

MONDAY

May 23, 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 AVIATION BOND

Brad Stump presented petitions and requested signatures for the new aviation bond lease. A motion by Don Kaufman to approve and sign Resolution 2005-R08 was seconded by Connie Miles and carried.

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF
DEKALB COUNTY APPROVING A PETITION
REGARDING THE BUILDING AND LEASING OF AIRPORT
IMPROVEMENTS UNDER INDIANA CODE 36-1-10, AS AMENDED,
AND DETERMINING, AFTER INVESTIGATION,
THAT SUCH AIRPORT IMPROVEMENTS ARE NEEDED
AND OTHER RELATED MATTERS**

RESOLUTION NO. 2005-R08

WHEREAS, the Auditor of DeKalb County, Indiana (the "County"), has certified and presented to the Board of County Commissioners of the County (hereinafter each referred to as the "Board of Commissioners") a certified petition signed by at least fifty (50) owners of taxable real property within the boundaries of the County, addressed to the Board of Commissioners of the County, requesting said Board of Commissioners to enter into a lease whereby improvements to the County airport, including but not limited to, the acquisition of real property and the construction of new aircraft hangars (the "Projects"), will be acquired and constructed by the DeKalb County Airport Building Corporation, a not-for profit building corporation (the "Building Corporation"), and leased to the County under Indiana Code 36-1-10, as amended; and

WHEREAS, the petition has been carefully considered and investigations have been conducted by the Board of Commissioners both before and after the filing of said petition; and

WHEREAS, the Board of Commissioners have determined, after such investigation, that it is necessary and desirable that the Project be acquired and constructed for use by the County; and

WHEREAS, the Project is not a "controlled project" as such term is defined by Indiana Code 6-1.1-20-1.1 because the Project will not cost more than a total of Two Million Dollars (\$2,000,000.00); and

WHEREAS, preliminary plans, specifications, and cost estimates for the Project have been prepared by Butler, Fairman and Seufert, Inc., architects for the County (the "Architects") and

WHEREAS, a proposed form of lease for the Project between the County and the Building Corporation (the "Lease") has been presented for approval by the Board of Commissioners; and

WHEREAS, it is necessary to obtain the approval of the State Board of Tax Commissioners prior to the execution of the Lease;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, INDIANA, AS FOLLOWS:

1. The petition of taxpayers of the County heretofore filed with the Board of Commissioners at this meeting is hereby approved.

2. A need exists for the acquisition and construction of the Project and the funds needed therefore exceed the funds presently available to the County, and the Board of Commissioners shall take such steps as may be necessary to secure the acquisition and construction of the Project and the lease thereof from the Building Corporation as provided under Indiana Code 36-1-10, as amended.
3. The Board of Commissioners hereby approves and ratifies the preliminary plans and specifications and cost estimates for the Project and authorizes the submission of such plans and specifications to the various governmental agencies as required by law.
4. The Board of Commissioners hereby approves the form of Lease submitted to the Board at this meeting and authorizes a hearing to be held by this Board on June 6, 2005, at 2:00 P.M. (local time) regarding the necessity for the execution of the Lease and whether the lease rental amount provided in the lease is a fair and reasonable rental for the Project, which hearing shall be held prior to the final determination of such questions by the Board of Commissioners and prior to the execution of the Lease as written, or as modified.
5. The Board of Commissioners hereby authorizes and directs the Auditor to publish or cause to be published notice of such hearing as required by law and further authorizes the Auditor to keep on file the proposed form of Lease and the plans, specifications and cost estimates for the Project from the date of adoption of this Resolution.
6. The Board of Commissioners hereby determines that the total cost of the project will not be in excess of Two Million Dollars (\$2,000,000.00).
7. The Board of Commissioners hereby authorizes, approves and ratifies all actions to be taken to secure the approval of the Department of Local Government Finance for the Lease.
8. This Resolution shall be in full force and effect from and upon compliance with the procedures required by law.

Duly adopted this 23rd day of May, 2005.

**BOARD OF COMMISSIONERS OF
THE COUNTY OF DEKALB, INDIANA**

VOTING AYE:

William C. Ort

Don Kaufman

Connie R. Miles

VOTING NAY:

The undersigned certifies that the above stated Resolution was duly adopted by the DeKalb County Commissioners on May 23rd, 2005, by the votes set forth above.

