

MONDAY

OCTOBER 24, 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**

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**MATTER OF MEMORIAL RESOLUTION 2005-R22 – JAMES HABIG**

DeKalb County Council and DeKalb County Commissioners  
Courthouse  
Auburn, IN 46706

*Resolution No. 2005 - R22*  
*County Code: 4 - 1 - 3 - 23*

*Whereas, James R. Habig, a faithful public servant, passed from this life*  
*October 5, 2005,*

*Whereas, James R. Habig distinguished himself in his service to the citizens of DeKalb County, Indiana during*  
*his seventeen (17) years as a DeKalb County Councilman and eight (8) years as DeKalb County Commissioner,*

*Whereas, James R. Habig served his Country in the U. S. Army Air Force,*

*Whereas, James R. Habig served his community through membership to various philanthropic organizations such*  
*as the American Legion Post, the Loyal Order of the Moose, Mizpah Shrine, Scottish Rite, DeKalb Masonic Lodge 214*  
*and Auburn-Garrett York Rite.*

*Now Therefore Be it Resolved: That the DeKalb County Commissioners and the DeKalb County Council,*  
*recognizing the Public Service of James R. Habig, do now convey our condolences to his wife, Sue, his sons, James, Terry and*  
*Todd, his step-children, grandchildren, and step-grandchildren, and cause this document to be a permanent record of DeKalb*  
*County. And that we further direct that the flags at the DeKalb County Courthouse be flown at half-mast on Friday, October*  
*7, 2005 and Saturday, October 8, 2005 in memory of James R. Habig.*

*DeKalb County Commissioners:*

William C. Ort, President  
Connie R. Miles, Vice President  
Don Kaufman, Member

Attested By the DeKalb County Auditor

Sharon Hayes, DeKalb County Auditor

*DeKalb County Council:*

Benjamin C. Smaltz, President  
Janet Ordway, Vice President  
Robert Wilder, Member  
Donald E. Van Wye, Member  
Larry Moughler, Member  
David Yarde, Member  
Keith A. Crow, Member

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**MATTER OF ZONING ORDINANCE 389 & 390 – PETITIONS 2005-63 & 64**

Zoning administrator Sally Rowe read the report of action and favorable recommendation by the plan commission for petition 2005-63. Changes in state law regarding fines for zoning violations have prompted an amendment to the county master plan Zoning Ordinance No.1. Fines for the first violation are changed to \$2500 and \$7500 for the second violation. A motion by Don Kaufman to approve Zoning Ordinance 389 on all three readings was seconded by Connie Miles and carried.

Zoning administrator Sally Rowe then read the report of action and favorable recommendation by the plan commission for petition 2005-64 covering changes in the filing fees for county master plan Zoning Ordinance No.1 section 11K. A motion by Connie Miles to approve Zoning Ordinance 390 on all three readings was seconded by Don Kaufman and carried.

Petition No. 05-63  
DeKalb County Plan Commission

**AN ORDINANCE AMENDING THE MASTER PLAN OF DEKALB COUNTY, INDIANA WHICH INCLUDES THE ORIGINAL ZONING ORDINANCE NO. 1 THROUGH 5 AS WELL AS SUCH AMENDMENTS BY ZONING ORDINANCES ENACTED AFTER THE 21ST DAY OF DECEMBER, 1964 AS FOLLOWS:**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF DEKALB, STATE OF INDIANA, THAT THE MASTER PLAN OF DEKALB COUNTY, INDIANA BE AMENDED AS FOLLOWS:**

**ORDINANCE NO. 1,  
SECTION 11. (General Provisions),  
SUB-SECTION L. (Remedies and Penalties), e.**

**FROM:**

e. Any person, firm, or corporation, whether as principal agent, employee, or otherwise, who violates any of the provisions of this ordinance shall be liable for a civil ordinance violation penalty of \$100.00. Each day of continued violation shall be considered a separate violation subject to \$100.00 a day penalty until corrected. The penalties herein shall not exceed \$2,500.00 in aggregate. Said penalty may be collected in any suit by the Plan Commission, the Board of Zoning Appeals, or the Building Commissioner in any action against a violator of any provision of this ordinance.

