

KOSCIUSKO COUNTY COMMISSIONERS

January 9, 2007

The Kosciusko County Commissioners met for their regular meeting on January 9, 2007 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

Bob Conley

Mike Miner, County Attorney

Sue Ann Mitchell, County Auditor

Ron Robinson, County Administrator

The meeting was opened with the pledge and a word of prayer. The Commissioners welcomed newly elected Southern District Commissioner Bob Conley.

IN THE MATTER OF ELECTION OF OFFICERS FOR 2007:

Commissioner President Brad Jackson opened the floor for nominations for the 2007 County Commissioner Officers. Newly elected Commissioner Bob Conley nominated Ron Truex to serve as President and Brad Jackson to serve as Vice President.

MOTION: Bob Conley

SECOND: Ron Truex

AYES: 3 NAYS: 0

UNANIMOUS

TO: Appoint Ron Truex, President and Brad Jackson, Vice President for the 2007 calendar year.

Commission President Truex asked for approval of the minutes and claims. Both were approved as presented.

IN THE MATTER OF SHERIFF'S YEAR END ANNUAL REPORT:

Former Sheriff Aaron Rovenstine presented the 2006 year end annual jail report. Rovenstine highlighted a few of the items included in the report. Those highlights included a 7% increase in bookings from 2005 for a total of 4222, fees collected for housing inmates from Delaware Co and the DOC at \$453,295.00, and court security with 173,482 people passing through metal detectors. Rovenstine stated that \$345,765.00 was collected through the Work Release program and that money was put back into county general funds.

IN THE MATTER OF KABS QUARTERLY FINANCIAL REPORT:

Rita Baker, KABS Director, presented the KABS quarterly voucher for approval along with paperwork authorizing the use of Kosciusko County's name to be placed on bus titles and insurance policies.

MOTION: Bob Conley

SECOND: Brad Jackson

AYES: 3 NAYS:

UNANIMOUS

TO: Approve KABS quarterly voucher as submitted as well as insurance and titling permission.

IN THE MATTER OF REDEVELOPMENT COMMISSION AGENDA:

President Ron Truex stated as a point of interest, Auditor Sue Ann Mitchell would add the TIF proposal for State Road 15 (Leesburg to Warsaw) to the Redevelopment Commission's agenda. Truex noted the discussion would look at ways to recover the county's and city's investments with the sewer project.

IN THE MATTER OF STOP SIGN ORDINANCE - OAKLAND HILLS SUBDIVISION:

Dennis Pletcher, Highway Superintendent, presented a stop sign ordinance for the Oakland Hills Subdivision for the Commissioner's approval.

MOTION: Brad Jackson

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve stop sign ordinance as presented.

ORDINANCE 07-01-09-001 Stop

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

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

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

Oakland Hills

1. Install “Stop” sign on the southeast corner of Cranbrook Road and CR 500N – Cranbrook Road stops for CR 500N.
2. Install “Stop” sign on the northwest corner of Cranbrook Road and Goodison Road – Cranbrook Road stops for Goodison Road.
3. Install “Stop” sign on the southwest corner of Goodison Road and Baldwin Road – Goodison Road stops for Baldwin Road.
4. Install “Stop” sign on the southeast corner of Baldwin Road and CR 500N. – Baldwin Road stops for CR 500N.

THIS ORDINANCE shall be in full force and effect on January 9th, 2007. Passed and adopted by the Board of Commissioners of the County of Kosciusko this 9th day of January, 2007.

IN THE MATTER OF COUNTY ATTORNEY CONTRACT:

County Attorney Mike Miner presented the annual contract for legal services for 2007. The contract specifies the annual sum of \$22,278.00 be paid in twenty six (26) bi-weekly installments to the law firm of Miner, Lemon and Walston, LLP.

MOTION: Bob Conley

TO: Approve 2007 contract for County

SECOND: Brad Jackson

Attorney Mike Miner as presented.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF MOTOROLA DISPUTE:

Mike Miner, County Attorney, stated he had been in contact with Motorola regarding the Sheriff’s Department system and believed the matter would be an ongoing process. Miner did note he would be meeting with the Sheriff’s Department as well as Tom Brindle to go over the matter in greater detail.

IN THE MATTER OF OFFICE EMPLOYEE SHARING:

County Administrator Ron Robinson, stated he had been contacted by an elected office holder who had an employee with down time and wanted to know if it would be acceptable to allow that employee to work as a “floater” between other offices that could use extra help. Robinson noted the employee would still be paid through the office they were hired in. Commissioner Conley stated he felt that would be a good way to retain employees and as they were already in house trained it would eliminate hiring new or additional help that might be needed eliminating the training process.

MOTION: Bob Conley

TO: Allow employees to work as “floaters”

SECOND: Brad Jackson

between office as needed or available.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF COVERED BRIDGE ANNUAL CERTIFICATION:

Sue Ann Mitchell, County Auditor, presented the annual covered bridge certification for approval. Mitchell noted the certification must be submitted annually even though the county does not have any covered bridges.

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

County Auditor Sue Ann Mitchell presented the paperwork for the St. Joseph River Basin Commission appointment. It was noted that Ron Truex had served as the Commissioner Representative and Jon Roberts as his designee.

MOTION: Brad Jackson

TO: Appoint Ron Truex and Jon Roberts to

SECOND: Bob Conley

serve on the St. Joe River Basin Commission for 2007.

AYES: 3 NAYS: 0

UNANIMOUS

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

KOSCIUSKO COUNTY COMMISSIONERS

January 23, 2007

The Kosciusko County Commissioners met for their regular meeting on January 23, 2007 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 - *Absent*

Brad Jackson

Bob Conley

Mike Miner, County Attorney

Sue Ann Mitchell, County Auditor

Ron Robinson, County Administrator

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

IN THE MATTER OF STATE CRITERIA GUIDELINES FOR HOMELAND SECURITY:

Ed Rock, Emergency Management Director, presented information to the Commissioners regarding State Homeland Security criteria for obtaining grants/funding. Rock stated the maximum amount of funding the county can receive is 60%. Criteria to be met are based on a point system with a county receiving 20 points for having a full time director. Rock stated a large part of his time will be spent working on meeting the criteria outlined. Rock also stated District Coordinators will evaluate each county and 2008 monies will be based on their Matrix grading system. Rock noted that currently approximately half of the responding units in the county have radios and additional equipment will be needed to bring the county up to standards required. Commissioner Conley suggested State and Federal requirements be studied to determine if the standards are corresponding.

IN THE MATTER OF BOARD OF FINANCE APPOINTMENT:

County Treasurer Kent Adams requested a Commissioner be selected to serve as the President of the Board of Finance for 2007. Adams also presented the investment report for the Commissioners to review. Adams noted that interest earned on certificate of deposits in 2006 was over \$1,000,000.00 and interest earned on NOW accounts for 2006 totaled more than \$1,500,000.00 for a grand total of interest on investments for 2006 of \$2,179,375.11. Adams also pointed out that by using the lock box system for tax payments; additional interest was earned by those payments being deposited daily.

MOTION: Brad Jackson

SECOND: Bob Conley

AYES: 2 NAYS: 0

UNANIMOUS

TO: Elect Bob Conley to serve as President of the Board of Finance for 2007.

IN THE MATTER OF MICROVOTE SOFTWARE MAINTENANCE AGREEMENT:

A software maintenance agreement for 2007 from MicroVote General Corp. was presented for the Commissioners approval. The agreement was reviewed by County Attorney Mike Miner before being approved.

MOTION: Bob Conley

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

TO: Approve maintenance agreement for 2007 as presented.

IN THE MATTER OF 2007 SHERIFF'S CONTRACT:

County Auditor Sue Ann Mitchell presented the 2007 Sheriff's contract for approval. It was noted the Sheriff be paid an annual salary of \$92,226.00. This salary is based on 80% of a full time County Prosecuting Attorney's salary.

MOTION: Bob Conley

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

TO: Approve sheriff's contract for 2007 as presented.

IN THE MATTER OF COMMON WAGE DETERMINATION APPOINTMENT:

A written request was received from Jim Evans, Wawasee School Corporation Director of Finance to appoint Don Searce to the Common Wage Determination Committee.

MOTION: Bob Conley
SECOND: Brad Jackson
AYES: 2 NAYS: 0
UNANIMOUS

TO: Appoint Don Searce to serve on the Common Wage Determination Committee.

IN THE MATTER OF MACOG REPRESENTATIVE:

County Administrator Ron Robinson stated the county recently joined MACOG (Michiana Area Council of Governments) and there needs to be a Commissioner to represent the county appointed to serve on that board. Robinson noted that Councilman Bob Sanders will also serve as a county representative.

MOTION: Bob Sanders
SECOND: Brad Jackson
AYES: 2 NAYS: 0
UNANIMOUS

TO: Appoint Brad Jackson to serve as the Commissioners representative for MACOG.

IN THE MATTER OF ANIMAL WELFARE LEAGUE WATER PROBLEM:

Ron Robinson, County Administrator, reported the county has been working with the Health Department and a local contractor to try to fix the water problem at the AWL. Robinson stated a quote of \$5800.00 had been received to fix the problem to the Health Department's specifications and requested permission to go ahead with the repairs.

MOTION: Bob Conley
SECOND: Brad Jackson
AYES: 2 NAYS: 0
UNANIMOUS

TO: Approve repairs at AWL at a cost of \$6000.00.

IN THE MATTER OF TIPPECANOE TOWNSHIP LEASE AGREEMENT:

Ron Robinson, County Administrator, stated he had received the annual lease agreement for the Tippecanoe Township office. Robinson noted County Attorney Mike Miner was reviewing the agreement but it appeared to be the same as in previous years. Robinson did state the township was asking for an increase from \$500.00 to \$700.00 a month. It was the first increase since the county began leasing the facility in the 1980's.

MOTION: Bob Conley
SECOND: Brad Jackson
AYES: 2 NAYS: 0
UNANIMOUS

TO: Approve lease agreement as presented.

IN THE MATTER OF COUNTY ANNUAL REPORT:

Sue Ann Mitchell, County Auditor, presented the Annual Report for the Commissioners approval. Mitchell stated the report shows the receipts and expenditures for 2006 as well beginning and ending cash balances and investments.

Commissioner Jackson thanked Mitchell as well as Treasurer Adams for their reports and said he believed the Commissioners took for granted the amount of time and work involved in getting these reports ready to file with the State. Mitchell credited her office staff for their work on the report.

MOTION: Bob Conley
SECOND: Brad Jackson
AYES: 2 NAYS: 0
UNANIMOUS

TO: Accept Annual Report as presented.

IN THE MATTER OF COX VACATION REQUEST – SEWARD TOWNSHIP:

Matt Sandy, APC Assistant Director, presented a vacation request from Chris Cox, Meredith 1st Addition – Beaver Dam Lake in Seward Township. Sandy stated the highway and utilities had

been contacted and there was no opposition to the vacation from either. Sandy noted their office had received one letter of opposition from an adjacent property owner asking that their property not be included in the lots to be vacated. Sandy said it was the recommendation of the APC to grant the vacation with the exception of three sections.

Rochester Attorney Greg Heller, representing Chris Cox, stated his client wished to combine the lots in order to put in a manufactured home and therefore requested the vacation. Heller noted he was not aware the adjacent property owner was opposed but felt the ordinance he had prepared could be amended to exclude that property owners lots.

Speaking in favor of the vacation were Joe and Lorraine Fredericks who stated the vacation would still allow access for both adjacent property owners.

Also speaking in favor of the vacation was Russell Spradley adjacent property owner. Spradley noted he was in favor of the vacation as long as his property was not included in the vacated area.

IN THE MATTER OF COX VACATION REQUEST – SEWARD TOWNSHIP
CONTINUED:

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

Commissioner Conley questioned Attorney Heller if was willing to make the requested changes to the ordinance and Heller responded that he would do that.

MOTION: Bob Conley

TO: Accept APC recommendation and approve vacation request with amendment to exclude lots 12 and 49.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

ORDINANCE NO. 07-01-23-001 V

As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF NORTHERN LAKES AREA CONCERNED CITIZENS
ASSOCIATION PRESENTATION:

Ann Schlabach representing the Northern Lakes Area Concerned Citizens Association spoke to the Commissioners regarding the proposed Vera Sun ethanol plant to be located near Milford.

Schlabach advised the Commissioners that Vera Sun has filed for an air permit with IDEM and the residents of Milford have concerns regarding air quality. Schlabach then discussed the traffic issue that the NLACCA had not given thought to in previous meetings in regards to 1300 N. Schlabach stated the reports they had received indicated there would be approximately 180 inbound vehicles daily. Schlabach pointed out that was only inbound vehicles; therefore, a total of 360 vehicles would pass through that access road on a daily basis. She noted that also competing to use 1300 N was the Wawasee School Corporation buses. Schlabach said currently there are 11 buses that use the road daily and that did not take into account the extra curricular activities where additional buses were used. Schlabach went on to say traffic was concern but that brought her back to their main concern and that was diesel emissions and air quality.

According to Schlabach, Milford is located in a low lying area and the air (fog, etc.) sinks or sits over the town and emissions from the added traffic would do the same.

In conclusion, Schlabach reminded the Commissioners the goal of new growth is to benefit the community and Milford residents do not feel Vera Sun is a good fit or benefit to their community.

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

KOSCIUSKO COUNTY COMMISSIONERS
February 6, 2007

The Kosciusko County Commissioners met for their regular meeting on February 6, 2007 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Ron Truex, President

Mike Miner, County Attorney

Brad Jackson

Sue Ann Mitchell, County Auditor

Bob Conley

Ron Robinson, County Administrator - *Absent*

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

IN THE MATTER OF COUNTY ASSESSOR CONFERENCE REIMBURSEMENT:

Laurie Renier, County Assessor, addressed the Commissioners regarding per diem reimbursements. Renier noted that her office had recently attended conference in downtown Indianapolis and the per diem for meals was \$26.00 per day. Renier questioned if this rate could be increased by the

Commissioners as it was difficult to stay under the current per diem for three meals.

Commissioner President Truex agreed that did seem a bit low but noted it would be necessary to check the per diem legalities before any changes could be implemented.

County Auditor Sue Ann Mitchell noted she would check with the DLGF to see if the current per diem rate was set by them and if there were any possible solutions.

IN THE MATTER OF KABS QUARTERLY REPORT:

Rita Baker, KABS Director, presented the final quarterly report of 2006 for approval. Baker noted by submitting the quarterly report, KABS should receive a reimbursement in the amount of \$88,341.00 from INDOT.

MOTION: Bob Conley

TO: Approve quarterly report as presented.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF LAKELAND SEWER DISTRICT PETITION APPROVAL:

David Doctor, representing the Lakeland Sewer District presented a petition to establish a regional sewer district to be submitted to IDEM. Doctor stated in July of 2006, the County Commissioners and County Council approved the formation of a regional sewer district and this petition was the next step in gaining approval for the district by IDEM. Doctor pointed out the regional sewer district would not be established until IDEM held public hearings and reviewed all facts and then determined a regional sewer district was justifiable. Doctor noted minor changes to the information to be submitted to IDEM as; a physical address for the Lakeland Sewer District at the North Webster Community Building as well as the determination of the Board of Trustees which would included two Commissioners, two Council members, the Tippecanoe Township Trustee, one appointee by the Commissioners based on the Board of Health recommendation and an appointee from the town of North Webster.

Doctor went on to say that he would supply all supporting documentation and copies that would be delivered to the proper entities. Included in the supporting documentation was a detailed map of the proposed sewer district as well as a written description of the boundaries, a list of the freeholders and the contact person which Doctor requested the Commissioners approve as himself. Commissioner Truex supported the continued effort of Doctor to move forward with the regional sewer district.

MOTION: Brad Jackson

TO: Approve resolution to be submitted to

SECOND: Bob Conley

IDEM petitioning for approval of the formation of the Lakeland Sewer District.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF COMMON WAGE DETERMINATION COMMITTEE APPOINTMENT:

Commissioner Ron Truex stated he had received a request from Whitko High School to have Max Busz appointed to the Common Wage Determination Committee.

MOTION: Bob Conley

TO: Approve appointment of Max Busz to the Common Wage Determination Committee.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF 4-H COUNCIL NFP AGREEMENT FOR SERVICES:

County Auditor Sue Ann Mitchell presented the Not for Profit contract for services for the 4-H Council for the Commissioners signatures. Mitchell noted this contract was approved at budget time; however the 4-H Council had only recently returned the contract.

MOTION: Bob Conley

TO: Approve NFP contract for services for the 4-H Council for 2007.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF SEMI ANNUAL REPORT FOR CARDINAL CENTER GRANT:

Sue Ann Mitchell, County Auditor, presented the Cardinal Center Grant Semi Annual Financial Report for the Commissioners signatures. Mitchell noted the only signature required was that of Commissioner Jackson who was president at the time the grant originated.

MOTION: Bob Conley

TO: Approve the semi-annual financial

SECOND: Ron Truex

management report for Cardinal Center grant.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF FIXED ASSETS ORDINANCE:

Auditor Sue Ann Mitchell presented a fixed assets ordinance for the Commissioners signature. Mitchell stated this ordinance which was previously approved cannot be located and requested the current copy be signed for recording purposes.

ORDINANCE 07-02-06-001 FA

KOSCIUSKO COUNTY FIXED ASSETS

As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF RECOGNITION OF COUNTY GOVERNMENT WEEK:

Sue Ann Mitchell, Auditor, noted that the week of April 22 – 28, 2007 is National County Government Week and questioned the Commissioners if they would be interested in sponsoring a county employee breakfast as they did in 2006. Mitchell stated the breakfast could be held on Friday, April 27th.

MOTION: Ron Truex

TO: Recognize county employees with a

SECOND: Brad Jackson

Commissioners/Council sponsored breakfast on

AYES: 3 NAYS: 0

April 27, 2007.

UNANIMOUS

IN THE MATTER OF HOME & GARDEN SHOW DISPLAY:

Auditor Sue Ann Mitchell requested permission to have a booth on display at the Annual Home & Garden Show to be held February 22-24. Mitchell stated this would be an opportunity to provide additional information to the public about local government.

MOTION: Brad Jackson

TO: Grant permission for a county government

SECOND: Bob Conley

booth to be displayed at the Home & Garden

AYES: 3 NAYS: 0

Show held February 22-24.

UNANIMOUS

IN THE MATTER OF ESTABLISHING A VENDING MACHINE POLICY:

Sue Ann Mitchell, Auditor, stated it has been discovered that if a vending machine is placed in a private location, the profit from those machines may be retained by the County. Mitchell went on to say that those monies could be used to give back to the employees such as the county employee breakfast or Christmas party. Further discussion ensued regarding “machines placed in a private location” in a public building and it was noted that they would be located where employees only would access them. Mitchell also noted county government is one of the few taxing entities that do not have a discretionary fund that can be used for such purposes. Currently the machines net an annual profit of \$1000 - \$1100 which is deposited into the county general fund.

MOTION: Bob Conley

TO: Approve establishing a vending machine

SECOND: Brad Jackson

policy that would allow funds to be used for

AYES: 3 NAYS: 0

discretionary employee purposes.

UNANIMOUS

IN THE MATTER OF CVB TOUR SITE REQUEST:

Sue Ann Mitchell, Auditor, stated she had received a letter from the CVB in which they were requesting tour sites. Mitchell noted she would be contacting them and letting them know they were always welcome to bring tour groups to the county government buildings. Mitchell stated the county has personnel available to narrate the tour and provide additional information about the facilities.

IN THE MATTER OF SILVER LAKE DETOUR REQUEST:

Dennis Pletcher, Highway Superintendent, presented a letter from the Town of Silver Lake requesting a detour of SR 14 for June 16, 2007 for their annual Silver Lake Days Parade. Pletcher noted this was the same request as in previous years.

MOTION: Bob Conley
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

TO: Approve SR 14 detour request as presented.

IN THE MATTER OF ROGERS COURT SUBDIVISION SNOW PLOW AGREEMENT:

Dennis Pletcher, Highway Superintendent, stated Rogers Court Subdivision had requested snow plowing services for one year. Pletcher noted it has been past practice to approve the snow plowing of a subdivision for one year at which time the subdivision should meet requirements for county maintenance.

MOTION: Bob Conley
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

TO: Approve snow plow agreement for one year as requested.

**KOSCIUSKO COUNTY HIGHWAY
ACCEPTANCE FOR COUNTY MAINTENANCE**

Name of Subdivision: **Max Welton/Rogers Court**
Road Location: Off of 560 E
Road Length: **Rogers Court:** 740 feet +/-

Person(s) Requesting Acceptance: Ernie Rogers
Date of Recommendation: 2-6-07

Recommendation:

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

IN THE MATTER OF BOARD AUTHORIZATION FOR MEDIATION:

County Attorney Mike Miner stated a meeting would be held on March 8th in regards to a dispute the county was involved in. Miner requested the Commissioners to authorize Commissioner Ron Truex and himself to act on behalf of the county to see if a settlement could be reached.

MOTION: Bob Conley
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

TO: Authorize Robinson and Miner to act on behalf of the County in said legal matter.

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

**KOSCIUSKO COUNTY COMMISSIONERS
February 20, 2007**

The Kosciusko County Commissioners met for their regular meeting on February 20, 2007 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Ron Truex, President	Mike Miner, County Attorney
Brad Jackson	Sue Ann Mitchell, County Auditor
Bob Conley	Ron Robinson, County Administrator

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

IN THE MATTER OF CARDINAL CENTER GRANT PUBLIC HEARING:

Jane Greene, Cardinal Center Director, requested permission to conduct a public hearing for their Community Focus Fund Grant. Greene stated the due date for grant submission was March 16, 2007 with notification of approval at the end of June. Greene noted this grant was for the replacement of the HVAC at Cardinal Center. She then presented the Commissioners with two budgets; one with the grant monies included and one without. Greene stated that if the grant is received; not only would the HVAC be replaced but other energy saving items would be included. If the grant is not received, the HVAC would be the only item replaced. Greene also noted that the

County agreed to contribute \$10,000.00 and the K21 Foundation contributed \$6,000.00 towards the grant application. Greene noted the County would be the recipient of the grant and therefore liable if for any reason Cardinal Center were to move from their present location within five years of obtaining the grant.

Ann Mannix, Neighborhood Development Associates, then conducted the public hearing for the grant noting the grant funds must pass through the County. These funds would be used to rehab the Cardinal Center and the County is obligated for five (5) years after receiving the funds. Mannix went on to say the County should audit the reports submitted by Cardinal Center before they are submitted to the State. Mannix also noted the County will have a sub-recipient agreement with Cardinal Center. Mannix then presented the resolution authorizing the submission of the grant application for the Commissioners approval.

MOTION: Brad Jackson

TO: Approve resolution for grant application submission as presented.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

Resolution of the County Commissioners of Kosciusko County, Indiana,
Authorizing the Submittal of the CFF Application to the Indiana
Office of Community and Rural Affairs and Addressing Related Matters

WHEREAS, the Board of Commissioners of Kosciusko County, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Office of Community and Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low and moderate income persons; and

WHEREAS, Kosciusko County, Indiana has conducted public hearing prior to the submission of an application to the Indiana Office of Community Rural Affairs, said public hearings to assess the housing, public facilities and economic needs of its low and moderate income residents;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Kosciusko County, Indiana that:

1. The County Commission President is authorized to prepare and submit an application for grant funding to address the HVAC Rehabilitation for Cardinal Center,, and to execute and administer a resultant grant including requisite general admission and project management, contracts and agreements pursuant to regulations of the Indiana Office of Community and Rural Affairs and the United States Department of Housing and Urban Development.
2. Kosciusko County, Indiana, hereby commits the requisite local funds in the amount of three hundred forty one thousand, two hundred eighty three dollars (341,283), in the form of Cardinal Center's operating reserves of \$342,457, a K21 Foundation grant of \$6,826 and County funds of \$10,000, as matching funds for said program, such commitment to be contingent upon receipt of CFF funding from the Indiana Office of Community and Rural Affairs.

Adopted by this Board of Commissioners of Kosciusko County, Indiana this 20th day of February, 2007, at 9:00 A.M.

IN THE MATTER OF HOSS HILLS SUBDIVISION SNOW PLOW AGREEMENT:

Dennis Pletcher, Highway Superintendent, presented a snow plow agreement for Hoss Hills Subdivision for approval. Pletcher stated the subdivision would be ready for county acceptance by fall but met requirements for the temporary snow plowing agreement.

MOTION: Bob Conley

TO: Approve snow plow agreement for Hoss Hills Subdivision for one year.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

**KOSCIUSKO COUNTY HIGHWAY
ACCEPTANCE FOR COUNTY MAINTENANCE**

Name of Subdivision: **Hoss Hills**
Road Location: Off of Hoss Hills Rd.
Road Length: **Pioneer Way:** 800 feet +/-

Person(s) Requesting Acceptance: John Kidd

Date of Recommendation: 2-20-07

Recommendation:

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

IN THE MATTER OF CRESTVIEW SUBDIVISION SNOW PLOW AGREEMENT:

Dennis Pletcher, Highway Superintendent, presented a snow plow agreement for Crestview Subdivision for approval. Pletcher stated the subdivision would be ready for county acceptance by fall but met requirements for the temporary snow plowing agreement.

MOTION: Bob Conley

TO: Approve snow plow agreement for

SECOND: Brad Jackson

Crestview Subdivision for one year.

AYES: 3 NAYS: 0

UNANIMOUS

KOSCIUSKO COUNTY HIGHWAY
ACCEPTANCE FOR COUNTY MAINTENANCE

Name of Subdivision: **Crestview**
Road Location: Off of 175 E
Road Length: **Ridge Valley Drive:** 750 feet +/-
Slateview Court: 600 feet +/-
Shaleview Court: 250 feet +/-
Boulder Drive: 400 feet +/-

Person(s) Requesting Acceptance: Dan Fillpus

Date of Recommendation: 2-6-07

Recommendation:

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

IN THE MATTER OF HIGHWAY ANNUAL OPERATIONS REPORT:

Dennis Pletcher, Highway Superintendent, presented his Annual Operations Report to the Commissioners.

IN THE MATTER OF MOTOROLA DISPUTE:

County Attorney Mike Miner reported a final offer of \$20,000.00 had been submitted by Motorola in regards to the dispute involving the interface with the Sheriff's office. Miner stated he had spoken with 911 Director Tom Brindle and Brindle was in favor of accepting the offer. Miner went on to say the County could file a suit against Motorola in the matter, but there was no guarantee on the outcome or settlement figure. Miner recommended the County accept the offer of \$20,000.00 from Motorola and bring the matter to a conclusion.

MOTION: Brad Jackson

TO: Accept settlement offer of \$20,000.00

SECOND: Bob Conley

from Motorola.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF ANIMAL WELFARE LEAGUE REPAIRS:

Ron Robinson, County Administrator, reported the Animal Shelter was in need of a larger septic system as well as a new roof. Robinson stated he had received quotes for the repairs with the septic work not to exceed \$6,500.00. Robinson noted this repair would meet the Health Department's requirements. He also reported the roof could be replaced for \$15,000.00 with a 20 year warranty.

MOTION: Brad Jackson

TO: Approve repairs for the Animal Shelter as presented.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF ADDITIONAL FURNITURE FOR WORK RELEASE:

County Administrator Ron Robinson stated he would like to get quotes for additional furniture for the Work Release Center. Robinson noted there is a need for additional furniture as there are more inmates participating in the program.

