PRESIDENT

*Avis Gunter*  
AVIS GUNTER, MEMBER

*ABSENT*  
BRAD JACKSON, MEMBER

ATTEST: *Sue Ann Mitchell*  
SUE ANN MITCHELL, AUDITOR

## **KOSCIUSKO COUNTY COMMISSIONERS OCTOBER 21, 2003**

The Kosciusko County Commissioners met for their regular meeting on October 21, 2003 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT  
AVIS B. GUNTER  
BRAD JACKSON

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

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

### **IN THE MATTER OF ROUNDABOUTS:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, presented information received from LTAP on roundabouts to the Commissioners. Roundabouts are a circular traffic flow pattern used at some intersections. Ladson stated there is a potential opportunity in the future for the county to use a round about.

### **IN THE MATTER OF INDOT MONEY:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated INDOT called for projects for transportation enhancement programs, federal money, generally 80/20. Projects would be for beautification. Ladson asked that if the Commissioners had any suggestions or requests to please let him know. He stated he did not believe the county has ever done this kind of thing before.

### **IN THE MATTER OF COUNTY HIGHWAY CONTRACT FOR PURCHASE OF GAS:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated quotes were submitted for contract fuel prices to gain price stabilization. The quotes were effective for November 2003 to March 2004. This included one fuel tanker a month with the possibility of two for January and February. Only one contract was received back. Ladson presented the current prices from the quote to Kosciusko County Administrator Ron Robinson because a decision had to be made that day whether Ladson was going to proceed. With Robinson's approval, Ladson signed the contract. He noted that taxes do have to be paid on the gasoline purchase. Money should be available to encumber from 2003 to 2004. Ladson would like a motion to approve the contract for the fuel.

MOTION: AVIS GUNTER	TO: APPROVE CONTRACT FOR
SECOND: BRAD JACKSON	PURCHASE OF FUEL PER LADSON'S.
AYES: 3 NAYS: 0	RECOMMENDATION.
UNANIMOUS	

### **IN THE MATTER OF STATE IMPROVEMENT OF CR 350 N BETWEEN SR 13 AND SR 5:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated a meeting is scheduled for Monday, October 27, 2003 at 10:00 AM in Indianapolis. Ladson is attending along with the DNR, INDOT and Whitley County. They requested a Commissioner also attend, although Ladson stated it was not absolutely necessary. Kosciusko County will be the lead agency in the project because the majority of the project is in Kosciusko County. Ladson prepared a memo on behalf of the Commissioners for their approval. The DNR has verbally stated the road will be paved, widened and upgraded from SR 5 to SR 13 at no cost to the County and should be completed by 2007. This includes engineering costs and construction costs.

Ladson will get this in writing. The Commissioners noted this is the same section of roadway the DNR requested the county close to the public a year ago. Commissioner Gunter will check her calendar and advise Ladson if she can attend.

October 21, 2003

Page 2 of 6

MOTION: AVIS GUNTER TO: APPROVE MEMO TO DNR STATING  
SECOND: BRAD JACKSON KOSCIUSKO COUNTY WILL BE THE  
AYES: 3 NAYS: 0 LEAD AGENCY IN THE PROJECT.  
UNANIMOUS

Memo to DNR Ladson Wrote

Re: Entrance Road Program Coordinator with INDOT & DNR  
CR 350 W. in Kosciusko County & CR 850 N. in Whitley County – Between SR 13 & SR 5

This memorandum shall confirm that Kosciusko County will serve as the lead county coordinator with INDOT AND THE DNR regarding CR 350 N. located between SR 13 in Kosciusko County, Indiana and SR 5 in Whitley County, Indiana.

The Board authorizes Robert D. Ladson, Kosciusko County Highway Engineer/Superintendent, as the point of contact for Kosciusko County. Please direct all questions and inquires through him.

**IN THE MATTER OF CLOSING ROAD IN WOODFIELD MANOR FOR TRICK-OR-TREAT:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, presented a request from the Woodfield Manor Property Association asking for permission to put up barricades at the entrance of Woodfield Manor during trick-or-treat night to keep the children safe from cars. Ladson supported the idea. Last year they had some children that were almost hit by cars so they would like to close the road to traffic during trick-or-treating. They are not barring outside trick-or-treaters from coming in, they are just trying to keep the children safe. Woodfield Manor is located off of 225 S near County Club Road. There is a long stretch coming into the Subdivision where cars could park and then walk into Woodfield Manor. Ladson was not sure exactly which night they would select for trick or treat.

**IN THE MATTER OF NO SALT OR SAND USE AT PUTTER'S PLACE CUL-DE-SAC FOR ROAD MAINTENANCE:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, presented a petition from the property owners in South Shore Green regarding a small cul-de-sac known as Putter's Place. They have requested that no salt or sand be applied during the winter months to the cul-de-sac because it piles up. Property owners will be contacted and signatures will be obtained to insure this is what they want.

MOTION: BRAD JACKSON TO: APPROVE REQUEST FOR NO SALT  
SECOND: AVIS GUNTER OR SAND AT SOUTH SHORE  
AYES: 3 NAYS: 0 GREENS CUL-DE-SAC – PUTTER'S  
UNANIMOUS PLACE.

**IN THE MATTER OF REPEALING STOP SIGNS AT THE RAILROAD CROSSING OF 800 W. NORTH OF DAVIS ROAD, JUST WEST OF BURKET:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, requested the repeal of stop signs at the railroad crossing on 800 W. north of Davis Road, just west of Burket. Lights and gates are installed and operational.

MOTION: BRAD JACKSON TO: REPEAL STOP SIGNS AT 800 W.  
SECOND: AVIS GUNTER RAIL ROAD CROSSING.  
AYES: 3 NAYS: 0  
UNANIMOUS

ORDINANCE 03-10-21-01S 200400003690

*Rec'd #*

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

October 21, 2003  
Page 3 of 6

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. Ordinance #00-SO15, Item #4. Repeal "Stop" signs at the railroad tracks on CR 800 W., north of Davis Road. Lights and gates installed.

THIS ORDINANCE shall be in full force and effect on October 21, 2003. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 21<sup>st</sup> day of October, 2003.

**IN THE MATTER OF BRIDGE 290 PROGRESS:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated progress on Bridge 290 is moving along nicely. Prim Co is the contractor for the job and Ladson is pleased with their work. Ladson has received no complaints from the neighbors. Half the bridge is completed, allowing fire trucks, etc. to get across.

**IN THE MATTER OF BRIDGE 289 PROGRESS:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated Bridge 289 to Cedar Point Island's final design plan is complete. Ladson stated he has worked with the property owners. It will be an arched type structure -- very attractive. The start date for the Bridge will be in a year. DNR permits and prevailing wage rates are needed.

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

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated Bridge 250 to an island in North Webster is deteriorating. The reason the County maintains this bridge is because the water way opening is a minimum of 20 feet or greater thus classifying it as a bridge. The county is responsible for maintaining this structure even though it is in the Town of North Webster. This bridge had not previously been on the county maintained list of bridges. Ladson still has to meet with the property owners to discuss the project. Ladson has met with Town of North Webster officials. The bridge project may begin next year or Spring of 2005.

**IN THE MATTER OF BRIDGE 94 PROGRESS:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated Bridge 94 on Old 30 West out by Big Lots over Walnut Creek is open for bid November 3, 2003. It is a rehab job. Donnelley and Zimmer need to be notified when the construction schedule is known.

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

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated rehab on Bridge 226 out by the City of Warsaw Waste Water Treatment Plant will begin in the spring or fall of 2004.

**IN THE MATTER OF BRIDGE 227 PROGRESS:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated Bridge 227 is the second bridge out by the City of Warsaw Waste Water Treatment Plant is complete. The bridge should be good for another 25-30 years.

**IN THE MATTER OF BRIDGE 108 PROGRESS:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated rehab on Bridge 108 located on 100 S. and Tinkey Road is scheduled.

**IN THE MATTER OF HIGHWAY LOADERS:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated a 1974 loader was replaced in May and now a 1986 loader needs repaired. Repairs would cost \$8,000 and could go up from there. Because the county went through the bid process in May of this year, the contract can be renewed as long as the county and the vendor agree. Ladson spoke to the vendor and they are willing to provide the Highway Department with another loader for the same price. Ladson will talk to them about trade-in value. The price for the new loader was approximately \$143,000. Ladson believes that with the problems the 1986 loader has, it should be replaced

October 21, 2003

Page 4 of 6

now. He does not believe the county will get a better price if the loader is re-bid. The Highway Department has \$37,000 left over from the appropriation of the first loader purchased that can be applied toward the purchase of the second loader. An additional appropriation of \$105,000 is needed to cover the cost of the second loader. The money would be taken out of the 204 Account – Motor Vehicle Highway. Ladson has \$1.3 million in CD's which are not earmarked and a cash operating balance of \$1.1 million. Ladson noted that \$325,000 is coming out of cash operating balance today to pay for the trucks that just came in and the 250 E. project in Winona Lake. Ladson wants to replace the 1986 loader. He noted the next oldest loader is a 1988, followed by 1994 and a 1997 loader. When the highway money from the State was reduced, one of the places cut was equipment, putting the purchase of loaders on hold. The advantage to renewing the contract is the Highway Department will have two loaders the same type with common parts, etc. Ladson recommends replacing.

MOTION: AVIS GUNTER TO: APPROVE LADSON TO RENEW CONTRACT  
SECOND: BRAD JACKSON TO PURCHASE ONE LOADER AND TO  
AYES: 3 NAYS: 0 REQUEST AN ADDITIONAL APPROPRIATION  
UNANIMOUS TO FUND THE PURCHASE.

#### **IN THE MATTER OF ANNUAL BIDS:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated November 3, 2003 is the date for the opening of the annual bids. It's been two years since this was done.

#### **IN THE MATTER OF MILFORD WASTE WATER TREATMENT PLANT:**

Sue Ann Mitchell, Kosciusko County Auditor, stated the Town of Milford is planning to construct a new waste water treatment plant and need to set wage rates for this project. The source of funds for this project will be EDIT revenue and sewer utility rates. The Town of Milford asks that an individual be appointed to represent the County on the wage rate committee. They requested Gary Hurd be the appointment.

MOTION: AVIS GUNTER TO: APPROVE APPOINTMENT OF GARY HURD  
SECOND: BRAD JACKSON TO REPRESENT THE COUNTY ON THE  
AYES: 3 NAYS: 0 PREVAILING WAGE RATE COMMITTEE FOR  
UNANIMOUS MILFORD'S WASTE WATER TREATMENT  
PLANT.

#### **IN THE MATTER OF RENEWAL OF AGREEMENT WITH CITY OF WARSAW:**

Ron Robinson, Kosciusko County Administrator, presented the agreement with the City of Warsaw for the patrolling of the parking lot next to the jail museum. The parking attendant checks the parking lot next to the jail museum, ticketing those vehicles with no tags. Warsaw City retains any fines collected. They are not patrolling the Munson Building parking lot at this time. The county has not requested this service at this time.

MOTION: AVIS GUNTER TO: APPROVE RENEWAL OF AGREEMENT  
SECOND: BRAD JACKSON WITH CITY OF WARSAW TO PATROL  
AYES: 3 NAYS: 0 AND TICKET VEHICLES WITH NO  
UNANIMOUS PARKING TAGS.

#### **IN THE MATTER OF LIGHTENING DAMAGE AT OLD JAIL:**

Rob Robinson, Kosciusko County Administrator, stated lightening struck the Old Jail Museum. He noted the county has \$2,500 deductible. The cost to repair the lightening damage is \$1,380. Robinson requested the Commissioner's approval to pay the bill.

MOTION: AVIS GUNTER TO: APPROVE THE PAYMENT OF THE  
SECOND: BRAD JACKSON LIGHTENING DAMAGE AT THE  
AYES: 3 NAYS: 0 OLD JAIL.  
UNANIMOUS

#### **IN THE MATTER OF SIGNING OF 2004 NON-PROFIT AGREEMENTS, ANIMAL WELFARE LEASE AND BOWEN CENTER AGREEMENT:**

Sue Ann Mitchell, Kosciusko County Auditor, presented the non-profit agreements for the Commissioner's signatures. Mitchell also presented the Animal Welfare Lease and the Bowen Center agreement for the Commissioner's signatures. No motion was required as the amount were previously approved as follows:

NON PROFIT 2004 AGREEMENTS TO BE APPROVED:

AROWHEAD RC & I	\$ 475
BEAMAN HOME	\$ 29,925
CARDINAL CENTER	\$ 90,250
KOSCIUSKO COUNTY AGING/AGED	\$ 29,925
KOSCIUSKO COUNTY FAIR BOARD	\$ 42,532
KOSCIUSKO COUNTY HISTORICAL SOCIETY	\$ 21,850
KOSCIUSKO DEVELOPMENT, INC.	\$ 33,250
KOSCIUSKO HOME HEALTH CARE	\$ 47,500
ST JOE RIVER BASIN	\$ 475
TOTAL	\$296,182
LEASE FOR ANIMAL WELFARE LEAGUE	\$ 65,835
SERVICE AGREEMENT FOR BOWEN CENTER	\$360,000

**IN THE MATTER OF 2004 HOLIDAYS:**

Sue Ann Mitchell, Kosciusko County Auditor, presented the list of holidays for 2004 to the Commissioners for approval. January 1, 2005 falls on a Saturday, so January 3, 2005 will be the day the holiday is observed. This list also contains the Commissioner Meetings, Department Head Meetings and Council Meetings for 2004.