**TO:**

e. Any person, firm, or corporation, whether as principal agent, employee, or otherwise, who violates any of the provisions of this ordinance shall be liable for a civil ordinance violation penalty of \$100.00. Each day of continued violation shall be considered a separate violation subject to \$100.00 a day penalty until corrected. Any defendant against whom a judgment is entered in shall pay penalties not more than \$2,500 for a first violation of an ordinance; and \$7,500 for a second or subsequent violation of an ordinance. Said penalty may be collected in any suit by the Plan Commission, the Board of Zoning Appeals, or the Zoning Administrator in any action against a violator or of any provision of this ordinance.

This ordinance shall take effect on the date of its passage and approval by the Board of County Commissioners.

**PLAN COMMISSION RECOMMENDATION:** The DeKalb County Plan Commission on this 19 day of October, 2005, forwarded a favorable recommendation to the DeKalb County Commissioners for Ordinance No. 389.

Dan R. Crow  
Dan R. Crow, Chairman

Seal:

Shasta Holbrook  
Shasta Holbrook, Secretary

**BOARD OF COMMISSIONERS RESULTS:**

October 24, 2005  
Date of First Reading  
October 24, 2005  
Date of Second Reading  
October 24, 2005  
Date of Third Reading

**PASSED AND ADOPTED** by the Board of County Commissioners of DeKalb County, Indiana, on this 24 day of October, 2005.

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

Petition No. 05-64  
DeKalb County Plan Commission

**AN ORDINANCE AMENDING THE MASTER PLAN OF DEKALB COUNTY, INDIANA WHICH INCLUDES THE ORIGINAL ZONING ORDINANCE NO. 1 THROUGH 5 AS WELL AS SUCH AMENDMENTS BY ZONING ORDINANCES ENACTED AFTER THE 21ST DAY OF DECEMBER, 1964 AS FOLLOWS:**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF DEKALB, STATE OF INDIANA, THAT THE MASTER PLAN OF DEKALB COUNTY, INDIANA BE AMENDED AS FOLLOWS:**

**ORDINANCE NO. 1 (Zoning Ordinance)  
SECTION 11. K. (Filing Fees)**

**FROM:**

1. For each application for a Certificate of Occupancy-----\$5.00
2. For each petition for an appeal from the Building Commissioners  
decision to the Board of Appeals -----\$30.00
3. For each petition for a Vacation -----\$25.00
4. For each petition for a Variance -----\$30.00
5. For each petition for a Special Exception for Dependent Parent  
Housing and Home Workshop -----\$50.00
6. For each petition for an Amendment to a previously approved Special  
Exception -----\$100.00
7. For each petition for a Special Exception for a Shopping Center -----\$400.00
8. For each petition for all other Special Exceptions, listed under  
Ordinance #1, Figure 9, which are not referenced under 5, 6, or 7 above --\$200.00
9. For each petition for a Zoning Ordinance Amendment -----\$50.00
10. For each petition for a Simple Division of Land (One (1) Lot  
Subdivision) -----\$50.00
11. For each petition for a Subdivision of two (2) lots -----\$200.00
12. For each petition for a Subdivision of over two (2) lots -----\$200.00

- for the first two (2) lots plus \$10.00 for each lot over two (2).
13. For each petition for a Development Plan Approval -----\$200.00
  14. In event a Special Meeting for any purpose is requested by an applicant, before either the Plan Commission or Board of Zoning Appeals, and either the Plan Commission or Board in its respective discretion grant such a Special Meeting which would otherwise not have been necessitated, the applicant requesting said Special Meeting shall pay an additional fee of four hundred dollars (\$400.00) payable in advance of the date of said Special Meeting.
  15. Except for the fee for a Certificate of Occupancy, no part of any filing fee paid pursuant to this Section shall be returnable to the applicant or petitioner.
  16. After the approval of one simple division from a base tract, any further division of land shall be considered a multiple lot subdivision for purposes of calculating the filing fee herein.