IN THE MATTER OF TOWN OF MILFORD COMMON CONSTRUCTION WAGE COMMITTEE APPOINTMENT:

County Administrator Ron Robinson stated the Town of Milford had requested someone be appointed to the Wage Committee on their behalf. Robinson requested Don Searce be appointed.

MOTION: Brad Jackson

TO: Appoint Don Searce to the Wage Committee as requested.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF PROPERTY TAX REPLACEMENT CREDIT WITHHOLDING:

Sue Ann Mitchell, County Auditor, reported she had received word from the DLGF that information submitted by her office for 2003 pay 2004 and 2004 pay 2005 has now been approved.

Mitchell stated it was determined the discrepancy between information submitted by the Assessor's office and her office has been tracked down to government property included in the Assessor's data and not in the Auditors.

IN THE MATTER OF 2007 TAX BILLING:

County Auditor Sue Ann Mitchell stated in order to make June distribution, it would be necessary to do a provisional tax billing. Mitchell noted the second billing will cost an additional \$39,000.00 to the county but would be much more costly to the taxing units that would have to borrow monies if they did not receive a June distribution.

IN THE MATTER OF VONAGE WIRELESS 911 DISTRIBUTION:

Sue Ann Mitchell, County Auditor, reported that through an agreement with the AIC (Association of Indiana Counties) and Vonage, the county had received its first distribution check in the amount of \$75.02. Mitchell stated Vonage is voluntarily collecting a 911 fee from its customers and turning those over to the AIC for distribution. Mitchell also noted this distribution will continue until such time that state law would be amended requiring Vonage to pay wireless fees.

IN THE MATTER OF CONFLICT OF INTEREST STATEMENT:

County Auditor Sue Ann Mitchell presented a conflict of interest statement for Angela Pletcher who is the owner of Stillson Studio and is contracted by the Nappanee Public Library for graphic art services. Pletcher is also a Nappanee Public Library Board Member.

MOTION: Bob Conley

TO: Approve conflict of interest statement for Angela Pletcher as presented.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF DEOBLIGATION OF TRANSIT GRANT FUNDS:

Sue Ann Mitchell, County Auditor, presented a grant close out and deobligation agreement from the Indiana Department of Transportation for the Cardinal Center (KABS) 2006 Capital Grant. Mitchell stated the agreement was for the unexpended balance (\$3,319.00) of transit funds based on the final quarterly report submitted.

MOTION: Brad Jackson

TO: Approve INDOT deobligation agreement as presented.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF MILFORD CONCERNED CITIZEN:

Claudia Prenkert of Big Boulder Golf Course, Milford appeared before the Commissioners to voice her concerns regarding the proposed Vera Sun plant. Prenkert stated that after reading an article in the Farmers Exchange, she thought the Commissioners were going to make a decision on the proposed ethanol plant. Prenkert asked the Commissioners to be open minded with her concerns. Prenkert then questioned why after submitting a letter to the Commissioners, she had not gotten any type of response.

Commissioner Truex stated they have received hundreds of letters and although all correspondence is being looked at it is impossible to answer each and every one. Truex also noted that there is no decision before them at this time in regards to if the ethanol plant may or may not locate in Milford. Prenkert countered that since the Commissioners made an effort to visit the ethanol plant located at Rensselaer, they could have responded to her letter as she is one of their constituents. She also stated that she feels negotiations must be going on as there are flags located in the area.

Both Commissioner Truex and Conley stated they were not sure why the flags were there, but there are flags located at various locations throughout the county also. The Commissioners questioned Highway Superintendent Pletcher if he was aware of the reason for the flags. Pletcher responded the highway does use flags similar to the ones in question, but he was not aware of the reason they were located in that area.

Prenkert went on to share her concerns in regard to the proposed plant and how that might affect the golf course's revenue due to the noise and odors. She also expressed concern about the safety on SR 15 at the curve/hill.

Commissioner Jackson noted for the record that he and Commissioner Truex had visited the Rensselaer plant on their own accord and noted they are not leaning one way or the other after visiting the plant, but went strictly to gather information.

Prekert reiterated that her concern was not just for her business, but for the entire community's health and safety. She then requested the Commissioners postpone a decision for one year to see how things played out.

Commissioner Truex stated at this point it is up to the BZA (Board of Zoning Appeals) to decide if it the proposed ethanol plant would be an appropriate use for the land. Truex noted the decision would not be based on whether ethanol is good or bad for the community; it was strictly based on what the land in question is best suited for. Truex also noted at this time the matter is not on the Commissioners agenda.

Commissioner Jackson stated that while he would like to see a decision made soon in the matter, there are proper governmental channels the process must go through and it is not clear at this time whether the Commissioners should intervene.

Commissioner Truex concluded the Commissioners are very aware of both sides of the argument and that much time is being spent looking at all of the information presented.

IN THE MATTER OF NLACCA CONCERNS:

Ann Schlabach representing the Northern Lakes Area Concerned Citizens Association applauded the Commissioners for looking at the Rensselaer plant but noted there are many differences between Milford and Rensselaer. She then presented a rebuttal letter to the Commissioners in regard to articles published in the Times Union and Mail Journal.

Schlabach also presented a chart that illustrated the number of homes located within a one mile radius of the proposed Vera Sun plant. It was noted there are currently 100 residences within a half mile radius and 600 residences within a mile radius of the site. Schlabach then presented a transcript of an interview conducted by WRSW's Stacy Page with Governor Mitch Daniels.

During the interview Governor Daniels stated it was important to put local resident's opinions first and if the residents of Milford do not want the plant located there, there are surely other communities that would welcome it. Schlabach stated the NLACC would like to thank Governor Daniels for putting the interest of the people first and hoped the Commissioners would do the same.

Commissioner Truex noted that the comparisons presented by Schlabach – the Commissioners had been able to see by visiting the Rensselaer site such as distance from town and school location.

Lisa Glon, also a member of the NLACC stated she had a copy of the Rensselaer Assessment which was 130 pages long if the Commissioners would like to read it.

Commissioners Truex and Jackson commented this is a very difficult decision and each time they think they have reached a decision, new information is presented that asks more questions.

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

KOSCIUSKO COUNTY COMMISSIONERS March 6, 2007

The Kosciusko County Commissioners met for their regular meeting on March 6, 2007 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
Bob Conley

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

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

IN THE MATTER OF EMERGENCY MANAGEMENT:

Ed Rock, Emergency Management Director, gave an update on the county's recent Emergency Management Assessment stating the county had scored a 48 of 60 points. Rock noted there were a couple district items the county could address and that would raise their score to a 50. Rock went on to say that if a score of 50 is received, the county is eligible to receive a 50% match for the director and administrative assistant's salaries. Rock stated other areas that needed to be addressed included a Mitigation Plan outlining procedures in place in case of a possible disaster as well as a Continuity of Operations Plan that would rank those in charge in case of an emergency.

IN THE MATTER OF EMERGENCY MANAGEMENT CONTINUED:

Rock requested the Commissioners approve the submission of the EMPG grant that would provide for 50% of the director and assistant salaries. Rock noted the paperwork was not complete at this

time but should be within the week. He then asked that permission be given for one of the Commissioners to sign the grant application so it may be submitted timely.

MOTION:	Bob Conley	TO: Approve EMPG grant submission and	
SECOND:	Brad Jackson	authorize President Ron Truex to sign	
AYES:	3	NAYS: 0	paperwork when it is completed.
UNANIMOUS			

IN THE MATTER OF TREASURER REPORT ON COLLECTION OF DELINQUENT TAXES:

Kent Adams, County Treasurer, reported that in October, 2006, the Commissioners had approved American Financial Credit Services to begin collecting court certified delinquent personal property taxes owed to the county. Adams stated AFCS had commenced collection for 2004 delinquent taxes on January 15, 2007 and as of date \$35,778.84 had been collected on 163 parcels.

IN THE MATTER OF HIGHWAY ANNUAL OPERATIONS REPORT:

Dennis Pletcher, Highway Superintendent, presented copies of the highway's Annual Operations Report to the Commissioners.

IN THE MATTER OF TRANSFER OF COUNTY OWNED PROPERTY:

County Attorney Mike Miner stated he had been contacted by Attorney Rick Helm in regards to property owned by Chuck Muncy at EMS C24 Lane. According to a survey prepared by Larry Long, there is a portion of the roadway that encroaches on Mr. Muncy's property. Helm stated in his correspondence with Miner that Mr. Muncy had spoken with Highway Superintendent Dennis Pletcher and Commissioner Jackson about a possible exchange of properties that would alleviate the encroachment problem and give the county access to the right of way. Attorney Miner stated he had quit claim deeds that would transfer said properties in question from the county to Muncy and Muncy to the county and the matter would then be resolved.

MOTION:	Brad Jackson	TO: Approve the transfer of properties between	
SECOND:	Bob Conley	the County and Chuck Muncy as presented.	
AYES:	3	NAYS: 0	
UNANIMOUS			

IN THE MATTER OF LAKELAND LANDFILL SUIT:

County Attorney Mike Miner presented a document to be approved by the Commissioners reference the Lakeland Landfill. The document presented included a Consent Decree in the matter of United States VS General Motors Corp, Etal relating to the Lakeland Disposal Service, Inc. site. The agreement provides a plan to protect public health or welfare or the environment at the site by

IN THE MATTER OF LAKELAND LANDFILL SUIT CONTINUED:

the implementation of response actions at the site by the "Settling Work Defendants"; to reimburse response costs of the United States; to provide for the reimbursement by the "Settling Defendants" of natural resource damages incurred by DOI and the state trustees; The Consent Decree also calls to resolve the claims of Plaintiffs against Settling Defendants. Signing of the document places no financial obligation on the county at this time.

MOTION:	Bob Conley	TO: Approve and authorize signing of the	
SECOND:	Brad Jackson	document as presented.	
AYES:	3	NAYS: 0	
UNANIMOUS			

IN THE MATTER OF E911 MAINTENANCE CONTRACT:

Ron Robinson, County Administrator, presented the Dispatch maintenance agreement with WTH for the Commissioners approval. Robinson stated the agreement called for an annual fee for the upkeep of the emergency service system of \$5,000.00.

MOTION:	Bob Conley	TO: Approve annual E911 maintenance	
SECOND:	Brad Jackson	contract for emergency services with WTH as	
AYES:	3	NAYS: 0	presented.
UNANIMOUS			

IN THE MATTER OF RENEWAL OF MAXIMUS CONTRACT:

Sue Ann Mitchell, County Auditor, presented an agreement for cost allocation services with Maximus for the Commissioners approval. Mitchell stated Maximus is a business partner with the Association of Indiana Counties (AIC) and she has been pleased with the service they have provided the county. Mitchell also said the contract offered two renewal options; a one year renewal for a \$7,600.00 fee or a three year renewal with a fee not to exceed \$6,840 per year. Mitchell recommended renewing the contract with the three year option.

MOTION: Bob Conley

TO: Approve Maximus contract renewal with the three year option as presented.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF CARDINAL CENTER LETTER:

Sue Ann Mitchell, Auditor, presented a letter for the Commissioners to sign that authorized Ann Mannix of Neighborhood Development Associates, LLC to take minutes at the public hearing in regards to the grant application submission to the Indiana Office of Community and Rural Affairs for the Cardinal Center's HVAC system.

IN THE MATTER OF HOME SHOW REPORT:

Sue Ann Mitchell, Auditor, gave a brief summary on the Annual Home Show. Mitchell stated the county had representatives from the Health Department, Dispatch, Surveyor's Office as well as GIS manning the county booth. Information presented at the show included a video from the Health Department on Pandemic Flu, operation of the voting machines and voter registration, GIS mapping information and the Dispatch computer program. Mitchell noted the public seemed especially fascinated with the Dispatch computer and GIS online information.

IN THE MATTER OF MCCLURE LAKE SUBDIVISION REQUEST:

Matt Sandy, Assistant Area Plan Director, presented a petition for a special exception regarding minimum requirements for road acceptance from Dr. Andrew and Julie Anglemeyer, owners of several lots located in the McClure Lake Subdivision. Sandy stated the original plat for the 8-10 lot subdivision was approved in 1995 and at that time a portion of the road and cul-de-sac were installed. Also at that time a bond was posted to cover the completion of the project but due to an oversight it has since expired. Sandy noted the original developer then sold the property to the Anglemeyers. Sandy stated the original portion of the road that was installed was built before the county had adopted their current curb and gutter standards for subdivisions, therefore, the cause for the petition for exception.

David Cates, Attorney for the Anglemeyers, stated his clients were willing to install the remainder of the road at their own expense but requested the road be built to the previous standards which allowed for side ditches rather than curb and gutter. Cates also said the Anglemeyers were willing to use a thicker base for the road than was required if the road could be built to coordinate with the existing road.

IN THE MATTER OF MCCLURE LAKE SUBDIVISION REQUEST CONTINUED:

Sandy explained that drainage could become a problem also if two different standards were used for the road and stated it was the recommendation of the APC to allow the plat to be completed at the previous standards or higher, rather than adhere to current standards calling for curb and gutters.

Hal Hoffman, owner of property located on the back side of the McClure Lake Subdivision questioned if the road were completed would it be a public right of way and county maintained. The Commissioners and Highway Superintendent Pletcher stated it would be a county maintained road at that time.

MOTION: Bob Conley

TO: Accept APC recommendation to allow exception of current standards for curb/gutter installation for subdivision and road be built to previous standards or higher.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF AREA PLAN REQUEST FOR ADDITIONAL ENGINEER:

Area Plan Assistant Director Matt Sandy stated new subdivisions must submit an erosion and soil plan to the APC for review. Currently these plans are outsourced to an engineer contracted by APC. Sandy went on to say that this engineer is also involved in the development of a new

subdivision and therefore requested permission to hire a secondary or backup engineer to review the plans.

The Commissioners were in agreement that in order to avoid conflict of interest it would make good business sense to outsource to a different engineer. The Commissioners noted as long as only one engineer was hired per project, they had no objections to having more than one engineer available for outsourcing.

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

KOSCIUSKO COUNTY COMMISSIONERS

March 6, 2007

The Kosciusko County Council met with the Kosciusko County Commissioners for a joint executive session to discuss a personnel matter. The meeting was properly advertised as an executive session. The meeting was held in the Courtroom of the Courthouse, 100 W. Center St., Warsaw, IN. Those present were:

Harold Jones, Council	Charlene Knispel, Council	Ron Truex, Commissioner
Tom Anglin, Council	Larry Teghtmeyer, Council	Bob Conley, Commissioner
John Kinsey, Council	Brad Tandy ABSENT	Brad Jackson ABSENT
Bob Sanders, Council	Ron Robinson, Co Administrator	Marsha McSherry, Auditor Elect
	Sue Ann Mitchell, Auditor	

There was a general discussion reference a personnel issue. The Council and Commissioners took no votes.

No further issues were discussed. The meeting was adjourned.

KOSCIUSKO COUNTY COMMISSIONERS

March 20, 2007

The Kosciusko County Commissioners met for their regular meeting on March 20, 2007 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Ron Truex, President	Mike Miner, County Attorney
Brad Jackson	Sue Ann Mitchell, County Auditor
Bob Conley	Ron Robinson, County Administrator

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

IN THE MATTER OF LEESBURG REQUEST TO JOIN SR 15 NORTH TIF:

Vern Landis, Attorney for the Town of Leesburg, appeared before the Commissioners to discuss the sewer project as well as the proposed SR 15 N TIF. Landis stated due to mandates from IDEM, Leesburg was instructed to install a sewer system and it appeared the cost to the town would likely be a \$4 million investment. Landis noted the project is unique in the fact that four governmental entities are involved in the process; those being the town of Leesburg, the city of Warsaw, the County as well as the State as the Leesburg system will join a main line along the west side of SR 15 that will tie into Warsaw's system. Landis went on to say that local resident Michael Ellsworth has been very helpful in negotiating with Nipsco for service and keeping the town updated on his talks. Landis also noted the County's contribution of \$350,000.00 to the project in order to increase the size of the line along SR 15 for future development and growth.

Attorney Landis stated he would like to propose that the town of Leesburg be allowed to join the suggested TIF area in order to recoup partial cost of the sewer project. Landis stated his proposal would allow the county to recapture their investment first and after such time Leesburg could continue to collect the TIF monies in an effort to recoup part of the cost the town had incurred. Landis admitted that he did not understand the intricacies of TIF districts but the town was working with Umbaugh and Associates for guidance. Landis noted at this time Leesburg does not have a Redevelopment Commission and if the County accepted the proposal to join the TIF, it would be necessary for Leesburg to form a commission. Landis went on to say the town is currently looking at \$70.00 monthly sewer fees for residents and if monies could be recouped from the TIF, there would be the possibility that rates could remain steady without imposing additional increases.

Landis also pointed out that although the town of Leesburg is outside of the proposed TIF district; if it weren't for Leesburg's sewer system the growth potential along the SR 15 N corridor would be limited.

Commissioner Truex commented the project seemed to be moving forward smoothly due to the cooperation of the four governmental entities involved. Further discussion ensued and County Attorney Mike Miner questioned what the time frame was to have the TIF district in place for the 2007 pay 2008 taxing year. County Auditor Sue Ann Mitchell noted the Redevelopment Commission has outlined the TIF district and the County has until March 1, 2008 to have the TIF in place for it to reflect in the 2008 tax billing. Mitchell responded that if it were in place by March 1, 2008 it would be retroactive to March 1, 2007. Mitchell went on to say that if Leesburg were to be included in the footprint and experienced new growth; that growth would be included in the TIF. Landis stated he could not answer that question at this time and would need to research it further.

MOTION: Brad Jackson

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Make recommendation to the

Redevelopment Commission that Town of

Leesburg be allowed to join the SR 15 N TIF

District.

IN THE MATTER OF COUNTY ROAD REPAIRS:

Dennis Pletcher, Highway Superintendent, reported that many county roads are in poor shape due to frost levels this winter. Pletcher went on to say some roads will be closed and others will have signs posted to travel at own risk due to the damaged roadway. Pletcher noted repairs cannot be done until the ground thaws. Pletcher also reported with rising fuel costs the price of asphalt will likely increase and with the unexpected road damage caused by the winter conditions other projects may have to be postponed.

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

KOSCIUSKO COUNTY COMMISSIONERS

April 3, 2007

The Kosciusko County Commissioners met for their regular meeting on April 3, 2007 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 - *Absent*

Bob Conley

Mike Miner, County Attorney

Sue Ann Mitchell, County Auditor

Ron Robinson, County Administrator

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

IN THE MATTER OF STATEWIDE SNOW EMERGENCY STANDARDS:

Ed Rock, Emergency Management Director, reported the state is working on standards to be used statewide in the case of weather related emergencies. Rock stated there had been some confusion this past winter across the state when various counties declared a snow emergency and their neighboring counties did not. Rock went on to say the standards which would consist of three levels for evaluating road conditions would likely come through IACT (Indiana Association of Counties and Towns) and he encouraged the Commissioners to look the standards over and consider implementing them for the county.

Rock stated this system may alleviate problems for travelers and assist local news agencies when reporting conditions. Rock also noted that counties will not be required to use the state standards. Commissioner Truex stated if all counties are not mandated to use the standards, county officials will still make decisions based on their own county and not what neighboring counties may be doing. Rock concluded that may be the case.

IN THE MATTER OF HEALTH DEPARTMENT BILLBOARD CONTRACT:

Bob Weaver, Health Administrator, appeared before the Commissioners to obtain approval for a one year contract with Burkhardt Signs for a public service announcement billboard. Weaver stated Dr. Remington is concerned with the increased methadone use in the county and would like to get a message out regarding the dangers involved. Weaver went on to say the billboard was being funded through a grant in conjunction with the Bowen Center and the Sheriff's Department and

would be located along SR 13 as suggested by the Sheriff's office. Weaver noted the billboard would be moved to other locations along SR 13 every four to five weeks and may also be located along US 30 and SR 15 over the course of the year. Commissioner Truex questioned Weaver on the difference between methadone and methamphetamine or "meth". Weaver stated methadone may be obtained with a prescription and is available at health clinics. It may be used to treat severe pain and is also used to rehabilitate people from other serious drug addictions such as heroin. Weaver noted the danger lies when it is taken in excess.

MOTION: Bob Conley

TO: Approve contract for \$5900.00 /year with
Burkhart Signs for methadone billboards.

SECOND: Ron Truex

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF LOUIS DREYFUS MODIFICATION REQUEST:

Mike Miner, County Attorney, stated Louis Dreyfus would like to modify their agreement with the county pertaining to their employment and investment goals. Miner noted they are not requesting to change what is to be done, just the manner in which it will be accomplished. Miner stated he would be speaking with the County Council at their next meeting in regards to the modifications requested by Louis Dreyfus.

**IN THE MATTER OF WORK RELEASE CENTER ADDITIONAL EQUIPMENT
PURCHASE:**

Ron Robinson, County Administrator, requested permission to purchase additional equipment for the Work Release Center. Robinson stated he had obtained prices and felt he could purchase the equipment needed for under \$10,000.00. Robinson also noted the additional items were needed due to the increased numbers at the Work Release Center.

MOTION: Bob Conley

TO: Approve additional equipment purchase
for work release center not to exceed a cost of
\$10,000.00.

SECOND: Ron Truex

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF COUNTY TAX BILLING:

Sue Ann Mitchell, County Auditor, stated her office is working hard to get tax bills out in a timely manner. Mitchell said she had discovered the county will not be able to do a provisional tax billing for the townships that serve the Tippecanoe Valley School Corporation and a regular tax bill for all other townships as she had hoped as the Department of Local Government would not allow the county to do both a real and provisional tax bill. Mitchell is hopeful that tax bills will be mailed out by the middle of May with payment due by June 10th. Mitchell noted a June 30th settlement date could happen if the Treasurer's Office was able to complete the payment processing in a timely manner. Mitchell did note that Tippecanoe Valley, Bell Memorial Library, Harrison, Franklin, Seward, Burket and Mentone would not be able to receive any monies at settlement due to the delay with Fulton County's rates, however, the school could request advance draws on their distribution.

IN THE MATTER OF COUNTY TAX BILLING CONTINUED:

Commissioner Truex questioned what the time table was between when taxpayers received their tax bills and the due date. Mitchell stated there can be no less than 15 days between the mailing and the due date. Further discussion ensued regarding the tax billing with Mitchell noting tax bills will not be done for those taxing units that serve the Tippecanoe Valley Schools until rates are available from Fulton County.

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

**KOSCIUSKO COUNTY COMMISSIONERS
April 17, 2007**

The Kosciusko County Commissioners met for their regular meeting on April 17, 2007 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

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Ron Truex, President
Brad Jackson
Bob Conley

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

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

IN THE MATTER OF ASSESSOR'S DATA MERGER REQUEST:

Laurie Renier, County Assessor, appeared before the Commissioners to discuss her offices' need to merge the databases of the three outlying township offices and the database maintained in her office. Renier presented information regarding the cost associated with the merge stating there would be a one time charge of \$10,020.00 to Manatron for them to merge the databases, a one time charge of \$12,215.93 to AT&T to add T1 lines and a monthly fee of \$2,000.00 for the T1 lines. (The T1 lines would be needed to transmit data between the assessor's office and the outlying township offices.) Renier went on to say that Council had approved \$58,000.00 for Software, \$50,000.00 for equipment and \$25,000.00 for contractual fees in her 2007 budget.

Bob Momeyer, County System Administrator, also spoke to the Commissioners regarding the matter. Momeyer noted that in order to meet state requirements on how information be submitted, a high speed connection to the outlying offices would be required. Commissioner Jackson questioned if the T1 lines would be necessary if the three township offices were located here in the courthouse as opposed to remote locations. Renier responded there would not be a need for the T1 lines in that case. Momeyer and Renier stated that Vanderburgh County has 15 outlying townships that use the T1 lines and Lake County in Illinois has 17 outlying townships that operate on T1 lines with no problems.

Commissioner Truex questioned why county data that only has to be submitted to the state one time a year could not be sent on a disc. Both Renier and Momeyer stated that was not possible as the county is working off of four databases and the state will not accept that and there is not a way for Renier's office to merge the outlying offices information with hers using current technology. Renier and Momeyer stated other issues involved duplicate LRSN numbers that are assigned among the offices and went on to detail the process involved. Momeyer reiterated that due to changes in state software standards this was the best way possible to accomplish what was required of the county. Truex commented that it was frustrating to use tax dollars collected by the county to report tax dollars to the state. Renier agreed, but noted the county's data must be compliant with state guidelines. She also reiterated that the conversion and T1 lines would not be used "once a year" but on a daily basis as each office completes their work, i.e. transfers, splits, and new construction.

Commissioner Jackson questioned if a regular cable connection would handle the workload and Momeyer responded that it would not due to the amount and type of information used by the assessors. Momeyer also stated they have researched all of the options and this is the best possible solution.

Commissioner Truex then questioned when the merger and T1 lines would take place with all of the other things going on in the assessor's office at this time. Renier and Momeyer stated they could not give a definite timeframe; however the optimal time would be once 2007 pay 2008 data has been finalized and rolled to the Auditor. Further discussion ensued regarding timetables for data to be submitted.

IN THE MATTER OF ASSESSOR'S DATA MERGER REQUEST CONTINUED:

Truex asked if it was possible for the outlying office to bring their work here to the assessor's office and enter it. He also asked who entered the other townships information. Renier responded that her office entered the other 13 townships data. Truex then asked if her office could enter the three outlying townships data also. Renier stated only if she were allowed to hire additional employees or transfer those employees that work in those outlying offices here to work. Momeyer added there would still be costs involved with that as the four databases would have to be combined into one. Truex then asked how those township assessors would feel about coming here to enter their information and Renier responded they would not be happy.

Further discussion ensued regarding the matter and it was noted that due to state mandates the county's current databases would have to be merged regardless of what action the county decides to take. It was also noted that Assessor Renier has a letter of authorization for the merger that can be submitted at any time.

MOTION: Bob Conley
SECOND: Brad Jackson
AYES: 3 NAYS: 0

TO: Take the matter under advisement and
report back with an answer at a later date.

IN THE MATTER OF MCCLURE LAKE SUBDIVISION ROAD SPECIFICATIONS:

Jeff Rohrer, Assistant Highway Superintendent, presented a letter prepared by the highway department addressed to David Cates, Attorney for Dr. Andrew and Julie Anglemeyer, owners of the McClure Lake Subdivision. The letter outlined the road specifications for the completion of the subdivision accepted by the Commissioners at their March 6, 2007 meeting. Rohrer requested the Commissioners signatures for the letter.

IN THE MATTER OF ANIMAL WELFARE LEAGUE SEPTIC SYSTEM:

Ron Robinson, County Administrator, reported the septic system work at the AWL had been completed. Robinson noted the work to be done was not to exceed \$6,500.00 and the final cost for the work had come in at \$1,400.00 under the amount approved.

IN THE MATTER OF HIGHWAY ROOF REPAIRS:

County Administrator Ron Robinson reported the new roof had been installed at the highway department and the final bill came in \$7,000.00 under Bambi Roofing's original quote.

IN THE MATTER OF LOUIS DREYFUS AGREEMENT MODIFICATION REQUEST:

Sue Ann Mitchell, County Auditor, stated Louis Dreyfus would like to modify their agreement with the county pertaining to their employment and investment goals for tax purposes. Mitchell noted they are not requesting to change what is to be done, just the manner in which it will be accomplished by using subsidiaries of their company to complete portions of the project.