William C. Ort

William C. Ort, President of the Board of County Commissioners, DeKalb County, Indiana

ATTEST:

Sharon G. Hayes

Sharon G. Hayes, DeKalb County Auditor

MATTER OF AIRPORT

Airport manager Russ Couchman explained that during weekend events at the airport a plane was damaged. Both assistants were parking and fueling other planes and the pilot did not wish to wait for help. An unseen marker pole scraped the wing of the plane. Russ has pictures of the minor damage.

Brad Stump presented copies of professional opinions as they relate to two housing additions, Silverado Section IV and Diamond Lake Estates. Both sub-divisions are coming before the plan commission for revue, are close to the airport and could have an adverse effect on

expansion plans and future airport operations. It may be appropriate for the commissioners to take action with consideration to the new comprehensive master plan.

Brad also explained a request for transfer within the aviation budget and a request for travel expenses.

MATTER OF GYPSY MOTH SPRAY

Indiana Department of Environmental Management (IDEM) requires the application of two different chemical sprays for eradication of an infestation of Gypsy Moth located in the St. Joe/Spencerville area and the county airport. While the vendors performing the application have received local permission to use the airport as a base for the operation, Earl's Spray Service must obtain a letter of understanding from the commissioners which they will in turn present to IDEM. A motion by Connie Miles to sign the letter of understanding for Earl's Spray Service was seconded by Don Kaufman and carried.

MATTER OF ZONING PETITION

Zoning Administrator Sally Rowe presented a favorable recommendation from the Plan Commission to amend the county master plan with Zoning Ordinance 387. Commissioner Ort explained that the plan commission feels a proactive response to the request is more responsible than reactive. With the location of more industrial facilities comes the worry of lighting, noise, and other kinds of disturbances or pollution factors. Reacting to the problems after they occur is not responsible planning. A motion by Don Kaufman to approve and sign Zoning Ordinance 387 to regulate residential use in enclosed and some open industrial areas of the county industrial area on County Road 61 was seconded by Connie Miles and carried. The plan commission did however make minor changes to the ordinance that no public park or recreational facility and no special exceptions be permitted.

Petition No. 05-25
DeKalb County Commissioners

**DEKALB COUNTY BOARD OF COMMISSIONERS
IN DEKALB COUNTY, INDIANA**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE # 387
OF DEKALB COUNTY, INDIANA /
AN ORDINANCE AMENDING THE ZONING ORDINANCE TO REGULATE
RESIDENTIAL IN ENCLOSED INDUSTRIAL ZONING DISTRICTS
AND SPECIAL USES IN OPEN INDUSTRIAL DISTRICTS**

WHEREAS, in 1964, the DeKalb County Commissioners adopted the first Land Use Plan, in which to plan for the progressive future development of the unincorporated land of DeKalb County, establishing zoning districts for types of uses needed and allowed in specific areas.

WHEREAS, the Land Use Plan references Zoning, which includes Industrial, Commercial and Residential, and specifically states the residential would not be allowed in C-11 (Open Industrial), but would be permitted in C-12 (County Enclosed Industrial) "if its need was first demonstrated".

WHEREAS, the DeKalb County Commissioners believes it to be in the best interest of the residents of DeKalb County, Indiana, to clarify and enforce the need for preserving the lands in the C-12 (County-Enclosed Industrial) Districts from being further developed with residential homes and other uses (Public Camp, Public Park, Public Recreational Facility, Mobile Home Park, Tourist Home, Non-Profit Meeting / Peer Counseling Facility, Dependent Parent Housing), as allowed in DeKalb County Zoning Ordinance No. 1, Section 12, Figure 1 and Figure 9, in both the C-11 and C-12 Zoning District that may not be a compatible use.

WHEREAS, purchasers or renters of lands within areas zoned Industrial are not always aware of the traffic, noise, odors and potential devaluation of residential type use of property due to nuisances associated with the many different types of industrial facilities.

WHEREAS, in order to achieve the goals and objectives for DeKalb County, the DeKalb County Commissioners have deemed it necessary to amend the Zoning Ordinance and its associated ordinances from further development of residential homes in the C-I2 (County-Enclosed Industrial) District, and other uses (Public Camp, Public Park, Public Recreational Facility, Mobile Home Park, Tourist Home, Nonprofit Meeting/Peer Counseling Facility, Dependent Parent Housing) in the C-I1 (County-Open Industrial) and the C-I2 (County-Enclosed Industrial) Districts as shown in Zoning Ordinance No. 1, Section 12, Figure 1 and Figure 9 and as shown on Exhibit A & B attached.