**TO:**

1. For each application for a Certificate of Occupancy-----\$10.00
2. For each petition for an appeal from the Building Commissioners  
decision to the Board of Appeals -----\$50.00
3. For each petition for a Vacation -----\$50.00
4. For each petition for a Variance -----\$75.00
5. For each petition for a Special Exception for Dependent Parent  
Housing and Home Workshop -----\$50.00
6. For each petition for an Amendment to a previously approved Special  
Exception -----\$100.00
7. For each petition for a Special Exception for a Shopping Center -----\$400.00
8. For each petition for all other Special Exceptions, listed under  
Ordinance #1, Figure 9, which are not referenced under 5, 6,  
or 7 above -----\$200.00
9. For each petition for a Zoning Ordinance Amendment -----\$70.00
10. For each petition for a Simple Division of Land (One (1) Lot  
Subdivision) -----\$70.00
11. For each petition for a Subdivision of two (2) lots -----\$250.00
12. For each petition for a Subdivision of over two (2) lots -----\$250.00  
for the first two (2) lots plus \$15.00 for each lot over two (2).
13. For each petition for a Commercial Development Plan Approval -----\$200.00
14. For each petition for a Industrial Development Plan Approval -----\$300.00
15. For each petition for an Amendment to either a Commercial or  
Industrial Development Plan -----\$100.00
16. Special Meeting Fee for Plan Commission -----\$500.00
17. Special Meeting Fee for Board of Zoning Appeals -----\$400.00
18. Except for the fee for a Certificate of Occupancy, no part of any filing fee paid pursuant to this  
Section shall be returnable to the applicant or petitioner.
19. After the approval of one simple division from a base tract, any further division of land shall be  
considered a multiple lot subdivision for purposes of calculating the filing fee herein.

**ORDINANCE NO. 2 (Improvement Location Permit Ordinance)  
SECTION 3. (Fee schedule)**

**FROM:**

For one family residential dwelling	\$10.00
For accessory building	\$10.00
For addition to existing one family residential dwelling or accessory building	\$10.00

For new or addition to business or factory structure \$50.00 for first 5,000 square feet of bldg. area plus \$.01 per sq. ft. additional square floor of building area. Not to exceed \$200.00

For farm pond \$15.00  
For all others \$20.00

**TO:**

For one family residential dwelling and/or addition \$20.00  
For accessory building/structure and/or addition \$20.00

For new or addition to business structure \$.01 cent per square foot  
Minimum \$50.00  
Maximum \$200.00

For new or addition to industrial structure \$.01 cent per square foot  
Minimum \$50.00  
Maximum \$400.00

For ponds (including detention ponds dry or wet) \$20.00

**This ordinance shall take effect on the date of its passage and approval by the Board of County Commissioners.**

**PLAN COMMISSION RECOMMENDATION:** The DeKalb County Plan Commission on this 19<sup>th</sup> day of October, 2005, forwarded a favorable recommendation to the DeKalb County Commissioners for Ordinance No. 390.

Dan R. Crow  
Dan R. Crow, Chairman  
Shasta Holbrook  
Shasta Holbrook, Secretary

Seal:

**BOARD OF COMMISSIONERS RESULTS:**

October 24, 2005  
Date of First Reading  
October 24, 2005  
Date of Second Reading  
October 24, 2005  
Date of Third Reading

**PASSED AND ADOPTED** by the Board of County Commissioners of DeKalb County, Indiana, on this 24 day of October, 2005.

**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 COUNTY MASTER PLAN**

The zoning administrator presented the first draft of the Inter-local Agreement between DeKalb County and the cities and towns for the new master plan. The agreement is the result of numerous meetings by the steering committee and standards committee, who will again meet with the cities and towns to present the agreement for final comment and approval. The commissioners will consider the agreement for comment at the next meeting, but the agreement, which covers such items as zoning, enforcement jurisdiction, and subdivision control will not be finalized until after the beginning of 2006.

### **MATTER OF FIXED ASSETS**

Auditor Sharon Hayes and claims deputy Jan Bauman addressed concerns for development of a plan for fixed asset reporting. The introduction of GASBE 34 for changes in General Accounting Standards has caused many problems with county methods for assessing fixed assets. The reassessment process and installation of the auditor's new accounting software have added significant difficulty to the already overburdened staff.