MOTION: Bob Conley

TO: Approve amended document as presented
and approved by Council.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

Reference: Ordinance 07-04-12

As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF KELLY VACATION REQUEST - TURKEY CREEK TOWNSHIP:

Matt Sandy, APC Assistant Director, presented a request from Steven Kelly, Turkey Creek Township to vacate of platted right of way that was undeveloped. Sandy stated Kelly owns the parcels on both sides of and behind the right of way. Sandy also stated utilities and emergency services had been contacted with no negative responses from either. It was also noted that Kelly has been issued a new home permit based on the vacation, however if the vacation is approved he would need to come back and get revised permits. Sandy stated it was the recommendation of the APC to allow the vacation.

Representing Steven Kelly was Attorney Jack Birch. Birch recapped Sandy's statements adding the purpose for the vacation was to satisfy set back requirements for the new construction.

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

MOTION: Brad Jackson

TO: Approve vacation request for Steven
Kelly as presented.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

Ordinance Number 07-04-17-001V

Record # 200700004661

As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF ESTES REZONING REQUEST – TIPPECANOE TOWNSHIP:

Dan Richard, APC Director, presented a request from Stan Estes to rezone two parcels totaling 10.9 acres in Tippecanoe Township off of Webster Lake from Agricultural to Residential. Richard stated it was the recommendation of the APC to allow the rezoning.

Representing Estes was Attorney Jack Birch. No one in attendance opposed the rezoning request.

MOTION: Bob Conley

TO: Accept APC recommendation and allow
rezoning from Ag to Residential as requested.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

Ordinance No. 07-04-17-001Z

Record # 200700004662

As recorded in the Office of the Kosciusko County Recorder

**IN THE MATTER OF MORROW –VS- WAYNE TOWNSHIP PUBLIC ASSISTANCE
HEARING:**

John Sprong; Investigator and Dick Mitchell; Clerk, representing Wayne Township presented information on the denial of assistance to Daniel Morrow due to felony charges. Sprong stated that as of this date, he had just learned that Morrow's past due amount to NIPSCO had been paid and he was scheduled for reconnection. Sprong went on to say the reason the township had denied Morrow stemmed from a felony charge of Morrow's that had occurred within the last ten years. Daniel Morrow presented his case stating on April 3, 2007 he went to the township trustee to seek assistance with his utility bill. At that time he was asked to complete an application and was directed to read the form attached to the application as this was something new to the process. Morrow noted the attachment asked if the applicant had been convicted of a felony in the last ten years or a misdemeanor in past year. Morrow stated he returned to the township office on April 12, 2007 where he was asked how long ago it had been since he had been convicted of a felony; to which he responded that it was in 2000. He was then informed that the township could not provide him with assistance due to the fact that his felony had occurred within the last ten years. Morrow noted that prior to the hearing the township had been helpful with relief. Morrow went on to say that he had been sentenced in California in 2000 on felony charges and ordered to serve three years probation which he has served. He stated that he felt it was a violation of his Fifth Amendment right to be punished again for time he has already served. Commissioner Truex stated the Commissioners will review the paperwork and take the matter under advisement. They will then respond within the appropriate time table.

MOTION: Bob Conley

TO: Take matter under advisement and respond within the allotted 10 day timeline.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

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

KOSCIUSKO COUNTY COMMISSIONERS

May 1, 2007

The Kosciusko County Commissioners met for their regular meeting on May 1, 2007 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Ron Truex, President

Mike Miner, County Attorney

Brad Jackson

Sue Ann Mitchell, County Auditor

Bob Conley

Ron Robinson, County Administrator - *absent*

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

IN THE MATTER OF HOMELAND SECURITY GRANT APPLICATION:

Ed Rock, Emergency Management Director, presented a grant application for the Commissioners approval. Rock stated the grant would be for \$17,902.00 and could only be used for one of two items, one being laptop computers. Rock noted he had requested permission to purchase additional mobile data units but was denied. Rock went on to say the laptops would have the GIS system loaded on them and then be given to emergency responders with the goal being the more responders that have the GIS information readily available, the quicker the response time will be.

MOTION: Bob Conley

TO: Approve grant application as presented.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF GRACE COLLEGE EMERGENCY FACILITY REQUEST:

Emergency Management Director Ed Rock reported that Grace College has requested permission to use his office's name to apply for federal funding for an emergency facility to be located at Grace. Rock stated the county would be able to utilize the facility for an emergency operations center, a shelter or a training facility. Rock went on to say that Grace's federal fund request did not affect the county in any way and he felt the facility would be an asset to the community and it would be good to put the Emergency Management's name on Grace's request.

MOTION: Brad Jackson

TO: Authorize a letter of endorsement for

SECOND: Bob Conley

Grace College to use Emergency Management's name on their federal funding request.

AYES: 3 NAYS: 0

IN THE MATTER OF HIGHWAY REPORT:

Dennis Pletcher, Highway Superintendent, reported that road crews are out repairing and patching roads. Pletcher inquired if the newspapers could remind motorists to use caution where crews are working. Commissioner Conley commented that the orange shirts the highway crews are wearing provide great visibility for the workers.

IN THE MATTER OF 2007 TAX BILLS:

Cindy Nolton, Treasurer Chief Deputy, and Sue Ann Mitchell, Auditor, addressed the Commissioners in regards to the tax billing status. Mitchell stated due to legislative changes that were implemented at the end of the current session and the time line involved it would be impossible to get tax bills out in time to make a June 30th distribution to the taxing units. Mitchell went on to say legislation will require initial tax bills be sent out with an inflated rate with counties to issue refund or "give back" checks on the back end of the billing cycle. Mitchell discussed other actions taken by legislation that involved the number of days required between when tax bills are mailed and the payment due date. Beginning in 2008 taxpayers will have a 45 day window from the time they receive their bill until it's due. Mitchell stated due to the estimated increase in tax bills this year and to be fair to the taxpayers she believes the county should allow the 45 day window this year.

IN THE MATTER OF KABS GRANT APPLICATION:

Rita Baker, KABS Director, presented the annual federal transportation grant application as well as the first quarter vouchers for the Commissioners approval. Baker also gave the Commissioners a copy of the KABS Revenue & Expense Statement for the 2006 calendar year.

MOTION: Brad Jackson

TO: Approve the annual transportation grant

SECOND: Bob Conley

application and 1st quarter voucher as presented.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF KOSCIUSKO COUNTY ABATE REQUEST FOR DECLARATION OF MOTORCYCLE SAFETY AND AWARENESS MONTH:

Cheyenne Stewart, an 11 year ABATE member appeared before the Commissioners to request that the month of May be declared Motorcycle Safety and Awareness Month. Stewart stated that ABATE is an acronym for American Bikers Aimed Toward Education. He went on to say that ABATE of Indiana is a not-for-profit safety, educational, charitable and active supporter of all motorcyclist organizations. Its aims are to promote safety, protect rights and help others. There are 14 regions in the State of Indiana with Kosciusko County being located in Region 1 which began in 1971. Stewart went on to say that ABATE of Indiana's motorcycle safety program began in 1979 and in 1986 the Indiana Department of Education became involved with the program. Since that time there has been a 63% decrease in motorcycle fatalities with over 50,000 riders trained. Stewart stated ABATE of Indiana has been the driving force in making the month of May "Motorcycle Safety and Awareness Month". He noted that as the motorcycling season begins they want to remind riders to ride safe, ride aware, and ride sober throughout the year. Stewart said increased awareness for and knowledge of the rules of the road, along with the development of good driving skills are necessary for the safe operation of all vehicles whether two wheeled or four.

MOTION: Bob Conley

TO: Declare the month of May as Motorcycle Safety and Awareness Month.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF TOBACCO FREE POLICY FOR ALL COUNTY BUILDINGS:

Sue Ann Mitchell, County Auditor, speaking on behalf of County Administrator Ron Robinson stated the county has been approached by many about making all county buildings tobacco free. Mitchell stated cigarettes thrown on the ground make for an unsightly facility as well as patrons being exposed to smoke remaining at entrances. Mitchell went on to say that Robinson is requesting the Commissioners endorsement of a policy that would prohibit all tobacco products within a 20 foot radius of all county buildings. It was also noted this would not be an ordinance, but strictly a policy set forth.

MOTION: Bob Conley

TO: Approve creating a tobacco free policy for

SECOND: Brad Jackson

all county buildings.

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF INSURANCE POLICY REVIEW:

County Auditor Sue Ann Mitchell stated Ron Robinson, Marsha McSherry and herself had listened to four liability insurance presentations. Mitchell noted that a decision would need to be made by May 8th and since there would not be another Commissioners meeting before that time, Robinson was requesting permission to act on behalf of the Commissioners in evaluating the policies make a decision.

MOTION: Brad Jackson

TO: Allow Robinson to review the policies with the Commissioners having an opportunity to comment on his recommendation before a final decision is rendered.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF CONGRESSIONAL SCHOOL INTEREST CERTIFICATION:

Sue Ann Mitchell, County Auditor, presented the Annual Congressional School Principal Form for the Commissioners signature. Mitchell noted this form must be submitted annually to certify the amount of interest that is earned on the Congressional School Certificate of Deposit. Mitchell also noted this interest is then distributed to the schools in the county.

MOTION: Brad Jackson

TO: Approve annual certification as presented.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF WCDC REQUEST TO USE COURTHOUSE LAWN:

Sue Ann Mitchell, County Auditor, stated she had received a request from the Warsaw Community Development Corporation to use the courthouse lawn for two events to be held in August. Mitchell said the dates requested were August 11th (Lincoln Highway Celebration) and August 25th (5K Run and bicycle race).

MOTION: Bob Conley

TO: Allow WCDC to use the courthouse lawn for two Saturdays in August.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF ASSESSOR COMPUTER SOFTWARE STANDARDS:

Auditor Sue Ann Mitchell noted the discussion with the Assessor and System Administrator at the last Commissioners meeting in regards to the state mandated software standards and the added cost to the county to provide formatted information to the DLGF. This included adding T1 lines between the Assessor's office and the three remote assessing offices.

Subsequent to that meeting further discussion has been held and it was deemed appropriate to draft a letter to the Governor in regards to the issue. Mitchell commented that approval of said letter be documented for matter of record as well as a copy of the letter be included in the minutes.

Commissioner Truex added he would like for the Assessor and the remote township assessors to also receive a copy of the letter.

MOTION: Brad Jackson

TO: Approve letter to be sent to the Governor regarding state mandated computer software standards.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

Ron Truex, President

Brad Jackson, Member

Bob Conley, Member

Mike Miner, County Attorney

RE: Computer Software Standards

Dear Governor Daniels:

The Kosciusko County Commissioners have issues with a provision of the software standards. Currently, we have three elected Township Assessor serving in offices in three communities outside the Courthouse. These offices have operated with the Manatron Proval software program residing on a server at each of their individual offices. They are able to perform the data entry required in the program and one time a year deliver to the County Assessor a file that is then loaded into individual data bases for each township. The County Assessor then sends the file to Manatron Proval for them to submit to the DLGF to meet the requirements of IC 6-1.1-1-25(b) / 50IAC 12-7-3.

The new software standards indicate that there must be one data base and not four to meet the certification standards. We have been told by Manatron Proval that we must have direct connectivity to one data base which will require the county paying for T1 lines installation and maintenance which are estimated to be \$36,000 in the first year and \$24,000 after the implementation year. We are also aware that the installation of T1 lines will significantly slow the computer operation time.

We believe there is a simple solution that will solve the issue. We believe the state is only concerned with the end result that being that the data you receive is in one data base. If the state and the computer company would agree that the individual data bases could be maintained and then the data could be imported back into one data base before submission to the DLGF, it would result in a savings to the county of \$36,000 for the first year and \$24,000 thereafter without compromising the speed of the system for the outlying offices. Our question is this, does the state really care how the data is maintained throughout the year or can Kosciusko County continue to do as we are now?

We do not want to make the commitment to T1 lines now and spend the money only to find that when systems are certified, they will be allowed to perform as outlined above. Your help is critical in this issue. We respectfully request an answer to this issue as soon as possible. Thank you in advance for your cooperation in this matter.
Sincerely,

Kosciusko County Commissioners

Ron Truex, President
Brad Jackson
Bob Conley

CC: Melissa Henson
Department of Local Government Finance

IN THE MATTER OF COUNTY EMPLOYEE APPRECIATION BREAKFAST:

Sue Ann Mitchell, County Auditor, thanked the Commissioners for their help with the County Employee Appreciation Breakfast. Mitchell noted the employees were very appreciative of the breakfast and there were approximately 140 people served. Mitchell also thanked the Sheriff's Department for the use of their kitchen facility and equipment.

IN THE MATTER OF FREYN VACATION REQUEST – TURKEY CREEK TOWNSHIP:

Matt Sandy, Area Plan Assistant Director, presented a vacation request for Scott and Gina Freyn, Turkey Creek Township. Sandy stated the Freyns would like to remove an older garage and build a new one, however to meet set back requirements they are requesting the vacation. Sandy stated it was the recommendation of the APC to allow the vacation with the current right-of-way relocated. Representing Scott and Gina Freyn was Attorney Steve Snyder.

Snyder stated he had been working with the Freyn's neighbor (David Arbogas) who had opposed the vacation and believed they had come up with a solution that would meet zoning standards and work for all parties involved. Commissioner Truex questioned if the problem stemmed from the road not being where it belongs and it was noted that did seem to be the case. Snyder will provide a revised ordinance for the Commissioner's signatures.

There was no one in attendance that spoke in favor of; or opposition to the revised vacation request.

MOTION: Brad Jackson

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Support APC recommendation and allow vacation as requested with Snyder to furnish revised ordinance for signatures.

IN THE MATTER OF SHIPLEY –VS- TIPPECANOE TOWNSHIP PUBLIC ASSISTANCE HEARING:

Steven and Kim Shipley appeared before the Commissioners to present their case against the Tippecanoe Township Trustee. Steven Shipley stated they were recently denied assistance with their rent by the Tippecanoe Township Trustee. Shipley said in the past they have requested assistance from other townships they have lived in including Turkey Creek and Noble; Noble County and have not had any problems. Shipley questioned the continuity of the guidelines that allowed them help in other townships but not in Tippecanoe.

Shipley went on to say that his wife's (Kim) medical problems do not "fit in any box" according to Social Security and therefore she had been denied many times. However, Shipley stated they are

working with an attorney from Indianapolis and he (Shipley) felt the matter would be settled this year. Therefore, he stated he thought the request for assistance should be short term. Shipley also supplied details of his as well as his daughter's medical problems. He commented that the income level requirements were unrealistic for a family of three to live on. Shipley said he realized that the trustee was new to the job but felt he needed some guidance from some of the more experienced trustees in the county noting "special circumstances" are allowed, however the trustee did not look into that possibility.

Kim Shipley added they have looked into other assistance in the community, however there are only two churches in North Webster and one is already "overloaded" with requests for assistance and the other church requires membership in order to help. She went on to say that they try to keep up with their rent and remain on good terms with their landlord and therefore had requested help with their rent, but was informed by the trustee that they would need to provide an eviction notice before anything could be done.

Tom Reiff, Tippecanoe Township Trustee, presented his case beginning with the Shipley's application for assistance. Reiff stated after reviewing their application he discovered their monthly income to be \$1,411.00 which exceeds the income level set by the county trustees of \$1,022.00. Reiff also said he worked with the Shipleys and went through their estimated monthly income/expenses in order to try to help them. He noted he did not ask for expenditure receipts and did not include their food stamps or help from the food pantry which he could have.

Commissioner Jackson stated the bottom line seemed to be the Shipley's income level exceeds the income level set by the county trustee's guidelines by \$300.00. Reiff stated he realized he is new to the trustee's job, but feels he does have common sense when reviewing applications and requests for assistance.

In rebuttal, the Shipleys stated the guidelines state special circumstances may be taken into consideration when requesting assistance, however Reiff did not want to look into that. They again stated they felt there should be consistency between township offices in how requests are handled. Kim Shipley noted it was necessary to go to the trustee on a monthly basis and be denied before other avenues can be used. Steve Shipley reiterated he does not feel this will be an ongoing problem for an extended time period as he feels his wife's case will be settled and benefits will then be available to her.

Further discussion ensued with Reiff concluding he based his decision for denial on the guidelines established by the County Trustees regarding income and expenditure levels.

Commissioner Truex stated they would evaluate all of the information presented and render a decision within 5 days.

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

KOSCIUSKO COUNTY COMMISSIONERS

May 15, 2007

The Kosciusko County Commissioners met for their regular meeting on May 15, 2007 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 - *ABSENT*

Brad Jackson

Bob Conley

Mike Miner, County Attorney

Sue Ann Mitchell, County Auditor

Ron Robinson, County Administrator - *ABSENT*

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

IN THE MATTER OF KABS GRANT APPLICATION:

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

MOTION: Bob Conley

TO: Approve grant application as submitted.

SECOND: Brad Jackson

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF LAKEVIEW DRIVE NO PARKING REPEAL:

Dennis Pletcher, Highway Superintendent, presented a no parking repeal for Lakeview Drive, Turkey Creek Township. Pletcher stated off road parking is being established that should eliminate the parking issue.

MOTION: Bob Conley

TO: Approve no parking repeal at Lakeview

SECOND: Brad Jackson

Trace as presented.

AYES: 2 NAYS: 0

UNANIMOUS

ORDINANCE 07-05-14-001

As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF HIGHWAY BUDGET INFORMATION:

Dennis Pletcher, Highway Superintendent, presented a report from the Motor Vehicle Department. The report charted the distribution of gas taxes between 2006 and 2007. Pletcher noted revenue from the distribution has decreased again this year. Pletcher went on to say the distribution is based on a flat fee on the number of gallons sold, not the price of the gas. He also stated that due to the increased gas prices, consumers are cutting back on their driving, therefore; the decreased revenue.

IN THE MATTER OF ANIMAL SHELTER REPAIRS:

Sue Ann Mitchell, County Auditor, reported for County Administrator Ron Robinson that there were several things that needed attention at the Animal Shelter and he planned to send maintenance personnel out to address the items as soon as they were available.

IN THE MATTER OF COURTHOUSE LAWN WORK:

Sue Ann Mitchell, County Auditor, reporting for County Administrator Ron Robinson, stated that in partnership with the city, there will be work done on the southeast corner of the courthouse lawn. The corner will have concrete work done similar to what has been done on the southwest corner.

IN THE MATTER OF 2007 TAX BILLING:

Sue Ann Mitchell, County Auditor, noted that the spring tax bill due date has passed and billing has not been started. Mitchell stated she is hopeful that the county will receive tax rates within the next two weeks at which time she and Treasurer Kent Adams will review the rates and try to determine when billings should be mailed. Mitchell also indicated that once bills are sent, taxpayers may be given an additional number of days to pay over the current 15 day window due to the dramatically increased bills. Mitchell went on to say advances will be given to taxing units requesting an advance based on monies available. Currently there are PTRC, Homestead and Excise monies available for distribution.

IN THE MATTER OF 2007 TAX BILLING CONTINUED:

Mitchell also reported that she and other County Auditors, as well as representatives from the AIC, the State Board of Accounts and the State Auditor's office met to discuss the refund checks that are to be sent after fall taxes have been collected. Mitchell stated the refund checks will have a huge impact on the county as it is estimated there will be approximately 22,000 checks issued. She went on to say the state will calculate the distribution to each county and individual taxpayer refunds will then need to be calculated. Mitchell detailed items that would have to be taken into account when calculating individual refunds. She stated that any overage the county has must be returned to the state by December 20, 2007 although individual refund checks do not have to be mailed by the December 20th deadline. Mitchell noted that all 92 counties are in agreement that expenses incurred by each county for processing the refunds need to be tracked with the hope that the State Legislature will approve reimbursement. Mitchell concluded the matter of the refunds checks will be a huge undertaking for the Auditor's office due to the various issues involved in property taxes. Mitchell reported that at this time a rough estimate on when tax bills might be mailed would be mid July to August.

IN THE MATTER OF KINTZEL AND PETRO VACATION REQUEST – PLAIN TOWNSHIP:

Attorney Richard Kehoe, representing David and Elizabeth Kintzel as well as Steven and Karen Petro appeared before the Commissioners to request the Kintzel/Petro vacation hearing be withdrawn and rescheduled for a later date. Kehoe stated he had just learned that while advertising of the vacation had been done in a timely manner and through no fault of his clients, it appeared the advertisement had not been published on time in the Mail Journal due to an error in their office.

Kehoe stated that in order for his clients to meet the required advertising deadlines he would like to reschedule the hearing until the June 12th Commissioners meeting.

IN THE MATTER OF SHIPLEY –VS TIPPECANOE TOWNSHIP PUBLIC ASSISTANCE DENIAL:

It was noted for the record that Steven and Kim Shipley requested to be placed on the agenda but were not in attendance at the meeting and the matter was dismissed.

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

**KOSCIUSKO COUNTY COMMISSIONERS
May 29, 2007**

The Kosciusko County Commissioners met for their regular meeting on May 29, 2007 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Ron Truex, President

Mike Miner, County Attorney

Brad Jackson

Sue Ann Mitchell, County Auditor

Bob Conley

Ron Robinson, County Administrator

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

IN THE MATTER OF GRACE COLLEGE/GATKE PROPERTY COUNTY DESIGNEE:

County Attorney Mike Miner stated when Grace College took over the Gatke property; stipulations were in place to make sure the property was improved as outlined for Grace to receive the loan they requested. Miner noted the county must now appoint a designee to respond to the Indiana Finance Authority to verify the improvements have been completed as promised.

MOTION: Brad Jackson

TO: Approve Mike Miner to serve as county designee.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

RESOLUTION APPOINTING MICHAEL L MINER AS DESIGNEE

WHEREAS, Indiana Finance Authority, Article I, Section 6 (C) requires that the County designate someone to respond to Indiana Finance Authority; and

WHEREAS, Michael L Miner, as County Attorney for Kosciusko County, would be an appropriate designee;

NOW THEREFORE, Kosciusko County Board of Commissioners hereby designates Michael L Miner as its official designee to respond to Indiana Finance Authority pursuant to Article I, Section 6 (C).

IN THE MATTER OF STREET PARKING BY COUNTY EMPLOYEES:

Ron Robinson, County Administrator, stated now that summer is here, there seem to be some county employees parking on the street instead of the designated parking lots and that he is again receiving complaints. Robinson noted it might be wise to send a reminder to all employees that they are to use the designated parking areas so that parking along the street is available to patrons. Robinson went on to say that the city parking officer has been doing a great job monitoring the parking and whenever there has been a problem she has worked well with the County.

MOTION: Bob Conley

TO: Approve letter to be given to all county employees regarding parking areas.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF CARDINAL CENTER:

Sue Ann Mitchell, County Auditor, reported she had received information from the Cardinal Center that they did not receive the grant they had applied for to replace their HVAC system. Mitchell stated that when she spoke to Jane Greene, Jane was most disappointed that the grant did not come through. Mitchell added that in light of the situation, she expected requests will be made by Cardinal Center for assistance from the county so that the necessary HVAC repairs/replacement can be done.

IN THE MATTER OF NOT FOR PROFIT PRESENTATIONS:

Auditor Sue Ann Mitchell stated that the Not for Profit organizations will make their annual requests for funding at the Commissioners meeting scheduled for June 12, 2007.

IN THE MATTER OF HIGHWAY SAFETY:

Dennis Pletcher, Highway Superintendent, stated road construction season has officially begun (Memorial Day through Labor Day) and requested the newspapers to remind the public to use caution when and where they see highway personnel working.

IN THE MATTER OF DEAF CHILD SIGN:

Dennis Pletcher, Highway Superintendent, requested permission to post a deaf child sign on CR 875 W. Pletcher noted this type of sign is generally not posted by the county, but due to the request he received he felt it would be best to post the sign.

MOTION:	Bob Conley	TO:	Approve posting of deaf child sign as
SECOND:	Brad Jackson		requested.
AYES:	3	NAYS:	0
			UNANIMOUS

IN THE MATTER OF STOP SIGN ORDINANCE – EMS C27C LANE/EMS C27C1; ALSO CR 500 S/CR 750 E:

Dennis Pletcher, Highway Superintendent, presented a stop sign ordinance for the Commissioners approval. Pletcher stated currently there is a yield sign that was placed improperly that he will remove and replace with a 3 way stop at EMS C27C Lane and EMS C27C1 Lane. Pletcher added the stops are needed due to the growth in that area. Pletcher also requested stops signs be added at CR 500 S and 750 E making that a 3 way stop due to poor visibility.

Commissioner Conley asked Pletcher if anything special is done when a sign is changed from a yield to a stop to make drivers aware of the change. Pletcher stated that advanced warning signs are posted with orange flags attached to get drivers attention.

MOTION:	Brad Jackson	TO:	Approve stop sign ordinance as presented.
SECOND:	Bob Conley		
AYES:	3	NAYS:	0
			UNANIMOUS

ORDINANCE 07-05-29-001 Stop
As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF SPEED LIMIT ORDINANCE – CR 100N (PARK SCHRAM ROAD):

Highway Superintendent Dennis Pletcher presented a speed limit ordinance for the Commissioners approval. Pletcher requested the speed limit be reduced to 35 mph for a portion of 100 N from US 30 to approximately 1500 feet north of Park Schram Road. Pletcher expressed concerns about visibility as well as the bike trail located near this area and stated the reduced speed may provide some safety measures.

MOTION:	Bob Conley	TO:	Approve speed limit sign as requested.
SECOND:	Brad Jackson		
AYES:	3	NAYS:	0
			UNANIMOUS

ORDINANCE 07-05-29-001-Speed
As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF SUBDIVISION SIGN SPECIFICATIONS:

Dennis Pletcher, Highway Superintendent, reported there have been changes in the sign specifications for subdivisions. According to state guidelines, signs must be installed on breakaway posts instead of the currently used U Channel posts. Pletcher recommended that county guidelines be in alignment with the state for future subdivisions developed. Pletcher also noted that all current signs will need to be changed out with the breakaway posts at the county's expense. He recommended replacing new in accordance with state specifications and working on replacing others as time and funds permit.

Commissioner Truex questioned if there was a time frame that this work must be completed by with Pletcher responding the county has until 2015 to complete the work. It was the recommendation of the Commissioners that county guidelines mirror state guidelines and all new subdivisions will be required to install the breakaway signs. When asked if there is any money available from the state to comply with these standards, Pletcher replied that he did not know of any funds available to the county.

IN THE MATTER OF ASPHALT PRICE INCREASE:

Dennis Pletcher, Highway Superintendent, reported that he had received a price increase from a local vender for asphalt purchased in April after the original bill was paid. Pletcher stated asphalt prices have been unstable and the vendor undercharged the county due to inaccurate pricing from their vendor. Pletcher then recommended payment be made on the increase but requested permission to include a letter stating an escalation in pricing must be made before billing in the future for full payment. Commissioner Jackson recommended Pletcher make it clear in the letter that this type of billing will not be acceptable in the future.

MOTION: Bob Conley

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve payment for increased billing and letter of policy to local vendor as recommended by Highway Superintendent.

IN THE MATTER OF HIGHWAY FUNDING DUE TO INCREASED FUEL PRICES:

Superintendent Dennis Pletcher addressed the Commissioners in regards to the increased oil prices. Pletcher noted with the higher oil prices the cost of making road repairs has also increased. Pletcher requested a recommendation from the Commissioners on whether cuts should be looked at or if an additional appropriation from Council would be an option. The Commissioners instructed Pletcher to look at the funds available and return with his proposal to the next meeting and a recommendation would be made at that time.