**KOSCIUSKO COUNTY 2004 HOLIDAYS**

THURSDAY	JANUARY 1	NEW YEARS DAY
FRIDAY	APRIL 9	GOOD FRIDAY
TUESDAY	MAY 4	ELECTION DAY
MONDAY	MAY 31	MEMORIAL DAY
MONDAY	JULY 5	INDEPENDENCE DAY
MONDAY	SEPTEMBER 6	LABOR DAY
TUESDAY	NOVEMBER 2	ELECTION DAY
THURSDAY	NOVEMBER 11	VETERAN'S DAY
THURSDAY & FRIDAY	NOVEMBER 25&26	THANKSGIVING
THURSDAY & FRIDAY	DECEMBER 23&24	CHRISTMAS
MONDAY	JANUARY 3, 2005	NEW YEARS

COMMISSIONERS MEETINGS	DEPT HEADS MEETINGS	COUNCIL MEETINGS
BI WEEKLY TUESDAYS	MONTHLY 1 <sup>ST</sup> WEDNESDAY	MONTHLY 3 <sup>RD</sup> THURSDAY
9 AM	8AM	7 PM

OLD COURTROOM	OLD COURTROOM	OLD COURTROOM
JANUARY 13, 27	JANUARY 7, 2004	JANUARY 8, 2004
FEBRUARY 10, 24	FEBRUARY 4, 2004	FEBRUARY 12, 2004
MARCH 9, 23	MARCH 3, 2004	MARCH 11, 2004
APRIL 6, 20	APRIL 7, 2004	APRIL 8, 2004
MAY 3, 18	MAY 5, 2004	MAY 13, 2004
JUNE 1, 15, 29	JUNE 2, 2004	JUNE 10, 2004
JULY 13, 27	JULY 7, 2004	JULY 8, 2003
AUGUST 10, 24	AUGUST 4, 2004	AUGUST 9, 2004
		TENTATIVE
		AUGUST 10, 2004
		TENTATIVE
		AUGUST 12, 2004
SEPTEMBER 7, 21	SEPTEMBER 1, 2004	SEPTEMBER 2, 2004
		TENTATIVE
OCTOBER 5, 19	OCTOBER 6, 2004	OCTOBER 14, 2004

October 21, 2003

Page 6 of 6

NOVEMBER 1, 16, 30	NOVEMBER 3, 2004	NOVEMBER 18, 2004 TENTATIVE
DECEMBER 14, 28	DECEMBER 1, 2004	DECEMBER 9, 2004

MOTION: AVIS GUNTER TO: APPROVE LIST OF HOLIDAYS, ETC.

SECOND: BRAD JACKSON

FOR 2004.

AYES: 3 NAYS: 0

UNANIMOUS

**IN THE MATTER OF TAX SALE:**


Sue Ann Mitchell, Kosciusko County Auditor, stated the 2003 tax sale will be October 29, 2003 in the Old Courtroom at 10:00 AM. Registration is at 9:00 am. Currently there are 250 properties being offered for sale. By the time of the tax sale last year there were 150 properties offered for sale. Mitchell stated there are several issues to becoming a successful tax sale buyer. She encouraged anyone interested in bidding at the tax sale be sure they understand the process. She strongly recommended that individuals contact an attorney before purchasing property from the tax sale. A list of the properties available for the tax sale are listed on the internet. Printed lists are also available in the Auditor's Office along with GIS maps of those properties. Handouts the day of the tax sale will also be available to help individuals better understand the tax sale.

**IN THE MATTER OF ISSUING OF TAX BILLS:**

Sue Ann Mitchell, Kosciusko County Auditor, stated tax rates have been received. She stated the bills will be sent out as quickly as final approval is received from the State Auditor's Office and the Department of Local Government Finance. She stated the goal is to have a due date near the end of November. She noted that the county does not have rates for Washington Township, Piercetown, Jackson Township, Sidney and Monroe Township because of Whiko School Corporation crossing the county lines into Whitley County. They have not yet completed their reassessment. The original abstract received from the State Auditor's Office had an error in rates that were entered by the DLGF. They listed Wayne Township's rate on the Washington Township line in the spread sheet. Tax bills can not be mailed until final approval is received from the state.

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

  
RONALD TRUEX, PRESIDENT

  
AVIS GUNTER, MEMBER

  
BRAD JACKSON, MEMBER

ATTEST:   
SUE ANN MITCHELL, AUDITOR



# **KOSCIUSKO COUNTY COMMISSIONERS NOVEMBER 3, 2003**

The Kosciusko County Commissioners met for their regular meeting on November 3, 2003 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT  
BRAD JACKSON

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

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

## **IN THE MATTER OF KABS OPERATIONAL VOUCHERS:**

Rita Baker, KABS, presented the 3<sup>rd</sup> Quarter Operational Vouchers to the Commissioners for signing.

MOTION: BRAD JACKSON	TO: APPROVE KABS 3 <sup>RD</sup> QUARTER
SECOND: RON TRUEX	OPERATIONAL VOUCHERS.
AYES: 2 NAYS: 0	
UNANIMOUS	

## **IN THE MATTER OF APPOINTMENT TO TIPPECANOE VALLEY SCHOOL CORPORATION COMMON CONSTRUCTION WAGE COMMITTEE:**

Sue Ann Mitchell, Kosciusko County Auditor, stated Tippecanoe Valley School Corporation requested the appointment of a county representative to their Common Construction Wage Hearing Committee. They requested Fred McSherry be appointed.

MOTION: BRAD JACKSON	TO: APPOINT FRED MCSHERRY TO THE TIPPECANOE
SECOND: RON TRUEX	VALLEY SCHOOL CORPORATION COMMON WAGE
AYES: 2 NAYS: 0	COMMITTEE HEARING.
MOTION CARRIED	

## **IN THE MATTER OF COURTHOUSE FRONT STEPS:**

Ron Robinson, Kosciusko County Administrator, stated repair on steps and banister will be done in the spring of 2004. It is estimated to cost \$10,000. Repairs will include all three sets of steps and masonry work to banister. The surfaces will also be cleaned and sealed.

## **IN THE MATTER OF CONTRACTS:**

Ron Robinson, Kosciusko County Administrator, requested permission to negotiate price on the maintenance of the door locks. The Commissioners gave permission for Robinson to negotiate the price.

## **IN THE MATTER OF FLU SHOTS FOR COUNTY EMPLOYEES:**

Ron Robinson, Kosciusko County Administrator, stated flu shots for county employees will be Thursday, November 6 from 2:30 pm – 4:30 pm on the 3<sup>rd</sup> floor of the Courthouse.

## **IN THE MATTER OF INCREASE IN INSURANCE RATES:**

Ron Robinson, Kosciusko County Administrator, stated insurance rates for next year will increase. Currently single coverage is \$27.17 per pay and will increase to \$30.52 per pay. Family coverage is \$70.15 per pay and will increase to \$78.83 per pay.

MOTION: BRAD JACKSON	TO: APPROVE INCREASE IN INSURANCE
SECOND: RON TRUEX	PREMIUMS.
AYES: 2 NAYS: 0	
UNANIMOUS	

November 3, 2003

Page 2 of 6

**IN THE MATTER OF BAKER AND DANIEL LETTER OF ENGAGEMENT:**

Ron Robinson, Kosciusko County Administrator, requested permission to sign letter of engagement with Baker and Daniels. This is to provide assistance in general employment matters. Commissioners Truex and Jackson approved Robinson signing the agreement at an hourly rate of \$220.

**IN THE MATTER OF TAX BILLS:**

Sue Ann Mitchell, Kosciusko County Auditor, stated tax bills will be mailed out by the end of the week with a due date of November 24, 2003.

**IN THE MATTER OF SNOWPLOW PROCEDURE FOR MEDICAL EMERGENCIES:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, received a letter from Paula Bopp of the Nephrology, Inc in Mishawaka. The letter requested the Highway Department to put CR 1350 N on a priority list for snowplowing. Ladson noted the procedure to follow in the event of a medical emergency during a snow storm is to call 911. The emergency personnel would then contact the Kosciusko County Highway Department for assistance. The Commissioners agreed with the policy as stated by Ladson.

**IN THE MATTER OF GRAVEL ROAD UPGRADE PROGRAM:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, stated in the past that when a request came in to upgrade a road, costs were figured and sent to the person requesting the information. It could be as much as a year until the roadwork began and prices, etc., changed. Ladson would like to change the procedure. When a written request is submitted, he would like the Highway will do a cost estimate and sent it to the person requesting the information. When the time is closer to start the project, the cost figures will be recalculated to reflect pricing changes. It can then be accepted by paying the estimate or rejected by pulling request.

MOTION: BRAD JACKSON TO: APPROVE CHANGE IN ROAD UPGRADE  
SECOND: RON TRUEX PROGRAM REQUIREMENTS AS PRESENTED.  
AYES: 2 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF LOADER PURCHASE FOR HIGHWAY DEPARTMENT:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, stated he went to Council to request additional funds for the purchase of a new loader. The vendor offered \$10,000 trade-in for the old loader. Ladson requested the Commissioners decide if the old loader should be trade-in the loader or retained. Ladson recommended trading in the old loader.

MOTION: BRAD JACKSON TO: APPROVE TRADE-IN OF OLD LOADER.  
SECOND: RON TRUEX  
AYES: 2 NAYS: 0  
UNANIMOUS

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

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, requested stop signs be installed at the intersection of 300 N. and 475 E. The view to the east is restricted and Ladson recommends making it a 3-way stop. He noted this T road intersection does not meet the usual standards for a three way stop, but there are safety issues.

MOTION: BRAD JACKSON TO: APPROVE STOP SIGNS AT THE  
SECOND: RON TRUEX INTERSECTION OF 300 N. AND 475 E.  
AYES: 2 NAYS: 0 CREATING A THREE WAY STOP.  
UNANIMOUS

**ORDINANCE 03-11-03-001STOP**

*Read # 200400003691*

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

November 3, 2003

Page 3 of 6

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

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

1. Install "Stop" signs on the northeast corner and southwest corner of CR 300 N. and CR 475 E., making it a 3-way Stop.

THIS ORDINANCE shall be in full force and effect on November 3, 2003. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 3<sup>rd</sup> day of November, 2003.

**IN THE MATTER OF SPEED LIMIT REDUCTION ON 1350 N. EAST OF SR 19 TO 750 W:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, requested the speed limit be reduced to 45 mph in the Town of Nappanee on 1350 N east of SR 19 to CR 750 W. Ladson's recommendation is to reduce the speed limit. The Town of Nappanee made the request.

MOTION: BRAD JACKSON TO: APPROVE REDUCTION OF SPEED TO  
SECOND: RON TRUEX 45 MPH.

AYES: 2 NAYS: 0  
UNANIMOUS

**ORDINANCE 03-11-03-001SPEED**

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

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

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

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

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

1. Speed limit on CR 1350 N. - from SR 19 to CR 750 W. shall be 45 mph.

THIS ORDINANCE shall be in full force and effect on November 3, 2003. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 3<sup>rd</sup> day of November, 2003.

**IN THE MATTER OF SPEED LIMIT REDUCTION ON 350 N FROM STATE RAOD 13 TO SR 5 IN WHITLEY COUNTY:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, requested the speed limit be reduced on 350 N to SR 5 in Whitley County to 35 mph from 55 mph. The DNR is considering 350 N as an access road to the Pisgah and Durham Lake public area. Ladson recommends this reduction of speed to make the road safer. Whitley County is also agreeing to this speed limit for the extension into their county.

MOTION: BRAD JACKSON TO: APPROVE REDUCTION OF SPEED TO  
SECOND: RON TRUEX 35 MPH.

AYES: 2 NAYS: 0  
UNANIMOUS

**ORDINANCE 03-11-03-002SPEED**

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.

*Beard #*  
*2004 0000 3693*

*Beard #*  
*2004 0000 3692*

November 3, 2003  
Page 4 of 6

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

2. Speed limit on CR 350 N. – from SR 13 to Whitley County Line shall be 35 mph.

THIS ORDINANCE shall be in full force and effect on November 3, 2003. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 3<sup>rd</sup> day of November, 2003.

**IN THE MATTER OF INTER-GOVERNMENTAL AGREEMENT BETWEEN  
KOSCIUSKO COUNTY AND WHITLEY COUNTY COMMISSIONERS:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, presented an agreement to the Commissioners for signing. The agreement makes Kosciusko County the lead agent in the project and makes Ladson the contact person. The County Attorney reviewed the document.

MOTION: BRAD JACKSON TO: APPROVE INTER-GOVERNMENTAL  
SECOND: RON TRUEX AGREEMENT WITH WHITLEY CO.

AYES: 2 NAYS: 0

**INTER-GOVERNMENTAL AGREEMENT BETWEEN THE  
BOARD OF COMMISSIONERS OF KOSCIUSKO COUNTY AND  
THE BOARD OF COMMISSIONERS OF WHITLEY COUNTY**

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

WHEREAS, THE INDIANA DEPARTMENT OF TRANSPORTATIONS has a program to design and fund road rehabilitation projects that access recreational areas of the Indiana Department of Natural Resources; and

WHEREAS, THE INDIANA DEPARTMENT OF NATURAL RESOURCES has determined CR 350 N. in the County of Kosciusko and CR 850 N. in the County of Whitley is an access road to the Pisgah and Durham Lake areas; and

WHEREAS, KOSCIUSKO COUNTY CR 350 N. AND WHITLEY COUNTY CR 850 N. BETWEEN SR 13 AND SR 5 are one and the same road that crosses the jurisdictional boundary line between said counties;

THEREFORE; BOTH THE BOARD OF COMMISSIONERS OF THE COUNTY OF KOSCIUSKO AND THE COUNTY OF WHITLEY enter into the following Inter-Governmental Agreement.

It is mutually agreed, that Board of Commissioners of Kosciusko County will serve as the Lead County Coordinator between the Indiana Department of Transportation and the Indiana Department of Natural Resources regarding the Kosciusko County CR 350 N. and the Whitley County CR 850 N. rehabilitation project located between SR 13 in Kosciusko County, Indiana and SR 5 in Whitley County, Indiana.

The agreement establishes, the Kosciusko County Highway Engineer/Superintendent as the point of contact for the project. All questions and inquiries should be directed through him.

Any land acquisition needed for the project will be coordinated through Kosciusko County. Should the need arise to acquire land via eminent domain, each Board of Commissioners is responsible to file suit in its respective jurisdiction.

After the project is completed, each Board of Commissioners will assume maintenance of the project located within their respective jurisdiction.

Said agreement will terminate at the end of the project.

**IN THE MATTER OF INDOT AND KOSCIUSKO COUNTY COMMISSIONER'S**

**AGREEMENT:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, presented an agreement to the Commissioners for signing. It stated INDOT will do the design work, engineering, pay for right of way and install the road. It states Kosciusko County will do the legwork to acquire right of ways and INDOT will pay for them. Section #7 – County takes over responsibility upon completion. If there are any problems, the County is responsible, including design defects. It is approximately 1.7 miles of roadway and could cost \$1,000,000.

MOTION: BRAD JACKSON TO: APPROVE AGREEMENT WITH INDOT  
SECOND: RON TRUEX FOR ROAD CONSTRUCTION.