It has been determined that since DeKalb is a small county run on cash basis that the easiest method of asset accounting would be accomplished by use of a spreadsheet. In effect the technology of the spreadsheet would in a small way recreate the Fixed Asset Ledger and hand written data entry.

The commissioners reviewed the examples of the project as it might be accomplished on spreadsheets. For many prior years the point of capitalization was set at \$100. This amount would cause much difficulty in the reporting aspect. Two years ago following the State Board of Accounts audit the commissioners agreed to raise the asset level to \$1,000, and last year again raised the level to \$5000. After reviewing the proposed method it became evident that raising the level again would eliminate reporting numerous small and somewhat insignificant items.

A motion by Don Kaufman to raise the asset level to \$10,000 was seconded by Connie Miles and carried. The auditor will continue with the plan for the method of reporting fixed assets with the help of consultant Dave Gillette who is already employed by the IS department, and attempt to solve the issues without the cost of additional or part time employees.

### **MATTER OF SPECIAL CLAIMS**

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

### **MATTER OF SUNNY MEADOW**

The commissioners reviewed and signed the September report for Sunny Meadows Residential Home.

### **MATTER OF VISITORS' BUREAU**

Richard Martin director of the DeKalb County Visitors' Bureau explained that there has been a small but steady increase in income since the organization was created. Mr. Martin had recently asked for the appointment of Jessica Harmon to the board to replace another member, but now finds that he must replace Ms. Harmon with a person who has been given the same position.

A motion by Connie Miles to appoint Shannon Harger as the commissioners' hotel representative to the Visitors' Bureau board was seconded by Don Kaufman and carried. The term for this position will expire December 31, 2006.

### **MATTER OF HIGHWAY**

Supervisor Patton presented the notice to bidders for advertising for highway materials to be accepted at 11:00 AM on November 14, 2005. A motion by Don Kaufman to approve and sign the notice for advertising was seconded by Connie Miles and carried.

Supervisor Patton explained that he would request additional appropriations for gas and oil at the November Council meeting. At this time in 2004 \$52,179 had been spent on the petroleum products. The fuel cost thus far for 2005 are \$141,207.

Eric also asked whether the commissioners' had decided to change the speed limit on county Road 60 at the airport. The posted speed is now 30 MPH. The commissioners will not change the speed limit.

### **MATTER OF CREDIT PLAN EXPENDITURES**

A motion by Connie Miles to approve claims for payment with CREDIT monies for A & Z Engineering LLC, Butler Fairman and Seufert Engineers, and Bear Creek Trucking was seconded by Don Kaufman and carried.

### **MATTER OF AIRPORT BONDS**

A motion by Connie Miles to approve Resolution 2005-R23 for the sale of airport bonds was seconded by Don Kaufman and carried. Attorney McCanna presented numerous documents for the commissioners and auditor to sign for the conclusion of the bond transaction and purchase of the Dollier property for further airport expansion.

### **RESOLUTION NO.2005-R23**

#### **RESOLUTION OF THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, INDIANA, APPROVING THE SALE OF BONDS BY THE DEKALB COUNTY AIRPORT BUILDING CORP. AND OTHER RELATED MATTERS**

WHEREAS, the Board of Commissioners (the "Board") of DeKalb County, Indiana (the "County"), has previously accepted and approved a petition of owners of taxable real estate located within the boundaries of the County, certified by the Auditor of the County (the "Auditor"), requesting the Board to enter into negotiations to secure, if possible, a lease upon certain improvements to the County airport, including, but not limited to, the acquisition of real property and the construction of new aircraft hangars (the "Project"), by the DeKalb County Airport Building Corp. (the "Building Corporation") and leased to the County; and

WHEREAS, the Board has previously approved the terms and conditions of a proposed form of lease between the County and the Building Corporation (the "Lease") for the Project to provide for the acquisition and construction thereof and has previously found and determined that the proposed form of Lease provides for a fair and reasonable rental of the Project; and