IN THE MATTER OF LEWIS VACATION – WINONA BEACH:

Attorney Patty Taylor appeared before the Commissioners regarding a vacation that was granted in the fall of 2006 for Edward Lewis – Winona Beach. Taylor stated the vacation was granted with the stipulation that the lots involved be combined. When the deed was submitted it was discovered the legal description did not include the entire road and easement. Taylor went on to say Lewis has a builder contracted and materials to begin work at this time, and even though the garage will not be in the roadway it does not meet set back requirements. Taylor noted that the legal description would be changed and she was prepared to advertise the correct information, but questioned if Lewis could have builder begin construction. Discussion ensued with Commissioner Truex stating that while it was the Commissioners understanding they were vacating the entire street and easement, there was a technicality with the paperwork.

Commissioners Truex and Jackson agreed although they believed they had granted the vacation for the entire area requested, Taylor would need to advertise the correct legal. They also advised Taylor to speak with Dan Richard, APC in regards to the matter.

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

**KOSCIUSKO COUNTY COMMISSIONERS
June 12, 2007**

The Kosciusko County Commissioners met for their regular meeting on June 12, 2007 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

Bob Conley - *Absent*

Mike Miner, County Attorney

Sue Ann Mitchell, County Auditor

Ron Robinson, County Administrator

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

IN THE MATTER OF WARSAW HOUSING OPPORTUNITES GRANT APPLICATION:

Pam Kennedy, Warsaw Housing Opportunities Director, requested approval to apply for grant monies. Kennedy explained WHO had applied for the grant previously, but had not received it. She went on to say the current application has been modified and requested a match from the county in the amount of \$7,500.00 for the application. Kennedy stated that 66.9% of homes in the county are owner occupied and that 58.3% of homeowners are under the area medium income. Kennedy noted these families can't afford to make repairs to their homes along with their mortgage and insurance. Kennedy also stated when a repayment is received from a family that has received

IN THE MATTER OF WARSAW HOUSING OPPORTUNITES GRANT APPLICATION CONTINUED:

assistance with repairs that money is deposited into a savings account and those monies cannot be withdrawn by WHO. Kennedy reported that monies have also been acquired from other sources to help subsidize the program.

MOTION: Brad Jackson

TO: Approve WHO grant application as requested.

SECOND: Ron Truex

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF CHERRY CREEK MANOR MAINTENANCE ACCEPTANCE:

Dennis Pletcher, Highway Superintendent, requested the Cherry Creek Manor subdivision be accepted for county maintenance now that repairs have been completed by the developer as requested by the county.

MOTION: Brad Jackson

TO: Approve the acceptance of Cherry Creek Manor for county maintenance.

SECOND: Ron Truex

AYES: 2 NAYS: 0

UNANIMOUS

**Kosciusko County Highway
Acceptance for County Maintenance**

Name of Subdivision:	Cherry Creek Manor	
Road Location:	Off of Packerton Rd.	
Road Length:	Blossom Lane:	2400 feet +/-
	Masters Lane	600 feet +/-
	Augusta Lane	500 feet +/-

Person(s) Requesting Acceptance: Glen Johnson

Date of Recommendation: 6-12-2007

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

Accepted Date: 6-12-07

IN THE MATTER OF HIGHWAY OIL PRICE BIDS FOR JUNE:

Dennis Pletcher, Highway Superintendent, stated he had sent out quotes for oil prices for June and had only received one quote back. Pierceton Trucking had responded with a price of \$296.56 per ton for the month of June. Pletcher also noted Pierceton Trucking had included a letter with the quote that they would lock that price for the remainder of the sealing season (July and August) if approved. Pletcher's recommendation was to accept the bid with the locked price for remainder of season.

Commissioners stated past practice was to accept bids on a month to month basis and questioned Pletcher if locking the price was wise. Pletcher responded that the month to month quotes had worked well in the past, but he had received information that this vendor had been able to purchase a large quantity of product when the price had been less and was now able to offer it at a lesser price than most vendors.

MOTION: Brad Jackson

TO: Approve accepting Pierceton Trucking bid for oil at a locked rate for remainder of season.

SECOND: Ron Truex

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF MAJOR MOVES HIGHWAY FUNDING:

Highway Superintendent Dennis Pletcher questioned the Commissioners about the possible use of the Major Moves monies for road repairs. Pletcher stated there are many roads in the county that are in need of repair and there is not money in the current budget to maintain those repairs. Further discussion ensued regarding the use of Major Moves money as well as the possibility of Pletcher requesting an additional appropriation from the County Council. After discussion it was the consensus that Pletcher request an additional appropriation from Council and if it were denied, the Major Moves money could be used for road repair and maintenance.

MOTION: Brad Jackson

TO: Approve Pletcher to approach Council in

SECOND: Ron Truex

AYES: 2 NAYS: 0

UNANIMOUS

requesting additional appropriation for road repairs and maintenance.

IN THE MATTER OF 2008 NON PROFIT BUDGET REQUESTS:

The following not for profit organizations appeared before the Commissioners to request funding for the 2008 budget year.

- Cardinal Center – Jane Greene, Cardinal Center Director, requested \$120,000.00 for 2008. Greene noted a portion of the increase was for the KABS program. Greene went on to say that Cardinal Center did not receive the grant they were hoping to use to replace their HVAC unit, therefore that cost would now need to be incurred by Cardinal Center. She noted that a new group home had been built this year in Silver Lake with approximately \$800,000.00 of that project funded by Cardinal Center. Randy Hall, Cardinal Center, discussed the Head Start Program noting that funds had been moved from the Community Living program to the Head Start program. Hall also discussed KABS, noting the number of riders has decreased due to a contract being lost. Hall stated 80% of KABS funding comes from State and Federal funds with 13 buses currently in operation. Hall reported their goal is to replace 1 – 2 buses annually. Hall stated the Cardinal Center also supports the Sus Amigos program that assists the Latino population in the County.
- Council for Aging – Jack Felger requested \$35,000.00 for 2008. Felger began by thanking the Commissioners for their past support and then reported he had received information that the federal grant used for transportation would be reduced for 2008. Felger went on to say they were purchasing a new van that would be similar to a household van. Felger noted they will still have one large van (seating 11-15) but hoped to begin incorporating smaller vans in an effort to reduce costs.
- KDI – Jim Tinkey representing KDI, thanked the Commissioners for their partnership and past support and requested \$47,180.00 for 2008. Tinkey stated KDI is focused on bringing new businesses to the county and through an action grant had been able to increase their support staff in order to better serve the county. Tinkey noted the grant would be ending and the funds requested from the county would be used to continue to pay the support staff now in place so that they may continue providing current services. Commissioner Truex noted it appears more and more funding is going to fall on local governments as grants and funding continue to decrease or cease entirely.

IN THE MATTER OF STEVEN REED – TREASURE ISLAND VACATION REQUEST – TURKEY CREEK TOWNSHIP:

Matt Sandy, Assistant Area Plan Commission Director, stated the vacation request could not be heard as it had not been properly advertised. Sandy stated the according to his documentation the vacation was advertised and notices were sent to 266 property owners. However, Sandy had just learned the advertisement printed incorrectly or had not been printed at all by one of the newspapers.

Commissioner Truex apologized to those in attendance but also stated that by law the Commissioners were not allowed to proceed until proper advertisements had been printed. Several patrons questioned if new notices would be sent when the vacation had been properly advertised and would be heard by the Commissioners. After further discussion it was decided that those in attendance on this matter would be notified by letter if they left their name and address with Sandy. Sandy noted that remonstrance may be submitted to the Area Plan office in written form if patrons are unable to attend the next meeting. Sandy also pointed out that the Area Plan Commission is not responsible for advertising and it is the petitioner's responsibility to see that ads are printed in the Times Union and Mail Journal.

IN THE MATTER OF DAVID KINTZEL VACATION REQUEST – PLAIN TOWNSHIP:

Matt Sandy, Assistant Area Plan Commission Director, presented a vacation request from David & Elizabeth Kintzel in the Osborn Landing at Chapman Lake. Sandy noted this case was a continuance from the May 15, 2007 meeting. Sandy went on to say it was the APC recommendation to deny the vacation. Sandy also noted this case had been before the Commissioners last year as at that time the house was in the right of way. Sandy stated at that time the Commissioners approved the vacation to allow house to meet set back requirements while maintaining a portion of the right of way.

Richard Kehoe, Attorney for the Kintzels requested this matter be tabled until a later date as his witnesses could not be in attendance at today's meeting. Kehoe reminded the Commissioners this vacation had been continued due to improper advertising for the May 15th meeting.

MOTION: Brad Jackson

TO: Table hearing until June 26th
Commissioner's Meeting.

SECOND: Ron Truex

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF GAUT/SCROGGS VACATION REQUEST – VANBUREN TOWNSHIP:

Assistant APC Director Matt Sandy presented a vacation request from John & Patricia Gaut and Jonathon & Amanda Scroggs. Sandy stated the point in question is an alley that is not only an access point to the water's edge but an access point to a 10' walkway for other platted lots. Sandy noted adjacent property owners as well as responders had been notified and the area in question is not county maintained. Sandy went on to say that if the vacation were granted access would be denied to other platted lots and it was the recommendation of the APC to deny the vacation. Attorney Steve Snyder, representing the petitioners, stated the tract in question is not delineated as a walkway. If it were, there would be no set back requirements. Snyder went on to say the tract is technically a "road" as it does not say otherwise. He also pointed out that a 20 foot walkway was not needed and if it is designated as such it should be compatible with the lakefront walkway which is 10 feet.

Commissioner Jackson questioned if the tract were left at 20 feet with a 5 foot setback would that serve the petitioners purpose. Snyder stated it would not and suggested vacating the roadway and designating a 10 foot walkway for access purposes to better serve his client's needs.

No one in attendance spoke in opposition to the vacation.

In rebuttal, Sandy stated a 10 foot walkway would be preferable to vacating the entire tract.

Attorney Snyder stated he would prepare an ordinance that would state the roadway rights were vacated and tract redefined as a 10 foot walkway. It was noted that 5 feet on either side of tract would be vacated to redefine piece as a walkway.

MOTION: Brad Jackson

TO: Approve vacating 5 feet on either side of tract with a 10 foot walkway down the center for access.

SECOND: Ron Truex

AYES: 2 NAYS: 0

UNANIMOUS

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

APC Ass't. Director Matt Sandy presented a request from Crooked Creek Development, LLC to vacate a portion of easement in the Greystone Subdivision. Sandy noted this matter was brought before the Commissioners in 2006 on two different dates and was later withdrawn when the petitioners built on different lot in the subdivision. Sandy stated the current request is to once again vacate a 20 foot drainage and utilities easement located at Lot 6. He also stated the easement was part of the original plat when the subdivision was approved and felt this matter should go before the Area Plan Commission again as they approved the original platted subdivision during the planning process. Sandy noted the APC's recommendation was to deny the vacation in order to retain the integrity of the plat and to remain in compliance with subdivision protocol.

Commissioner Jackson stated the matter should go back to the technical committee for review. If they could give a reason why this should or should not be vacated. Once a report is received from them, the Commissioners could make a decision based on their report. Sandy stated the technical committee did review it and feels it is a planning issue and was included for drainage and utilities. Attorney Steve Snyder representing the petitioners stated the subdivision was platted under a previous ordinance that required lots to be 15,000 square feet and septic guidelines that weren't as strict. The lot in question would now be unusable based on the changes that have been made regarding lot size and septic requirements. Snyder went on to discuss the drainage issue of the lots. It was noted the only reason the vacation was needed is to allow the septic system to fit on the lot. Snyder also noted that Greystone is now stuck with a lot designed under previous standards. Further discussion ensued regarding the use of the easement for drainage purposes. Sandy stated the Commissioners are being put into an awkward position on the matter as it is a planning issue. He also noted the burden should not fall on the Area Plan Commission, but on the subdivision planner when lots are established. Discussion continued regarding the drainage and easement with everyone in agreement that septic fingers cannot be placed in an easement under normal conditions. Commissioner Jackson also agreed with Sandy that if this discussion had occurred prior to the subdivision being platted things would be different however; subdivision standards had changed since this subdivision was platted.

Sandy strongly encouraged the Commissioners to table a decision until the nine panel zoning board could make a recommendation on this matter.

Speaking in regards to the vacation was Bob Bishop. Bishop stated he owns property on the south side of the subdivision and knows there have been problems with drainage. Bishop also noted that he had been “called on the carpet” for sediment from his field going into Chapman Lake. Bishop said it was later discovered the problem did not stem from his property. Bishop stated his only concern was the runoff from the subdivision into his field.

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

Discussion continued regarding the matter. It was then decided to table the matter for two weeks at which time a decision would be made based on the findings of the Board of Health regarding State and local laws governing septic systems and easements.

MOTION: Brad Jackson

SECOND: Ron Truex

AYES: 2 NAYS: 0

UNANIMOUS

TO: Table decision until June 26th meeting to allow information to be obtained by the Board of Health.

IN THE MATTER OF SCOTT & GINA FREYN VACATION SIGNING:

Sue Ann Mitchell, County Auditor, presented a vacation ordinance for Scott and Gina Freyn for the Commissioners signature. Mitchell noted this vacation had been approved with revisions at the May 1st meeting with Attorney Steve Snyder to furnish the revised ordinance.

ORDINANCE NUMBER 07-06-12-001V

As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF 2008 NOT FOR PROFIT BUDGET REQUESTS CONTINUED:

The following not for profit organizations appeared before the Commissioners to request funding for the 2008 budget year.

- Animal Welfare League – Trish Brown, AWL Business Coordinator, requested \$75,000.00 for 2008. Brown stated they have been working diligently on improvements to the property and building and thanked County Administrator Ron Robinson, the Commissioners and the Council for their support. Brown noted improved outside runs, a new septic system and a new ventilation system as some of the improvement made this year. Brown went on to say the adoption rate has increased and the number of euthanasians has decreased this year. She also noted every animal adopted must be spayed or neutered before leaving the shelter. Brown stated they are now able to offer micro chipping in order to track lost pets. Brown said the AWL has a strong group of individuals that are committed to see the shelter move forward. Also speaking on behalf of the AWL was Joy Lohsee who said there is a good collaboration of support from private individuals as well as county officials and thanked the Commissioners for their support.
- Home Health Care – Rick Pachkowski, Administrator, requested \$53,000.00 for 2008 due to a 30% decrease in state funding. Pachkowski stated these funds are used to allow individuals to remain in their homes rather than be institutionalized. He went on to say he has spoken with the K21 Foundation and they have agreed to double their contribution, however they will be placing a cap on their funding. Pachkowski noted he will continue to search for additional funding to help with the deficit caused by cutbacks.
- 4-H Council – Steve Trump, President, requested \$47,002.30 for 2008. Trump noted information contained in the packet presented regarding the 4-H program. He also reported there were 694 participants enrolled this year in the 4-H program and the bulk of the Council’s budget was used to cover camp expenses, awards, utilities and fair expenses. Trump then thanked the Commissioners for their past support.
- Arrowhead RC & D – Stan Moore representing Arrowhead requested \$500.00 for 2008. Moore noted this is the same amount requested in 2007. Moore stated Arrowhead RC & D had donated \$500.00 to the Tippecanoe River Watershed, bringing the money back into the county. Moore then thanked the Commissioners for their past support.
- Historical Society – Mike Fletcher, Director, requested \$23,175.00 for 2008. Fletcher introduced the Officers of the Historical Society and thanked the Commissioners for their past support. Fletcher then outlined some of the projects the Society has been working on. He noted their goal is to preserve the county’s history through research and artifacts. Fletcher reported wages total approximately \$20,000.00 which covers the Director, Bookkeeper and General Research personnel. Fletcher noted the Historical Society greatly

relies on volunteers and retirees for assistance. Jerry Frush, President, reported that Historical Society does receive donations weekly and recently received the donation of a wagon dating back to 1881.

- Beaman Home – Jeanne Campbell, requested \$39,000.00 for 2008. Campbell stated they have had a tremendous loss of funding due to grant decreases. Campbell said the shelter has served 3,700 residential days so far this year and that number continues to increase. Campbell went on to say utility costs continue to increase and the grant funding they receive to help with utilities also decreased. She also noted the shelter is manned 24 hours a day, 7 days a week by 9 staff members and one director. Campbell stated that all rural agencies are struggling with the urban funding and there is no excess in the shelter's budget.

IN THE MATTER OF NON EMERGENCY VEHICLE USAGE MEMO:

Ron Robinson, County Administrator, presented a letter for the Commissioners approval regarding limiting the use of non emergency vehicles in an attempt to cut back on fuel costs. Robinson noted this letter would be sent to all department heads.

MOTION: Brad Jackson

TO: Approve memo regarding limiting non

SECOND: Ron Truex

emergency vehicle usage by county employees.

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF MUNSON LOT ANNUAL LEASE:

Ron Robinson, County Administrator, presented the annual lease agreement with the Munson family for use of the lot. Robinson noted the agreement does have a clause regarding a \$75.00 increase every four years.

MOTION: Brad Jackson

TO: Approve annual lease agreement as

SECOND: Ron Truex

presented.

AYES: 2 NAYS: 0

UNANIMOUS

IN THE MATTER OF COURHOUSE LAWN WORK:

County Administrator Ron Robinson stated he had received a quote from Indiana Concrete to redo the southeast corner of the courthouse lawn. They will remove the gravel and replace with concrete to make corner similar to southwest lawn. Robinson noted the work will be done in cooperation with the city.

IN THE MATTER OF COUNTYWIDE PRESCRIPTION CARD:

Sue Ann Mitchell, County Auditor, presented a contract with NACO for a countywide prescription card. Mitchell stated this will be a huge benefit to the community as the prescription card will provide coverage to anyone not covered under another card and also coverage for prescriptions not covered under a current plan. Mitchell believed once the contract was submitted, the county should receive the cards in approximately 8-10 weeks.

IN THE MATTER OF HATTERSLEY & SONS ANNUAL SAVINGS REPORT:

Sue Ann Mitchell, County Auditor, reported Hattersley and Sons had submitted the Annual Savings Report for the county. Mitchell noted this report included savings realized due to the recent courthouse updates of lighting, HVAC and telephone systems.

IN THE MATTER OF DLGF AUDITOR AND ASSESSOR COMPLIANCE:

County Auditor Sue Ann Mitchell reported that reports sent to the DLGF from the Auditor and Assessor offices are now compliant and PTRC money that was being withheld from the county has been released.

IN THE MATTER OF FIRE DISTRICT REQUEST:

County Auditor Sue Ann Mitchell stated Indiana Firefighters Training System is looking for a financial manager for a collective fire district. Mitchell said the county would serve as a pass through agency for the grant. The proposed grant would range from \$200,000.00 and \$250,000.00 and the county would receive 2.5% of that for administrative fees according to Mike Rice. Mitchell requested the Commissioners consensus of support before she replied to Rice. The Commissioners gave their consent for Mitchell to proceed with the request.

IN THE MATTER OF PROPOSED FIREWORKS ORDINANCE:

Helen Hoy, Syracuse, questioned the Commissioners if it might be a wise decision to adopt a county fireworks policy. Hoy stated the 4th of July holiday is coming up and there are always problems with the times fireworks are used. She suggested a county policy restricting times that fireworks may be used. The Commissioners noted there is a state law currently in place for that but it is difficult for officers to enforce. Hoy also referenced disturbing the peace ordinance and 4-wheelers. The Commissioners noted they would speak with the Sheriff in regards to both matters.

IN THE MATTER OF :

Ken Herceg, Ken Herceg and Associates of South Bend appeared before the Commissioners. Herceg introduced his engineering firm and stated they are currently working with the City of Warsaw on a couple of projects. Herceg noted they had been the consultants that designed the Chinworth Bridge bike trail. Herceg went on to say there is a shortage in civil engineers and recommended his office if such services were needed by the County,

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

**KOSCIUSKO COUNTY COMMISSIONERS
June 26, 2007**

The Kosciusko County Commissioners met for their regular meeting on June 26, 2007 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

Bob Conley

Mike Miner, County Attorney

Sue Ann Mitchell, County Auditor

Ron Robinson, County Administrator

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

IN THE MATTER OF E911 FUNDING UPDATE:

Tom Brindle, E91 Director, gave a brief report on what was happening regarding funding for 911 services other than through land line fee increases. Brindle stated there is currently legislation pending in the state of Virginia that would enact a communication tax on all forms of communication including satellite and cable. Estimated revenue from this tax is expected to be approximately four billion dollars within four years. Brindle also stated there will be a national group named the Project 41 Committee here to look at the county's system. This group is comprised of people from all over the United States and their aim is to look into the next generation of 911. Brindle reported that Cass County officials have been here to tour the facility and they were impressed and would like to implement a system similar to Kosciusko County. It was also noted that Shelby County is also interested in touring the Kosciusko County's facility. Brindle requested input from the Commissioners with ideas they may have on funding the 911 program. Commissioners Truex and Jackson both stated the county is proud of the 911 center and Brindle's efforts to make it one of the country's top centers.

IN THE MATTER OF EMERGENCY MANAGEMENT:

Ed Rock, Emergency Management Director, reported that Motorola is unable to provide the product needed to complete the mobile data project as proposed. Rock stated he had been able to locate the needed product from Cisco; however it is at an increased cost. He went on to say that he had gone back to the K21 Foundation to ask for an increase to the grant in order to cover the cost and complete the project. Rock then requested the Commissioners authorize Sue Ann Mitchell to sign the new K21 agreement that includes the increased grant total when it is completed.

MOTION: Bob Sanders

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

TO: Authorize Auditor Sue Ann Mitchell on behalf of the county to sign agreement with K21 Foundation increasing funds provided.

IN THE MATTER OF EMPLOYEE INSURANCE ISSUE:

Ron Robinson, County Administrator, requested the Commissioners grant an exception to the county's insurance policy. Robinson stated the county has an employee that had been called to

serve two thirty day assignments in the military. Robinson noted a usual assignment ranges from 6 months to a year and once the person is on base they are covered by federal insurance. However, this employee does not meet the criteria and Robinson requested he be allowed to remain on the county’s plan with the employee continuing to pay his portion of the premium.

MOTION: Bob Conley
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

TO: Allow insurance coverage to continue for employee that has been called to active duty in the military for two – thirty day assignments.

IN THE MATTER OF COUNTY HEALTH CARE INSURANCE:

Ron Robinson, County Administrator, reported he had received the renewal for the county’s health care insurance. Robinson noted there was a 12.83% increase; however it was the lowest bid he had received and he recommended renewing the current policy.

MOTION: Brad Jackson
SECOND: Bob Conley
AYES: 3 NAYS: 0
UNANIMOUS

TO: Accept bid and renewal from current health care provider as presented.

IN THE MATTER OF K21 FOUNDATION LETTER OF INTENT:

County Administrator Ron Robinson stated he had received a letter of intent from the K21 Foundation requiring approval from the Commissioners. The K21 Foundation would like to build a facility to house a health clinic with Bob Weaver writing a grant to cover associated expenses. Mike Miner, County Attorney, stated he had reviewed the letter of intent and informed the Commissioners the agreement is binding with or without the grant. He went on to say if the grant did not come through the county would be obligated financially. It was the consensus of the Commissioners that Weaver receives the grant before approving the letter of intent.

IN THE MATTER OF FIBER OPTIC LINES:

Ron Robinson, County Administrator, stated the county has been working with the Warsaw School Corporation with the hopes of connecting into the school’s fiber optic lines. Robinson said by connecting to the school there would be a direct feed from the schools to Dispatch. Dispatch would also have live feed as the schools implement more cameras. Robinson noted that fiber optic connectivity would also allow the county to have access to all of the schools in the county through the Indianapolis hub. Robinson went on to say the cost to the county to run the underground lines to hook into the Warsaw system would be approximately \$11,000.00 and requested permission to move forward with the project. Commissioner Conley questioned if there would be ongoing expenses beyond the \$11,000.00. Robinson stated there would be; however other current expenses would be eliminated for internet services. County Auditor Sue Ann Mitchell stated there is a need to upgrade the internet services and this option is less costly and offers more benefits than other options.

MOTION: Bob Conley
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

TO: Grant permission to move forward with fiber optic line project as presented.

IN THE MATTER OF 2008 COUNTY CALENDAR:

Sue Ann Mitchell, County Auditor, presented the 2008 county calendar for the Commissioners approval.

MOTION: Brad Jackson
SECOND: Bob Conley
AYES: 3 NAYS: 0
UNANIMOUS

TO: Approve 2008 calendar as presented.

KOSCIUSKO COUNTY 2008 HOLIDAYS		
TUESDAY	JANUARY 1	NEW YEARS DAY
FRIDAY	MARCH 21	GOOD FRIDAY
TUESDAY	MAY 6	PRIMARY ELECTION DAY
MONDAY	MAY 26	MEMORIAL DAY
FRIDAY	JULY 4	INDEPENDENCE DAY
MONDAY	SEPTEMBER 1	LABOR DAY
TUESDAY	NOVEMBER 4	GENERAL ELECTION DAY
TUESDAY	NOVEMBER 11	VETERAN’S DAY

THURSDAY & FRIDAY
THURSDAY & FRIDAY
THURSDAY

NOVEMBER 27&28
DECEMBER 25&26
JANUARY 1, 2009

THANKSGIVING
CHRISTMAS
NEW YEARS

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

Commissioners Mtgs.

Bi-Weekly Tuesdays
9:00 AM Old Courtroom

Dept. Heads Mtgs.

Monthly – 1st Wed.
8:00 AM Old Courtroom

Council Mtgs.

Monthly – 2nd Thurs.
7:00 PM Old Courtroom

*Indicates date other than Tuesday

JANUARY 8, 22
FEBRUARY 5, 19
MARCH 4, 18
APRIL 1, 15, 29
MAY 13, 27
JUNE 10, 24
JULY 8, 22
AUGUST 5, 19

JANUARY 2
FEBRUARY 6
MARCH 5
APRIL 2
MAY 7
JUNE 4
JULY 2
AUGUST 6

*Indicates date other than Thursday

JANUARY 10
FEBRUARY 14
MARCH 13
APRIL 10
MAY 8
JUNE 12
JULY 10
AUGUST 14
AUGUST 25 & 26 (Budget Hearing)*
AUGUST 28 (Budget Hearing)*
SEPTEMBER 11 (Budget Adoption)
OCTOBER 9
NOVEMBER 13
DECEMBER 11

SEPTEMBER 2, 16, 30
OCTOBER 14, 28
NOVEMBER 10*, 25
DECEMBER 9, 23

SEPTEMBER 3
OCTOBER 1
NOVEMBER 5
DECEMBER 3

IN THE MATTER OF STOP SIGN ORDINANCE – SULLIVAN RD AND 450N:

Dennis Pletcher, County Highway Superintendent, presented a stop sign ordinance for the intersection of Sullivan Road and CR 450N for the Commissioners approval. Pletcher stated there are currently two stops at this intersection and in order to meet state guidelines the intersection needs to be a three way or have a single stop. Pletcher recommended a three way stop.

MOTION: Brad Jackson

TO: Approve stop sign ordinance as presented
for Sullivan Rd and 450N.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 07-06-26-001 STOP

As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF KINTZEL VACATION REQUEST – PLAIN TOWNSHIP:

Matt Sandy, Assistant Area Plan Director, presented a vacation request from David and Elizabeth Kintzel for property located at Osborn’s Landing in Plain Township. Sandy noted the area in question has been before the Commissioners previously and a vacation was granted for everything except a 15’ right of way at that time. The Kintzels are now requesting that 15’ right of way also be vacated. Sandy stated there was no opposition from utility providers or the highway; however there were concerns regarding drainage. Sandy said it was the recommendation of the Area Plan Commission the vacation be denied unless there is a drainage easement or walkway left in place. Representing the Kintzels was Attorney Richard Kehoe. Kehoe stated the area in question was originally platted in 1947 with a boat landing and was platted again in 1954 when the cul-de-sac was removed for two additional lots. Kehoe noted there is a public boat landing for access to the lake. He went on to say there has been no maintenance to the right of way and it is unsafe for foot traffic with only the Kintzels and the adjoining property owners, Steven Petro accessing it. Kehoe reiterated the Kintzels were not trying to deny anyone access to the water. He also noted the purpose of the vacation was to allow Kintzel to join his property to the property located to the south.