AYES: 2 NAYS: 0

UNANIMOUS

**IN THE MATTER OF BIDS FOR BRIDGE 94:**

Rob Ladson, Kosciusko County Highway Superintendent/Engineer, and Mike Miner, Kosciusko County Attorney, read the bids for Bridge 94 located on Old Road 30 W. over Walnut Creek just past Big Lots. Ladson noted the Engineer's estimate is \$134,731.

Pioneer Associates .....	\$148,037.55	Bid Bond
Prime Co. ....	\$117,214.75	Bid Bond
R.L. McCoy .....	\$116,885.45	Bid Bond
Kelkon .....	\$129,537.40	Bid Bond

The job was awarded to R.L. McCoy because they were the lowest responsive and responsible bid.

MOTION: BRAD JACKSON	TO: APPROVE R.L. MCCOY BID FOR
SECOND: RON TRUEX	BRIDGE 94 AT \$116,885.45.
AYES: 2 NAYS: 0	
UNANIMOUS	

**IN THE MATTER OF COUNTY HIGHWAY BID OPENING:**

Kosciusko County Highway Engineer/Superintendent Rob Ladson requested bids for various items used by the County Highway. Bids were open from the following companies:

- I. Dust Control
  - Great Lakes Chloride
  - AJP Corporation
- II. Road Signs
  - 3M
  - Osburn Associates, Inc.
  - Hall Signs, Inc.
- III. Sign Posts
  - Hall Signs, Inc.
  - Rocal, Inc.
- IV. Aggregate
  - Rock Industries, Inc.
  - Irving Materials, Inc. (imi)
  - G&G Hauling & Excavating
  - Phend & Brown
  - Elkhart County Gravel, Inc.
  - Hanson Aggregates Midwest
  - WW Gravel Company
  - Sider's & Son Gravel
  - Zimmerman Gravel
  - Hohman Excavating
  - Kokomo Gravel
- V. Weed Spray
  - DeAngelo Brothers
  - Daltons
- VI. Corrugated Metal Pipe
- VII. Precast Concrete Structures
- VIII. Liquid Bituminous Material
  - Pierceton Trucking
  - Koch Materials
  - Seneca Petroleum Company
- IX. Plant Rental for Mixing HAC or HAE
  - Phend & Brown
  - NiBlock
- X. Bituminous Hot Mix HAC or HAE
  - (Contractor provided materials in county trucks)
  - Phend & Brown
  - NiBlock
  - Reith-Riley
  - Brooks Construction



**IN THE MATTER OF GRANT MONEY FOR EMERGENCY MANAGEMENT:**

Edward Rock, Kosciusko County Emergency Management Director, reported on grants that he has applied for on behalf of the County. Rock indicated the grants are 100% grants so the county has no match.

- \$17,000 Comprehensive Emergency Plan – in the final review, should be ready by end of year. Titan has coordinated this application.
- \$57,000 Part 1 – submitted, needs approval.
- \$188,000 Part 2 – submitted, needs approval.
- Up to \$500,000 radio equipment – 800 MHz and mobile data equipment. A survey was sent out to all emergency responders in the county to find out what they have and what they want.
- For 2003 Kosciusko County has requested the State supply the county with \$780,000. This doesn't include Federal money from the July 4<sup>th</sup> storm. It is expected that those funds will be in excess of \$200,000.

**IN THE MATTER OF PRESENTATION ON ENERGIZING INDIANA'S WORKFORCE FUNDS:**

Juan Manigault, President and CEO of the Northern Indiana Workforce Investment Board, presented a request for a grant approval. He asked the Commissioners for approval to support a grant in the amount of \$400,000 for Energizing Indiana's Workforce funds. The Board is comprised of representatives from Marshall, St. Joe, Elkhart and Kosciusko Counties. The projects support stronger linkages between economic development and workforce development and the development of a skilled workforce in the four Energize Indiana sectors: Life Sciences, Advance Manufacturing, 21<sup>st</sup> Century Logistics and Information Technology. The following projects were presented for approval:

- Short-term Skills Training for companies in the Energize Indiana sectors directed towards area firms and approved by the Incumbent Worker Training Council. Will require company match. Propose: \$200,000.
- Short-term Skills Training for jobseekers and incumbent workers accessing services through Ivy Tech State College and Crossroads Academy, including equipment and workshops in support of training for advanced manufacturing, biotechnology and information technology. Propose: \$60,000.
- Support for Warsaw Work One Center including licenses for Job Works and Goodwill Case Managers to access web-based internet job openings in the Energize Indiana sectors for local companies within a 50-mile radius of South Bend. Propose: \$25,000.
- Community Awareness activities in support of Work Keys implementation, as defined in the NIWIB-Connect Work Keys Outreach Memorandum of Understanding. This is a job skills evaluation program. NIWIB has already provided \$75,000 to support regional Work Keys awareness. Propose: \$15,000.
- WorkOne Center staff support and coordination activities in support of Energize Indiana activities for adult, incumbent and dislocated workers. Propose: \$50,000.
- Focus NIWIB strategic plan on Energize Indiana sectors for at-risk populations. Propose: \$10,000.
- Grant Administration. Propose: \$40,000.

These projects were recommended by a joint group of Workforce Investment Board members, economic development representatives, educators and WorkOne Partners including:

- Doug Anspach, Executive Director, Marshall County Industrial Foundation\*
- Steve Arnold, Director, Corporate and Community Services, Ivy Tech State College North Central Campus (Incumbent Worker Council)
- Bill Bradley, President, Elkhart County Economic Development Corporation\*
- Virginia Calvin, Chancellor, Ivy Tech State College, North Central Campus\*
- Debi Coble, Vice President, Goodwill Industries of Michigan (WorkOne partner)
- Kay Cochrane, Executive Vice President, Northern Indiana Workforce Investment Board
- Jack Davis, Executive Director, Northern Indiana Educational Services Center\*
- Dwight Grieser, Chairmen of the Systems Council, Northern Indiana Workforce Investment Board\*
- Mike Harding, Executive Director, Connect, Inc.
- Tom Kavanagh, Vice President, JobWorks, Inc. (WorkOne Partner)
- Jean Kosanovich, Program Director, Indiana Department of Workforce Development (WorkOne Partner)\*



November 18, 2003

Page 3 of 8

- Juan Manigault, President, Northern Indiana Workforce Investment Board\*
- **Joy McCarthy-Sessing, President, Kosciusko Development, Inc.\***
- Pat McMahon, Executive Director, Project Future\*
- Tom Primrose, WorkOne Coordinator

Northern Indiana Workforce Investment Board Member

These activities will encourage and expand partnerships among business, labor, education, government, economic development agencies and local elected officials. They will also begin to address some of the emerging local and regional workforce development issues facing our Northern Indiana communities. Commissioner Gunter indicated she would like to see some of the items really benefit Kosciusko County. Manigault requested Kosciusko County's support on this project. He noted the only ones who can apply are Workforce Boards. There will be nine or ten awarded in the state. Reports will be filed if the grant is awarded.

MOTION: AVIS GUNTER

TO: APPROVE SUPPORT OF PROJECTS.

SECOND: RON TRUEX

AYES: 2 NAYS: 0

UNANIMOUS

#### **IN THE MATTER OF RELEASE OF FINAL PAYMENT AND ESCROW FOR JUSTICE BUILDING PROJECT:**

Ron Robinson, Kosciusko County Administrator, stated Weigand as completed construction on Justice Building and requested the release of the final payment in the amount of \$356,954.84. Of the bill \$300,000 is being held in escrow for Weigand at Star Financial Bank. The balance will be paid from Cumulative Capital Development Funds.

MOTION: AVIS GUNTER

TO: APPROVE FINAL PAYMENT TO

SECOND: RON TRUEX

WIEGAND.

AYES: 2 NAYS: 0

UNANIMOUS

#### **IN THE MATTER OF KEY BENEFITS ADMINISTRATORS REQUEST FOR SUBROGATION:**

Ron Robinson, Kosciusko County Administrator, stated an employee's dependent was injured in an accident. The request read...The amount of the Plan's subrogation interest shall be deducted first from any recovery on behalf of the injured person. The Plan reserves the right to reduce the amount of its recoverable interest where in the discretion of its Fiduciaries a reduction is warranted by the circumstances. The plan also reserves the right to initiate action in the name of the Plan or in the name of the injured person to recover its subrogation interest. The Plan shall not be responsible for expenses or attorney fees incurred by an injured person in connection with any recovery unless the Plan shall have agreed in writing to pay those expenses or fees. Subrogation claims in the amount of \$10,780.45 were paid in medical benefits in connection to incident. It was requested that the subrogation lien be reduced by 1/3 to \$6,922.90.

MOTION: AVIS GUNTER

TO: APPROVE ROBINSON TO SIGN

SECOND: RON TRUEX

NOT ACCEPTING THE REDUCTION.

AYES: 2 NAYS: 0

UNANIMOUS

#### **IN THE MATTER OF MEDSTAT CONTRACT:**

Ron Robinson, Kosciusko County Administrator, stated there will be no increase over the contract amount for 2003. Because of working with the hospital, the count is receiving a 10% reduction.

MOTION: AVIS GUNTER

TO: APPROVE MEDSTAT CONTRACT.

SECOND: RON TRUEX

AYES: 2 NAYS: 0

UNANIMOUS

November 18, 2003

Page 4 of 8

**IN THE MATTER OF FLEX RENEWAL:**

Ron Robinson, Kosciusko County Administrator, stated the Flex renewal went up approximately \$1.00. Some services were declined to keep the cost down.

MOTION: AVIS GUNTER

TO: APPROVE FLEX RENEWAL.

SECOND: RON TRUEX

AYES: 2 NAYS: 0

UNANIMOUS

**IN THE MATTER OF MAILING TAX BILLS:**

Sue Ann Mitchell, Kosciusko County Auditor, stated tax bills have been sent out with a due date of November 24, 2003. Mitchell expects to receive rates for Whitley County sometime next week. She is hopeful the taxes can be mailed by the middle of December with a pay date three Fridays into January. This will give people the opportunity to pay in 2003 for the benefit of income tax deductions or they may pay into January. Washington, Pierceton, Sidney, Jackson and Monroe will be mailed at one time.

**IN THE MATTER OF SHADOW LAKES ESTATES PHASE I MAINTENANCE:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated Shadow Lakes Estates Phase I is ready for final approval for road maintenance. Ladson recommended approval for maintenance.

MOTION: AVIS GUNTER

TO: APPROVE MAINTENANCE OF

SECOND: RON TRUEX

SHADOW LAKES ESTATES PHASE I

AYES: 2 NAYS: 0

UNANIMOUS

**IN THE MATTER OF SUMMERFIELD ESTATES MAINTENANCE REQUEST:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated it is time to release the bond on Summerfield Estates. All roads are in and finished. There is a one-year wait period for maintenance, but snow removal service will be provided the first year. Necessary roads will be plowed. Ladson stated there is only one home there now. He stated the Highway would plow to achieve access for that one home.

MOTION: AVIS GUNTER

TO:

SECOND: RON TRUEX

APPROVE PLOWING OF NECESSARY  
ROADS IN SUMMERFIELD ESTATES.

AYES: 2 NAYS: 0

UNANIMOUS

**IN THE MATTER OF REPLACEMENT OF THIRD LOADER:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated Loader #67 needs replaced. Loader #67 is the third oldest loader. It is 13 years old. Ladson talked with Ron Truex, Kosciusko County Commissioner and they decided the opportunity was presented and we should replace the loader. The vendor has agreed to hold the price of all loaders with a 21% discount, a 2 year warranty on all 3 loaders, and a \$15,000 trade-in for the 3<sup>rd</sup> loader. It is expected that the price will increase by 4% next year. The Council approved the request for the additional appropriation and thought the replacement of the third loader made sense. The Council supported the decision as long as the Commissioners approved the decision. Ladson recommends replacing the 3<sup>rd</sup> loader. Ladson noted having three loaders that are all the same will make maintenance easier. The machine that lays the road shoulder is not working properly. It is only needed 4 weeks out of the year. In the past one was rented but it is no longer available.

MOTION: AVIS GUNTER

TO:

SECOND: RON TRUEX

APPROVE REPLACEMENT OF THIRD  
LOADER.

AYES: 2 NAYS: 0

UNANIMOUS

**IN THE MATTER OF COUNTY HIGHWAY 2004 BID RECOMMENDATIONS:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, read the annual bids to the Commissioners for approval.

**I. DUST CONTROL**

**A. Bidders**

- |                         |                |
|-------------------------|----------------|
| 1. Great Lakes Chloride | \$ .463/gallon |
| 2. AJP Corporation      | \$ .49 /gallon |

**B. Recommendation**

Accept the low bid from AJP Corporation. Reject the others.

MOTION: AVIS GUNTER

TO: APPROVE AJP CORPORATION FOR

SECOND: RON TRUEX

DUST CONTROL.

AYES: 2 NAYS: 0

UNANIMOUS

**II. ROAD SIGNS**

**A. Bidders**

- |                           |
|---------------------------|
| 1. 3M                     |
| 2. Osburn Associate, Inc. |
| 3. Hall Signs, Inc.       |
| 4. Rocal, Inc.            |

**B. Recommendation**

Accept the bids from Osburn Associates, Inc. (generally, low in price, but unknown timelines of delivery and did not bid posts) and Hall Signs (submitted a complete bid and has excellent delivery time). Reject 3M and Rocal's bid.

MOTION: AVIS GUNTER

TO: APPROVE OSBURN ASSOCIATES INC.

SECOND: RON TRUEX

AND HALL SIGNS FOR ROAD SIGNS.

AYES: 2 NAYS: 0

UNANIMOUS

**III. SIGN POSTS**

**A. Bidders**

- |                     |
|---------------------|
| 1. Hall Signs, Inc. |
| 2. Rocal, Inc.      |

**B. Recommendation**

Accept the bid from Hall Signs. Reject the others.

MOTION: AVIS GUNTER

TO: APPROVE HALL SIGNS FOR SIGN

SECOND: RON TRUEX

POSTS.

AYES: 2 NAYS: 0

UNANIMOUS

**IV. AGGREGATE**

**A. Bidders**

- |                                 |
|---------------------------------|
| 1. Rock Industries, Inc.        |
| 2. Irving Materials, Inc. (IMI) |
| 3. G & G Hauling & Excavating   |
| 4. Phend & Brown                |
| 5. Elkhart County Gravel, Inc.  |
| 6. Hanson Aggregates Midwest    |
| 7. W & W Gravel Company         |
| 8. Sider's & Son Gravel         |
| 9. Zimmermann Gravel            |
| 10. Hohman Excavating           |
| 11. Kokomo Gravel               |

**B. 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: AVIS GUNTER

TO: APPROVE ALL COMPANIES FOR

SECOND: RON TRUEX

AGGREGATE.

