

MONDAY

April 25, 2005

MONDAY

The Board of DeKalb County Commissioners met in the Commissioners Court in the Court House in regular session, Monday at 8:30A.M. (EST)

PRESENT

Don Kaufman
Connie R. Miles
William C. Ort

ABSENT

MATTER OF MINUTES

A motion by Don Kaufman to approve the minutes of April 4 was seconded by Connie Miles and carried.

MATTER OF SPECIAL CLAIMS

A motion by Don Kaufman to approve special claims was seconded by Connie Miles and carried

MATTER OF SHERIFF

Sheriff's Dennis reported on several repairs being made to the jail. The intake door has been repaired as well as a portion of the generator for backup power. The commissioners requested information regarding gasoline charges at a station in Hamilton. It seems that one of the deputies has a personal problem with a highway employee. In an effort to prevent the two individuals from coming in contact with one another, the previous sheriff had instructed the deputy to purchase gasoline elsewhere rather than obtain gasoline at the highway department at the county bid rate. The commissioners instructed the sheriff to take care of the problem. There will be no more gasoline purchased in this manner. Gasoline will come from the county pump located at the highway department unless traveling greater distance for transport requires purchase in another manner.

MATTER OF RESOLUTION AND BOND OF DEVELOPER - KLINK

Zoning administrator Sally Rowe presented Resolution 2005-R7 for Concrete Subdivision in the northeast quarter of Section 6 of Grant Township. The owner/developer Mike Klink is not in compliance with the drainage code. A motion by Don Kaufman to approve Resolution 2005-R7 and the Bond of Developer was seconded by Don Kaufman and carried.

**DEKALB COUNTY CODE SECTION 36-7-3-27
 RESOLUTION NO. 2005-R07
 OF
 COUNTY COMMISSIONERS
 DEKALB COUNTY, INDIANA**

Whereas, Concrete Subdivision, is a platted subdivision for industrial purposes in the unincorporated area of the Northeast Quarter of Section 6, Township 34 North, Range 13 East, Grant Township, DeKalb County, Indiana, approved by the County Plan Commission and to be recorded in the records of DeKalb County,

and

Whereas, the Drainage is not in conformance with the standards of DeKalb County,
and

Whereas, the developer-owner of the subdivision has agreed to comply with the drainage requirements of the DeKalb County Surveyor and/or the DeKalb County Drainage Board regarding Concrete Subdivision, in Grant Township, DeKalb County, Indiana,

Now, therefore, the County Commissioners approve the acceptance of the plat to be recorded on the condition that the aforesaid improvements are completed on or before the 14th day, July, 2005.

As a condition of the aforesaid approval the owner deposits herewith an Irrevocable Letter of Credit forfeited upon owners failure to complete the improvements outlined above.

Dated: 25th. day of April, 2005.

DEKALB COUNTY COMMISSIONERS

William C. Ort

William C. Ort, President

Connie R. Miles

Connie R. Miles, Vice-President

Don C. Kaufman

Don C. Kaufman, Member

KNOW ALL MEN BY THESE PRESENTS:

That I, Mike Klink., developer of a 2-lot subdivision to be know as "Concrete Subdivision", in consideration of the resolution of the DeKalb County Commissioners attached hereto and made a part hereof, are bound unto DeKalb County, Indiana, a municipal corporation in the penal sum of \$40,000.00 for the payment of which, we jointly and severally bind ourselves and our legal representatives.

Sealed and dated this date to pay said County said sum upon failure to complete the following:

That the sureties shall complete all improvements per the "Site Development Plans for "Concrete Subdivision" as filed in the office of the DeKalb County Plan Commission (copy of site development plan herein incorporated by reference). Said site development plan is for the installation of a detention pond as required by the DeKalb County Subdivision Ordinances, and the DeKalb County Drainage Board. Said improvements shall be completed on or before July 14, 2005

THE SECURITY WE PLEDGE FOR THE PAYMENT OF SAID BOND IS AN IRREVOCABLE LETTER OF CREDIT FOR THE ACCOUNT OF MONARCH DEVELOPMENT INC. FOR THE DEVELOPER MIKE KLINK ISSUED BY COMMUNITY STATE BANK (see attached copy of un-numbered letter of credit dated April 14, 2005), subject to legal foreclosure by the County to seize same in conformance with the procedures for same as provided in Indiana law, upon the failure of the above condition to be met, on or before July 14, 2005.

Mike Klink

Mike Klink

Before me, the undersigned Notary Public, in and for the County and State, personally appeared Mike Klink, and separately and severally acknowledged the execution of the foregoing instrument as his voluntary act and deed for the purposes therein expressed.