Dan Richard, Area Plan Director, stated he was very much opposed to the vacation as he does not like to see access removed from any lake. Richard said the lakes were what made Kosciusko County so great. He then suggested moving the right of way to the south side of the property if it were so the properties could be joined.

Kehoe noted David Kintzel felt this right of way or access should not be for public use for safety reasons.

Commissioner Truex questioned if the county has a definition for a walking path with Sandy stating there is nothing in writing; however most walkways are 10 – 15 feet wide. Truex then asked if would satisfy Kintzel’s need to share a walkway with the Petros. He suggested a 10 foot walkway; 5 feet for each owner be established. Truex also noted the Commissioners rarely grant a vacation that would deny access to any lake.

Both Kintzel and Petro agreed to the compromise of a 10 foot walkway to be relocated with newly defined property lines.

MOTION: Brad Jackson

TO: Approve vacation subject to relocation of
10 foot walkway and newly drawn property

SECOND: Bob Conley

AYES: 3 NAYS: 0 lines.

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

Matt Sandy, Assistant Area Plan Director, presented a vacation request from Crooked Creek Development; Greystone Subdivision. Sandy noted this request was a continuation from the June 12th meeting. Sandy stated the subdivision had been platted in 2002 with a 20' drainage easement. However, since then the Board of Health has revised their standards on lot size requirements for septic systems and this has created a problem for Lot 6 in the subdivision. Sandy went on to say the APC had received a call from Brian and Deanna Hyde who had concerns with allowing the vacation as they had originally requested the same vacation back in 2006 when they had purchased Lot 6 and discovered the problem with the lot size/septic requirements. At that time the Hydres

**IN THE MATTER OF CROOKED CREEK DEVELOPMENT/GREYSTONE
SUBDIVISION VACATION REQUEST – PLAIN TOWNSHIP CONTINUED:**

were able to change lots in the subdivision and modify their building plans. Sandy stated the APC's recommendation was to deny the vacation based on possible drainage problems. Attorney Randy Morgan representing Attorney Steve Snyder for Crooked Creek Development, stated they had spoken with Bob Weaver from the Health Department in regards to restrictions of septic fingers located in easements as well possible options for the septic including a southern drainage easement, vacating the drainage easement platted or an encroachment easement. Both Morgan and Commissioner Truex noted the Board of Health would be willing to work with any combination of the options listed. It was also noted that the time of plat approval for the Greystone Subdivision came just prior to the Board of Health revising septic standards and increasing lot size requirements. Further discussion ensued with Morgan requesting the vacation be approved and an encroachment agreement.

No one in attendance spoke in opposition to the request.

MOTION: Brad Jackson	TO: Vacate 10' of 20' drainage easement with
SECOND: Bob Conley	possible consideration for encroachment if
AYES: 3 NAYS: 0	necessary at a later date.
UNANIMOUS	

Attorney Snyder's office will prepare revised ordinance and present at a later date for signatures.

**IN THE MATTER OF REED VACATION REQUEST – TREASURE ISLAND
ROAD/TURKEY CREEK TOWNSHIP:**

Assistant Area Plan Director Matt Sandy presented a request from Steven and Carol Reed to vacate a portion of Treasure Island Road located in the Enchanted Hills Subdivision. Sandy stated the road runs along commercial and residential lots and the Reeds are requesting to vacate a seven lot span (Lots 602-609) of Treasure Island Road. Sandy said notifications were mailed to many property owners, emergency service providers, schools and highway. No negative responses were received from emergency service providers however; the school opposed the vacation and noted it would no longer service those students that live on Treasure Island Road and they would be required to walk to designated pick up areas. The Highway responded if the road were vacated they would still require turnarounds for maintenance. Sandy also said the Enchanted Hills Homeowners Association had responded negatively to the requested vacation and the APC office had received a letter of remonstrance. Sandy went on to say it was the recommendation of the APC to deny the vacation.

Speaking on behalf of the Reeds was Attorney Randy Morgan representing Steve Snyder, Attorney. Morgan stated the request was to vacate the portion of Treasure Island Road from Lot 603 – 609 to avoid vehicular traffic for the proposed 51 unit condominium. Morgan went on to say the vacation would not hinder access to any property and would help eliminate confusion where road in the subdivision connect. Greg Kil, Architect for the project stated modifications to the road have been made to accommodate the highway's request for turnarounds. He also noted break away gates would be placed on the north and south ends of the vacated area to allow emergency vehicles access.

Speaking in opposition to the vacation was Ronald Sims, Vice President of the Homeowner's Association. Sims stated that over the years the assessed values of the properties in Enchanted Hills have increased and they are now taxed on their parks and beaches. He noted increased insurance costs as well costs associated with the major renovation to the channel are more than the

Association can afford. Sims also pointed out that with the 51 unit condo there would be more people sharing the beaches and playgrounds and adding to the burden. Sims stated that as a fireman he opposes the vacation as Treasure Island Road is accessed for emergency services and well as maintenance for the subdivision. He went on to say the Association wants to be a good neighbor but have not seen any cooperation from the developer. Sims further added the Enchanted Hills Homeowners Association Board had voted unanimously in opposition to the proposed vacation.

Also speaking in opposition to the vacation was Enchanted Hills Board member Orlin Doege. Doege stated there was no advantage to those who live in Enchanted Hills to have Treasure Island Road closed.

Keith Blaughter also spoke in opposition to the vacation. Blaughter stated he had lived in the Enchanted Hills Subdivision for eleven years and guessed that 85% of the homeowners who live in his area use Treasure Island Road when going to Syracuse as East Wawasee Drive is dangerous when exiting Enchanted Hills. He stated he felt it was selfish to close off access to the many people who use for a minority of people. Blaughter also noted that residents use Treasure Island Road as a walkway for exercise and recreation. Blaughter did note the speed of traffic on Treasure Island Road and suggested speed bumps be installed to reduce speeding.

IN THE MATTER OF REED VACATION REQUEST – TREASURE ISLAND ROAD/TURKEY CREEK TOWNSHIP CONTINUED:

Greg Long spoke in opposition to the vacation also. Long stated families use Treasure Island Road for biking and walking. He noted if it were vacated families would have to use East Wawasee Drive which is not safe or designed for foot traffic. Long also expressed concern with school bus safety if children had to walk to the turnarounds to be picked up.

Joseph Long opposed the vacation also. Long noted that he shared concerns with the speed at which vehicles travel on Treasure Island Road and noted vacating it would eliminate that issue. However he felt that would be the only positive regarding the vacation. Long also stated there was no guarantee if the area in question became a gated community that access would be available. Long's main concern was to maintain safety for his children.

Lowell Defrees was also opposed to the vacation. Defrees stated he was a twenty year property owner in Enchanted Hills and uses Treasure Island Road weekly. He is also a firefighter and had concerns if the road were vacated denying access to emergency vehicles.

In rebuttal, Randy Morgan stated the Developer was willing to compromise on the vacation in order to allow for non-vehicular use of the requested vacated portion.

Commissioner Jackson noted safety seemed to be the main concern with speed a major issue of traffic accessing Treasure Island Road. He noted the need for a paved walkway for foot traffic as well as adequate turnaround for buses and highway personnel. Jackson felt it would be win win situation for the community if these issues were addressed.

Commissioner Truex stated families are currently using a road that is not safe for walking and biking due to the vehicle speed. Truex said that intersection safety would also need to be addressed. He also noted that using a turnaround for a right of way does not allow enough room for buses and highway vehicles. Truex also noted that if a solution could not be worked out that was adequate for the school buses he would have no desire in proceeding with this.

Matt Sandy, APC, noted that he has been told by school bus drivers for the Wawasee School Corporation that they will not use cul-de-sacs for bus turnaround. Sandy stated he would need to speak with school administration to confirm this for sure.

Commissioner Jackson noted there were three major issues that need to be addressed. Those included a turnaround large enough to accommodate buses, a paved walkway and the intersection safety at East Wawasee Drive and Tiny Tim Lane.

Commissioner Truex noted he was respectful of the Homeowners Association for voicing their concerns regarding the safety of their subdivision.

It was the Commissioners recommendation this matter be tabled until answers can be obtained in regards to these issues. It was also noted that those in attendance who opposed the vacation would be notified when this matter would be next be heard by the Commissioners if they signed in with Matt Sandy.

IN THE MATTER OF LEWIS VACATION REQUEST – WAYNE TOWNSHIP:

Matt Sandy, APC, presented a vacation request from Edward Lewis to vacate the remainder of an alley and street located on the south side of Winona Beach. Sandy stated this vacation had been before the Commissioners previously, but due to a bad legal description the entire alley and street was not vacated. Sandy said it was the recommendation of the APC to approve the vacation as presented.

Representing Edward Lewis was Attorney Patty Taylor who stated Lewis' original intention was to vacate 12' of the alley and Brook Street. However due to the incorrect legal description, the vacation granted only took in part of the alley and street. Taylor noted a new legal description had been created to encompass the un-vacated portion now requested.

Commissioner Truex noted the Commissioners thought when they approved the previous vacation; they were vacating the entire alley and street.

MOTION: Brad Jackson

TO: Accept APC recommendation for vacation as requested.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

07-06-26-001V

As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF STEVEN PARKER REZONING REQUEST – LAKE TOWNSHIP:

Dan Richard, Area Plan Director, presented a request from Stephen Parker, Lake Township to rezone 42.44 acres from Agricultural to light Industrial. Richard stated this area was originally platted light Industrial and a few years back there was an agreement to purchase contingent on property being rezoned to agricultural. The property was rezoned; however for some unknown reason the property was never transferred. Richard said Stephen Parker recently became aware this

IN THE MATTER OF STEVEN PARKER REZONING REQUEST – LAKE TOWNSHIP CONTINUED:

parcel was not zoned Industrial similar to the surrounding parcels and has requested it be rezoned back to Industrial II. Richard noted in keeping with the surrounding area along SR 15 it was the recommendation of the APC to approve the rezoning request.

No one in attendance spoke in opposition to the rezoning.

MOTION: Brad Jackson

TO: Accept APC recommendation and rezone from Agricultural to Industrial II as presented.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE NO. 07-06-26-003Z

As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF RICHARD KUHN REZONING REQUEST – TIPPECANOE TOWNSHIP:

Dan Richard, Area Plan Director, presented a request from Agricultural to Residential in Tippecanoe Township. The parcel is 9.5 acres and the ground is partly wetland/swamp with a single family residence on property. Richard stated the owner would like to split the property into a two lot subdivision and offered a restricted covenant to that effect. Richard noted it was with that restriction that the APC unanimously approved the rezoning request.

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

MOTION: Bob Conley

TO: Accept APC recommendation and rezone from Agricultural to Residential as presented.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE NO. 07-06-26-004Z

As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF FLOOD CONTROL ORDINANCE:

Matt Sandy, Assistant Area Plan Director, stated in order for the community to remain compliant with the National Flood Insurance Program; a flood control ordinance must be in place. Sandy went on to say this ordinance is subject to review by the Department of Natural Resources every three to five years and it was determined by the DNR that is needed to be updated in order to meet state and federal guidelines. Sandy noted there were very changes; however the most significant changes included all crawl spaces must now be built to the 100 year elevation and new structures must now be a minimum of 2' above the 100 year flood elevation instead of the old 3' standard. Sandy said it was the APC's recommendation to approve the revised flood ordinance.

MOTION: Bob Conley

TO: Approve revised Flood Control Ordinance as presented.

SECOND: Ron Truex

AYES: 2 NAYS: 1
MOTION PASSED

See Ordinance 07-06-26-005 Flood
Reference Ordinance 87-1
As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF GAUT/SCROGGS SHADY BANKS VACATION SIGNING:

Sue Ann Mitchell, County Auditor, presented a vacation ordinance for John and Patricia Gaut and Jonathon and Amanda Scroggs for the Commissioner's signature. Mitchell stated the Commissioners had approved the vacation at their June 12th meeting but the ordinance had needed to be revised.

Ordinance Number 07-06-26-002V
As recorded in the Office of the Kosciusko County Recorder

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

**KOSCIUSKO COUNTY COMMISSIONERS
July 10, 2007**

The Kosciusko County Commissioners met for their regular meeting on July 10, 2007 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

Bob Conley

Mike Miner, County Attorney

Sue Ann Mitchell, County Auditor

Ron Robinson, County Administrator

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

IN THE MATTER OF SHERIFF DEPARTMENT MOBILE DATA UNITS:

Bob Momeyer, System Administrator, requested permission to move forward with the purchasing of the mobile data units for the Sheriff's department that would provide them a link to the Dispatch center. Momeyer noted funding for this project was through the K21 Foundation and the funds were in place at this time. Momeyer stated County Attorney Mike Miner had been given the contract from the provider of the units (CISCO) for review. Sheriff's Captain Aaron Rovenstine noted this has been an ongoing process and the time has come to complete it. Momeyer added the units were a good fit with the system being used by Dispatch and should a valuable tool to the officers.

MOTION: Bob Conley

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve contract for mobile data units purchase as presented.

IN THE MATTER OF GIS AERIAL PHOTOS:

Bill Holder, GIS Director, requested permission to advertise for bids for aerial photos to be taken in 2008 for the 2009 reassessment. Holder stated he had spoken with County Assessor Laurie Renier and it was noted the aerials are a valuable tool when assessing. Holder stated aerials were taken in 1996, 2002 and 2005. Holder went on to say the cost to have new aerials done would run between \$120,000.00 and \$140,000.00 with funding to come from Reassessment, Surveyor, GIS and possibly the Commissioners budgets. Holder noted in 2005 there was additional money available as it was a statewide project at that time and money had also been available through Homeland Security.

Assessor Renier stated the photos are a very helpful tool for reassessment as current photos can be used to measure lot dimensions as well as building size.

Commissioner Conley expressed concerns regarding the privacy of the county's citizens noting the photos are public and people can use that information in a harmful manner.

Renier stated the purpose of the aerials far outweigh any negatives adding Dispatch also uses the photos when assessing situations. She went on to say there are multi-purposes uses for the photos such as building permits and tax abatements.

Holder stated Google Earth is using the county's photos on their site as they use the best photos available and Kosciusko County's are the best.

Further discussion ensued regarding the cost with Commissioner Truex noting that he personally uses the mapping at least twice a week and feels it is a valuable tool.

MOTION: Bob Conley

TO: Allow Holder to advertise for bids for aerial photos to be taken in 2008.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF EMERGENCY MANAGEMENT MUTUAL AID AGREEMENT:

Ed Rock, Emergency Management Director, presented a Mutual Aid Agreement for Non Declared Emergencies for the Commissioners review. Rock noted it is very similar to the Mutual Aid Agreement for Declared Emergencies as passed by the State. Rock noted the agreement for non declared emergencies has been passed in District I and District II, which Kosciusko County is a member of, would like to have a similar agreement in place that specifies cross county line transfer of equipment policies. Rock also noted the federal government will not pay for damaged equipment if the emergency is a non declared emergency. Rock requested the Commissioners review the agreement and provide feedback.

IN THE MATTER OF USI SMALL STRUCTURE AGREEMENT:

Dennis Pletcher, Highway Superintendent, presented an agreement from USI Engineering Consultants for small structure repair in Syracuse for approval. Pletcher noted this project had been started back in 2005 and he hopes to have it completed this year. He noted work would begin after boating season and be completed before next year. Pletcher's recommendation was for the Commissioners to approve the agreement after County Attorney Miner has reviewed it.

MOTION: Ron Truex

TO: Approve signing contract upon County Attorney's review and approval.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF MAINTENANCE REQUEST FOR COMMERCIAL SCRUBBER:

Ron Robinson, County Administrator, stated he had received a request to purchase a commercial scrubber at a cost of \$5,353.00 from Maintenance.

MOTION: Brad Jackson

TO: Approve purchase of commercial scrubber for maintenance department as requested.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF CROOKED CREEK DEVELOPMENT – GREYSTONE SUBDIVISION VACATION:

Sue Ann Mitchell, County Auditor, presented a vacation of easements ordinance for Crooked Creek Development for the Commissioners signatures. Mitchell noted the vacation of easements had been approved at the June 26, 2007 meeting but the ordinance had not been prepared at the time.

ORDINANCE NUMBER 07-06-26-006V

As recorded in the Office of the Kosciusko County Recorder

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

KOSCIUSKO COUNTY COMMISSIONERS
July 24, 2007

The Kosciusko County Commissioners met for their regular meeting on July 24, 2007 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Ron Truex, President

Mike Miner, County Attorney

Brad Jackson

Sue Ann Mitchell, County Auditor

Bob Conley

Ron Robinson, County Administrator

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

IN THE MATTER OF MOCK DISASTER DRILL:

Ed Rock, Emergency Management Director, informed the Commissioners the county would be conducting a mock disaster drill on August 8th to practice disaster preparation. Rock noted the “mock disaster” was being conducted on a weekday in order to better assess the County’s preparedness. He went on to say the “mock disaster” will include a tornado touching down on the west side of the County at approximately 3:00 pm and traveling through Warsaw hitting a structure containing a hazardous substance overloading the hospital with patients. Rock noted statistics show most tornados hit between 3:00 and 6:00 pm. Rock invited the Commissioners to attend the training to see how the County handles such disasters.

IN THE MATTER OF PETRO EASEMENT:

County Attorney Mike Miner stated he had reviewed the easement agreement for Steven Petro and it appeared to be correct. Miner noted he believed there needed to be a stipulation regarding the removal of a building that is located in the easement. It was noted the deed of easement was on the agenda for later in the meeting and would be addressed further at that time.

IN THE MATTER OF FIRE DISTRICT II AGREEMENT:

Sue Ann Mitchell, County Auditor, presented an agreement for the Commissioner’s approval from Fire District II that would allow the County to act as a pass through agency for the Fire District’s grant which is made up of Homeland Security monies. Mitchell noted the Auditor would act as the Controller for the District with the county receiving approximately 2% of the grant as payment for services.

MOTION:	Bob Conley	TO: Accept agreement that will allow the	
SECOND:	Brad Jackson	County to act as a pass through agency for the	
AYES:	3	NAYS: 0	Fire District II grant.
UNANIMOUS			

IN THE MATTER OF TEST WELLS AT JAIL PARKING LOT:

County Administrator Ron Robinson requested permission to work with Altz and Witz from Indianapolis to put in three test wells in the jail parking lot in order to complete compliance procedures involving the gas tank that was removed. Robinson noted the cost to the county would be approximately \$6,900.00.

MOTION:	Brad Jackson	TO: Approve request to complete test wells in	
SECOND:	Bob Conley	jail parking lot in order to complete compliance	
AYES:	3	NAYS: 0	work.
UNANIMOUS			

IN THE MATTER OF HEALTH DEPARTMENT GRANT APPROVAL:

County Administrator Ron Robinson stated the Health Department had received confirmation from the State approving their grant for the Well Child Clinic. Robinson stated the K21 Foundation will be building a new facility to house the small health care amenities of the county and this grant will help cover the costs for the Clinic. Robinson noted at this time the grant appears to be an ongoing grant, however there may come a time the county would need to pick up the costs covered by the grant.

MOTION:	Bob Conley	TO: Approve Health Dpt. Grant for Well Child	
SECOND:	Brad Jackson	Clinic to be housed in new facility to be built by	
AYES:	3	NAYS: 0	the K21 Foundation.
UNANIMOUS			

IN THE MATTER OF CCD EXPENDITURE:

Ron Robinson, County Administrator, requested permission to spend \$62,000.00 from the CCD Fund in order to purchase radio equipment to be installed on the water tower in Syracuse. Robinson stated the equipment will aid the fire, EMS and police departments. Robinson also reported that the Louis Dreyfus Company has given permission for equipment to be installed on their tower on SR 15 in order to service the southern part of the County. That equipment will also be paid for out of the \$62,000.00 requested.

MOTION: Bob Conley

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve expenditure from CCD Fund to purchase radio equipment to aid the fire, EMS and police.

IN THE MATTER OF TORT CLAIM REVIEW:

Ron Robinson, County Administrator, reported the County has received notice of a tort claim (Hendricks) and recommended County Attorney Mike Miner look into the claim and follow up on it.

IN THE MATTER OF HVAC CONTRACT FOR WORK RELEASE:

Ron Robinson, County Administrator, stated he had received a service contract from BCS for the HVAC at the Work Release building. Robinson noted BCS is contracted for servicing the HVAC at the Courthouse and Justice Building and they have also been servicing Work Release at no charge. Robinson said BCS felt it was time to add the Work Release Building to the current contract for the other buildings at a prorated fee for the remainder of the year.

IN THE MATTER OF LETTER ADDRESSING USE OF COUNTY PROPERTY FOR PERSONAL USE:

County Administrator Ron Robinson stated he had drafted a letter for the Commissioners approval regarding the use of county owned property for personal use. Robinson noted the letter states no county owned property may be "borrowed" for personal use. This includes floor scrubbers, projection equipment, tables and chairs or vehicles.

MOTION: Bob Conley

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve letter regarding the use of county owned property for personal use.

IN THE MATTER OF SMALL STRUCTURE CONTRACT:

Dennis Pletcher, Highway Superintendent, presented a contract from RQAW of South Bend for the replacement of a small structure on Fairlane Drive. Pletcher stated the contract includes both phases of the project at a cost of \$30,800.00. Pletcher also noted this was the least expensive option for a long term fix. Pletcher went on to say he had given the contract to County Attorney Mike Miner for review with Miner stating the contract appeared to be in order.

MOTION: Brad Jackson

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve contract with RQAW for replacement of structure located on Fairlane Drive.

IN THE MATTER OF ELI LILY ROAD NEIGHBORHOOD ISSUE:

Highway Superintendent Dennis Pletcher stated he has been approached by Chris Dumford, Eli Lily Road, regarding the platted right-of-way of Eli Lily Road and the problem with a large tree and decorative boulders and shrubs in the right-of-way that hamper large vehicular traffic. Pletcher stated the boulders have been moved and that has alleviated the problem for fire personnel; however the shrubs would need to be moved approximately 2 feet to clear the entire area. Pletcher went on to say he felt this was a neighborhood issue not a safety issue and if it could not be resolved by the neighborhood it might be necessary for the Commissioners to rule on the right-of-way.

Alex Pursley, representing Judith Pursley, owner of the plat in question agreed to negotiate giving up some land in order to save the large tree in question. He also stated he would be willing to allow easement across the property as long as it was restored to its original state at no financial cost to him.

Chris Dumford stated it was difficult to get equipment in to build a new home because of the tree and requested it be removed.

Also speaking was Kyle Newcomer, Millwood Contractor, for Dumford who stated the road is not wide enough to get 5-axle trucks in to building site. He expressed concern that if the tree were to remain he would do everything he could not to damage the tree with his equipment but he did not want to be held liable if the tree were damaged.

Further discussion ensued with Commissioner Truex noting it was great when neighbors can work together to solve problems without having to involve the Commissioners. He also noted he

believed the issue was being address by those involved and felt they would be able to come to a solution that would work for all involved.

IN THE MATTER OF TROYER REZONING REQUEST – VANBUREN TOWNSHIP:

Area Plan Director Dan Richard presented a request from Todd Troyer to rezone 12.982 acres in Van Buren Township from Agricultural to Residential. Richard stated it was the recommendation of the Area Plan Commission to allow the rezoning by a 7-1 vote.

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

MOTION: Brad Jackson TO: Accept APC recommendation and allow
SECOND: Bob Conley rezoning from agricultural to residential.

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE NO. 07-07-24-001 Z

As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF KERLIN REZONING REQUEST – WAYNE TOWNSHIP:

Area Plan Director Dan Richard presented a request from Ed Kerlin to rezone 2.24 acres in Wayne Township from Agricultural to Residential. Richard stated Mr. Kerlin would like to combine this plat with the surrounding area to do a larger residential subdivision. Richard noted it was the unanimous recommendation of the APC to allow the rezoning.

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

MOTION: Bob Conley TO: Accept APC recommendation and allow
SECOND: Brad Jackson rezoning from agricultural to residential.

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE NO. 07-07-24-002 Z

As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF DEED OF EASEMENT FOR STEVEN PETRO – OSBORN’S LANDING:

Dan Richard, APC Director, stated he had received the deed of easement from Steven Petro; however it was the recommendation of the APC to approve the deed once the shed that is located in the easement has been removed.

MOTION: Brad Jackson TO: Approve the acceptance of deed of
SECOND: Bob Conley easement once shed has been removed from
AYES: 3 NAYS: 0 right-of-way.

UNANIMOUS

IN THE MATTER OF LAKELAND REGIONAL SEWER DISTRICT:

Dave Doctor presented an update to the Commissioners regarding the Lakeland Sewer District. Doctor stated there has been a change made to the structure of the Board in order to allow additional townships to join the district. He also noted the public hearing held by IDEM would be held August 18, 2007 at 9:00 AM at the North Webster Community Center. Doctor said the District had urged IDEM to conduct the public hearing at a time when the majority of people would be able to attend in order to get better public input. He also noted that notice of the meeting had been published in the newspapers in addition to letters being sent to property owners.

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

KOSCIUSKO COUNTY COMMISSIONERS
August 7, 2007

The Kosciusko County Commissioners met for their regular meeting on August 7, 2007 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
Bob Conley

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

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

IN THE MATTER OF LOCAL EMERGENCY PLANNING UPDATES:

Ed Rock, Emergency Management Director, reported he had received the 17 laptop computers paid for through the grant. Rock stated the computers will be programmed with the mapping program and be distributed to emergency responders as soon as possible. Rock also reminded the Commissioners about the "Mock Disaster" drill that would take place on Wednesday, August 8th beginning at 3:00 pm. He invited the Commissioners to the emergency operation center in the basement of the Justice building beginning at 4:30 pm to see first hand how emergencies are handled.

IN THE MATTER OF KABS QUARTERLY VOUCHER:

Rita Baker, KABS Director, presented the quarterly KABS vouchers in the amount of \$106,000.00 for the Commissioners approval. She also presented the 2008 grant application for the Commissioner's approval.

MOTION: Bob Conley

TO: Approve quarterly voucher as presented as well as the 2008 grant application.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF LAKELAND REGIONAL SEWER DISTRICT PUBLIC HEARING:

David Doctor reported the legal notices have been published in the newspapers regarding the public hearing to be held by IDEM on August 18th beginning at 9:00 am in the North Webster Community Center regarding the proposed regional sewer district. Doctor also noted that in addition to the public notices, letters have been mailed to all property owners in the area to be served by the sewer district. Doctor went on to say that after the public hearing is closed, IDEM will take written input for three weeks and should have the order to establish the district issued by the end of October.

Doctor also discussed the structuring for the Sewer District Board noting the Commissioners will appoint four members and the Council will appoint three. Possible appointees include Dave Tyler, Dan Lee, Dave Doctor, and Jim Haney. Bob Weaver, Kosciusko County Health Department will also serve on the Board. Doctor stated one Commissioner and one Council member may serve or they may appoint a member to serve in their place.