NOW, THEREFORE, BE IT ORDAINED THAT, this ordinance to Amend DeKalb County Zoning Ordinance No. 1, Section 12, Figure 1, (District in which Single-family and Two-family Dwellings are allowed and corresponding setback information), by removing C-I2 from said figure 1 (See Exhibit "A"); and by removing C-I1 and C-I2 in certain Special Exception Categories in Zoning Ordinance No. 1, Section 12, Figure 9 (See Exhibit "B").

(A) Purpose and Intent: To curb residential development in the Enclosed Industrial District and some Special Exception uses in the Open and Enclosed Industrial Zoning Districts in DeKalb County.

(B) Applicability: This ordinance shall apply to any new development of single and 2-family dwellings in the C-I2 (County-Enclosed Industrial) Zoning District and dependent parent housing, multi-family dwelling units, non-profit meeting / peer counseling facilities, public camps, public park, public recreational facility, allowed in the C-I2 (County-Enclosed Industrial) and the C-I1 (County-Open Industrial) Zoning District in DeKalb County's Zoning Ordinance and subsequent ordinances adopted after the 21st day of December, 1964.

(C) Modification: The zoning regulations shall be modified to no longer permit single and 2-family dwellings, dependent parent housing, multi-family dwelling units, non-profit meeting / peer counseling facilities, public camps, public parks, public recreational facility, uses in the C-I2 and the C-I1 Zoning District.

(D) EFFECTIVE DATE: This Ordinance shall be in full force and effect after its passage and approval by the Board of County Commissioners of DeKalb County, Indiana and publication as required by law.

(E) PLAN COMMISSION RECOMMENDATION: The DeKalb County Plan Commission on this 18th day of May, 2005, forwarded a FAVORABLE recommendation to the DeKalb County Commissioners for Ordinance No. 387.

Dan Crow
Dan Crow, Chairman

Seal:

Joyce Schopp
Joyce Schopp, Secretary

(F) BOARD OF COMMISSIONERS RESULTS:

May 23, 2005
Date of First Reading
May 23, 2005
Date of Second Reading
May 23, 2005
Date of Third Reading

PASSED AND ADOPTED by the Board of County Commissioners of DeKalb County, Indiana, on this 23rd day of May, 2005.

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BOARD OF COUNTY COMMISSIONERS
DEKALB COUNTY, INDIANA

William C. Ort

William C. Ort, President

Connie R. Miles

Connie R. Miles, Vice-President

Don Kaufman

Don Kaufman, Member

ATTEST:

Sharon G. Hayes

Sharon G Hayes, Auditor

MATTER OF COURTHOUSE WINDOWS

Architect Ed Welling of Grinsfelder Associates and custodian Clint Stephens spoke to the commissioners regarding complaints from employees that the new windows being purchased were not operable. During the contractor's attempt to confirm measurement for the windows, employees complained that the ventilation would be extremely poor. The architect's rendition of the windows was in keeping with historical aspects so that the replacements would look as much as possible like the original windows as determined from photographs.

Clint commented on the double windows in the commissioners' court and the auditor's transfer room, and asked the commissioners to reconsider their decision. Upon inspection the commissioners were persuaded to request a change in the manufacture of the windows. Clint also noted that he felt savings of about \$4,000 could be realized by making the change to smaller, operable windows.

MATTER OF HEALTH INSURANCE

Insurance agent Brian Miller met with the commissioners and Felicia Staley of Benicomp to present a mid-year plan review and a self-funded case report. The plan is averaging about 28% savings and is at 67% of attachment for aggregate claims as a result of action taken through the new advantage plan. One person on the plan is over the specific cost of \$60,000. Claim cost seems to be the greater issue, and Lutheran Preferred now known as Med Partners has another option in Three Rivers Preferred Plan. The Three Rivers Plan offers substantial savings in the area of hospital services. In comparing the current plan to use in conjunction with Three Rivers Preferred, the county could have realized savings of about \$150,000 over the past 6-month period.

Brian asked the commissioners to consider offering the Three Rivers Plan as an option to employees along with the plan now in use. Benicomp is prepared to offer a new 3-year contract with no rate increases for October 1, 2005. The Benicomp Advantage Plan has saved the county 28.03% or \$111,045.11 to date.

