

MONDAY

March 8, 2004

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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

William C. Ort
Connie R. Miles
Don Kaufman

ABSENT

MATTER OF COURTHOUSE COPIERS

Recorder Burtie Rynearson requested a new copy machine to make larger copies, and would pay for the monthly lease of \$196.21 with monies from the recorder's perpetuation fund. This model will network with the equipment currently being used and the IS department has stated that it is acceptable for purchase accordingly with all county standards.

A motion by Don Kaufman to approve the lease/purchase of the 425AS copier and authorize the recorder to sign the contract was seconded by Connie Miles and carried.

Jeff Bassett explained that the cartridges for the copier at the Soil and Water District office must be purchased, and the last cartridge on hand has been installed. It will not be necessary to convert the contract for this particular machine to the cost per copy agreement, as the current maintenance agreement is cost effective. Given the number of copies produced by the soil and water office the commissioners decided to take no action on the purchase of additional cartridges until replacement is necessary. At that time the payment will be determined based on the funds available at the soil and water office.

Mr. Bassett suggested moving the copy machine now in the recorder's office to Sunny Meadows. The commissioners agreed that Jeff might pursue this trade. Jeff also had requests for envelope trays for the copier printers in the clerk and probation office. A motion by Don Kaufman to add the envelope trays and authorize President Ort to sign the purchase agreement was seconded by Connie Miles and carried.

MATTER OF ORDINANCE 2003-14 – CONTRACTOR REGISTRATION

A motion by Don Kaufman to approve Ordinance 2003-14 providing for the registration of contractors performing construction work within DeKalb County on all three readings was seconded by Connie Miles and carried.

**DEKALB COUNTY COMMISSIONERS
DEKALB COUNTY BUILDING DEPARTMENT REGULATIONS
AN ORDINANCE REQUIRING THE REGISTRATION OF CONTRACTORS
DEKALB COUNTY ORDINANCE NO. 2003-14
DEKALB COUNTY CODE SECTION 32-3-3**

WHEREAS, the DeKalb County Board of Commissioners desire to regulate contractors and/or persons working in DeKalb County and in any city or town for which DeKalb County has contracted to function as the building inspector;

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WHEREAS, the DeKalb County Board of Commissioners desire to require contractors and/or persons working in DeKalb County, and in its contracted cities and towns, to be registered by the DeKalb County Building Department and provide proof of insurance or bond before they begin construction; and

WHEREAS, the DeKalb County Board of Commissioners believe it is in the interests of public safety and welfare to adopt an ordinance regarding the above concerns:

NOW THEREFORE BE IT HEREBY ORDAINED BY THE DEKALB COUNTY COMMISSIONERS OF DEKALB COUNTY, STATE OF INDIANA AS FOLLOWS:

Section 1: Registration required. Prior to doing any work in DeKalb County, all contractors and/or persons working in DeKalb County, and in any city or town for which DeKalb County has contracted to function as the building inspector ("DeKalb County" herein), shall register with the DeKalb County Building Department, who will issue a registration card effective for one year, to authorize doing any work in DeKalb County for but not limited to any of the following type of work:

- 1-1 Block & Brick Work
- 1-2 Concrete Work (inside concrete, footers, walls, floors or foundation)
- 1-3 Decks
- 1-4 Demolition of Structures
- 1-5 Electrical
- 1-6 Excavation
- 1-7 Framing
- 1-8 Heating
- 1-9 Pool
- 1-10 Remodeling (changing structure, electrical, plumbing, changing size of windows or doors)
- 1-11 Repair work (electrical, plumbing, heating, foundation or structure work)
- 1-12 Roofing (replacing shingles, re-roofing, or re-sheeting)
- 1-13 Steel Erecting
- 1-14 Tower Building

Section 2: Proof of Insurance. All contractors and/or persons being registered shall provide proof of liability insurance or bond in the following amounts:

Insurance minimum	\$500,000.00
Bond minimum	\$500,000.00

Section 3: Registration Fee. Payment for registration under this Ordinance shall be made as follows:

- 3-1 A fee of twenty dollars (\$20.00) will be charged at the time of registration.
- 3-2 All payments will be made by personal check or cash to the DeKalb County Building Department.

Section 4: Effective. Any contractor or person who violates this Ordinance shall be subject to the following enforcement procedures:

- 4-1 The Building Inspector is authorized to take such action as is needed to enforce this Ordinance, including without limitation, the right to obtain court order authorizing entry on any property where the Building Inspector has reason to believe a contractor or person has violated this ordinance.
- 4-2 The Building Inspector shall have the authority to issue a stop work order, on any project not being completed in strict conformance with any provision of this Ordinance.
- 4-3 The failure of any responsible party to immediately abide by such order of the Building Inspector when posted at the site shall authorize the Building Inspector to sue in the name of the County and Department in any court of general jurisdiction for injunctive relief and to obtain such court orders as may be proper for the strict enforcement of this Ordinance.