Doctor also suggested the Commissioners appoint a committee or Task Force to work with the Redevelopment Commission to review other areas to see if there is a need to expand the district and compile the data available. Commissioner Truex suggested the Redevelopment Commission could possibly put together a sub-committee to look at the issues and data and determine what direction the County may want to go in the future.

IN THE MATTER OF RAMADA PLAZA SIGN LEASE:

County Administrator Ron Robinson presented a two year lease agreement with Ramada Plaza for the sign rental at the Work Release Center. Robinson noted Ramada is pays for all maintenance to the sign during the lease.

MOTION: Brad Jackson

TO: Approve renewal of two year lease with Ramada Plaza for sign rental.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF PRIORITY ONE FIRE SYSTEM RENEWAL AGREEMENT:

Ron Robinson, County Administrator, presented a renewal contract with Priority One for the county's fire system. Robinson stated this is the company that services the fire suppression systems and recommended the contract be renewed.

MOTION: Bob Conley

TO: Approve contract renewal as presented.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF LEESBURG SEWER PROJECT:

Sue Ann Mitchell, County Auditor, stated she had received a letter from R.P. Murphy & Associates who are preparing a grant application for the Town of Leesburg for the sewer project. Mitchell stated they were requesting letters of support from each Commissioner, a letter from the

Commissioners stating the County is providing \$350,000.00 to assist with the sewer line project as well as letter from the Auditor certifying the money is available.

MOTION: Brad Jackson

TO: Approve requested letters of support be sent to R.P. Murphy for grant application.

SECOND: Bon Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF INCOME TAX OPTION INFORMATION:

County Auditor Sue Ann Mitchell reported there would be a representative from the AIC at the Council meeting on Thursday, August 9th to discuss possible income tax options in an effort to provide property tax relief. She noted her concern that a possible income tax would not benefit the County due to the number of lake properties owned by out of county residents who would not pay income tax to Kosciusko County. Mitchell also noted that many of the large businesses in the County may also be exempt from the income tax. Mitchell urged the Commissioners to attend the meeting to listen to the presentation.

IN THE MATTER OF ELI LILY ROAD NEIGHBORHOOD DISPUTE:

Attorney Rick Helm, representing Larry Mock and Chris Dumford presented a petition to remove a tree that is located in the right-of-way. Helm stated he also represented all but two of the local residents in the request. Helm went on to say his clients have a 25' driveway per plat and the tree in question impedes the right-of-way. He also stated the tree should be removed in order for

IN THE MATTER OF ELI LILY ROAD NEIGHBORHOOD DISPUTE CONTINUED:

residents to properly engineer the curve and it is the County's responsibility to act on issues that do not meet County standards.

Representing Janiece Crimmins and Alex Pursley; property owners who wished to preserve the tree was Rollin Brown. Brown stated the owner who purchased the property to build a new home failed to realize that access might be limited for large equipment to get in and out.

He went on to say many trees have already been removed to accommodate the new home and the tree and road in question have been there for 80-100 years. Brown also noted Alex Pursley allowed Mock to put an additional 11-13" of stone on Pursley's property in order to get his motor home in and out. He added Pursley has tried to be a good neighbor and was willing to remove shrubbery to help accommodate new lot owner; asking only that his property be returned to the original condition when construction on the new home was done. Brown noted even with the damage done by the construction equipment to Pursley's property, Pursley is still willing to work with the Dumfords.

Further discussion ensued between Brown and Attorney Helm regarding the plat from 1922 and the right-of-way. Helm again noted that he represented Lot Owners 3-8 who must all use the road to access their properties. Helm stated the Dumfords were willing to have the tree removed at their own expense.

Chris Dumford added the tree was not just a problem for the construction, but an everyday issue for those who use the road. He also noted poor visibility for oncoming cars due to the tree.

There was no one in attendance that spoke in favor of preserving the tree.

Commissioner Jackson stated he had spoken with Chris Dumford earlier and they both felt the tree should be removed, but decided to let the neighborhood work the issue out. Jackson also stated he had spoken with Mr. Pursley who agreed the tree was just in a bad place with most of the neighborhood wanting it removed.

Commissioner Conley noted the passion of both parties involved. He also noted the ever increasing size of motor homes and fire equipment and in keeping with the progressing times, change is sometimes necessary. Conley stated public safety must also be taken into account.

MOTION: Bob Conley

TO: Allow tree to be removed at the Dumfords expense.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

Commissioner Jackson also recommended that the Dumfords pay for any damages to Mr. Pursley's property caused by his construction equipment as Mr. Pursley had been willing to work with Dumford and be a good neighbor.

THE MATTER OF STEVEN PETRO DEED OF EASEMENT:

This matter was tabled as Attorney Richard Kehoe who represented Mr. Petro was not in attendance.

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

KOSCIUSKO COUNTY COMMISSIONERS

August 21, 2007

The Kosciusko County Commissioners met for their regular meeting on August 21, 2007 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

Bob Conley

Mike Miner, County Attorney

Sue Ann Mitchell, County Auditor

Ron Robinson, County Administrator

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

IN THE MATTER OF HOMELAND SECURITY GRANT:

Ed Rock, Emergency Management Director, presented the District II Exercise Homeland Security Grant Agreement for the Commissioners signature. Rock noted this grant had been previously approved by the Commissioners and the paperwork just needed to be completed.

IN THE MATTER OF COUNTY LEGAL ISSUES:

County Attorney Mike Miner reported a settlement of \$4,000.00 had been reached in the Hendricks case.

IN THE MATTER OF FIRE DISTRICT GRANT AGREEMENT:

Sue Ann Mitchell, County Auditor, presented the Fire District's Indiana Department of Homeland Security Grant Agreement for the Commissioners signature. Mitchell noted this was a pass through grant that the Commissioners had previously approved.

MOTION: Brad Jackson

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve signing Fire District grant agreement as presented.

IN THE MATTER OF WASHINGTON ROAD SPEED REDUCTION ORDINANCE:

Dennis Pletcher, Highway Superintendent, requested the speed be reduced on Washington road, north of the Pierceton Road from 55 mph to 35 mph. Pletcher noted increased traffic along with the speed through the curve in that section of the road as the reason for the request.

MOTION: Bob Conley

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve speed reduction ordinance as presented.

Ordinance 07-08-21-001 Speed

As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF CR 325E SPEED ORDINANCE:

Dennis Pletcher, Highway Superintendent, requested the speed be reduced to 35 mph on CR 325E between Old 30 to US 30 also due to higher traffic volume and the number of homes located there. Pletcher also noted the Sheriff's department was contacted and did approve of the reductions.

MOTION: Bob Conley

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve speed ordinance for CR 325E as presented.

Ordinance 07-08-21-002 Speed

As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF STOP SIGN ORDINANCE FOR CR 600 E/CR 100 S:

Highway Superintendent Dennis Pletcher presented a stop sign ordinance for CR 600 E and CR 100 S for the Commissioners approval. Pletcher noted poor visibility at the top of the hill prompted the request to make this intersection a 3-Way stop. Pletcher added this request; as well as the ones to follow all meet the requirements for stop sign placement.

MOTION: Bob Conley TO: Approve stop sign ordinance as presented.
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

Ordinance 07-08-21-001 Stop
As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF STOP SIGN ORDINANCE FOR CR 175 E/CR 175 N:

Highway Superintendent Dennis Pletcher presented a stop sign ordinance for CR 175 E and CR 175 N for the Commissioners approval. Pletcher noted poor visibility to the south prompted the request to make this intersection a 3-Way stop.

MOTION: Bob Conley TO: Approve stop sign ordinance as presented.
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

Ordinance 07-08-21-002 Stop
As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF STOP SIGN ORDINANCE FOR CR 150 S/ CR 900 E:

Highway Superintendent Dennis Pletcher presented a stop sign ordinance for CR 150 S and CR 900 E for the Commissioners approval. Pletcher also noted poor visibility prompted this request to make this intersection a 4-Way stop.

MOTION: Bob Conley TO: Approve stop sign ordinance as presented.
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

Ordinance 07-08-21-003 Stop
As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF LAKELAND REGIONAL SEWER DISTRICT UPDATE:

Dave Doctor reported over 500 people attended the meeting conducted by IDEM to discuss the possible sewer district. Doctor stated the meeting went well and patrons had the opportunity to express their concerns and/or support of the project. He also stated there was a court reporter in attendance and transcripts would be available at a later date. Doctor noted cost was the biggest concern for most people.

Commissioner Truex stated he had heard comments on how well the meeting was ran and how well organized it was.

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

KOSCIUSKO COUNTY COMMISSIONERS
September 4, 2007

The Kosciusko County Commissioners met for their regular meeting on September 4, 2007 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
Bob Conley

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

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

IN THE MATTER OF EMERGENCY MANAGEMENT PERFORMACE GRANT AGREEMENT:

Ed Rock, Emergency Management Director, presented the Emergency Management Performance Grant Agreement for the Commissioners approval. Rock stated this grant in the amount of \$36,711.66 would be used to fund half of his and his assistant's annual salaries.

MOTION: Bob Conley

TO: Approve grant for \$36,711.66 for half of Director and Assistant's salaries.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF CONTRACT FOR ASSESSOR'S OFFICE:

County Assessor Laurie Renier presented a Letter of Intent from Appraisal Research Corporation for personal property archival software services. Renier stated their personal property software will not allow them to work on multiple years at one time. Renier went on to say this software will be installed on the 13 township's laptop computers and will enable the Assessor to work on 02 pay 03 and 03 pay 04 personal property in order to become compliant with State requirements. It was noted the deadline for resubmitting the information for compliancy was October 15th and Commissioner Truex urged Renier to take advantage of the township trustee's help with the data entry.

MOTION: Brad Jackson

TO: Approve contract for personal property archival software for Assessor.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF KABS VOUCHER:

Rita Baker, KABS Director, presented an invoice for the last bus purchased noting that the invoice would be submitted to the Federal government for 100% reimbursement.

MOTION: Bob Conley

TO: Approve invoice as presented for federal reimbursement.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF CLAYPOOL OVERHEAD RECONSTRUCTION:

Don Miller, Claypool Town President, addressed the Commissioners regarding roads and streets. Miller stated he had received plans from INDOT regarding the Claypool overhead reconstruction. Miller noted preliminary plans for the reconstruction included the relocation of CR 700 and SR 15, however, the latest plans received called for the road to be put back as is with some improvement for visibility from CR 700. Miller said the town would still like to see a possible relocation but realizes funding for this project is an issue. He went on to say the town also has concerns regarding traffic with the reopening of the Claypool School. Miller stated he felt the county would be well served to come up with some type of permanent dedicated revenue to insure available monies for the maintenance of current roads as well as for new road construction.

County Highway Superintendent Dennis Pletcher stated he has not had any other contact with INDOT regarding CR 700 S and the Claypool Overhead since their preliminary discussion.

Commissioner Truex questioned if it would be beneficial to meet with the Fort Wayne District to look into a more user friendly alignment of CR 700 S. He also suggested working with MACOG and recommended an organizational meeting to discuss those possibilities. Superintendent Pletcher also expressed concerns regarding CR 200 W near the Claypool School.

IN THE MATTER OF 2008 EMPLOYEE INSURANCE RATES:

Sue Ann Mitchell, County Auditor, presented information regarding employee health insurance premiums for 2008 for the Commissioners approval. Mitchell noted an increase for the county as well as the employee's share. Employee rates were approved at \$26.68 bi-weekly for a single plan and \$101.96 bi-weekly for a family plan presented.

MOTION: Bob Conley

TO: Approve employee insurance rate for

SECOND: Brad Jackson

2008 of \$26.68 bi-weekly for a single plan and

AYES: 3 NAYS: 0

\$101.96 bi-weekly for a family plan.

UNANIMOUS

**IN THE MATTER OF REED VACATION REQUEST – TREASURE ISLAND ROAD/
TURKEY CREEK TOWNSHIP:**

Matt Sandy, Assistant Area Plan Director, stated this vacation request was a continuation from the June 26th Commissioners meeting in which the Reeds were requesting a portion of Treasure Island Drive be vacated. Sandy noted one of the problems at that time was the fact that the Wawasee School Corporation would not service the area if there was not a turnaround for buses. He also noted there was a remonstrance to the original vacation request. Sandy stated Attorney Randy Morgan had worked with the Enchanted Hills Homeowners Association and he believed the Association was happy with the agreement that had been reached. Sandy stated the Area Plan Commission was satisfied with the new recommendations which included a one way traffic flow versus the current two way flow; however Sandy said the APC would like to see a well defined easement for pedestrian traffic. Sandy reported they had no other objections as long as the school corporation was agreeable to the access provided and the Enchanted Hills Homeowners Association was satisfied with the new recommendations.

Greg Kil, developer for the project, reported he had contacted the school corporation to get the specifications on the new buses so that the Cul-de-Sac could be engineered to accommodate the buses.

Attorney Randy Morgan noted the vacation request did included a public walkway of eight (8) feet. He went on to say the vacation was subject to the Board of Zoning Appeals approval for the condominium project. He added the BZA hearing would be held on September 11, 2007. Morgan noted he had prepared an ordinance stating the vacation would be subject to BZA's approval. County Attorney Mike Miner stated for the record it was acceptable to draft an ordinance subject to another entity's approval.

The Commissioners expressed the need to protect the public walkway.

**IN THE MATTER OF REED VACATION REQUEST – TREASURE ISLAND ROAD/
TURKEY CREEK TOWNSHIP CONTINUED:**

Project developer Kil stated it was his intent to provide a "softer look" for the walkway as opposed to a straight line right-of-way. He also included a hard surface for emergency vehicle access in the revised plan. Kil also stated he had met with Enchanted Hill Association at their regularly scheduled August meeting to present the revised design layout.

Speaking in opposition to the vacation was Enchanted Hills resident Keith Blaugher. Blaugher stated there were no formal notices sent out by the Homeowners Association regarding the meeting in August to review the revised plans for the project. Blaugher then presented an informal survey he had conducted stating he had contacted 35 of the 39 residences and 28 of the 35 were opposed to the vacation with 6 unopposed. He then questioned if the County had conducted a traffic count for Treasure Island Drive. Blaugher also noted he had spoken with the Cromwell post office and they stated it would be necessary to realign the mail routes if the vacation were approved. Blaugher also questioned if the intersection onto Wawasee Drive had been realigned stating it was difficult to see oncoming traffic from one direction.

Attorney Morgan stated they had addressed what was within their control by reducing the amount of traffic.

Commissioner Jackson reviewed the main concerns of the Enchanted Hills residents from the previous meeting as a public walkway, access for school buses and the intersection safety. Jackson noted he believed all three of these issues had been addressed and or rectified.

Also speaking was Ron Sims, Vice President of the Enchanted Hills Homeowners Association. Sims stated the developer had been contacted on two previous occasions to attend the Association's meetings and had not shown up; however, they did attend the third meeting. Sims noted he was attending the Commissioners meeting to make sure access for emergency vehicles was addressed. Commissioner Truex noted it had been with a non gated 14' access for emergency vehicles. Truex questioned Sims if the Homeowners Association Board of Directors had voted in favor of the vacation with Sims responding they had.

Also addressing the Commissioners was resident Greg Long who said his primary concerns had been bus service to the area as well as a public walkway and intersection safety. He also wanted to clarification that county services such as mail and snow plowing would still be available.

Long stated he felt their concerns had been addressed. Resident Joe Long also spoke and noted he was ok with the proposed changes as his concerns had also been school bus service and emergency vehicle access.

Developer Greg Kil stated we will meet with the Fire Chief to see what type of surface is required for the 14' emergency vehicle access. He will also meet with Highway Superintendent Pletcher on the realignment of the intersection in keeping with county and state standards.

Being no further public comments the hearing was closed.

MOTION: Brad Jackson
SECOND: Bob Conley

TO: Approve vacation request with the
following stipulations:

AYES: 3 NAYS: 0
UNANIMOUS

-
- A minimum 14' access for emergency vehicles
 - A minimum 8' access for a paved walkway
 - Realignment of Tiny Tim Drive
 - School bus service to area
 - County not responsible for maintenance of island areas
 - Vacation subject to BZA approval of condominium project. This vacation null and void if project is not approved by BZA.

IN THE MATTER OF SUPERIOR DEVELOPING LLC VACATION REQUEST – WASHINGTON TOWNSHIP:

Assistant Area Plan Director Matt Sandy presented a vacation request from Dale Custer, DBA as Superior Developing LLC for a parcel located at SR 13 and 200 S in Washington Township. Sandy stated he contacted emergency providers as well as INDOT. At that time he received notification from INDOT that the area in question belongs to the State and the County has no jurisdiction. After further discussion, the Commissioners recommended Custer contact INDOT and work with them on clarification. No action was taken on the vacation request.

IN THE MATTER OF BERNARD MANNS REZONING REQUEST – CLAY TOWNSHIP:

Matt Sandy, Assistant Area Plan Director, presented a rezoning request from Bernard Manns to rezone a parcel in Clay Township from Agricultural to Commercial. Sandy noted the land had previously been used as a recreational paint ball site, but Manns had cleaned the property up and it was currently being used as farm ground. He went on to say it was the APC unanimous recommendation to allow the rezoning as it fits in well with other property located along SR 15. Speaking for the rezoning was Marion Schrock, Horizon Transport, Wakarusa. Schrock stated his company would like to purchase the property and utilize it as a shipping yard for R-Vision. He commented there are eight other businesses within one mile of this parcel, making it an ideal location for them. Schrock noted if approved by the BZA, Phase I of two Phases would be completed this fall with Phase II completed next spring.

Commissioner Conley expressed concerns regarding increased traffic on CR 300 and CR 400. He also questioned Schrock on what type of material would be used as a base for the site with Schrock replying limestone would be used with a dust control. Schrock also addressed Conley's concerns regarding the traffic and noted he would work with the County.

No one spoke in opposition to the rezoning.

The Commissioners noted they would like to have BZA make a recommendation regarding the increased traffic and proposed route from R-Vision to the shipping yard.

MOTION: Bob Conley

TO: Accept APC recommendation to allow rezoning from Ag to Commercial as requested.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 07-09-04-001Z

As Recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF DAVID COPPES REZONING REQUEST – TURKEY CREEK TOWNSHIP:

Matt Sandy, Assistant Area Plan Director, presented a rezoning request from David Coppes to rezone a parcel located at 1100 N 500 E in Turkey Creek from Agricultural to Residential. Sandy stated it was the unanimous recommendation of the APC to deny the rezoning request as they would like to see the parcel remain in line with what is currently in the area.

Tom Prickett representing David Coppes stated Coppes would like to divide the parcel into nine or ten lots. Prickett noted there are residential areas across the road and around the corner now.

Bill Dixon, representing the Boys Scouts requested permission to look at the map for the proposed rezoning. Dixon noted after reviewing the map the Boy Scouts were neutral with no opinion in favor or opposition to the request.

Speaking in opposition to the rezoning was resident Ann Lowman. Lowman stated the area requested was productive farm land and she as well as other neighbors would like to see it remain that way. She also expressed concerns regarding increased traffic if additional lots were allowed.

Lowman noted there were drainage problems now and was concerned those problems would increase if this area were rezoned.

MOTION: Bob Conley

TO: Accept APC recommendation and deny rezoning request.

SECOND: Ron Truex

AYES: 2 ABSTAIN: 1

UNANIMOUS

IN THE MATTER OF OVERLAY DISTRICT ORDINANCE AMENDMENT:

Matt Sandy, Assistant Area Plan Director, gave a brief presentation regarding the proposed overlay district for the County. Sandy stated the idea of the overlay district began with the Louis Dreyfus facility near Claypool. Sandy said the APC wanted to be proactive in the southern part of the County and was looking to steer growth for both Claypool and Silver Lake. At the same time discussion began regarding the Leesburg sewer project in the northern part of the County. Sandy noted that State Road 15 is a main artery through the County and needs to be maintained for possible industrial growth. Therefore, an overlay of approximately ½ mile on either side of SR 15 was established. Sandy went on to say the next step would be a development review process in which the County would work with developers on new projects. These development plans would then move on to a technical committee for review. Sandy stated the overlay ordinance would establish a process for development discussion in order for County government officials to work with people not against them. Sandy also noted the Economic Redevelopment Commission had sent a letter supporting the proposed overlay district. Sandy went on to say there had been a great coordinated effort working with the Town of Claypool and the idea of planning for development and growth instead of reacting to it is what the County should be aiming for. Sandy went on to say it was the unanimous recommendation of the APC to approve the overlay ordinance.

MOTION: Brad Jackson

TO: Support APC recommendation for overlay district.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

Ordinance 07-09-04-001 Overlay District

As recorded in the Office of the Kosciusko County Recorder

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

**KOSCIUSKO COUNTY COMMISSIONERS
September 18, 2007**

The Kosciusko County Commissioners met for their regular meeting on September 18, 2007 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Ron Truex, President

Mike Miner, County Attorney

Brad Jackson

Sue Ann Mitchell, County Auditor - *Absent*

Bob Conley

Ron Robinson, County Administrator

Marsha McSherry – Auditor Elect

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

IN THE MATTER OF COURTHOUSE LAWN USE:

County Administrator Ron Robinson stated he had received a request from Mrs. List to use the Courthouse lawn on October 13, 2007 at noon for the National Day of Prayer. It was the consensus of the Commissioners to allow the Courthouse lawn to be used for requested purpose.

IN THE MATTER OF IDEM RELEASE:

Ron Robinson, County Administrator, reported he had received notification from IDEM releasing the parking lot where the gas tank had been removed. Robinson noted the results from the test wells had come back acceptable and he could now proceed with the blacktop for the parking lot.

IN THE MATTER OF SECURITY FOR COURTHOUSE:

County Administrator Ron Robinson requested permission to spend \$11,000.00 to upgrade the security equipment for the Courthouse.

MOTION: Bob Conley

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve request for security equipment upgrade.

IN THE MATTER OF HIGHWAY EMPLOYEE RECOGNITION:

County Administrator Ron Robinson stated that on August 27, 2007, an employee at the County Highway suffered a heart attack. Robinson noted that due to the training the county employees had received, several of the man's co-workers performed CPR and used other heroic measures to save his life. Robinson then recognized those employees credited for their actions with a certificate and a pin. Those employees were Mike Hoover, Jim Beer, Danny Conkling, Chris Battle and Jim Collier. Max Schultz; County Highway employee, expressed his extreme gratitude to his coworkers for their actions and thanked County Administration for having the foresight to mandate the training that saved his life.

IN THE MATTER OF NACO PRESCRIPTION DRUG DISCOUNT CARDS:

County Administrator Ron Robinson noted that Auditor Elect Marsha McSherry had been working to get the prescription drug discount cards out to various locations in the county. Robinson noted the press had received a news release regarding the cards and where they could be obtained. He added cards would also be available at the Courthouse as of September 18, 2007.

IN THE MATTER OF NOT FOR PROFIT CONTRACTS:

Auditor Elect Marsha McSherry presented the not for profit contracts for 2008 as approved by Council for the Commissioners signatures.

MOTION: Bob Conley

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve 2008 not for profit contracts as presented.

IN THE MATTER OF SPEED LIMIT REDUCTION 700 S – PACKERTON ROAD:

Dennis Pletcher, Highway Superintendent, presented a speed reduction ordinance for 700 S and Packerton Road for the Commissioner's approval. Pletcher noted poor visibility and soil conditions contribute to the deterioration along the edges of the roadway. He went on to say the fixes that are available for the soil types located in that area are very expensive. Commissioner Conley agreed that stretch of road could be hazardous.

MOTION: Bob Conley

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve speed limit ordinance for CR 700 S and Packerton Road as presented.

ORDINANCE 07-09-018-001 Speed

As recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF SILVER LAKE LIONS CLUB RESOLUTION:

Auditor Elect Marsha McSherry presented a resolution for the Commissioners consideration. McSherry stated the resolution described a tract of land deeded to the Silver Lake Lions Club in 1980 by the Silver Lake Jaycees, Inc. with the provision that if the property was not used for community purposes it would be conveyed to the Town of Silver Lake or the County of Kosciusko. It was noted the Town of Silver Lake waived their right of ownership of the real estate and agreed to allow the Lions Club to convey the property to Dan and Phil Zile. McSherry stated the Ziles were requesting the County waive their right of ownership also and had prepared a resolution stating the County did not wish to possess said real estate. County Attorney Mike Miner reviewed the resolution noting it appeared to be in order.

MOTION: Bob Conley

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve resolution for transfer of property between Silver Lake Lions Club and Dan & Phil Zile.

**RESOLUTION AS RECORDED IN THE
OFFICE OF THE KOSCIUSKO COUNTY RECORDER
AS CROSS REFERENCED TO BOOK 289, PAGE 11**

IN THE MATTER OF SCOTT MEADOWS REZONING REQUEST – WASHINGTON TOWNSHIP:

Dan Richard, Area Plan Director, presented a request from Scott Meadows to rezone approximately 6.3 acres in Washington Township from Industrial II to Agricultural. Richard stated Meadows would like to have this zoned Agricultural so that he can put a residence there and then establish a home based excavation business. It was noted a residence could not be established on Industrial zoned property. Richard went on to say it was the unanimous recommendation of the APC to allow the rezoning.

No one in attendance spoke in opposition to the rezoning.

MOTION: Bob Conley

TO: Accept APC recommendation and allow rezoning from Industrial II to Agriculture.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE NO. 07-09-18-001 Z

As recorded in the Office of the Kosciusko County Recorder

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

**KOSCIUSKO COUNTY COMMISSIONERS
October 2, 2007**

The Kosciusko County Commissioners met for their regular meeting on October 2, 2007 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Ron Truex, President

Mike Miner, County Attorney

Brad Jackson

Sue Ann Mitchell, County Auditor - *Absent*

Bob Conley

Ron Robinson, County Administrator

Marsha McSherry – Auditor Elect

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

IN THE MATTER OF E911 FUNDING UPDATE:

Tom Brindle, E911 Director, updated the Commissioners on the funding issue for 911. Brindle stated he had been invited by Senator Hershman to attend a recent meeting to address the Senate on the E911 funding concerns. Brindle said he felt privileged to be invited as he was the only 911 Director in the State to be asked. He went on to say the E911 Centers do not want any funding to go through the State's general fund as there would be no way to audit those funds. He added the 911 centers currently receive monies from the State Treasurer who has set up an account strictly for the purpose of 911 funds. Brindle noted funds are received from the Treasurer in a timely manner and the 911 Administrators feel confident that all monies are distributed to the proper entities. Brindle also said there was a high recommendation for consolidation of 911 centers to help with the funding issues. He added that some counties have multiple centers. Brindle went on to say the Senate recommended waiting until Ball State University has finished compiling the data regarding the audit of where state funds have gone and how they can be divided up to help fund the E911 Centers. He noted they will meet again with State Representatives on December 11th in Indianapolis. Brindle said the State was moving in the right direction and he felt positive about what was happening at this time. Commissioner Conley expressed concern with local governments losing control to State government in this matter. Brindle stated at this time there is no where else to go adding something has to be done if the 911 centers are going to continue to function.

IN THE MATTER OF ASSESSOR COMPLIANCY REPORT:

Laurie Renier, County Assessor, gave an update on the compliancy issues to be met by the October 15th deadline. Renier stated she had received notification that the county's 2006 sales disclosures are now compliant. She also stated all of the data entry had been completed for the two years worth of personal property the state had requested, adding the information will be forwarded to the State this week. Renier said many offices had pitched in to help with the data entry and she thanked all those who helped.