AYES: 2 NAYS: 0

UNANIMOUS

V. **WEED SPRAY**

A. Bidders

1. DeAngelo Brothers
2. Daltons

B. Recommendation

Accept the bid from Daltons. Reject the others. (Note: The DeAngelo Brothers bid did not include the appropriate licenses, certificates, or indemnification agreements. The DeAngelo Brothers mix contained errors and was corrected after the bid opening.)

MOTION: AVIS GUNTER

TO: APPROVE DALTONS FOR WEED SPRAY.

SECOND: RON TRUEX

AYES: 2 NAYS: 0

UNANIMOUS

VI. **CORRUGATED METAL PIPE**

A. Recommendation

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.

MOTION: AVIS GUNTER

TO: APPROVE BID PROCESS PROJECT-BY-PROJECT BASIS FOR CORRUGATED

SECOND: RON TRUEX

AYES: 2 NAYS: 0

METAL PIPE.

UNANIMOUS

VII. **PRECAST CONCRETE STRUCTURES**

A. Bidders

1. Bridgetek

B. Recommendation

Accept the Bridgetek bid.

MOTION: AVIS GUNTER

TO: APPROVE BRIDGETEK FOR PRECAST

SECOND: RON TRUEX

AYES: 2 NAYS: 0

UNANIMOUS

VIII. **LIQUID BITUMINOUS MATERIAL**

A. Bidders

1. Piercetron Trucking
2. Koch Materials
3. Seneca Petroleum Company

B. Recommendation

Since all bids are based upon an escalation clause, accept all bids.

MOTION: AVIS GUNTER

TO: APPROVE ALL BIDS FOR LIQUID

SECOND: RON TRUEX

BITUMINOUS MATERIAL.

AYES: 2 NAYS: 0

UNANIMOUS

IX. **PLANT RENTAL FOR MIXING H.A.C. OR H.A.E. (County provided materials)**

A. Bidders

1. Phend & Brown
2. NiBlock

B. Recommendation

Accept the NiBlock bid. Reject the Phend & Brown bid.

MOTION: AVIS GUNTER

TO: APPROVE NIBLOCK FOR PLANT

SECOND: RON TRUEX

RENTAL FOR MIXING H.A.C. OR H.A.E.

AYES: 2 NAYS: 0

(COUNTY PROVIDE)

UNANIMOUS

November 18, 2003  
Page 7 of 8

**X. BITUMINOUS HOT MIX H.A.C. OR H.A.E. (Contractor provided materials in county trucks)**

**A. Bidders**

1. Phend & Brown
2. NiBlock
3. Reith-Riley
4. Brooks Construction
5. Ranger Materials

**B. Recommendations**

Since the best value to the County is difficult to determine due to the escalation clause, accept all bids and obtain firm prices that are based upon the annual bids for each specific project.

MOTION: AVIS GUNTER TO: APPROVE ALL BIDS FOR BITUMINOUS  
SECOND: RON TRUEX HOT MIX H.A.C. OR H.A.E.  
AYES: 2 NAYS: 0 (CONTRACTOR PROVIDE).  
UNANIMOUS

**XI. BITUMINOUS HOT MIX H.A.C. OR H.A.E. (Laid by Contractor)**

**A. Bidders**

1. Phend & Brown
2. NiBlock
3. Reith-Riley
4. Brooks Construction

**B. Recommendation**

Since the best value to the County is difficult to determine due to the escalation clause, accept all bids and obtain firm prices that are based upon the annual bids for each specific project.

MOTION: AVIS GUNTER TO: APPROVE ALL BIDS FOR BITUMINOUS  
SECOND: RON TRUEX HOT MIX H.A.C. OR H.A.E. (LAID BY  
AYES: 2 NAYS: 0 CONTRACTOR).  
UNANIMOUS

Commissioner Truex requested Ladson include in the bid process a request for the representative quote for the largest item bid. He requested Ladson include that as a requirement of the bid. Ladson stated he did not know how that could be done. He agreed it was difficult to determine the lowest and most responsible and responsive bid.

**IN THE MATTER OF QUESTIONS AND ANSWERS IN WRITING:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated that in the future it would be County Highway policy to require all questions and answers related to the bid process be in written form.

**IN THE MATTER OF DITCH ON COUNTY FARM ROAD:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated there is a half-mile of ditch that needs to be moved west and away from the road. The Kosciusko County Surveyor's Office has hired a contractor to clean the ditch for under \$5,000. Ladson would like the contractor to rip rap and take down the existing guardrails and put in a new one. The contractor quoted \$20,000. It was decided it would be more cost efficient to bid the project out.

MOTION: AVIS GUNTER TO: APPROVE BID OUT OF DITCH PROJECT  
SECOND: RON TRUEX ALONG COUNTY FARM ROAD.

AYES: 2 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF BRIDGE 290 PROGRESS:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated Bridge 290 is near completion. Ladson has received no complaints from residents about the job Prime Co is doing.

November 18, 2003  
Page 8 of 8

**IN THE MATTER OF BRIDGE 94 PROGRESS:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated Bridge 94 is under way. Sounding the deck was done to see what kind of condition the structure was in. It is in poor shape. Construction continues.

**IN THE MATTER OF BRIDGE 95 PROGRESS:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated Bridge 95 located over Tippy River will be discussed at another meeting.

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

  
RONALD TRUEX, PRESIDENT

  
AVIS GUNTER, MEMBER

ABSENT  
BRAD JACKSON, MEMBER

ATTEST   
SUE ANN MITCHELL, AUDITOR

**KOSCIUSKO COUNTY COMMISSIONERS  
NOVEMBER 25, 2003**

The Kosciusko County Commissioners met for a special meeting on November 25, 2003 at 1:00 P.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:  
RON TRUEX, PRESIDENT  
AVIS GUNTER  
BRAD JACKSON  
SUE ANN MITCHELL, COUNTY AUDITOR  
RON ROBINSON, COUNTY ADMINISTRATOR

President Ron Truex called the meeting to order. He stated the purpose of the meeting was to make the Commissioner's appointment to the Kosciusko County Convention and Visitor's Bureau Commission.

**IN THE MATTER OF CVB COMMISSION APPOINTMENT:**

The Commissioners discussed their appointments to the Convention and Visitor's Bureau Commission. The names of John Elliott, First Source Bank and Ms. Jan Carter, Allied Team Technologies were discussed.

MOTION: BRAD JACKSON  
SECOND: AVIS GUNTER  
AYES: 3 NAYS: 0  
MOTION CARRIED  
TO: Approve the appointment of John Elliott and Jan Carter to the Kosciusko County Convention and Visitor's Bureau Commission.





## KOSCIUSKO COUNTY COMMISSIONERS

### DECEMBER 2, 2003

The Kosciusko County Commissioners met for their regular meeting on December 2, 2003 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT  
AVIS GUNTER  
BRAD JACKSON

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

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

#### IN THE MATTER OF DRAINAGE BOARD REAPPOINTMENT:

Dorris Herald has served on the Drainage Board for several years. Richard Kemper, County Surveyor, requested he be reappointed to the Drainage Board.

MOTION: AVIS GUNTER TO: APPROVE REAPPOINTMENT OF DORRIS  
SECOND: BRAD JACKSON HERALD TO DRAINAGE BOARD.  
AYES: 3 NAYS: 0  
UNANIMOUS

#### IN THE MATTER OF 800 MHZ COMMUNICATIONS GRANT:

Ron Robinson, Kosciusko County Administrator, presented a grant to the Commissioners for signing. Edward Rock, Emergency Management Director, and Aaron Rovenstine, Kosciusko County Sheriff, explained the grant is for the amount of \$500,000 for the purchase of 800 MHz radios. This is a 100% grant. This is a statewide program; the money will be distributed in three segments. The top 1/3 of Indiana is the 1<sup>st</sup> phase, the middle 1/3 of Indiana is the 2<sup>nd</sup> phase and the bottom 1/3 of Indiana is the 3<sup>rd</sup> phase. The need for 800 MHz was jump started by the tragedy of 9-11. Police, fire, ems, etc. all work on different frequencies; there was no way to talk to each other. With the 800 MHz radios, emergency response agencies can communicate with each other, even across county lines. The Sheriff, Dispatch and Emergency Management will be the first to get 800 MHz radios. Others will be added as money is received. However, Sheriff, Dispatch and Emergency Management will still have the old communication system and be able to communicate with those that don't have 800 MHz yet.

MOTION: BRAD JACKSON TO: APPROVE GRANT APPLICATION  
SECOND: AVIS GUNTER FOR 800 MHZ COMMUNICATIONS.  
AYES: 3 NAYS: 0  
UNANIMOUS

#### IN THE MATTER OF LETTER OF SUPPORT:

Ron Robinson, Kosciusko County Administrator, presented a letter to the Commissioners requesting a letter of support for Masterworks related. They are attempting to move their staff to Winona Lake through a Lilly Foundation Grant.

MOTION: AVIS GUNTER TO: APPROVE LETTER OF SUPPORT FOR  
SECOND: BRAD JACKSON THE MASTERWORKS PROGRAM.  
AYES: 3 NAYS: 0  
UNANIMOUS

#### IN THE MATTER OF EMPLOYEE CHRISTMAS PARTY:

Ron Robinson, Kosciusko County Administrator, stated it was time for the annual Employees Christmas Party. It was decided the party would be held on Tuesday, December 16, 2003 FROM 11 AM TO 1:30 PM.

**IN THE MATTER OF BURKET ROAD:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated the repaving of Burket Road was completed at the end of the season. Due to the lateness in the year of the paving, the proper centerlines were never painted (designating passing and no passing zones); just the stripping (dashed line) done by the contractor exists. He noted there is no "no passing" zones because the lines are all dashed lines. The latex paint used to strip the road is very temperature dependent. It needs to be 40 degrees for the latex paint to apply and dry properly. There is a material called thermal plastic that is better than latex paint and can be put down know, however, it is very expensive. He noted it would list approximately six years vs the two years the paint stripping lasts. It was decided that construction warning signs would be put up and the proper centerlines would be painted in the summer.

MOTION: AVIS GUNTER TO: APPROVE CONSTRUCTION WARNING  
SECOND: BRAD JACKSON SIGNS FOR BURKET ROAD AND  
AYES: 3 NAYS: 0 PAINTING OF CENTERLINES IN THE  
UNANIMOUS SUMMER OF 2004.

**IN THE MATTER OF REPEAL OF STOP SIGNS ON 900 W. NORTH OF 500 S.:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, requested the repeal of stops signs at the railroad crossing of 900 W. north of 500 S. Lights and gates are installed. All railroad crossings are maintained by the railroad. The County has no control over the roughness of railroads.

MOTION: AVIS GUNTER TO: APPROVE REPEAL OF STOP SIGNS AT  
SECOND: BRAD JACKSON THE RAILROAD CROSSING OF 900 W.  
AYES: 3 NAYS: 0 NORTH OF 500 S.  
UNANIMOUS

**IN THE MATTER OF STATE INVENTORY ROAD MAP:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated a road that the County does maintain needs to be put back on the map. He also noted there was one that was included that needs to be removed. Ladson stated this does not change anything. It just corrects the maintenance maps. The one road that was missed is 3 miles from SR 25 to 700 S.

MOTION: AVIS GUNTER TO: APPROVE ROAD TO BE PUT BACK ON  
SECOND: BRAD JACKSON THE STATE INVENTORY ROAD MAP.  
AYES: 3 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF BRIDGE 94:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated new concrete is being put in. The project is moving along nicely. Ladson stated that if the weather holds, the bridge should be completed on schedule.

**IN THE MATTER OF BRIDGE 290:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated Bridge 290 to Venetian Isle is near completion. There have been no complaints. All Ladson has heard is praises for a job well done by Prim Co. Ladson has passed those compliments on to the contractor. He noted the onsite contractor has done a good job on public relations.

**IN THE MATTER OF VACATION REQUEST FOR EMS C24 D LN IN PLAIN TOWNSHIP:**

Matt Sandy, Area Plan Assistant Director, presented a request to table the vacation for EMS C24 D LN because the information was not provided to the county in time for the Area Plan Commission to contact other local units of government for their input.

MOTION: AVIS GUNTER TO: APPROVE TABELING OF VACATION  
SECOND: BRAD JACKSON TO DECEMBER 16, 2003.  
AYES: 3 NAYS: 0  
UNANIMOUS

December 2, 2003

Page 3 of 4

**IN THE MATTER OF FOUR SEAS RESOURCES REZONING FROM RESIDENTIAL TO COMMERCIAL IN TIPECANOE TOWNSHIP AT SR 13 AND 500 N:**

Matt Sandy, Kosciusko County Area Plan Assistant Director, stated the tract in question is located on the east side of SR 13 and 500 N. Originally the tract was zoned agricultural, and then in 1999 it was rezoned to residential. The owner, Bruce Cavell, would like the tract to be rezoned to commercial. The Planning Commission looked at the issue and thought it made more sense as residential. The Planning Commission voted to deny the rezoning with a 5-3 vote. The Times-Union stated Victor Virgil voted to deny the rezoning to move it along to the Commissioners. Kelly Easterday confirmed that was true.

In Favor of rezoning: Steve Snyder, Attorney, stated in 1999 the intent was to develop a residential living area. P's and T Square were the only commercial businesses near the tract. While residential was being pursued, additional commercials were developed in the area - Bell Marina and storage condos (20 x 40 individual units, 64 total units). The use of the property for residential has diminished because commercial property in the area has increased. A 100 ft. strip access was negotiated with Bell Marina off SR 13. Cavell traded one acre for two acres of residential. Commercial is rapidly developing in this area. There is a tract of low land to the south used by Bell Marina as a retention pond. It is an isolated pothole, not a jurisdictional wetland because by IDEM's standards, to be wetlands, water must flow in and out. The retention pond could be filled and leveled if need be. North Webster Town Council does not have a position much like the Planning Commission. The north exit could be restricted to minimize traffic flow. SR 13 has been commercial since early 1980's.

Opposition: Lewis Hines - 8105 E. 500 N., has lived there two years. Hines is against commercial development. Hines is worried about the affect the pond would have on the wells because they are shallow wells.

Marcia Hill - Has lived there for 30 years. Hill is not for commercial rezoning, her lot is the only one in the area still zoned agricultural. She enjoys the peacefulness and wildlife that exist in the area.