- 4-4 Upon proof of intentional continual violation of any provision of this Ordinance or order of the Building Inspector, and upon finding of the court that violation to be fact, the court shall be empowered in the court's discretion to impose a fine of \$50.00 per day for each and every day that the violation has occurred or continues to occur.
- 4-5 After such finding, the fine may be imposed jointly and or severally upon the contractor or person who has violated this Ordinance and found to be knowingly guilty of such unlawful activity.
- 4-6 Each day of violation shall be considered a separate offense.
- 4-7 If any contractor or person is registered under this Ordinance and performs construction work that violates a Building Code under the DeKalb County Building Department Ordinance No. 2000-10, also cited as DeKalb County Code Section 32-3-2 without compliance as required by the Building Inspector, then the Building Inspector shall have the right to revoke the contractor registration granted under this Ordinance.

Section 5: Limitations. The application and enforcement this Ordinance shall be limited as follows:

- 5-1 This Ordinance shall not require homeowners to register as a contractor before performing services of a contractor nature on their own property. The owner or resident of a tract of real estate shall be exempt from the registration requirements of this Ordinance to the extent that activities which would normally require the performer to be registered are being conducted wholly and totally upon property owned by the provider of contracting type services or property in which such provider is a resident.
- 5-2 Registration under this Ordinance is in no way to be interpreted to include any person, firm or corporation who contracts and engages in any activity which is not directly related to the building, remodeling, or repairing of a structure.

Section 6: Purpose of this Ordinance. By requiring certain services providers to be registered under this Ordinance, DeKalb County is not in any way intending to test, license, or judge the credibility or ability of any particular person who should become registered.

- 6-1 DeKalb County is merely providing a means whereby service providers shall become registered, and any complaints against such service providers may be made in a more organized manner and against a party who has been required to provide basic information.
- 6-2 DeKalb County in no way intends or presumes to accept any liability for the quality of the work of any registrants under this Ordinance.

Section 7: Effective Date. The effective date of this Ordinance shall be March 8, 2004 or such date thereafter when this Ordinance is published as required by law.

Section 8: Codification. This DeKalb County Ordinance Number 2003-14 shall be codified in the DeKalb County Code as Section 32-3-3 and appropriately indexed in the DeKalb County Code.

THIS ORDINANCE NUMBER 2003-14 WAS PASSED AND ADOPTED by the DeKalb County Commissioners on the 8th day of March, 2004.

DEKALB COUNTY COMMISSIONERS:

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

Attested:
Sharon G. Hayes
Sharon G. Hayes, Auditor

MATTER OR RETIREMENT – SUNNY MEADOWS FARMER

David Kimmel has been the farmer at Sunny Meadows Residential Home and Farm for 30 years. David and Mary Rose Kimmel spoke to the commissioners concerning a plan for retirement, which would allow them to move from the farmhouse before retiring thus allowing the herdsman and his family to take up residence on the farm. The Kimmels feel that this would be beneficial for the herdsman as he will assume many of the farm duties upon David's retirement. The Kimmels are considering options to purchase or rent a small home in Garrett where David could continue to drive to the farm, and he and his wife might find part time work following retirement.

MATTER OF HIGHWAY

Attorney Kruse was not present for this portion of the meeting due to a conflict of interest.

Eli Samaan and Jamal Anabtawi explained the breakdown of the proposal for the County Road 11A project. Craig Adolf announced that the USDA grant for the project has been awarded in the amount of \$99,000 and arranged for Mr. Kirkland to be present at the next meeting to obtain commissioners' signatures for acceptance of the grant. The monies with a contribution of \$20,750 from Dean Kruse will then be used to pay for engineering costs. Further grants are available if applications are made soon.

MATTER OF SUNNY MEADOWS

Sunny Meadows Superintendent and Administrator Rick and Janel Snow introduced David Hines and Jerry Perkins who explained an alternative method to the current farming practices. Grazing and organic farming by pasturing livestock in controlled areas, with rotation of the areas is quite similar to methods employed many years ago. There are no fertilizers used and no artificial feed products. The pasture grasses would be allowed to grow as the animals are moved from location to location every 1 to 3 days. There would still be a need for bailing hay and straw, and crops of corn, oats and molasses. No grain is fed during the summer months. Milk production decreases by about 10%, but the cost for feed also decreases by 50%. The majority of the waste from the livestock contributes as fertilizer, although some nitrogen is still necessary. The one time cost of seeding the pasture areas is \$50 to \$60 per acre. Water must be provided in each of the areas as the animals are moved. All of this should result in more efficient farming with less cost and labor, and ultimately more profit. The Snows wish to continue with the assessment of the areas designated on the maps given to the commissioners, and apply for the USDA grant for fencing and equipment. A motion by Don Kaufman to pursue the grant and to allow Superintendent Snow to sign the grant application was seconded by Connie Miles and carried.

MATTER OF HOMELAND SECURITY GRANT

Paul Brewer explained the anticipated use of the \$210,000 Homeland security grant. The list of costs submitted for the grant is greater than the amount of the award. The list must therefore be reduced. The upgraded equipment will allow the county to merge with municipal units such as Butler and Auburn and other units operating on the 800 Mhz frequency.

An MOU between the state and DeKalb County will be signed. This agreement states that the county will cooperate and form a committee for the use of the equipment. There should be no long-term costs for maintenance. Portable units will be used to extend coverage to all local fire departments. Mr. Brewer has been given an extension to April 2nd to prepare the worksheets for the grant.

MATTER OF SPECIAL CLAIMS

A motion by William Ort to approve special claims was seconded by Connie Miles 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