WHEREAS, the Board has previously approved and ratified the preliminary plans, specifications, and cost estimates for the Project; and

WHEREAS, the Board has previously caused to be published a notice of a public hearing on the Lease, which notice was duly published in the Auburn Evening Star on May 27, 2005; and

WHEREAS, the Board has held a public hearing in accordance with the provisions of Indiana Code 36-1-10-13 and the terms set forth in the notice of such public hearing previously published; and

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WHEREAS, the Board has previously approved and executed the Lease after a public hearing; and

WHEREAS, the Board has previously caused to be published a notice of execution of Lease, which notice was duly published in the Auburn Evening Star and the Garrett Clipper on September 1, 2005; and

WHEREAS, the Building Corporation will issue and sell its First Mortgage Bonds, Series 2005, in an aggregate principal amount of Two Million and 00/100 Dollars (\$2,000,000) (the "Bonds") in order to finance the Project; and

WHEREAS, the Board desires to approve the sale of the Bonds in an aggregate principal amount of \$2,000,000;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of DeKalb County, Indiana, as follows:

1. The Board hereby approves of the issuance, sale and delivery of the Bonds by the Building Corporation in the principal amount of \$2,000,000 to J.J.B. Hilliard, W.L. Lyons, Inc., maturing and bearing interest in various amounts and rates as set forth in the maturity schedule attached hereto as Exhibit A.

2. The Board and the Auditor are hereby authorized to execute and attest such documents relating to the issuance and delivery of the Bonds as may be necessary or appropriate upon the advice of counsel.

3. This Resolution shall be in full force and effect from and after its adoption by the Board.

Duly adopted this 24<sup>th</sup> day of October, 2005.

BOARD OF COMMISSIONERS OF  
DEKALB COUNTY, INDIANA

VOTING AYE:

William C. Ort

Connie R. Miles

Don Kaufman

VOTING NAY:

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The undersigned certifies that the foregoing Resolution was duly adopted by the Board of Commissioners of DeKalb County, Indiana, on October 24, 2005, by the vote set forth above.

William C. Ort

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

(Seal)

ATTEST:

Sharon G. Hayes

Auditor of DeKalb County, Indiana



**EXHIBIT A****Maturity Schedule**

<u>Date</u>	<u>Amount</u>	<u>Interest</u>
07/01/07	\$ 205,000	4.000%
07/01/08	425,000	4.000%
01/01/09	220,000	4.000%
07/01/09	220,000	4.000%
01/01/10	225,000	4.000%
07/01/10	230,000	4.000%
07/01/11	475,000	4.000%

**MATTER OF MINUTES**

A motion by Don Kaufman to approve the minutes of August 29<sup>th</sup> and September 12<sup>th</sup> with a correction was seconded by Connie Miles and carried.

**MATTER OF PAYROLL**

A motion by Connie Miles to approve the payroll for period ending October 20<sup>th</sup> was seconded by Don Kaufman and carried.

**MATTER OF APPOINTMENT**

A motion by Don Kaufman to reappoint Connie Miles to the DeKalb County Community Foundation board was seconded by William Ort and carried.

**MATTER OF TRAVEL**

A motion by Don Kaufman to approve travel request for the sheriff's deputy Gary Norton was seconded by Connie Miles and carried.

**MATTER OF CLAIM FOR TRAVEL EXPENSE**

Claims have recently been received for travel to the Association of Indiana Counties annual conference. In light of the commissioners establishment of a new travel policy the auditor questioned several expenses on a claim from Recorder Burtie Ryneerson. The commissioners stated that they would not approve payment of expenses for room service, which in this case included service fees of \$2.50 and \$1.80. The recorder also claimed \$20 for tipping the parking valet and bellboy. The commissioners will allow valet parking, but will not pay for the gratuity.

**MATTER OF COURT HOUSE WINDOWS**

Custodian Clint Stephens and architect Ed Welling addressed the commissioners with regard to the window project. It has come to their attention that several of the windows were not measured properly and the replacement windows are not the correct size. Mr. Welling will contact the manufacturer to correct the problem as soon as possible.

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**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