Lynn Gary - adjacent property owner to the far East, sent a letter in opposition of the rezoning. After a brief recess of the Commissioners, Steve Snyder proposed the following:

Part I: At north edge, northeast 25 ft. or so perpendicular to west line. Grant land to adjacent property owners to create a buffer.

Part II: If necessary, extend 50 ft. with gate at north edge of new plat, emergency use only, unless required by Area Planning Commission. The emergency exit would still be available for access.

Steve Snyder will have a commitment in writing at the next meeting. The commitment will be recorded at that time.

MOTION: BRAD JACKSON

TO: TABLED UNTIL NEXT MEETING TO

SECOND: AVIS GUNTER PROVIDE PROPOSAL IN WRITING.

AYES: 3 NAYS: 0

UNANIMOUS

The legal description for the area requested to be rezoned is as follows:

Part of the West half of the Northwest Quarter of Section 23, Township 33 North, Range 7 East, Kosciusko County, Indiana, more particularly described as follows, to wit: Commencing at a bolt found at the Northwest corner of said Northwest Quarter; thence North 90 degrees - 00 feet East (deed bearing), on a and along the north line of said Northwest Quarter, a distance of 1331.9 feet to an iron pin found at the Northeast corner of the West half of said Northwest Quarter; thence South 00 degrees - 08 feet - 30 inches West, on and along the East line of said West half, a distance of 237.8 feet to an iron pin found at the Southeast corner of Lot Number 6 in Garber Subdivision, said Southeast corner being the true point of beginning; thence continuing South 00 degrees - 08 feet - 30 inches West, on and along the East line of said West half, a distance of 2409.66 feet to the Southeast corner of said West half, being a point situated 2.6 feet North of an iron pin found; thence South 89 degrees - 59 feet - 27 inches West, on and along the South line of said Northwest Quarter, a distance of 806.29 feet to a point situated 2.1 feet South of an iron pin found, said point also being situated North 89 degrees - 59 feet - 27 inches East, a distance of 500.0 feet from the Southwest corner of said Northwest Quarter; thence North 00 degrees - 23 feet - 50 inches, a distance of 2453.57 feet

December 2, 2003

Page 4 of 4

to an iron pin on the South line of said Garber subdivision; thence North 90 degrees – 00 feet – 00 inches East, on and along the South line of lot Number 2 in said Garber Subdivision and on and along the South line of a 50 foot wide “Future Road” in said Plat of Garber Subdivision; a distance of 161.51 feet to an iron pin found at the Southwest corner of Lot Number 3 in said Garber Subdivision; thence South 80 degrees – 01 feet – 20 inches East, on and along the South line of Lots Numbered 3 and 4 in said Garber Subdivision, a distance of 252.36 feet to an iron pin found at the Southeast corner of said Lot Number 4, also being the Southwest corner of a certain tract of land as recorded in Document Number 9707-0540, in the records of Kosciusko County, Indiana; thence North 90 degrees – 00 feet – 00 inches East, on and along the South line of said tract in Document Number 9707-0540 and on and along the South Line of Lots Numbered 5 and 6 in said Garber Subdivision, a distance of 419.20 feet to the true point of beginning, containing 45.517 acres of land, more or less; subject to all legal right-of-way, subject to all legal drain easements, subject to an easement for an overhead power line which crosses the above described tract and subject to all other easements of record. Description for zoning purposes only.

**IN THE MATTER OF MEDSTAT CONTRACT:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, presented the MedStat contract to the Commissioners for approval and signing.

MOTION: AVIS GUNTER

TO: APPROVE MEDSTAT CONTRACT.

SECOND: BRAD JACKSON

AYES: 3 NAYS: 0

UNANIMOUS

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

  
RONALD TRUEX, PRESIDENT

  
AVIS GUNTER, MEMBER

  
BRAD JACKSON, MEMBER

ATTEST:   
SUE ANN MITCHELL, AUDITOR

# KOSCIUSKO COUNTY COMMISSIONERS

## DECEMBER 16, 2003

The Kosciusko County Commissioners met for their regular meeting on December 16, 2003 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT  
AVIS GUNTER  
BRAD JACKSON

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

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

### IN THE MATTER OF SHERIFF CHRISTMAS PARTY:

Aaron Rovenstine, Kosciusko County Sheriff, thanked the Commissioners for allowing the Sheriff's Department to use the Multi-Purpose Room in the basement of the Justice Building for their Christmas party. There were approximately 200 people attending the party.

### IN THE MATTER OF GRANT MONEY:

Edward Rock, Kosciusko County Emergency Management Director, stated the State sent a check to the county in the amount of \$187,000+ to be used for the purchase of counter-terrorism equipment for first responders. Rock asked that Commissioners for approval to spend the money on items that were identified in the grant. He stated there is a good potential for an additional \$57,000 in receipts in the near future. The Auditor's Office received \$25,000 as reimbursement from SEMA for Edward Rock and Cathy Tucker's salaries. The Commissioners will review the list at the next meeting before making a decision.

### IN THE MATTER OF FEE CHANGE FOR BIRTH CERTIFICATES:

Bob Weaver, Kosciusko County Health Department, requested a change in the fee ordinance to obtain a birth certificate. This would reflect a price increase in the birth forms now required by the State of Indiana. The current fee is \$4.00 per copy and \$1.00 for each additional. Weaver stated the format of the birth certificates must change effective January 1, 2004. He would like the fee to be raised to \$7.00. The new certificate will include both standard size and wallet size copies.

MOTION: AVIS GUNTER	TO: APPROVE FEE CHANGE FOR BIRTH
SECOND: BRAD JACKSON	CERTIFICATES to \$7.00 FOR A TWO
AYES: 3 NAYS: 0	PART FORM AS REQUIRED BY LAW.
UNANIMOUS	

### IN THE MATTER OF COUNTY BOARD OF HEALTH REAPPOINTMENT:

Bob Weaver, Kosciusko County Health Department, requested the reappointment of Karen Boling and Wymond Wilson to the County Board of Health.

MOTION: AVIS GUNTER	TO: APPROVE REAPPOINTMENT OF
SECOND: BRAD JACKSON	KAREN BOWLING AND WYMOND
AYES: 3 NAYS: 0	WILSON TO THE COUNTY BOARD
UNANIMOUS	OF HEALTH.

### IN THE MATTER OF KABS VOUCHERS:

Rita Baker, KABS, presented the Capital Vouchers for the balance of 2004 to the Commissioners for approval and signing.

MOTION: AVIS GUNTER	TO: APPROVE KABS CAPITAL VOUCHERS
SECOND: BRAD JACKSON	FOR THE BALANCE OF 2004.
AYES: 3 NAYS: 0	
UNANIMOUS	

December 16, 2003

Page 2 of 11

**IN THE MATTER OF KOSCIUSKO COUNTY COALITION ON DRUG EDUCATION**

**(K-CODE):**

Ruchelle Sammons, KCODE, stated 75% of user fees stay in the county and only 25% go to the state. KCODE received requests for funding from 24 entities in the amount of \$124,933.15. They estimated available funds to be distributed at \$88,000 for 2004 based on receipts from 2003. The distributions are to be at 24% to Prevention & Education, 25% to Intervention & Treatment, 25% to Law Enforcement & Justice and 25% to the State. Sammons noted the KCODE Grant Selection Committee met to determine the distributions as presented. The Commissioners requested copies of the minutes from KCODE's meetings and asked about how timeliness of payments. Sammons stated claims should be sent to the PO Box, from there they are processed and sent to the Auditor's Office. It takes longer if claims are sent to the Auditor's Office first because they have to be sent to KCODE then back to Auditor's Office, presenting a lag in the timeliness of payments.

MOTION: AVIS GUNTER TO: APPROVE DISTRIBUTION OF KCODE  
SECOND: BRAD JACKSON FUNDS AS PRESENTED.

AYES: 3 NAYS: 0  
UNANIMOUS

**PREVENTION & EDUCATION**

Mentone Elementary	Red Ribbon Placemats	\$ 600
Mentone Elementary/Akron Elementary	Red Ribbon	\$ 700
Lakeland Youth Center	Kids Club	\$6,000
Boys & Girls Club	Smart Moves	\$6,000
Warsaw PD	DARE	\$4,000
Pierceton PD	DARE	\$3,500
Kosciusko County Sheriff's Department	DARE	\$9,650
*K Code Coordinator		\$3,000
<b>PREVENTION &amp; EDUCATION TOTAL</b>		<b>\$33,450</b>

**INTERVENTION & TREATMENT**

Right Start-Right Step	Drug & Alcohol	\$ 2,860
Bowen Center	CD Intensive Outpatient	
Bowen Center	Women's Outpatient	\$ 9,140
Bowen Center	Kosciusko County Women's Jail	
Bowen Center	Adolescent Intensive Outpatient	
24 Hour Club	Rent & Utilities	\$10,000
*K CODE Coordinator		\$ 3,000
<b>INTERVENTION &amp; TREATMENT TOTAL</b>		<b>\$25,000</b>

**LAW ENFORCEMENT & JUSTICE**

Kosciusko County SPOT	Cameras	\$ 3,000
Warsaw PD	4 Patrol Videos	\$ 3,150
Pierceton PD	3 Alco Sensors	\$ 1,125
City/County SWAT Team	Officer Training/Equipment	\$ 5,000
Kosciusko County Reserves	Camcorder, Camera & Ammo	\$ 6,550
Winona Lake PD	1 Radar/2PBT's	\$ 2,400
Kosciusko County Joint Gang Task	General Support	\$ 1,000
Milford PD	1 Radar/2 PBT's	\$ 2,400
Mentone PD	Alco/Pro Flashlight/Portable	\$ 1,100
Silver Lake PD	3 Digital/Video	\$ 825
*KCODE Coordinator		\$ 3,000
<b>LAW ENFORCEMENT &amp; JUSTICE TOTAL</b>		<b>\$29,550</b>

\*Coordinator total salary \$9,000 **GRAND TOTAL \$88,000**

**IN THE MATTER OF MEDICAL SERVICES AGREEMENT FOR JAIL:**

Sue Ann Mitchell, Kosciusko County Auditor, presented the Medical Services agreement for the jail doctor's contract to the Commissioners for signing. Dr. Mark Jensen has agreed to continue to serve in this capacity for the county. The contract amount is for \$22,299.96 for 2004.

MOTION: BRAD JACKSON TO: APPROVE JAIL MEDICAL SERVICES  
SECOND: AVIS GUNTER CONTRACT WITH DR. MARK JENSEN.

AYES: 3 NAYS: 0  
UNANIMOUS

**MEDICAL SERVICES AGREEMENT**

This agreement made and entered into as of the 16<sup>th</sup> day of December 2003, by and between MARK A. JENSEN, M.D. hereinafter referred to as "DR. JENSEN", and the BOARD OF COMMISSIONERS OF THE COUNTY OF KOSCIUSKO, Kosciusko County, Indiana hereinafter referred to as "The County", WITNESSETH:

WHEREAS, Dr. Jensen is a duly licensed medical Doctor authorized to practice medicine in the State of Indiana; and

WHEREAS, The County has established and operated a County Jail within which to house inmates; and

WHEREAS, The County wishes to employ Dr. Jensen for the purpose of providing medical services for the County Jail for the period commencing on the 1<sup>st</sup> day of January, 2004, and terminating on December 31, 2004; and

WHEREAS, Dr. Jensen is willing to accept said employment and provide medical services for the County;

NOW, THEREFORE, Dr. Jensen and the County agree as follows, to-wit:

1. **Employment.** The County hereby employs Dr. Jensen and Dr. Jensen hereby accepts employment with The County to furnish and render medical services for the inmates of the Kosciusko County Jail as may be required. Dr. Jensen further agrees that he will, as required, give and conduct physical examinations on various inmates of The County Jail. Dr. Jensen further agrees to keep and maintain appropriate records relating to all professional services rendered by him under this agreement. In addition, Dr. Jensen further agrees to perform such other duties as The County may request and which are consistent with the medical needs and medical requirements for the proper maintenance and operation of the County Jail.
  2. **Compensation.** Dr. Jensen shall receive for his services the sum of One Thousand Eight Hundred Fifty Eight Dollars and Thirty Three Cents (\$1,858.33) per month, which sum shall be paid monthly upon proper presentation, advertisement and allowance of a claim therefore by The County as provided for by the law.
  3. **Supplies.** The County shall furnish and supply such as may be necessary for the performance of Dr. Jensen's professional duties under this agreement.
  4. **Performance of Services.** It is understood by The County that Dr. Jensen may, from time to time, be unable to personally furnish medical services to The County, but that in his absence he will arrange with other duly licensed and authorized physicians to provide such services as may be required hereunder, with the responsibility for paying and reimbursing such persons to be Dr. Jensen's, it being understood, however, that Dr. Jensen's payment for services hereunder will not be reduced during those periods when he is reasonably unable to personally perform such services as may be required hereunder and for such periods during which a substitute physician is supplied by him.
  5. **Availability.** Dr. Jensen agrees that he will provide emergency medical services at all times during the term of this agreement and will provide non-emergency medical services and physical examination as may be consistent with the needs of The County and his own availability.
  6. **Insurance.** Dr. Jensen agrees to carry adequate malpractice and liability insurance at his expense and to hold harmless and indemnify The County, its agents and employees from and against any and all omissions in connection with medical services rendered under this agreement.
  7. **Independent Contractor.** In performing the services hereunder, the parties hereto agree and understood that Dr. Jensen is acting as an independent contractor.
- IN WITNESS THEREOF, the parties hereto have executed this agreement as of the day and year first above written.

**IN THE MATTER OF 2004 COUNTY SHERIFF'S CONTRACT:**

Sue Ann Mitchell, Kosciusko County Auditor, presented the Sheriff's contract to the Commissioners for signing. The contract amount for 2004 is \$80,875.

MOTION: AVIS GUNTER

TO: APPROVE SHERIFF'S CONTRACT

SECOND: BRAD JACKSON

IN THE AMOUNT OF \$80,875.