Witness my hand and notarial seal this 18 day of April, 2005.

Erica Peters

Erica Peters

Notary Public

A resident of DeKalb County, IN

My Commission expires: 6-7-08

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APPROVAL: The above bond meets the approval of the DeKalb County Commissioners, and is hereby accepted as bond and security to the performance of the obligations stated therein.

Date: 04-25-05

William C. Ort

William C. Ort, President

Connie R. Miles

Connie R. Miles, Vice Pres.

Don C. Kaufman

Don C. Kaufman, Member

MATTER OF HIGHWAY

Superintendent Patton advised the commissioners that the ordinance for adoption of the wheel tax should be brought before the council at the May 2nd meeting. This was tabled at the February council meeting until the end of the current legislative session, which will end on Friday April 29th. Should the session not be brought to a close, and require an extension this could prolong the issue as the tax must be adopted by July 1st.

MATTER OF COURTHOUSE WINDOWS

Attorney McCanna discussed reservations with regard to the contract for new windows for the courthouse. Architect Ed Welling of Grinsfelder Associates has provided a standard contract, which requires approval of the installation by the architect before payment will be made. Attorney McCanna wishes to review the contract further to insure that all is in order.

MATTER OF HEALTH DEPARTMENT TRAVEL

A motion by Connie Miles to approve travel for Linda Miller and to attend the Indiana Rural Health Association conference was seconded by Don Kaufman and carried.

MATTER OF ZONING PETITION

Zoning Administrator Sally Rowe presented a request to amend the county zoning ordinance. This petition must be initiated by the commissioners. A motion by Don Kaufman for Commissioner Ort to sign the request and submit the petition to the plan commission to regulate residential land use in enclosed and open industrial districts of the county was seconded by Connie Miles and carried.

MATTER OF WELFARE

Commissioner Ort distributed a copy of the Memorandum of Understanding to Expand the Development of a Comprehensive System of Care Strategy in Northeast Indiana faxed to him by the county welfare department regarding the creation of a consortium composed of area judges, welfare departments and agencies involved in the care for troubled children. As president Commissioner Ort stated that he has given a verbal consent to the agreement which is currently accepted by the DFC of Allen, Wells, Noble, Steuben, Lagrange and DeKalb Counties as well as numerous mental health centers and the judge of Allen superior court. A formal resolution will follow.

MATTER OF STATEMENT OF EXEMPTION – BUILDING PERMITS

Building inspector Carlos Whitaker presented a draft of a new document he would like to use with the permit process. This would exempt farm buildings from requiring a building permit

unless electrical or plumbing work is to be included in the construction. Attorney McCanna made suggestions for additions or corrections to the document and its use.

MATTER OF EQUIPMENT REPAIRS

Custodian Clint Stephens proposed to either purchase a new tractor to be used at the courthouse and other county buildings, or repair the machine he now uses at a nominal cost. The tractor is used for mowing and snow removal, but needs a clutch assembly and new tires amounting to about \$350. The commissioners agreed to the repairs.

MATTER OF PAYROLL

A motion by Don Kaufman to approve the payroll claims for the period ending April 21, 2005 was seconded by Connie Miles and carried.

MATTER OF SHERIFF TRAVEL

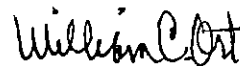
A motion by Connie Miles to approve travel for sheriff's dispatcher for advanced dispatching classes in public safety, law enforcement, fire, and emergency medical services was seconded by Don Kaufman and carried.

MATTER OF UTILITY PAYMENT FOR SUNNY MEADOW HERDSMAN

Discussion concerning the amount to be paid for utilities at the farmhouse occupied by the herdsman and his family at Sunny Meadows led to a decision that Howard should pay \$125 per month for the gas and electric at the farmhouse. Commissioner Kaufman proposed that the county pay \$75 of the utilities if necessary. No invoices from the prior year are available to indicate an average cost, and it is unclear whether any of the billing is for utilities to the barn. The proposal may be presented to the council at the meeting on May 2nd.

MATTER OF ADJOURNMENT

As there was no further business to come before the commissioners the meeting was adjourned.



William C. Ort

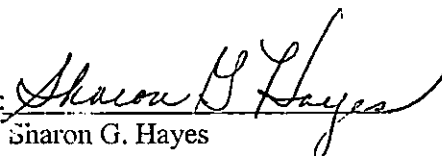


Connie R. Miles



Don Kaufman

ATTEST:


Sharon G. Hayes