IN THE MATTER OF 1st CHRISTIAN CHURCH PURCHASE:

County Attorney Mike Miner presented a sales agreement from the 1st Christian Church for the purchase of the church and ground adjacent to the Courthouse. Miner stated he had reviewed the agreement noting everything was in order.

Commissioner Truex stated the purchase would fulfill the county's need for additional office space as well as public meetings space. He also noted it would allow the County ownership of the adjacent building and property for future growth.

MOTION: Brad Jackson

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve sales agreement with the 1st Christian Church for purchase of church as presented.

IN THE MATTER OF SEAL AND STRIPING OF COUNTY PARKING LOT:

County Administrator Ron Robinson stated he had received two quotes to seal the cracks and stripe the large parking lot now that it had been released by IDEM. Robinson noted he had a few questions regarding one of the quotes and would like to speak with the vendor, but requested the Commissioners permission to proceed with the lowest quote once he has had a chance to talk to the vendor.

MOTION: Brad Jackson

SECOND: Ron Truex

AYES: 2 ABSTAIN: 1

MOTION PASSED

TO: Allow Robinson to proceed with parking lot sealing and striping as requested.

IN THE MATTER OF MAINTENANCE AND HOUSEKEEPING PERSONNEL:

Ron Robinson, County Administrator, introduced Keith Lahey and Richard Grossman; the new maintenance personnel to the Commissioners.

IN THE MATTER OF PRESCRIPTION CARDS:

County Administrator Ron Robinson noted the NACo prescription cards that were made available to county residents on September 18th have been successful. There have been requests for more cards to be made available throughout the county.

IN THE MATTER OF HIGHWAY DEPARTMENT UPDATE:

Dennis Pletcher, Highway Superintendent, stated the highway department is wrapping up their summer maintenance season and beginning their fall maintenance and patching projects as well as beginning to get the snow plows ready for winter.

IN OTHER MATTERS:

John Passey, Consulting Engineer, from Engineering Technology, Inc. introduced himself and Jeff Weaver to the Commissioners. Passey briefed the Commissioners on the services his firm had available noting they were interested in providing assistance to Kosciusko County.

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

**KOSCIUSKO COUNTY COMMISSIONERS
Executive Session
October 16, 2007**

The Kosciusko County Commissioners met in an executive session on October 16, 2007 at 8:00 A.M. in the County Administration Office on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN. Those present were:

Ron Truex, President

Brad Jackson

Bob Conley

Ron Robinson, County Administrator

Sue Ann Mitchell, County Auditor

An executive session was held in reference to a land acquisition. It was noted this meeting was appropriately advertised. Discussion ensued, however no votes were taken.

Being no other business the meeting was adjourned.

**KOSCIUSKO COUNTY COMMISSIONERS
October 16, 2007**

The Kosciusko County Commissioners met for their regular meeting on October 16, 2007 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

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

IN THE MATTER OF NACO PRESCRIPTION CARDS:

County Auditor Sue Ann Mitchell stated the NACo prescription cards have saved county residents approximately \$5,000.00 since they became available on September 10th. Mitchell noted roughly 500 prescriptions have been filled using the cards in the short time they have been out. She added the cost to the county was minimal at \$1,495.00, but a great benefit to the residents of the county.

IN THE MATTER OF STOP SIGN REPEAL AT 250N:

Dennis Pletcher, Highway Superintendent, presented a stop sign ordinance for the Commissioner's approval. Pletcher requested the stop sign be repealed at the railroad crossing at 250 N near Wal-Mart due to lights and gates having been installed. Pletcher noted he usually is notified prior to gates and lights being installed and his men are there to remove the stop sign at that time, however in this instance he had not received any notification and the stop sign had been removed and left in the ditch.

MOTION: Bob Conley

TO: Approve stop sign repeal ordinance as presented for Railroad Crossing at 250 N

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 07-10-16-001 STOP

As Referenced in the Office of the Kosciusko County Recorder

IN THE MATTER OF SYRACUSE SMALL STRUCTURE REPLACEMENT:

Highway Superintendent Dennis Pletcher presented the final small structure replacement plan for the bridge located at Main Channel Marina for the Commissioners approval. Pletcher stated once plans are finalized he should be able to take bids in January and begin work so that the bridge will be open to traffic by the end of March. Pletcher added all work on the project should be completed by Memorial Day and ready for the summer season.

MOTION: Brad Jackson

TO: Approve final small structure replacement plan as presented.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF MONTGOMERY COUNTY COMMISSIONER VISIT:

Bill McCormick, Montgomery County Commissioner, visited the County and attended the Commissioners meeting. McCormick stated he was interested to see how Kosciusko County's meetings were run and wanted to take that information back to share with his fellow Commissioners. McCormick also stated his county had been participating in the NACo prescription card program for approximately 18 months with the plan saving county residents between \$20,000.00 and \$25,000.00 per month.

IN THE MATTER OF COURTHOUSE RESTORATION:

Mary Ellen Rudisel-Jordan of Searce Rudisel Architects spoke to the Commissioners in regards to the Courthouse Tower. Rudisel-Jordan stated she was an architect in the County and worked in historical restoration. She went on to say that she had been involved with the work done in 1993 on the Courthouse. Rudisel-Jordan went on to say that she had noticed the paint is coming off the louvers on the Tower exposing bare wood which can be damaged by the elements adding it was something that should be addressed in the near future. She noted the County employees have done a good job of maintaining the building; however this would be too large of a job for them. Rudisel-Jordan estimated the cost to paint the Tower at approximately \$250,000.00. She also noted that she was coming to the Commissioners as a concerned citizen; however, she would be interested in having the job awarded to her if the Commissioners chose to act on the repairs. She added she believed she could complete the specs and repairs for \$250,000.00.

Rudisel-Jordan then presented the original documentation as a gift to the Commissioners, stating how the county boundaries were established in 1884 as well as the original specifications and costs for the Courthouse. It was noted cost for the building at that time was \$197,799.65.

Commissioner Truex instructed County Administrator Ron Robinson to keep this project in mind and stay on top of repairs that might be needed.

IN THE MATTER OF GREGORY LEKSICH REZONING REQUEST – TURKEY CREEK TOWNSHIP:

Matt Sandy, Area Plan Assistant Director, presented a request from Gregory and Patricia Leksich to rezone a parcel in Turkey Creek from public use to residential. Sandy stated the parcel was originally part of the fish hatchery; however there is a residence located on the property. Sandy noted it was logical to rezone the property and it was the unanimous recommendation of the APC to allow the rezoning from public use to residential.

There was no one in attendance that spoke in favor of or opposition to the request.

MOTION: Brad Jackson

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Accept APC recommendation and allow rezoning from Public Use to Residential as requested.

ORDINANCE 07-10-16-001Z

As Recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF BUILDER REGISTRATION ORDINANCE REQUEST:

Assistant Area Plan Director Matt Sandy presented a Builder Registration Ordinance to the Commissioners for their approval. Sandy stated the APC was approached by the Builder's Association in regards to implementing a registration process for homeowners who apply for building permits. Sandy said this process would have the builder sign a form stating they would follow state building codes. He added once a builder has registered, their name would be added to a database that would be available online and would remain valid for one year. Sandy went on to say the county currently does not do spot checks on new construction.

Sandy noted the APC revised the form allowing the homeowner to sign in place of the builder; however the homeowner then assumes responsibility that all codes will be followed. He stated it was the unanimous recommendation of the APC to approve the Builder Registration Ordinance.

Joni Truex, Builders Association Executive Officer, commended the County for taking the 1st step in implementing a builder's registration that would help protect homeowners and provide accountability.

Calvin Bolt, Home Inspector, thanked the Commissioners for their work in regards to building guidelines. Bolt questioned what effect the builder's registration would have on remodeling, noting as an inspector he had concerns with contractors following codes on remodeling jobs.

Sandy responded there is currently nothing in place requiring permits for remodeling. Bolt noted he would like to see the ordinance amended to include builders being registered for remodeling jobs as well as new construction. It was noted permits were required only if the foot print of an existing home was to be altered or for a story change, not other remodeling.

IN THE MATTER OF BUILDER REGISTRATION ORDINANCE REQUEST CONTINUED:

The Commissioners noted they would take the matter into consideration in regards to amendments to include remodeling.

MOTION: Bob Conley

SECOND: Ron Truex

AYES: 2 NAYS: 0 ABSTAIN: 1

MOTION PASSED

TO: Approve Builder Registration Ordinance as presented effective beginning October 17, 2007.

ORDINANCE 07-10-16-001 Builder Reg.

As Recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF SUBDIVISION CONTROL ORDINANCE AMENDMENT:

Matt Sandy, Assistant Area Plan Director, presented an amendment to the subdivision control ordinance for the Commissioners approval. Sandy stated the intent of this amendment was to provide clarification on the number of divisions allowed on a property without the owner having to go through the APC if they want to split off additional pieces. Sandy noted that if parcels are combined by a deed, those splits do not count as separate divisions. He further noted this amendment was strictly clarifying what has been practiced by the County.

MOTION: Brad Jackson

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Accept APC recommendation and approve ordinance amendment as requested.

ORDINANCE 07-10-16-001 SD
As Recorded in the Office of the Kosciusko County Recorder

IN THE MATTER OF FLOOD ORDINANCE AMENDMENT:

Matt Sandy, Assistant Area Plan Director, presented an amendment to the Flood Ordinance approved by the Commissioners at their July 26, 2007 meeting. Sandy stated the ordinance had been sent to the DNR for their review and they suggested a few minor changes in the language of the ordinance. Sandy also noted this amendment did not change the intent of the ordinance, only the language.

MOTION: Brad Jackson

TO: Accept APC recommendation and approve ordinance amendment as requested.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

ORDINANCE 07-10-16-001 SD - FLOOD
As Recorded in the Office of the Kosciusko County Recorder

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

KOSCIUSKO COUNTY COMMISSIONERS
October 30, 2007

The Kosciusko County Commissioners met for their regular meeting on October 30, 2007 at 9:00 A.M. in the Courtroom on the third floor of the Courthouse, 100 W. Center St., Warsaw, IN.

Those present were:

Ron Truex, President

Mike Miner, County Attorney

Brad Jackson

Sue Ann Mitchell, County Auditor - *Absent*

Bob Conley

Ron Robinson, County Administrator

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

IN THE MATTER OF OCTOBER 18, 2007 TORNADO DAMAGE:

Ed Rock, Emergency Management Director, gave a brief report on the damages that occurred in the northwestern part of the county near Nappanee due to the tornado that touched down in the evening on October 18, 2007. Rock stated that in Kosciusko County alone there were 150 homes and businesses damaged and 17 destroyed. Rock noted that there were six major properties that sustained major damage and 17 that sustained minor damage. Commissioner Truex questioned what constituted major damage with Rock replying a building would have two walls and a roof missing to be considered major. Rock went on to say the majority of those who had damage were Amish and they had no insurance. He also noted that FEMA is only concerned about public

IN THE MATTER OF OCTOBER 18, 2007 TORNADO DAMAGE CONTINUED:

assistance for homeowners. Rock stated that anyone who has damage from the storm should report it to his office. Commissioner Truex suggested a public announcement be run to remind people to report storm damage. Commissioner Jackson complimented the Sheriff, Highway and the Emergency Management departments as well as other county departments that responded on their competent reaction to the storm.

IN THE MATTER OF DISTRICT II PLANNING COUNCIL GRANT:

Ed Rock, Emergency Management Director, presented information to the Commissioners in regards to a District II Interim Administrative Coordinator that would work closely with the District Planning Councils. Rock stated this position would be funded through a grant for 2008. Continuation would be based contingent on additional grant funding. Rock noted as Kosciusko County is the fiscal agent for the District, the Coordinator would need to be an employee of the county or be a contracted party to the county. Rock added he would like the Commissioners to review the information and he would come back at a later date for a decision.

IN THE MATTER OF LEGAL REMINDERS:

County Attorney Mike Miner reminded the Commissioners there would be a mediation meeting on Friday, November 2, 2007 in regards to a pending lawsuit.

IN THE MATTER OF KONE CONTRACT:

Ron Robinson, County Administrator, presented a service contract from KONE for the county's elevators. Robinson noted this was a state mandated contract for safety issues.

MOTION: Bob Conley TO: Approve contract as presented.
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF KABS QUARTERLY FINANCIAL REPORT:

Rita Baker, KABS Director, presented the third quarter financial report for the Commissioners approval.

MOTION: Brad Jackson TO: Approve quarterly report as presented.
SECOND: Bob Conley
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF NIPSCO UTILITY AGREEMENT FOR SYRACUSE:

Dennis Pletcher, Highway Superintendent, presented a Utility Agreement with NIPSCO for replacement of a small structure in Syracuse for the Commissioners approval. Pletcher stated County Attorney Miner had reviewed the agreement and it appeared to be in order.

MOTION: Brad Jackson TO: Approve agreement as presented.
SECOND: Bob Conley
AYES: 3 NAYS: 0
UNANIMOUS

IN THE MATTER OF BUILDER REGISTRATION ORDINANCE:

Matt Sandy, Assistant Area Plan Director, presented the Builder Registration Ordinance that the Commissioners approved at their October 16, 2007 meeting for their signatures. Sandy noted the Commissioners had requested a change in wording in the previous document and this was the corrected copy.

Reference: Ordinance No. 07-10-16-001 Builder Reg
As recorded in the Kosciusko County Recorder's Office.

IN THE MATTER OF AREA PLAN COMMISSION WAIVER:

Matt Sandy, Assistant Area Plan Director, stated on Tuesday, October 23, 2007 their office had visited the northwestern part of the county that had been damaged by the tornado in an effort to assist homeowners with their permit needs in order to expedite the rebuilding process. Sandy noted that 17 permits were issued on site that day. Sandy then requested three sections of the building codes be waived for one year in order to help those with damages. Sandy noted the three sections included 3-6, 3-11.4 and 4-11.1. He added these included the cost of permit fees, the set back requirements and hearings for temporary housing.

IN THE MATTER OF AREA PLAN COMMISSION WAIVER CONTINUED:

The Commissioners commended the Area Plan Commission for their timing and efforts in order to assist county homeowners affected by the storm.

Sandy noted by making this request to the Commissioners to waive these three sections and their approval of the request it would provide documentation for auditing purposes for their offices.

MOTION: Bob Conley TO: Waive the three sections requested by the
SECOND: Brad Jackson APC and Health Department as presented.
AYES: 3 NAYS: 0
UNANIMOUS

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

KOSCIUSKO COUNTY COMMISSIONERS
November 13, 2007

The Kosciusko County Commissioners met for their regular meeting on November 13, 2007 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

Bob Conley

Mike Miner, County Attorney

Sue Ann Mitchell, County Auditor

Ron Robinson, County Administrator

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

IN THE MATTER OF MIDWEST TILE & INTERIOR CASE:

County Attorney Mike Miner reported that he and Commissioner Truex had attended a mediation meeting in regards to the case involving the Justice Building steps. Miner stated a settlement had been reached with Midwest Tile & Interior at a cost of \$12,000.00. An additional \$300.00 would also be needed to cover the judge's fee for the mediation. Miner noted this was a fair settlement and requested an appropriation to pay it.

MOTION: Bob Conley

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve appropriation of \$12,300.00 to settle suit with Midwest Tile & Interior.

IN THE MATTER OF MOTOROLA DISPUTE:

County Attorney Mike Miner stated the county has not received any money from Motorola to date stemming from the settlement that was agreed upon last spring. He went on to say that his phone calls to Motorola have been ignored and the party that had originally agreed to the settlement has been transferred and there doesn't appear to be anyone who is familiar with the dispute. Miner requested permission to take legal action and file suit against Motorola at this time.

MOTION: Brad Jackson

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Allow Miner to pursue lawsuit against Motorola.

IN THE MATTER OF HOMELAND SECURITY GRANT AGREEMENT:

County Auditor Sue Ann Mitchell stated the county had received another grant agreement from the State for signatures for the administration of the District 2 Fire Grant. Mitchell noted this agreement had previously been signed and returned three times already. Each time it has been sent back, the state changes the wording and resends for signatures. She went on to say at this time no money has been received; however she has already received bills for the fire training held by the fire district. The Commissioners felt they should not sign this latest agreement until it can be determined exactly what the State and Federal agencies are wanting.

MOTION: Brad Jackson

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Postpone signing Homeland Security Grant Agreement until further information can be obtained.

IN THE MATTER OF HIGHWAY REPORT:

Dennis Pletcher, Highway Superintendent, reported the department currently has half of the salt building full that was left from last year with additional salt to be delivered by the end of the month. Pletcher noted he will need to transfer funds to cover winter expenditures. Pletcher also reported that his meeting with the schools had gone well and he felt there was a good relationship between the department and the schools.

IN THE MATTER OF WCDC COURTHOUSE LAWN REQUEST:

Carmen Lock, WCDC, requested permission to use the courthouse lawn on November 23, 2007 for the Salvation Army's kickoff drive for the holiday season. Lock noted the activities planned for the day. Jennifer Mink, Planner for the Downtown merchants was introduced and she thanked the Commissioners for their support.

MOTION: Bob Conley

TO: Approve courthouse lawn to be used for

SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

Salvation Army kickoff drive on November 23, 2007 as requested.

IN THE MATTER OF HIGHWAY ANNUAL BIDS:

County Attorney Mike Miner and Highway Superintendent Dennis Pletcher opened the annual bids for the Highway department for 2008. Bids were received from the following vendors:

Zimmerman Gravel	Hanson Aggregate MidWest
Elkhart County Gravel	Irving Material, Inc.
Rock Industries	Kokomo Gravel
Hohman Excavating	Jerry Bailey Trucking
G & G Hauling	Phend & Brown
West Plains Mining	Robert & Bonnie McCullough
Pierceton Trucking	Brooks Construction
Niblock	Great Lakes Chloride
Daltons	CPI Supply
Speedway Sand & Gravel	SEM Materials
St. Regis Culverts	

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

IN THE MATTER OF CR 300 N ROAD NAME CHANGE:

Lee Taylor, Area Plan Ordinance Enforcement Officer, presented information regarding CR 300 N located between SR 15 and Silveus Crossing and the city's request to have the road renamed. Taylor stated Dispatch and the Highway Department were in agreement that the portion of the road that is owned by the county be changed to coincide with the name the city will be using which is Bertsch Street. Taylor noted it was the recommendation of the APC to approve the name change, however, she suggested waiting to record the ordinance until the city has signed their ordinance renaming the road.

MOTION: Brad Jackson	TO: Approve road name change from CR 300
SECOND: Bob Conley	N to Bertsch Street pending city's approval.
AYES: 3 NAYS: 0	
UNANIMOUS	

IN THE MATTER OF KEY BANK NATIONAL ASSOCIATION – TURKEY CREEK TOWNSHIP VACATION REQUEST:

Matt Sandy, Area Plan Assistant Director, presented a vacation request from Key Bank National Association as Trustee of Agnes May Brooks Testamentary for an alley located in Lake View Park. Sandy stated this piece was not vacated when Eli Lily Road was moved years ago. He went on to say it was the APC's recommendation to allow the vacation. No one in attendance spoke in opposition to the vacation request.

Commissioner Truex stated he believed it had been a directive from the County that Area Plan take the necessary steps to vacate the entire area in question, rather than requiring effected property owners to incur the expense of requesting their individual parcels be vacated.

MOTION: Brad Jackson	TO: Approve vacation request as presented.
SECOND: Bob Conley	
AYES: 3 NAYS: 0	
UNANIMOUS	

Reference: Ordinance No. 07-11-13-001 V
As recorded in the Kosciusko County Recorder's Office

IN THE MATTER OF STEVE PETRO VACATION:

Matt Sandy, Area Plan Assistant Director, stated in June Attorney Richard Kehoe had presented a vacation request for David & Elizabeth Kintzel, Plain Township. Sandy said at that time the Kintzels were requesting to vacate an easement between their property and that of Steven & Karen Petro in order to allow Kintzel to combine his property with property to the south. After further discussion it was decided to allow the vacation subject to relocation of the walkway and new property lines established. Sandy noted that after receiving a copy of the new survey, everything appears to be in order and the APC recommended the vacation now be signed and recorded.

Attorney Kehoe questioned if this was the final clean up the “record keeping” for this matter and was told was.

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

KOSCIUSKO COUNTY COMMISSIONERS

November 27, 2007

The Kosciusko County Commissioners met for their regular meeting on November 27, 2007 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

Bob Conley

Mike Miner, County Attorney

Sue Ann Mitchell, County Auditor

Ron Robinson, County Administrator

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

IN THE MATTER OF ORTHO PHOTO REQUEST:

Bill Holder, GIS Director, stated in July he had appeared before the Commissioners and requested approval to have aerial photos done in 2008. It was noted at that time there was an estimated cost of \$120,000.00 to have the aerals done. Holder stated once the Commissioners had approved the request, he then sent out request for qualifications to ten firms with nine responding. At that time a GIS Ortho Committee was formed to review the qualifications of those firms who responded. Members of that committee included Holder, Chasity Sandy; GIS Coordinator, Dick Kemper; Surveyor, Sue Ann Mitchell; Auditor and Marsha McSherry; Auditor Elect. Holder said the committee then narrowed the list down to four with two firms (Woolpert and Kuchera) standing out. Woolpert came in with an estimate of \$122,000.00 and Kuchera with an estimate of \$102,000.00. Holder reported he then did a site visit at Kuchera and also spoke with other counties that had Kuchera do their aerals. Holder made a recommendation that Kuchera be approved for the aerals and that Holder be allowed to draft a contract.

Commissioner Conley stated he had reservations regarding the cost of the project and questioned if the county really uses the images. Holder responded the aerial data is used to respond to emergencies as well as to track changes and growth in the county. He added the project would not be paid from the Commissioners budget but would be paid through GIS and Reassessment funds that are generated by fees.

Emergency Management Director Ed Rock stated there are properties in the county that didn't exist on the current data that were affected by October tornado that touched down in the county.

Highway Superintendent Dennis Pletcher added that his department uses the GIS data on a daily basis.

MOTION: Brad Jackson

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Accept Holder's recommendation to

contract with Kuchera for 2008 ortho photos.

IN THE MATTER OF HOMELAND SECURITY STANDARDIZED MAP:

Emergency Management Director Ed Rock presented information to the Commissioners regarding a statewide Standardized Local Conditions and All-Hazards Map. Rock stated he as well as a few other counties had been working with the IDHS Director, Greg Dhaene, to come up with a consistent system that would work statewide; however still allow County Commissioners to make decisions based on conditions in their county. Further discussion ensued with Rock noting he would leave the information with the Commissioners for them to review.

IN THE MATTER OF MAINTENANCE CONTRACT FOR X-RAY MACHINES LOCATED IN JUSTICE BUILDING:

Ron Robinson, County Administrator, requested authorization of \$5,100.00 for the annual maintenance contract for the x-ray machines located in the justice building. Robinson noted there has not been an increase in the contract for the past three years.

MOTION: Bob Conley

TO: Approve annual maintenance contract as

SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

requested for x-ray machines in the justice building.

IN THE MATTER OF BOILER SYSTEM REVIEW:

Ron Robinson, County Administrator, requested permission to proceed with an analysis of the boiler system. Robinson noted enough fuel is not getting to the boiler causing the boiler to not work properly. He requested up to \$5,000.00 be approved in order for changes to be made to the gas regulator and piping for the boilers to correct the problem.

MOTION: Bob Conley
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

TO: Approve request for boiler system analysis and repairs to correct problem as needed, not to exceed \$5,000.00

IN THE MATTER OF NaCO PRESCRIPTION CARD REPORT:

Sue Ann Mitchell, County Auditor, stated she had received information regarding the NaCO prescription cards that were distributed throughout the county in September. Mitchell noted that in October there were 1192 prescription filled and 573 people had used the plan for a savings of \$11,605.15. Mitchell added this was a very positive step for the residents of the county.

IN THE MATTER OF HOMESTEAD CREDIT REBATE CHECKS:

County Auditor Sue Ann Mitchell reported the county had received \$2.1 million dollars from the State for the homestead credit rebates. She added the State had not calculated the rebate figure correctly and had sent an additional \$112,000.00. Mitchell went on to say that Treasurer Kent Adams had invested those monies and it is believed enough interest will be earned to cover the costs associated with mailing the rebate checks. Mitchell went on to explain timeline that would be involved in getting the checks mailed and information that must be included on each check.

IN THE MATTER OF AUDITOR RECOGNITION:

Commissioner President Ron Truex presented a plaque to County Auditor Sue Ann Mitchell on behalf of the Commissioners in recognition for her being named Outstanding Auditor of the Year by the Indiana Association of Counties in October, 2007.

IN THE MATTER OF CRESTVIEW SUBDIVISION MAINTENANCE ACCEPTANCE:

Dennis Pletcher, Highway Superintendent, presented a Maintenance Acceptance Agreement for Crestview Subdivision, Phase I for the Commissioner approval.

MOTION: Bob Conley
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

TO: Approve the acceptance of Crestview Subdivision, Phase I for county maintenance.

**KOSCIUSKO COUNTY HIGHWAY
ACCEPTANCE FOR COUNTY MAINTENANCE**

Name of Subdivision: **Crestview, Phase I**
Road Location: Off of 175 East
Road Length: **Ridge Valley Drive:** 730 feet +/-
Slateview Court: 556 feet +/-
Shaleview Court: 265 feet +/-
Boulder Drive: 363 feet +/-

Person(s) Requesting Acceptance: Jason McKrill
Date of Recommendation: 11-27-2007

Recommendation:

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

IN THE MATTER OF KERNS CROSSING MAINTENANCE ACCECTANCE:

Dennis Pletcher, Highway Superintendent, presented a Maintenance Acceptance Agreement for Kerns Crossing Subdivision for the Commissioner approval.

MOTION: Bob Conley
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS

TO: Approve the acceptance of Kerns Crossing Subdivision for county maintenance.

MOTION: Brad Jackson

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Grant permission for Pletcher to advertise for two used dump trucks to be purchased in 2008.

IN THE MATTER OF BRITO – VANBUREN TOWNSHIP REZONING REQUEST:

Dan Richard, Area Plan Director, presented a rezoning request for Domingo and Genoveva Brito to rezone .06 acres from commercial to residential. Richard stated the property was located in a block that had originally been zoned commercial but has had more residences added. Richard added it was the recommendation of the APC to allow the rezoning.

Speaking on behalf of her parents was Jessica Brito who stated her parents had no intention of selling any of the property off and only wish to use it for residential purposes.

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

MOTION: Bob Conley

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

TO: Accept APC recommendation and allow rezoning from commercial to residential as requested.

Ordinance No. 07-11-27-001 Z

As recorded in the office of the Kosciusko County Recorder.

IN THE MATTER OF GLASSER – TURKEY CREEK TOWNSHIP REZONING REQUEST:

Dan Richard, Area Plan Director, presented a rezoning request from Brian and Schaunesse Glasser to rezone six acres in the Lake Wawasee area from agricultural to residential. Richard stated the Glassers would like to develop the property for residential purposes. Richard went on to say it was the unanimous recommendation of the APC to allow the rezoning as requested.

Speaking on behalf of the Glassers was Attorney Jack Birch who confirmed the Glassers would like to develop the property and plat two or three lots.

No one in attendance spoke in opposition to the rezoning.

MOTION: Brad Jackson

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Accept APC recommendation and allow rezoning from agricultural to residential as requested.

Ordinance No. 07-11-27-002 Z

As recorded in the office of the Kosciusko County Recorder.