The commissioners will further consider the report and opportunities as presented.

MATTER OF SUNNY MEADOW

Howard Richardson presented the livestock report. Howard is currently milking 53 cows. There are 7 dry cows, 13 bred heifers, 28 heifers 5 to 15 months, 1 heifer 1 to 5 months and 4 newborn calves. There are 7 steers and 2 herd bulls. The milk price is \$15.57 with April averages of 3.47 butterfat 3.34% protein and the somatic cell count at 462. Howard also presented a chart showing the relationship of rotational grazing to the pounds of milk shipped.

Discussion concerning the amount to be paid for utilities at the farmhouse occupied by the herdsman and his family at Sunny Meadows followed, and Howard again asked the

commissioners to determine a monthly rate for utilities. The most recent gas bill amount is \$33, and the electric company will offer a \$99 monthly budget plan to begin in June.

Attorney McCanna again explained the calculations for the Howard's salary ordinance of \$29,000. Adding 3% to Howard's 2003 salary and allowing \$6,000 for rent at \$500 per month, then adding 25% for additional taxes to be paid on the higher salary an amount of \$82.25 per month remains above and beyond the salary increase and rent allowance to secure a higher reported income at retirement. Attorney McCanna calculated that the \$82.25 should be used for utility payments. Otherwise Howard has received considerably more than a 3% raise in pay for 2005. The county has also paid for all of his utilities. However, Howard insists that he now takes home less money than he did earning \$21,000 per year. A motion by Connie Miles to pay for the tenant farmer's utilities, to transfer to the budget plan for electricity for the farmhouse and to adjust the wording of the herdsman's contract to make the motion retroactive to January 1, 2005 was seconded by Don Kaufman and carried.

Sunny Meadows superintendent Kim Pierson stated that S & S oil Company has been sold to North Central, and prices have risen on gasoline. The commissioners will investigate as Sunny meadows should receive the same pricing as contracted by the highway department.

MATTER OF HIGHWAY & DUST CONTROL

Eli Samaan explained recommendations for the commissioners' CEDIT plan to be presented to the council on June 6th. Most plans allow 75% of the monies to be allocated for infrastructure and 25% for administration costs over a two-year plan. Allen County has a 5-year plan. Eli reminded the commissioners that they have two grant projects which require additional county monies to retain the grant amounts.

Superintendent Patton proceeded to open the one bid received for dust control. The bid from Great Lakes Chloride, Inc. is for 208,000 gallons of 42% solution of Liquid Dow calcium chloride (a product of Dow Chemical Co.) at \$.568 per gallon applied. A motion by Connie Miles to accept the bid from Great Lakes Chloride was seconded by Don Kaufman and carried.

Other highway business pertained to a request for paving from Dan Dickerhoof. The commissioners agreed to chip and seal paving to be paid for by residents of County Road 39. Mr. Dickerhoof now requests further paving on County Road 39 from County Road 41 to 34. A motion by Connie Miles to pave only from intersection to intersection when paving is requested was seconded by Don Kaufman and carried. The amount requested for ¼ mile of paving is \$7,000, however the ½ mile between County Roads 41 and 34 will cost \$11,900.

Sebert Ramsey addressed the commissioners with a complaint stating the highway department had cut out a portion of his yard to grade the road edges. Mr. Sebert can no longer mow the steep bank which was created. The commissioners will inspect the property during the lunch break.

MATTER OF SPECIAL CLAIMS

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

MATTER OF PAYROLL

A motion by Don Kaufman to approve the payroll claims for the period ending May 19, 2005 was seconded by Connie Miles and carried.

MATTER OF EXTENSION OFFICE CONTRACT PURDUE UNIVERSITY

A motion by Connie Miles to approve and sign the contract with Purdue University for salaries for three employees in the extension office was seconded by Don Kaufman and carried.

MATTER OF PROFESSIONAL SERVICES AGREEMENT

A motion by Connie Miles to sign the Professional Services Agreement with Hilliard Lyons for the airport bond was seconded by Don Kaufman and carried.

MATTER OF ADJOURNMENT

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

William C. Ort
William C. Ort

Connie R. Miles
Connie R. Miles

Don Kaufman
Don Kaufman

ATTEST: Sharon G. Hayes
Sharon G. Hayes