AYES: 3 NAYS: 0

UNANIMOUS



December 16, 2003

Page 4 of 11

### SHERIFF'S SALARY CONTRACT

This agreement entered into as of the first day of January 2004, by and between C. Aaron Rovenstine, Sheriff of Kosciusko County Council ("the Council") and the Board of Commissioners of Kosciusko County ("the Commissioners"); the Council and Commissioners being thereafter collectively referred to as "the County", WITNESSETH:

By way of background, the Sheriff is entitled to fees for the collection of tax warrants (as described in I.C. 6-8.1-8-3) and is entitled to fees for the providing of meals to prisoners housed in the county jail (pursuant to I.C. 36-8-10-7) as well as a salary fixed annually by the council;

By way of further background, certain difficulties have arisen concerning the treatment of fees received by the Sheriff for the feeding of prisoners under I.C. 36-8-10-7, particularly with regard to whether or not those fees are to be included on the Sheriff's W-2 form, such that those uncertainties create difficulties for the Sheriff as well as the County;

By way of further background, the Legislature of the State of Indiana recognizing the above difficulties and wishing to address those difficulties and provide a solution therefore did in 1993 enact I.C. 36-2-12-2.5;

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, inconsideration 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 Thousand Eight Hundred Seventy Five Dollars and No Cents (\$80,875.00) for the calendar year 2004. 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 or employees may make a profit from the meal allowance funds. After the expenses for feeding prisoners are paid for the year, the Sheriff shall deposit any unspent meal allowance money in the County General Fund by December 31 annually. Checks for ¼ of the appropriation will be issued to the Sheriff on January 1, April 1, July 1 and October 1. In addition, The Sheriff shall file an accounting of expenditures for feeding prisoners with the County Auditor on the first Monday of January and the first Monday of July per I.C. 36-2-13-2.5-b5. The amount expended by the Sheriff may not exceed those established by the State Board of Accounts as outlined in 36-8-10-7 for the calendar year.
5. The method and manner of assignment of fees to the County by the Sheriff shall be done and made on such terms and conditions as the Sheriff, the County and the State Board of Tax Commissioners shall agree in order to effectuate this agreement and to the full extent possible to preclude those fees described in I.C. 6-8.1-8-3 and I.C. 36-8-10-7 from being deemed compensation for employment under I.R.C.31.3 3121(a)-2(a), (b) and thus subject to W-2 reporting.
6. The Sheriff shall at all times maintain all required records and reports in such form and manner as prescribed by the county as well as the Indiana State Board of Accounts.
7. Nothing in this agreement shall be constructed in any manner to relieve the Sheriff of any of his responsibilities or duties under I.C. 6-8.1-8-3 or 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.

December 16, 2003

Page 5 of 11

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, 2004, provided the same has been previously approved by resolution of both the Council and the Commissioners.

DATED THIS 11<sup>TH</sup> DAY OF DECEMBER 2003.

**IN THE MATTER OF LETTER DIRECTING THE PURCHASE OF VEHICLES BY THE SHERIFF'S DEPARTMENT:**

The Commissioners signed a letter directing the purchase of vehicles by the Sheriff's Department as follows:

RE: Vehicle purchase and/or lease  
Effective December 16, 2003

Dear Sheriff Rovenstine:

All Vehicles, whether purchased or leased, over the amount of \$25,000 will require:

1. The Sheriff to seek approval of the Kosciusko County Board of Commissioners before any lease or offer to purchase is executed.

Further, the Sheriff shall issue a letter of approval to the vendor for the purchase and/or lease agreement of any vehicle. Note: The trade-in value of any vehicle is not applicable and will not enter into the transaction.

**IN THE MATTER OF ALCOHOLIC BEVERAGE COMMISSION APPOINTMENT:**

Sue Ann Mitchell, Kosciusko County Auditor, advised the Commissioners that it was time to make their annual appointment to the Alcoholic Beverage Commission. Gordon Vanator has served in this position for several years. He has agreed to continue to serve if appointed.

MOTION: AVIS GUNTER TO: APPROVE GORDON VANATOR'S  
SECOND: BRAD JACKSON APPOINTMENT TO THE ALCOHOLIC  
AYES: 3 NAYS: 0 BEVERAGE COMMISSION.  
UNANIMOUS

**IN THE MATTER OF INTER-LOCAL AGREEMENT FOR SOLID WASTE:**

Sue Ann Mitchell, Kosciusko County Auditor, presented the inter-local agreement for Solid Waste to the Commissioners for approval and signing.

MOTION: AVIS GUNTER TO: APPROVE SOLID WASTE INTER-  
SECOND: BRAD JACKSON LOCAL AGREEMENT. *Y. Mitchell*  
AYES: 3 NAYS: 0  
UNANIMOUS INTER-LOCAL AGREEMENT *2003 12 16 3699*

RESOLUTION 03-12-16

WHEREAS, the Kosciusko County Solid Waste District herein after referred to as "the District" 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 Solid Waste District in accordance with IC 13-21-3c-9 through an inter-local resolution.

WHEREAS, "the Auditor" shall serve as the controller for "the District" with all the duties outlined in IC 13-21-3-10. "The Auditor" shall attend monthly District Meetings and provide complete financial accounting for the district. Reports shall include the status of appropriations, bank balances and any other information "the District" shall deem necessary.

WHEREAS, the funds of "the District" shall be kept totally separate from other county funds as are all items related to "the District." It is further understood that "the District" is to be responsible for all office supplies related to "the District" and no county funds shall be expended on behalf of "the District."

BE IT FURTHER RESOLVED that the District Director shall be responsible for the grant processes including applications, reports and close outs. The District Director shall make the daily deposits for "the District", and shall issue approved receipts. The District Director shall deliver all bills and deposit receipts to "the Auditor" for processing. It is understood that all items related to "the District" remain their property.

December 16, 2003

Page 6 of 11

WHEREAS, "the District and "the County" and "the Auditor" agree the fees for the service shall be \$6,000 payable in two installments by the District following the Spring and Fall distribution. Said payments are to be made no later than June 30<sup>th</sup> and December 31<sup>st</sup>.

IN WITNESS THEREOF, this agreement shall be deemed to have commenced on January 1, 2004 and shall terminate on December 31, 2004.

**IN THE MATTER OF INTERNET QUOTES:**

Ron Robinson, Kosciusko County Administrator, stated Bob Momeyer, Systems Administrator, negotiated three quotes for internet service. Robinson noted Wave One was the lowest priced quote that can provide the necessary service.

MOTION: AVIS GUNTER TO: APPROVE WAVE ONE AS INTERNET  
SECOND: BRAD JACKSON CARRIER FOR THE COUNTY.  
AYES: 3 NAYS: 0

**IN THE MATTER OF BUILDING CONTROL SYSTEMS CONTRACT:**

Ron Robinson, Kosciusko County Administrator, stated he negotiated a quote that was received from Building Control Systems. BCS has done work for the County for the past two years and would like to continue that relationship noting they are already familiar with the system in place in the county.

MOTION: AVIS GUNTER TO: APPROVE BCS CONTRACT AS  
SECOND: BRAD JACKSON PRESENTED.  
AYES: 3 NAYS: 0  
UNANIMOUS

**IN THE MATTER OF LATE FILING FOR PROPERTY TAX EXEMPTIONS REPORT:**

Sue Ann Mitchell, Kosciusko County Auditor, stated due to the Governors late signing of legislation to extend the deadline for the filing of exemptions for 2003 payable 2004, the Auditor's Office was extremely busy on Monday, January 15<sup>th</sup>, the deadline date. Tax bills for those units paying into Whitko School Corporation will have a tax due date of January 19, 2004. It is expected that tax distribution will be completed to all taxing entities by January 30th.

**IN THE MATTER OF QUESTIONABLE VISIBILITY FOR A DRIVEWAY ON 1000S**

**West of 6591 E 1000 S:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated he had a request for a driveway permit on 1000 S. where there is questionable visibility. He noted the visibility was restricted and requested Commissioner approval. The driveway is in the Southern District.  
MOTION: AVIS GUNTER TO: APPROVE SOUTHERN DISTRICT  
SECOND: BRAD JACKSON COMMISSIONER, AVIS GUNTER TO  
AYES: 3 NAYS: 0 SIGN THE PERMIT APPLICATION.  
UNANIMOUS

**IN THE MATTER OF ROADWAY ACCEPTANCE FOR STANTON LAKES ESTATES**

**DIVISION VIII&IX:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, presented a document for the Commissioner's approval for the acceptance of Oldfield Drive located in Stanton Lakes Estates – Division VIII & IX for county maintenance.

MOTION: BRAD JACKSON TO: APPROVE MAINTENANCE ON  
SECOND: AVIS GUNTER STANTON LAKE - OLDFIELD DRIVE.  
AYES: 3 NAYS: 0 *Roll call # 2004 000 03695*  
UNANIMOUS

**IN THE MATTER OF SMALL STRUCTURE REPLACEMENT ON 300 E SOUTH OF 600 S:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated on 300 E. south of 600 S. replacement of structure is needed. It was noted this is North and East of the Packerton Landfill. Ladson noted the installation was done about twenty years ago. It was done on reinforced soils. Replacement of the structure would require realignment. Because of the poor soil, the roadway has settled causing the dip in the road. Ladson estimated the cost for the project would be \$250,000 to \$300,000. The existing metal culvert was placed on six piles that have settled. A three-day traffic study was conducted resulting 100 vehicles in a 24 hour period.

This would be considered a low volume road. A larger culvert is needed, but it would require a lot of fill and adding more weight could cause settling again. He also noted that the culvert could be removed and place a cul-de-sac which would not allow through traffic. Water does go over the road at this time. The concern was that placing the larger culvert that is needed it could cause the approach areas to settle even further. Tabled until Commissioners can make an on site visit.

**IN THE MATTER OF BRIDGE 94:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated Bridge 94 is now open one week early. Girders will be painted in the Spring.

**IN THE MATTER OF BRIDGE 290:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated the final price for Bridge 290 was under the bid by \$10,000.

**IN THE MATTER CONTINUANCE OF FOUR SEAS RESOURCES REZONING FROM RESIDENTIAL TO COMMERCIAL IN TIPPECANOE TOWNSHIP:**

Dan Richard, Area Plan Commission Director, explained that this was continued from a prior meeting. The requested change is from Residential to Commercial. The area is just off of THE intersection of SR 13 at Armstrong Road. Richard noted the area has both commercial and residential zoning in the area. The Area Plan Commission discussed the vote at their last meeting. The Commission was short one member when the vote was held. At least five votes are required to pass on to the Commissioners with a positive recommendation. The Commissioners reviewed the discussion that 25 feet would be given to each homeowner for a buffer by the owner of the Four Seas Resources property owner. Concern was still expressed for the use of 500 N for access. Limited use to 500 N may be a condition of further approval by the Area Plan Commission.

In opposition: Lewis Hines – Hines was not clear on the conditions that were established. The Commissioners explained them to him and he seemed fine with the end result. The Commissioners agreed to the rezoning with the stipulation that prior to the approval of a plat a 25 ft. strip for a buffer zone will be given to homeowners.

MOTION: BRAD JACKSON TO: APPROVE REZONING FROM  
SECOND: AVIS GUNTER RESIDENTIAL TO COMMERCIAL  
AYES: 3 NAYS: 0 WITH THE ESTABLISHMENT OF A  
UNANIMOUS BUFFER ZONE.

ORDINANCE NO. 03-12-16-001Z *Revised # 200400003678*  
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**

Section1. 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 bolt found at the Northwest corner of said Northwest Quarter; thence N90 degrees, 00 feet E (deed bearing), on and along the north line of said Northwest Quarter, a distance of 1331.9 feet to an iron pin found at the Northeast corner of the West half of said Northwest Quarter; thence S 00 degrees, 08 feet, 30 inches W, on and along the East line of said West half, a distance of 237.8 feet to an iron pin found at the Southeast corner of Lot Number 6 in Garber Subdivision, said Southeast corner being the true point of beginning; thence continuing S 00 degrees, 08 feet, 30 inches W, on and along the East line of said West half, a distance of 2409.66 feet to the Southeast corner of said West half, being a point situated 2.6 feet North of an iron pin found; thence S 89 degrees, 59 feet, 27 inches W, on and along the South line of said Northwest Quarter, a distance of 806.29 feet to a point situated 2.1 feet South of an iron pin

December 16, 2003

Page 8 of 11

found, said point also being situated N 89 degrees, 59 feet, 27 inches E, a distance of 500.0 feet from the Southwest corner of said Northwest Quarter; thence N 00 degrees, 23 feet, 50 inches, a distance of 2453.57 feet to an iron pin on the South line of said Garber subdivision; thence N 90 degrees, 00 feet, 00 inches E, on and along the South line of Lot Number 2 in said Garber Subdivision and on and along gather South line of a 50 foot wide "Future Road" in said Plat of Garber Subdivision; a distance of 161.51 feet to an iron pin found at the Southwest corner of Lot Number 3 in said Garber Subdivision; thence S 80 degrees, 01 feet, 20 inches E, on and along the South line of Lots Numbered 3 and 4 in said Garber Subdivision, a distance of 252.36 feet to an iron pin found at the Southeast corner of said Lot Number 4, also being the Southwest corner of a certain tract of land as recorded in Document Number 9707-0540 in the records of Kosciusko County, Indiana; thence N 90 degrees, 00 feet, 00 inches E, on and along the South line of said tract in Document Number 9707-0540 and on and along the South Line of Lots Numbered 5 and 6 in said Garber Subdivision, a distance of 419.20 feet to the true point of beginning, containing 45.517 acres of land, more or less, subject to all legal right-of-way, subject to all legal drain easements, subject to an easement for an overhead power line which crosses the above described tract and subject to all other easements of record.

be, and the same is hereby, removed from classification as a **Residential** 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 16<sup>th</sup> day of December 2003.

IN THE MATTER OF NORMAN SNYDER'S REZONING FROM LIGHT INDUSTRIAL  
II TO COMMERCIAL IN WAYNE TOWNSHIP:

Dan Richard, Area Plan Commission Director, stated the Board of Zoning Appeals was unanimous to allow rezoning. The property is located North of US 30 and 100 S. There was no opposition present.