IN THE MATTER OF WHITE – TIPPECANOE TOWNSHIP REZONING REQUEST:

APC Director Dan Richard presented a rezoning request from Brent White to rezone 18.8 acres from agricultural to commercial. Richard noted property located across the road from White's is currently zoned commercial and the APC's recommendation was to allow the rezoning as requested.

Speaking on behalf of White was Attorney Jack Birch who stated Mr. White operates a mail order company for late model mustangs from the location. Birch added that White would like to build a larger warehouse in order to allow for expansion of his business. Birch also noted the business is a parts supplier and also does phone support for their parts. He said there is little traffic other than parts delivery by UPS.

No one in attendance spoke in opposition to the rezoning.

MOTION: Bob Conley

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

TO: Accept APC recommendation and allow rezoning from agricultural to commercial as requested.

Ordinance No. 07-11-27-003 Z

As recorded in the office of the Kosciusko County Recorder.

IN THE MATTER OF SMALL STRUCTURE BID OPENING:

Bids were opened for inspection by County Attorney Mike Miner for the small structure located on Lakeside Drive/Wawasee Channel. Bids were received from:

- Prime Co \$458,751.62
- RL McCoy \$632,510.29
- Pioneer Associates \$721,049.82

IN THE MATTER OF SMALL STRUCTURE BID OPENING CONTINUED:

Highway Superintendent Pletcher will review the bids and make a recommendation to the Commissioners at their next regularly scheduled meeting on December 11, 2007. Pletcher noted the Engineer's Estimate for the structure was \$551,997.45.

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

**KOSCIUSKO COUNTY COMMISSIONERS
December 11, 2007**

The Kosciusko County Commissioners met for their regular meeting on December 11, 2007 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

Bob Conley

Mike Miner, County Attorney – *Absent*

Sue Ann Mitchell, County Auditor

Ron Robinson, County Administrator - *Absent*

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

IN THE MATTER OF SHERIFF'S REQUEST TO ADVERTISE FOR CAR BIDS:

Sheriff Rocky Goshert requested permission to collect bids for five 2008 Sheriff's cars. Goshert noted he would obtain bids from Kerlin Motor Co. and Rice Ford. He noted his department's current equipment could be utilized if used in Ford vehicles. It was the consensus of the Commissioners that Goshert be allowed to proceed with the advertising for bids.

IN THE MATTER OF GIS ORTHOPHOTO CONTRACT:

Bill Holder, GIS Director, presented the Orthophoto Contract with Kucera International for the Commissioners approval. Holder stated he had given the contract to County Attorney Mike Miner for him to review and Miner was satisfied with it.

MOTION: Brad Jackson

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve contract for Kucera International to take 2008 aerial photos.

IN THE MATTER OF KABS CAPITAL GRANT:

Rita Baker, KAB Director, presented the 2008 capital grant as well as the quarterly reports for the Commissioners approval.

MOTION: Bob Conley

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve quarterly reports as presented as well as the 2008 Capital Grant.

IN THE MATTER OF FIRE DEPARTMENT – DISTRICT II REQUEST:

John Buckman, Chief of the Indiana Department of Homeland Security and Steve Walter, IDHS Fire Training Manager appeared before the Commissioners in request to have a signed agreement for the Homeland Security District II Firefighters. Buckman noted the original agreement had been previously signed two times by the Commissioners; however the first agreement that was signed never made to the IDHS office and the second was signed five days after the grant deadline had passed. Buckman requested the Commissioners reconsider signing the same agreement they had signed on two previous occasions. Buckman added the grant is a mechanism to allow for basic training for firemen.

Commissioner Truex stated the county is supportive of training for its firemen and was in favor the grant when it was first presented. However, there was much confusion in the organization of the grant and at this time the Commissioners have reservations about supporting the grant and having the county assume the administrative duties of the District II grant. Truex suggested Buckman and Walters meet to Auditor Elect Marsha McSherry and Chief Deputy Michelle Puckett to review the procedures and administrative task involved. He requested the Auditor make a recommendation at the Commissioner's December 21st meeting if at that time they felt the administrative process of the grant would work. Truex added that if the Auditor was convinced everything would fall into

place and work as Buckman and Walters suggested, the Commissioners would support the Auditor's decision.

IN THE MATTER OF HOMELAND SECURITY GRANT – DISTRICT II PLANNING COUNCIL ADMINISTRATOR:

Ed Rock, Emergency Management Director, introduced Joe Romero for the Indiana Homeland Security Department. Romero stated he wanted to speak to the Commissioners in regards to the District II Planning Council Administrator position and the grant that was available for funding of the position. Romero noted that Rock had taken on a leadership role for the District Planning Committee and that it had required quite a bit of Rock's time and had increased Rock's workload. Rock stated that if this position were filled it would allow him to work on county issues as opposed to State/District issues. He went on to say according to the grant agreement the position could be filled with a contracted employee and it would not be necessary for the County to hire a new employee. It was noted this position would be a temporary position (18 months) with funding of \$50,000 the first year and \$36,000 the next. When questioned as to why Rock had taken on the extra work for the District, Rock stated he did it in order to benefit the County. Rock requested the Commissioners reconsider the grant agreement.

Commissioner Truex asked Romero why District II couldn't hire the employee so that the county employee could get back to doing what the county had hired him to do. Rock responded the District did not have any legal authority to hire. Romero added that was why funding had been allocated in the form of a grant for the position. Romero also stated Kosciusko County is the fiscal county for District II and that is why they are being asked to hire the independent contractor as opposed to other counties.

Commissioner Conley stated many county residents question why the county needs homeland security if there are already emergency personnel in place. Romero stated homeland security was there to aid in the training of emergency personnel.

Jim Lopez, St. Joseph Fire Department Chief, stated in 2005 the State Emergency Management's name had been changed to Homeland Security. He added it is still the same group; only with a different name. Lopez also said the department has brought emergency personnel together. Further discussion ensued as to what the contracted employee's role would be and what Rock's role would be. The Commissioners were in agreement that they would like to see Rock get back to doing what he was hired to do for the county. Commissioner Truex added he hoped the District could find another county to hire and fill the position.

Luther Taylor, St. Joseph EMA Coordinator, stated he had worked with Rock for quite awhile and Rock had done a great job. He added that if Kosciusko County would not consider the grant agreement and fill the position; he did not know where the District will go.

Commissioner Jackson stated Rock is qualified and has been doing a good job so why not let him continue to do what he has been doing. Romero noted the grant agreement specified restrictions on the hiring.

Commissioner Truex stated he did not want to short change the County or the District; however, he felt that the Commissioners needed to discuss this matter further with Rock before a decision would be reached.

IN THE MATTER OF NAPPANEE TORNADO UPDATE:

Ed Rock, Emergency Management Director, gave a brief update on what was happening in the Nappanee area following the October 18th tornado. He also provided information for the Commissioners to review. Rock stated FEMA had determined there was not enough damage for the town to qualify for aid. He noted the town was going to appeal the decision.

IN THE MATTER OF CITY OF WARSAW ROAD MAINTENANCE AGREEMENT:

Dennis Pletcher, Highway Superintendent, presented a three year road maintenance agreement between the County and the City of Warsaw for the Commissioners approval. The agreement included snow plowing and ice control as well as other maintenance in order to avoid overlapping of coverage.

MOTION: Bob Conley

TO: Approve road maintenance agreement as presented.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

Road Maintenance Agreement

This agreement made and entered into this 11th day of December, 2007 by and between the Kosciusko County Highway Department, hereinafter referred to as "County Highway", and the City of Warsaw;

WITNESSETH:

Whereas, to avoid plow overlaps, resource waste, and to maintain the highest level of safety possible for snowplow drivers and the motoring public, the following snow and ice control routes have been proposed to the City of Warsaw for the winter season:

1. The County Highway will provide snow and ice control, according to the Kosciusko County Highway Department policy, for the following roads:
 - a) CR 300 N – CR 150 W, west to the Warsaw city Limits.
 - b) Old Road 30 E – from US 30 to the Warsaw City Limits (Cheyenne Dr.).
 - c) Kosciusko Drive - from Old Road 30 E to E Center Street.
 - d) CR 175 E - from Kosciusko Drive to E Center St.
 - e) Cheyenne Drive - from Warsaw City Limits south to Old Road 30 East.
 - f) Cr 225 E - from Warsaw City Limits south to Old Road 30 East.
 - g) Pontiac Drive - from Warsaw City Limits west to Cr 225 E.
 - h) Rozella Rd - from SR 25 to SR 15.
1. The City of Warsaw will provide snow and ice control for the following roads:
 - a) CR 300 N from CR 150 W to SR 15.
 - b) Cr 150 W - from the Warsaw City Limits south to Fox Farm Road.
 - c) Husky Trail (CR 100 E) - from the Warsaw City Limits to CR 200 N.
 - d) Anchorage Road (Cr 200 N) - from SR 15 to Husky Trail (Cr 100 E).
 - e) Center Street Extended – from the Warsaw City Limits to CR 175 E.
 - f) Hepler Drive - form the Warsaw City Limits to Old 30 West.
 - g) Tippecanoe Drive - from the Warsaw City Limits to Hepler Drive.
 - h) Sharon Street, Nye Street, and Cambridge Drive between Green Hill Drive and Tippecanoe Drive.
 - i) Country Club Rd - from the Warsaw City Limits, south to 200 S.
 - j) Zimmer Rd. from the Warsaw City Limits north to Old Rd. 30.
 - k) Old Rd. 30 from Zimmer Rd. east to the Warsaw City Limits.

Snowplow damages (such as but not limited to sod, mailboxes, driveway approaches) would be repaired by the entity responsible for providing snow and ice control on that particular road and not the entity that is responsible for normal highway maintenance.

3. The County Highway will provide gravel road maintenance which includes grading and providing dust control according to the Kosciusko County Highway Department policy for the following roads maintained by the City of Warsaw:
 - a) CR 300 N from CR 150 W, west to the Warsaw City Limits.
4. The City of Warsaw shall provide all maintenance for that section of 300 N, 2245 +/- ft. east of 150 W and continues easterly for 400 +/- ft. or otherwise known as that portion of roadway along property having an address of 1039 W 300 N, having a parcel number 2972301209.

Unless specifically stated (as in section 3 & 4), the above agreement only refers to snow and ice control activities – not normal road maintenance such as, but not limited to, patching potholes, tree removal, repairing drainage, fixing drainage issues, and / or repaving. This agreement shall supercede all previous agreements and shall expire three (3) years from the date of acceptance. This agreement may be amended by either party should annexations necessitate change, but amendments must be accepted by both official boards.

In the Witness Whereof, the parties have executed this agreement on said date and year aforementioned.

Kosciusko County Board of Commissioners

City of Warsaw Board of Public Works and Safety

IN THE MATTER OF SMALL STRUCTURE – LAKEVIEW DRIVE BID AWARD:

Dennis Pletcher, Highway Superintendent, stated after reviewing the bids received for the small structure installation on Lakeview Drive; Lake Wawasee, it was his recommendation to accept the bid from Primco, Inc. in the amount of \$458,751.62. Pletcher stated County Attorney Mike Miner had reviewed the agreement and approved its contents.

MOTION:	Bob Conley	TO:	Accept recommendation to award small
SECOND:	Brad Jackson		structure installation to Primco, Inc. as
AYES:	3	NAYS:	0
UNANIMOUS			

IN THE MATTER OF HOMESTEAD REBATE ORDINANCE:

County Auditor Sue Ann Mitchell presented an ordinance regarding the homestead rebate checks that are to be issued. Mitchell noted without an ordinance the county would be required to look at approximately 97,000 parcels (including personal and mobile home) as well as any judgments that may be outstanding to determine if delinquent taxes are owed by property owners. Mitchell stated this ordinance would limit the search for delinquencies to qualified homestead properties. She went on to say if a property owner has delinquent taxes, the rebate would then be applied to those taxes in lieu of the property owner receiving the rebate check.

MOTION:	Bob Conley	TO:	Approve homestead rebate ordinance as
SECOND:	Brad Jackson		presented.
AYES:	3	NAYS:	0
UNANIMOUS			

**Ordinance 07-12-11-001 Rebate
As recorded in the office of the Kosciusko County Recorder**

IN THE MATTER OF DISPATCH RECORDING SYSTEM:

Sue Ann Mitchell, County Auditor, stated the Dispatch Center needs to replace their recording system and has gotten quotes from several vendors. Mitchell said it was Tom Brindle's recommendation to accept the lowest quote which was from Sound Communications, Inc. in the amount of \$30,877.00 and proceed with the purchase. Mitchell added this recording system is what records all phone calls that come into the 911 center and it is imperative that they have a working system.

MOTION: Brad Jackson

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Accept quote and approve purchase of equipment from Sound Communications, Inc. as requested.

IN THE MATTER OF IVY TECH FUNDING REQUEST:

County Auditor Sue Ann Mitchell reported Ivy Tech had submitted a funding request. Mitchell noted the request was not received before the 2008 budgets were prepared and questioned how the Commissioners wanted to proceed. It was the consensus of the Commissioners that the request be addressed for the 2009 budget.

IN THE MATTER OF 2008 SHERIFF CONTRACT:

County Auditor Sue Ann Mitchell presented the 2008 Sheriff's contract for the Commissioners signature. Mitchell noted the Sheriff's salary is based on the Prosecutor's salary and would be \$94,993.00 for 2008.

MOTION: Brad Jackson

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Approve 2008 Sheriff's contract in the amount of \$94,993.00 as presented.

**IN THE MATTER OF WHITKO SCHOOL CORP WAGE COMMITTEE
APPOINTMENT:**

County Auditor Sue Ann Mitchell stated she had received a request from the Whitko School Corporation to have someone appointed to the Common Construction Wage Committee. Mitchell stated she would talk to Dean Rhoades, Washington Township to see if he could make a recommendation.

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

**KOSCIUSKO COUNTY COMMISSIONERS
December 21, 2007**

The Kosciusko County Commissioners met for their regular meeting on December 21, 2007 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

Bob Conley

Mike Miner, County Attorney

Sue Ann Mitchell, County Auditor

Ron Robinson, County Administrator

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

IN THE MATTER OF LEPC YEAR END REPORT:

Emergency Management Director Ed Rock presented the year end report for the Local Emergency Preparedness Council. It indicated that Kosciusko County was compliant with bylaws, fiscal, legal, plan, roster, exercise, minutes and activities completed. This will insure that the county will be receiving funding for the LEPC.

**IN THE MATTER OF APPOINTMENT TO THE PROPERTY TAX ASSESSMENT
BOARD OF APPEALS:**

Page 70 of 73
Becky Richard, Chief Deputy Assessor, appeared for County Assessor Laurie Renier to request the re-appointment of Gerald “Jake” Bitner and Richard Shipley. Both have served on the board and are being reappointed.

MOTION: Bob Conley
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS
TO: Approve the reappointment of Gerald Bitner and Richard Shipley to the Property Tax Assessment Board of Appeals.

IN THE MATTER OF MOTOROLA REFUND CHECK:
County Attorney Mike Miner presented information reference a refund check that is expected from Motorola reference an issue on the radio installation in the Dispatch Center. Miner stated he contacted them and reminded them the check was past due. He stated he believed they understand and that the check will be issued

IN THE MATTER OF APPROVAL OF SHADOW LAKES PHASE III INTO COUNTY MAINTENANCE:
County Highway Superintendent Dennis Pletcher requested the county accept Shadow Lake Phase III into county maintenance as all issues have been met for the subdivision.

MOTION: Bob Conley
SECOND: Brad Jackson
AYES: 3 NAYS: 0
UNANIMOUS
TO: Accept Shadow Lakes Phase III into the county maintenance program as requested.

KOSCIUSKO COUNTY HIGHWAY
ACCEPTANCE FOR COUNTY MAINTENANCE

Name of Subdivision: Shadow Lake Estates
Road Location: Off of Old 30 E
Road length Ontario Ln: 665 feet +/- (.13 mi)
 Victoria Ln: 750 feet +/- (.14 mi)
 Lake Tahoe Tr: 2370 feet +/- (.45 mi)
 Lake Placid Dr: 605 feet +/- (.1 mi)
 Saint Clair Ct: 715 feet +/- (.14 mi)
Person(s) Requesting Acceptance: Dale Custer
Date of Recommendation: 12-21-2007
Recommendation:
It is the recommendation of the Kosciusko County Highway Department that maintenance for these streets commence immediately.

IN THE MATTER OF CERTIFIED LETTER TO REMOVE SHRUB NEAR STOP SIGN:
County Highway Superintendent Dennis Pletcher indicated he had sent a certified letter to a property owner for them to remove shrub near a stop sign.

IN THE MATTER OF SMALL STRUCTURE BID AWARDED AT DECEMBER 11TH COMMISSIONER’S MEETING:
County Highway Superintendent Dennis Pletcher provided information reference an issue with the bid for the small structure in the Town of Syracuse on Lakeview Drive. The bid was \$458,751.62. The estimate was that it would cost an additional \$150,000 to raise the bridge by 2’. Pletcher indicated there would be a change in the price increasing it by \$42,000 because of additional information received on the raising. A letter of agreement was sent to Main Channel Marina indicating their share of the construction for the 2’ rise would be \$150,000. The raise would be done so larger boats could pass under the structure. Further information has been received that the original specs did not fully address the rise of the bridge. Discussion was held and it was determined to put the contract on hold until Brad Jackson can contact Main Channel Marina to see if they are willing to negotiate to cover the increase in cost that was not anticipated.

IN THE MATTER OF DISTRICT II FIRE DEPARTMENT GRANT:
County Auditor Sue Ann Mitchell reported that the representatives present at the last Commissioner’s meeting met with staff from the Auditor’s Office and believe the paper work is all in order now for the administration of the grant. Mitchell noted that the grant requires the payment of overtime to do the job. It is not intended to off set regular salaries. It was pointed out that there are two grants that must be signed including both a state and federal grant.

MOTION: Brad Jackson
SECOND: Bob Conley
AYES: 3 NAYS: 0
UNANIMOUS
TO: Approve the signing of both agreements for the Auditor to be the fiscal agent for the grant for fire department training and hazmat training.

IN THE MATTER OF HOMELAND SECURITY GRANT – DISTRICT II PLANNING COUNCIL ADMINISTRATOR:

President Truex asked for discussion reference the request at the December 11th Commissioner's meeting reference the acceptance of a grant to be the fiscal agent for the District II Planning Administrator.

MOTION: Bob Conley

TO: Not to sign the grant to be the recipient and administrator for the District II Planning Administrator Grant.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF ANNUAL APPOINTMENTS:

The Commissioners considered the following appointments:

County Administrator	Ron Robinson
County Attorney	Mike Miner
County Highway Superintendent	Dennis Pletcher
GIS	Bill Holder
Home Land Security/LEP	Ed Rock
St Joe River Basin (1 year)	Jon Roberts
Systems Administrator	Bob Momeyer
Veteran Officer	Mike Barnett
Weights and Measures	Larry Marner
Alcoholic Beverage Commission	Gordon Vanator
Redevelopment Commission	Max Courtney
	Bruce Woodward
	Bill Warren
	Larry Teghtmeyer
	Lowell Owens

County Auditor Sue Ann Mitchell indicated she had not been able to make contact with Gordon Vanator to confirm that he is willing to accept the appointment.

MOTION: Brad Jackson

TO: Approve all appointments listed including Vanator pending his acceptance.

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF COUNTY ATTORNEY CONTRACT FOR 2008:

County Auditor Sue Ann Mitchell presented the County Attorney contract for Mike Mine for 2008. The contract at \$22,835 includes a 2 1/2 % increase in the contract amount over the 2007 contract which is equal to county employees raises plus an increase in the hourly rate to \$200 per hour.

MOTION: Bob Conley

TO: Approve contract as presented.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

IN THE MATTER OF VACATION OF PART OF FIRST STREET IN THE PLAT OF PALESTINE:

Matt Sandy, Assistant Area Plan Director, provided information reference the request to vacate a portion of 1ST Street in the plat of Palestine. The property adjacent belongs to Dora Miller. Sandy noted various entities had been notified and there were no objections to the vacation. The area has a home extended onto the roadway. The vacation will solve other issues. Attorney Max Reed represented Dora Miller and asked that the Commissioners consider the vacation.

MOTION: Bob Conley

TO: Allow the vacation as requested for 1st Street in the plat of Palestine.

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

Ordinance 07-12-21-001V

As recorded in the office of the Kosciusko County Recorder

IN THE MATTER OF REZONING OF TRACT IN VANBUREN TOWNSHIP OWNED BY HARLAN BEER:

Area Plan Director Dan Richard presented information on the requested zoning change from Ag to Industrial III. This property was before the Area Plan Commission and the Commissioners previously. Richard indicated a letter was received from the Milford Town Board in support of the rezoning. He stated it was a good industrial area but did not believe it should all be rezoned to Industrial III. The vote from the Area Plan Commission was 7-1 against approving the rezoning. He noted that this is a 250.1A. Richards said the area is reasonable as a continuation of Milford's industrial growth, but believes a mix of Industrial I and II should be used to insure a buffer zone. He believed the area near the rail road was a good fit for Industrial III.

Attorney Steve Snyder spoke on behalf of the owner Harlan Beer. He noted the area is unique because it has access to rail, city water and sewer and access to US 6 and US 30. He noted there is significant manufacturing already located North of Milford and south of the area being considered for rezoning. Snyder noted that the Area Plan Commission has two jobs to do. One is to zone and the other is to plan. He stated he thought they had done the first, but have failed to plan.

IN THE MATTER OF REZONING OF TRACT IN VANBUREN TOWNSHIP OWNED BY HARLAN BEER CONTINUED:

He noted there are issues with lending institutions when zoning is spotty like what this would be if it were broken down between Industrial I, II and III. He noted it would be a marketing issue with scattered zoning that would not allow the tax base nor employment to grow to it's potential. Snyder indicated the difference between Industrial II and Industrial III is outside storage. Industrial II does not allow outside storage. He noted that under Industrial II all storage must be under cover. He cited Maple Leaf as an example of a business that has the ability to load one car at a time. He stated a larger perhaps distribution type site would not be interested in building the size building it would take to accomplish inside storage. Snyder noted the Area Plan Commission had made comments reference the Syracuse/Milford Corridor preservation. He noted that both ends of that road have industrial as well as churches, agricultural and residential located in the middle. He noted there are two residential properties that are directly connected to the property in question. He cited continuing to deny any rezoning to protect two properties costs the county not only in tax base but also in employment. He noted the Commissioners have talked about an amendment to prohibit sales like the two properties owned by Acton and Appenzeller that are directly connected. He also noted that many of the residents still fear the development of an ethanol plant. He noted that an Industrial II category only requires a 20' buffer, but Industrial III requires a 30' buffer. He noted that would be more protection for Industrial III than Industrial II. He noted that if the county never plans to allow an Industrial III zoning then it should be removed from the plan. He went on to note several items listed in the zoning ordinance are not currently being enforced including noise and ordinances.

Tina Fraley spoke in opposition of the zoning. She resides across the street from the property. She noted the Town Council meeting was not a unanimous vote. She stated she believed Industrial I is the only thing acceptable near a residential area. She wanted to clarify that the people in the area she has talked to did not want Industrial II or III close to the residential area. She further clarified that the fear is not of an ethanol plant. She noted the rail road trace currently violates the noise ordinance.

Bill Appenzeller who lives adjacent to the tract noted he hoped the Commissioners would use common sense and not just rubber stamp Industrial III. He did not feel it should be approved with the hope that the property owners would take care of the issues. He noted he had the fear of the unknown as to what would be developed. He stated he was not against industrial, but that he wanted to know what type of industrial would be built.

Teresa Brito spoke against the rezoning. She lives across the street from the tract. She was concerned for her children's health and well being. Her home was built four years ago and she was concerned about the ability to sell the property for market value. She noted there was Industrial III property available behind Big Lots in Warsaw and that it had not been developed. She noted there were other potential areas for Industrial III. She noted that Dana in Syracuse is for sale and is zoned Industrial III.

Steve Snyder in closing stated the issues that people are fearful of are items that must be addressed when the plat would be presented to the APC. He noted buffering would have to be done and that extension of the infra structure would be at the developer's expense. He noted there is no buyer for the land at this time other than the developer who has no way of knowing who will be interested in the industrial development.

Being no further comments, the hearing was closed. Brad Jackson noted the APC would like to get the request back with something more acceptable so the 225.1 acres can be developed. It was noted

that multi use zoning could be used for one business with one building, but with each meeting the Industrial II or Industrial III requirements.

MOTION: Bob Conley

SECOND: Brad Jackson

AYES: 3 NAYS: 0

UNANIMOUS

TO: Accept the APC recommendation to deny the rezoning and recommend the owner go back to the APC with a revised plan.

Following the vote, the Commissioners agreed that the people of Milford must know that this tract of ground will eventually be rezoned. It is understood that some people will be happy and some people will not.

IN THE MATTER REZONING OF PROPERTY IN BOTH PLAIN AND TIPPECANOE TOWNSHIP OWNED BY DAVE TYLER:

Dan Richard, Area Plan Commission Director, presented information on the request to rezone 130 acres near Stanton Lake off the North Side of Armstrong Road. The request is to rezone all the property to Agricultural II to allow for mini farms and larger sell offs. It was noted there are some physical limitations since there are wetlands within the 130 acres. It was noted that there could be in excess of 19 sell offs if the property was not rezoned. If it was residential there could be 100 lots sold.

Petitioner David Tyler indicated the plan is to create 14 lots ranging in size from 1 ½ acres to 22 acres. He noted the property had been for sale, but there were no offers. He noted he plans to establish stricter rules than what are required including no sell offs. Tyler stated he was trying to sell the property making a limited impact on the neighborhood and the lake. He felt a dense residential development would cause permanent ecological damage to the property.

Sally Sparlin, a representative of the Stanton Lakes Property Owners, stated their group was not opposed to the proposal. They supported the zoning change as positive. She noted the less dense population would have less impact on Stanton Lake subdivision. She noted that 80 % of the residents had signed that their concern was Lake View Trail being extended to Cripplegate Crossing. The increased traffic was considered an issue, but the group found out they had no right to oppose if a person wants to improve a county road with their own land not even the county can stop that process. Sparlin favored an additional route into the subdivision with possible access from Armstrong Road.

President Truex noted Sparlin presented the most polite opposition to a rezoning he had ever heard. He noted the request is a suitable change for this property. He encouraged Sparlin and neighbors to contact Tyler and try to come to an agreement that is a win-win situation for all parties.

Dave Tyler stated he appreciated his neighbors concerns and was willing to meet with them to discuss their concerns. He was willing to work with his neighbors.

MOTION: Brad Jackson

SECOND: Bob Conley

AYES: 3 NAYS: 0

UNANIMOUS

TO: Accept APC recommendation to rezone the property to Agricultural II.

All three Commissioners thanked Tyler for being willing to protect the land and to make more restrictions to insure the property is protected. He was commended for his environmental concerns.

ORDINANCE 07-12-21-001 Z

ORDINANCE 07-12-21-002 Z

As recorded in the office of Kosciusko County Recorder

IN THE MATTER COUNTY AUDITOR SUE ANN MITCHELL'S LAST COMMISSIONER'S MEETING:

County Auditor Sue Ann Mitchell noted she had enjoyed working with the Commissioners. She noted a quote "If you find a job you love, you will never have to go to work." She stated for the most part that was how the Auditor's position had been for her. She noted that the incoming Auditor Marsha McSherry will do a fine job for the county. The Commissioners thanked Mitchell her for her years of service.

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