MOTION: AVIS GUNTER	TO: APPROVE REZONING FROM
SECOND: BRAD JACKSON	INDUSTRIAL II TO COMMERCIAL.
AYES: 3 NAYS: 0	
UNANIMOUS	

ORDINANCE NO. 03-12-16-002Z

*Blank # 000400008697*

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:

Two tracts of land located in the State of Indiana, County of Kosciusko, Township of Wayne, being a portion of sections 13 and 24, T-32-N, R-6-E, bounded on the South by the North right-of-way line of US 30 and more fully described as follows to-wit:  
TRACT NUMBER ONE:

Commencing at the Northeast corner of the Southwest quarter of section 12, T-32-N, R-6-E; thence South along the East line of said Southwest quarter 2,399.9 feet to the centerline of the right-of-way of county road 100 South; thence N 84 degrees, 12 minutes W, 116.45 feet along said center line to a PK nail; thence N 60 degrees, 44 minutes W 100.0 feet along said center line to a PK nail; thence N 75 degrees, 52 minutes W, 150.0 feet, along said center line to a PK nail; thence N 69 degrees, 51 minutes W, along said center line 240.37 feet to a PK nail and the point of beginning; thence S 19 degrees, 55 minutes W, 450.21 feet to an iron pin on the North right-of-way line of US 30; thence N 70 degrees, 25 minutes W, 124.50 feet along said right-of-way line to an iron pin; thence N 20 degrees, 53 minutes, 40 seconds E, 451.92 feet to a PK nail located on the centerline of county road 100 South; thence S 69 degrees, 51 minutes E, along said centerline 116.83 feet to the point of beginning, containing 1.25 acres of land more or less and subject to legal highways, also being subject to a 50 foot easement along the south side for a frontage road.

**TRACT NUMBER TWO:**

Commencing at the Northeast corner of the Southwest quarter of section 13, T-32-N, R-6-E, thence South along the East line of said Southwest quarter 2,399.9 feet to the center line of the right-of-way of county road 100 South; thence N 84 degrees, 12 minutes W, 116.45 feet along said center line to a PK nail thence N 80 degrees, 44 minutes W, 100.0 feet to a PK nail; thence N 75 degrees, 52 minutes W, 150.0 feet, along said centerline to a PK nail; thence N 69 degrees, 51 minutes W, along said centerline 84.0 feet to a PK nail and the point of beginning; thence S 19 degrees 42 minutes W, 198.63 feet; thence S 16 degrees, 49 minutes W, 250.00 feet to an iron pin located on the North right-of-way line of US 30; thence N 19 degrees, 55 minutes E, 450.21 feet to a PK nail located on the centerline of county road 100 South; thence S 69 degrees, 51 minutes E, 156.37 feet along said centerline to the point of beginning, containing 1.66 acres of land more or less and subject to legal highways, also subject to a 50 foot easement along the South side for a frontage road.

be, and the same is hereby, removed from classification as a **Industrial II** 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 16<sup>th</sup> day of December 2003.

**IN THE MATTER OF GARY HAMMAN'S REZONING FROM INDUSTRIAL II TO AGRICULTURAL IN WAYNE TOWNSHIP:**

Dan Richard, Area Plan Commission Director, stated the Planning Commission was unanimous to allow rezoning. This tract of land is located east of Country Club Road and North of 300 S. No opposition present.

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

TO: APPROVE REZONING FROM  
INDUSTRIAL II TO COMMERCIAL.

*Record # 00040000 3696*

**ORDINANCE NO. 03-12-16-003Z**

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**

Section1. That the Kosciusko County Zoning Ordinance heretofore passed and adopted by the Board of Commissioners of Kosciusko County, Indiana, and recorded under



December 16, 2003

Page 10 of 11

Miscellaneous Record 53, Page 130 as Ordinance 75-2, be and the same is hereby amended in the particulars hereinafter set forth.

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

A tract of land in the Northeast Quarter of the Southeast Quarter of Section 28, Township 32 North, Range 6 East, in Kosciusko County, Indiana, more accurately described as follows: Beginning at a point 92 links East of the Northwest corner of the East Half of the Southeast Quarter of Section 28; thence East along the East and West open line of said Section 591.20 feet to an iron pipe in a fence; thence South 115.0 feet to an iron pipe; thence West and parallel with the "East and West open line 545.20 feet to a point on the centerline of County Road 75 East; thence North 21 degrees, 47 minutes West along said centerline 123.84 feet to the Place of Beginning.

be, and the same is hereby, removed from classification as a **Industrial II** 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 16<sup>th</sup> day of December 2003.

#### IN THE MATTER OF CONTINUANCE OF REQUEST TO VACATE IN PLAIN

##### TOWNSHIP:

Matt Sandy, Area Plan Commission Assistant Director, stated this was a continuance from a prior meeting. The vacation being requested is in Osborn's Landing. He noted there is a structure in the right-of-way. A vacation would make the structure legal and give the homeowners more land. The Area Plan Commission is against the vacation. They are encouraging an encroachment agreement instead. An encroachment agreement would allow the structure to remain in the right-of-way without giving up land.

In favor of vacation: Richard Kehoe Jr. representing the sellers, Shelia and Greg Anderson and the buyers, David Kintzel and Elizabeth Smith. Kehoe spoke with Cathy Rapp – Plain Township EMS Director, Terry Eppley – Current Fire Chief and Mitch Rader – Previous Fire Chief, none of them had an objection to the vacation from an emergency response standpoint. There would be no change in the house numbers or school buses; it would not hinder access to church, etc. Kehoe stated the County has nothing to lose. The homeowners would maintain the land.

Opposition: Sandy noted he received a letter of remonstrance from Jack and Bertha Owens, property owners in the area. Dan Richard, speaking from a citizen's standpoint, stated he uses that strip of right-of-way as access to Chapman Lake for duck hunting.

Rebuttal: Kehoe stated there are other accesses available to the water. He noted vacating the area will put the area on the tax rolls.

The Commissioners agreed a partial vacation of a lesser area was a more feasible solution to the problem since there is a 1' encroachment.

MOTION: BRAD JACKSON

TO:

SECOND: AVIS GUNTER

APPROVE VACATING 5 FEET OF  
RIGHT-OF-WAY LEAVING 15 FEET.

AYES: 3    NAYS: 0

UNANIMOUS



December 16, 2003

Page 11 of 11

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

*Ronald Truex*  
RONALD TRUEX, PRESIDENT

*Avis Gunter*  
AVIS GUNTER, MEMBER

*Brad Jackson*  
BRAD JACKSON, MEMBER

ATTEST *Sue Ann Mitchell*  
SUE ANN MITCHELL, AUDITOR

## KOSCIUSKO COUNTY COMMISSIONERS DECEMBER 30, 2003

The Kosciusko County Commissioners met for their regular meeting on December 30, 2003 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

RON TRUEX, PRESIDENT  
AVIS GUNTER

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

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

### IN THE MATTER OF RECORDER'S OFFICE RECORDING HOURS:

The Commissioners received a letter from the Kosciusko County Recorder LaShawn Brumfield requesting permission to cut off the receipt of documents for the current days business at 4:00 PM since the new computer system requires balancing receipts on the current business day. Documents received after 4 PM will be recorded in the following days business. The Commissioners agreed with the change in the recording of documents.

### IN THE MATTER OF EMERGENCY SHELTER GRANT APPROVAL:

Sue Ann Mitchell, Kosciusko County Auditor, presented the emergency shelter grant for the Beaman Home to the Commissioners for approval.

MOTION: AVIS GUNTER

TO:

APPROVE EMERGENCY SHELTER  
GRANT FOR BEAMAN HOME.

SECOND: RON TRUEX

AYES: 2 NAYS: 0

UNANIMOUS

December 30, 2003

Page 2 of 7

**IN THE MATTER OF INDIANA TOBACCO PREVENTION & CESSATION GRANT  
APPROVAL:**

Sue Ann Mitchell, Kosciusko County Auditor, presented the Indiana Tobacco Prevention & Cessation Grant to the Commissioners for approval. The Boys and Girls Club has the grant and is giving the authority to spend the money to the County.

MOTION: AVIS GUNTER TO: APPROVE INDIANA TOBACCO  
SECOND: RON TRUEX PREVENTION & CESSATION GRANT  
AYES: 2 NAYS: 0 FROM THE BOY'S & GIRL'S CLUB.  
UNANIMOUS

**Assignment, Amendment and Renewal #1**

This is an amendment and renewal to the Grant Agreement entered into by and between Indiana Tobacco Use Prevention and Cessation Executive Board (hereinafter referred to as "State") and Kosciusko County Government (hereinafter referred to as "Grantee") dated May 29, 2002 (the "Grant Agreement").

In consideration of the mutual undertakings and covenants hereinafter set forth, the parties agree as follows:

The present grantee, Boy's & Girl's Club of Kosciusko County, wished to assign all of its rights and responsibilities under this Grant Agreement to the Kosciusko County Government. The State is agreeable to this assignment. Therefore, the services currently being performed by Boy's & Girl's Club of Kosciusko County will hereafter and for the remainder of the term of the Grant Agreement be performed by Kosciusko County Government.

1. The Indiana Tobacco Use Prevention and Cessation Executive Board (ITPC) hereby increase the amount of the grant by \$63,240.00. The total amount of this action is \$63,240.00. The new total remuneration under the Grant Agreement shall not exceed \$218,640.00.
2. Paragraph 2 of the Grant Agreement ("Term of this Agreement") is deleted in its entirety and replaced with the following:  
The term of this Agreement shall be from January 1, 2002 until June 30, 2005 (the "Expiration Date"), unless sooner terminated as described in the Agreement. This Grant Agreement may not be renewed or extended.
3. Paragraph V(E) of the Grant Agreement ("Payment of Grant Funds by the State") is deleted in entirety and replaced with the following:

**V. Payment of Grant Funds by the State**

- E. All payments will be made in three (3) equal installments over the 18-month period. The first payment will occur within 30 days of the execution of this agreement. The following two (2) payments will be made during July 2004 and January 2005.
4. Paragraph V(F) of the Grant Agreement ("Payment of Grant Funds by the State") is amended by deleting the dollar amount at the end of that subparagraph and replacing it with "\$63,240.00" and deleting "Exhibit A" and replacing it with "Exhibit B".
  5. Paragraph VI of the Grant Agreement ("Project Budget and Budget Modification") is amended by deleting "Exhibit A" and replacing it with "Exhibit B" and by adding the following at the conclusion of the paragraph:  
The Grantee may use any unexpended funds from previous fiscal years of this Grant Agreement for tobacco control programs funded during the renewal term of this Grant Agreement. This Grant Agreement will not be renewed. Any remaining funds not used before the Expiration Date of this Grant Agreement shall be repaid to the Indiana Use Prevention and Cessation Executive Board within 30 days after the Expiration Date. The Grantee may not incur any expenses after the Expiration Date of this Grant Agreement.
  6. Paragraph XV of the Grant Agreement ("Renewal") is deleted in its entirety and replaced with the following:

**XV. Termination for Convenience**

This Grant may be terminated, in whole or in part, by the State whenever, for any reason, the State determines that such termination is in the best interest of the State. Termination of services shall be effected by delivery to the Grantee of a Termination Notice at least thirty (30) days prior to the termination effective date, specifying the extent to which performance of services under such termination becomes effective. The Grantee shall be compensated for services properly rendered prior to the effective date of termination. The State will not be liable for services performed after the effective date of termination.

The Grantee shall be compensated for services herein provided but in no case shall total payment made to the Grantee exceed the Grant amount set forth in paragraph 1.

All other matters previously agreed to and set forth in the original Grant Agreement and not affected by this Amendment and Renewal #1 shall remain in full force and effect.

**Non-Collusion, Compliance Certification, and Acceptance**

The undersigned attests, subject to the penalties for perjury, that as of the date of this Amendment, (1) the Grantee has complied fully with all the terms and conditions of the Grant Agreement, and (2) he/she is the Grantee, or that he/she is the representative, agent, member or officer of the Grantee, that he/she has not, nor has any other member, employee, representative, agent or officer of the Grantee, directly or indirectly, to the best of his/her knowledge, entered into or offered to enter into any combination, collusion or agreement to receive or pay, and that he/she has not received or paid, any sum of money or other consideration for the execution of this Amendment and Renewal, other than that which appears upon the face of hereof.

**In Witness Whereof**, Contractor/Grantee and the State of Indiana have, through duly authorized representatives, entered into this agreement. The parties having read and understand the foregoing terms of the contract/grant do by their respective signatures dated below hereby agree to the terms thereof.

**IN THE MATTER OF REQUEST FOR COUNTY TO BE A PASS THROUGH GRANT  
RECIPIENT FOR THE RELOCATION OF BOWEN CENTER INPATIENT FACILITY:**

Robert Murphy, Grant Consultant, introduced Ron Clark with the Bowen Center. Murphy stated the Otis R. Bowen Center for Human Service, Inc. anticipates that in the next few days the Kosciusko Community Hospital (KCH) will be making an offer to purchase the building currently owned by Bowen Center and operated as an "Inpatient Unit". At that time it is expected that KCH will request that Bowen Center relocate all clients being served in the facility. Bowen Center has no place to relocate and serve those clients needing inpatient care. HUD through the Community Development Block Grant Program operating through the Indiana Department of Commerce provides grants to "Cities, Towns, and/or Counties" for projects serving low to moderate-income persons. Inpatient clients are "Severely disabled adults" needing 24 hour a day services. "Severely disabled adults" are presumed by HUD to be of low to moderate income. Bowen Center is not a City, Town or County. Therefore, Bowen Center cannot apply for a grant to construct the facility that will be needed.

Murphy requested Kosciusko County, through the Commissioners, be the applicant on behalf of Bowen Center for a grant to purchase land and construct the needed "Inpatient Unit".

The County would be the applicant but Bowen Center would provide all needed funds for the "Local Match". Bowen Center would make recommendations to the Commissioners concerning all contracts to be signed and assure that sufficient funds are available for payment;

The Commissioners responsibilities would include the following:

1. Hold two (2) Public Hearings; One (1) prior to the proposal in January; and One (1) prior to the application in April; (Minutes of the Public Hearings will be provide to the Auditor and the Commissioners for approval and signature.)
2. Sign the application, and all federal forms, on behalf of Bowen Center;
3. Write approximately 15 checks for payment of contracts, using Grant Funds;
4. Sign reports for five (5) years after completion of the Audit by the State Board of

**Accounts**

Bowen Centers responsibilities would include:

1. Pay for Public Hearing Notices published in the local newspaper;
2. Provide all funds (Local Match) needed in excess of the Grant to assure completion of the facility;
3. Prepare a sub-recipient agreement for signature by the Commissioners and Bowen Center assuring project completion and operation of the facility for at least five (5) years; (Contracts to be reviewed by the County attorney prior to submission the Commissioners for signatures.)
4. Prepare the application for grant funds;
5. Recommend that contracts be signed with an Architect; Grant Administrator; and all Contractors;
6. Oversee construction and make recommendations to Commissioners concerning all pay applications;
7. Prepare all reports for a period of five (5) years after completion of the Audit by the State Board of Accounts;

December 30, 2003

Page 4 of 7

If a grant is received, it is required that the facility operates as an inpatient unit for a period of at least five (5) years after an Audit by the State Board of Accounts. Murphy raised this issue because it is a requirement that the building must be operated as an inpatient unit for a period of at least five (5) years after an Audit by the State Board of Accounts. Since the County would be the applicant, the County would ultimately have the responsibility . . . if Bowen Center closed. Bowen Center has been operating the current inpatient unit since 1978. It is a requirement that Bowen Center, as a Community Mental Health Center, operate an inpatient unit. Therefore, the likelihood that Bowen Center would not continue to operate the facility is not an option. Murphy asked the Commissioners if they would be agreeable to being the Applicant for a Grant on behalf of Bowen Center. Murphy noted the time frame was such that he needed to schedule the public meeting before the Commissioners could act to approve the responsibility for the grant. The Commissioners agreed to table the issue until the next meeting to gather further information related to the request. Murphy was instructed that in the future if he had items to come before the Commissioners he needed to provide the information in advance of their meeting. The issue will be addressed on Tuesday, January 13, 2004.

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

Ron Truex, Kosciusko County Board of Commissioner President, agreed to continue to serve as the appointment to the St. Joseph River Basin Commission. Jon Roberts is the alternate representative to attend the meetings on behalf of the county.

MOTION: AVIS GUNTER

TO:

APPROVE RON TRUEX TO REPRESENT

SECOND: RON TRUEX

KOSCIUSKO COUNTY ON THE ST.

AYES: 2 NAYS: 0

JOE RIVER BASIN WITH JON

UNANIMOUS

ROBERTS AS THE ALTERNATE.

**IN THE MATTER OF VACATION ORDINANCE CONTINUED FROM DECEMBER 16, 2003:**

Mike Miner, Kosciusko County Attorney, presented the approved ordinance for the vacation of 5' for Gregory & Sheila Anderson and David Kintzel and Elizabeth Smith from December 16, 2003 to the Commissioners for signing.

ORDINANCE NO. 03-12-30-001V

*Read # 00003688*

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

WHEREAS, Gregory P. Anderson and Sheila K. Anderson, husband and wife, and David S. Kintzel and Elizabeth A. Smith, Individuals 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 2<sup>nd</sup> day of December, 2003, at 9:30 am, in the Commissioners Room in the Old Court Room located on the third floor of the Kosciusko County Courthouse at the corner of North Buffalo Street and West Center Street, Warsaw, Indiana, which notices in the Warsaw Times-Union and The Mail Journal were published on the 19<sup>th</sup> day of November, 2003, 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 property owners who have been served by notice personally or by certified mail more than two days prior to the date of hearing; provided however, on December 2, 2003 the Kosciusko County Commissioners did continue the hearing until December 16, 2003, at 9:30 am in order to provide the County Planner the opportunity to notify property owners in a wider 400 foot radius of the subject property concerning petitioner's request for a vacation, and also to permit communication with service providers concerning the proposed vacation, and any adverse impact which granting the vacation as requested would have on said service providers, including fire and ambulance protection, highway department, school bus and mail service, and

WHEREAS, those additional parties contacted by the County Planner also received Written notice from petitioners together with telephone contact, and it appears from testimony at

the hearing that those parties consent or have no objection to the relief sought with the exception of one letter received from the Owens family revocable trust, the testimony of Cary P. Groninger, and the opinion of the County Planner, and

WHEREAS, the Kosciusko County Commissioners have determined after hearing, that the vacation requested herein should be granted, but should be modified and reduced in scope to a width of 5 feet north south and a length of 55.36 feet east and west, 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 access to a church, school or other public building place, will not hinder these 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:

Section1. That the following public way in Kosciusko County, State of Indiana, and more particularly described as follows, to-wit:

Real Estate shown as a public road with a width of approximately five feet north and south and running approximately 55.36 feet east and west, being bound on the south by a public roadway in Osborn's First Addition, Chapman Lake and on the north by the South boundary of a .19 acre (more or less) tract, adjacent to and south of Lot 1 in the amended plat of Osborn's Subdivision on Chapman Lake, said .19 acre tract being more particularly described as:

A tract of land located in Section 26, Township 33 North, Range 6 East, 2<sup>nd</sup> P.M., Plain Township, Kosciusko County, Indiana, more particularly described as follows: Commencing at the Southwest corner of Lot 3 in Osborn's Subdivision on Chapman Lake: thence South 88 degrees 21 minutes 50 seconds West, along a public road right-of-way, 40.00 feet to a ½ inch iron bar and the point of beginning; thence South 88 degrees 21 minutes 50 seconds West, along said public road right-of-way, 55.36 feet, more or less, to the shore line of Chapman Lake; thence North 07 degrees 12 minutes 48 seconds West, along said shore line of Chapman Lake, 84.30 feet to the Southwest corner of Lot 1 in the Amended Plat of Osborn's Subdivision: thence South 89 degrees 33 minutes 53 seconds East, along said South Lot line, 66.19 feet, more or less, to an iron bar on the South line of Lot 2 in Osborn's Subdivision; thence South 00 degrees 11 minutes 15 seconds West, 81.34 feet (80 feet, more or less, recorded) to a ½ inch iron bar and the point of beginning.

and which public way is also identified as an unimproved tract of land lying between the real estate commonly known as 121 EMS C24D Lane, Warsaw, IN 46582 and 107 EMS C24D Lane, Warsaw, IN 46582, and which public way lies between those lots identified by Key Number 029-103-057 and Key Number 029-103-059 in Plain Township, Kosciusko County, State of Indiana – 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 16<sup>th</sup> day of December 2003.

**IN THE MATTER OF TAX DISTRIBUTION:**

Sue Ann Mitchell, Kosciusko County Auditor, stated if everything goes as planned, today the Auditor's Office will have money out to the taxing entities. Taxing entities will not receive 100% of what they are due because all units must be completed before the final settlement can be made. The due date for those who pay into Whitko Community Schools is January 19<sup>th</sup>. Final distribution is expected by January 30<sup>th</sup>.

December 30, 2003

Page 6 of 7

**IN THE MATTER OF 2004 EMERGENCY CALL LIST FOR HIGHWAY**

**DEPARTMENT:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, presented the 2004 emergency call list to the Commissioners.

**IN THE MATTER OF GREYSTONE SUBDIVISION MAINTENANCE OF ROAD:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated Graystone Subdivision is ready to be taken in for county maintenance. Ladson supported the approval of Greystone Drive from Chapman Lake Road to Autumn Trail and Autumn Trail from Greystone Drive to the Cul-de-sac.

MOTION: AVIS GUNTER

TO:

SECOND: RON TRUEX

APPROVE GRAYSTONE SUB DIVISION  
FOR COUNTY MAINTENANCE.

AYES: 2 NAYS: 0

*Record # 200400003694*

UNANIMOUS

**IN THE MATTER OF CULVERT ISSUE TABLED AT DECEMBER 16<sup>TH</sup> MEETING:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, asked if the Commissioner had a chance to look at the small structure on 300 E. The culvert sits on piles, which is unusual, and it's possible that the culvert has rusted and that's what may have collapsed. Ladson explained that a culvert is not supposed to sit on piles, culverts are designed to be supported by the ground; but because the soil was not solid enough to hold the culvert, piles had to be used. Or it could be "draw down" where the entire area settles and it could have pulled the piles down with it. Ladson gave three alternatives:

1. Close the road and put in a cul-de-sac; however, this is not the best fix.
2. Put in a new structure; this would be costly for a low volume road.
3. Replace culvert and do a bid issue with "unknown conditions".

Ladson will do further research to try and find the best solution to this problem. Ron Truex, Kosciusko County Board of Commissioners President, suggested putting patch material in the dip to try and level the road out slightly. Ladson indicated nothing had been done at this point because he did not want to possibly do further damage before a plan to correct the situation was determined. Ladson agreed Truex's suggestion would be a possibility.

**IN THE MATTER OF ANNUAL BIDS – ASPHALT:**

Rob Ladson, Kosciusko County Highway Engineer/Superintendent, stated bids were opened in November. One of the suppliers for bituminous had said they would hold the bid price for the asphalt until next summer. Another supplier thought that was not appropriate. Ladson was instructed to determine funds left over this year and lock in a contract price. Quotes were received from three companies. Ladson noted that Piercetron Trucking did not submit a quote. Koch Material was the lowest to lock in a rate. Ladson recommended accepting the contract with Koch Material. Money to pay for the asphalt will be carried from 2003 to 2004. Ladson was given a letter by the Commissioners that he had not received previously.

MOTION: AVIS GUNTER

TO:

SECOND: RON TRUEX

APPROVE CONTRACT WITH KOCH  
MATERIAL FOR ASPHALT.

AYES: 2 NAYS: 0

UNANIMOUS

**IN THE MATTER OF BOARD OF COMMISSIONER OFFICERS FOR 2004:**

The officers for 2004 will remain the same:

Ron Truex: President

Avis Gunter: Vice President

Brad Jackson: Member

**IN THE MATTER OF LAKEVIEW PARK VACATION REQUEST IN PLAIN**

**TOWNSHIP, ISLAND PARK:**

Matt Sandy, Area Plan Commission Assistant Director, presented information concerning the vacation request in Plain Township, Lakeview Park Addition. There is a 35-foot right-of-way that leads to a park and beach. The right-of-way is not a county maintained road. Sandy received no response from emergency service providers. Sandy noted there is a purpose for the roadway and that it should not be vacated.

Steve Snyder, Attorney, representing Kenneth and Brenda Wright and Allen and Helen Heuss. The Wright's and Heuss' are lot owners on either side of the right-of-way requesting to be



December 30, 2003

Page 7 of 7

vacated. The vacation requested would allow them to eliminate the set back issue and give them more room. Snyder stated a 10-foot strip would remain as the right-of-way to allow walking or golf cart traffic to get to the park and beach. The right-of-way is grass, not a roadway, and serves no purpose but a way to get to the park and beach. The Island Park Property Owners Association, Inc. own and maintain the park for the benefit and enjoyment of the owners. The easement could be dedicated to the park.

In favor: Allen Heuss has lived just south of the area requested to be vacated since 1971. He stated he mows the right-of-way. Because of the set back issue, it is impossible for him to remodel or add on without going into the right-of-way. He would do no building on the vacated area. By vacating the right-of-way and keeping a 10 foot strip, this would help Heuss with his set back issues and ability to improve his property while still allowing others access to the park. Kenneth Wright has the same problem with the set back issue and states he has no intention of restricting anyone's access to the park or use of the right-of-way.

Mike Heritage, Island Park Property Owners Association President, stated, only 4 out of 7 Trustees where in favor of the vacation (just for the record).

Oppositions: Vern Landis, Attorney, represents several property owners opposed to the vacation. Landis stated the 10-foot easement is not acceptable and would still hinder access to the park, etc. used regularly by lot owners.

Jeff Harding stated the right-of-way allowed access by truck, mower equipment, as well as foot traffic. The roads are small and narrow with high traffic during the holidays and summer months. Harding stated there would be more people present in opposition of the vacation if this had been done during the summer months.

Corina Franklin stated her 9-year-old twins boys and her use the right-of-way to access the park and beach on a regular basis because it is much safer than the road, which has no sidewalk. The right-of-way comes in handy during her family reunions; the family uses it to make their way to the beach or pier on the 4<sup>th</sup> of July. Franklin stated this is the first time she has heard about the 10-foot easement and the Trustees vote.

Stan Walslin has lived at his residence for 25 years and resents the fact this vacation wasn't discussed at the spring or fall meetings of the property owners.

Justice Reese stated he has grown up using the right-of-way to access the park and beach and there were a lot of people not notified of this vacation that would have been here in opposition of the vacation.

John Horn stated safety is his #1 concern with the vacation of the right-of-way. Horn stated the right-of-way provides high, dry, direct access to the park for the elderly and children.

Mike Heritage stated there has always been harmony in the neighborhood, as a part time resident and president he recommends no decision be made at this time until the issue can be discussed further.


In his rebuttal, Snyder stated a vacation of the right-of-way with a 10-foot easement would not interfere with access to the park. He noted this area is not for the private exclusive use of the people. If the land is not vacated, the can not control the use. If the land is vacated, restrictions can be placed on the land for park owners. As it stands now, everyone can use the area in question. Snyder stated the right-of-way is muck and a fire truck would get stuck. Snyder stated the park could gravel the 10-foot right-of-way from the park to the road.

Commissioner Truex and Gunter stated the Commissioners would tabled the issue until March 9, 2004 to give time for the two sides to discuss possible compromises.

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

  
RONALD TRUEX, PRESIDENT

  
AVIS GUNTER, MEMBER

  
BRAD JACKSON, MEMBER

ATTEST:   
SUE ANN MITCHELL, AUDITOR



504

## KOSCIUSKO COUNTY COMMISSIONERS

### JANUARY 13, 2004

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

Those present were:

RON TRUEX, PRESIDENT  
AVIS GUNTER  
BRAD JACKSON

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

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

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

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

MOTION: AVIS GUNTER TO: APPROVE RE-ELECTION OF CURRENT  
SECOND: BRAD JACKSON PRESIDENT AND SECRETARY.  
AYES: 3 NAYS: 0  
UNANIMOUS

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

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

1<sup>st</sup> Source Bank - \$1,582,930.13  
Lake City Bank - \$1,890,961.51  
Flag Star Bank - \$6,487,905.25

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

#### IN THE MATTER OF PROPERTY TAX ASSESSMENT BOARD OF APPEALS 2004

##### APPOINTMENTS:

Laurie Renier, Kosciusko County Assessor, requested the appointment of Gerald "Jake" Bitner and Richard R. Shipley to the County Property Tax Assessment Board of Appeals for the 2004 year.  
MOTION: AVIS GUNTER TO: APPROVE BITNER AND SHIPLEY TO  
SECOND: BRAD JACKSON BOARD OF APPEALS FOR 2004.  
AYES: 3 NAYS: 0  
UNANIMOUS

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

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

	Prisoner Booking and Meal Information for 2003
Total Meals Prepared .....	211,785
Average Meals Per Day .....	580
Average Meals Per Month .....	17,400
Average Daily Inmate Count .....	194
Money Received for Housing Inmates	
DOC .....	\$355,312.20
Delaware County .....	\$ 45,850.00
Clark County .....	\$ 11,480.00
Elkhart County .....	\$ 1,260.00
Total .....	<u>\$413,902.20</u>