

MONDAY

JULY 12, 2004

MONDAY

314

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**

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**MATTER OF SPECIAL CLAIMS**

A motion by Connie Miles to approve special claims was seconded by Don Kaufman and carried. A motion by Don Kaufman to approve Dan Fry's claim for cellular phone charges was seconded by Connie Miles and carried.

**MATTER OF GENERAL CLAIMS**

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

**MATTER OF HIGHWAY**

Superintendent Patton presented copies of the Auburn Transportation Studies to the commissioners.

Superintendent Patton also addressed the issue of road striping in answer to requests for particular roads where the markings tend to lose their visibility. There are basically three types of striping. Of the three, paint is the least expensive at 6 cents per foot, thermo-plastic is 30 cents per foot and pre-formed epoxy is 50 cents per foot. Mr. Patton proposed a yearly priority listing for the roads with white and yellow paint available for the cost of the materials and additional cost for the labor. In this manner all roads could be striped early in the year, with a second application to the several well-traveled roads which require another application in the fall. The commissioners agreed that this would be acceptable.

Quotes have been received as requested for the pickup truck with dump bed and plow. The Ben Davis quote is \$31,911.83 with trade of the 1996 F150, and Yoder Ford of Garrett is \$24,853 for a 2005 with the trade. Quotes were from Ernst Trucking for \$17,825.68 and WA Jones for \$15,595 for the truck bed, sander and plow attachments. This particular truck has a smaller bed and would not cut phone lines when totally raised for sanding in small areas. A motion by Don Kaufman to accept the bid of Yoder Ford for the cab and chassis and the W. A. Jones bid for the truck bed and equipment was seconded by Connie Miles and carried.

The commissioners discussed the proposed bridge ordinance being drafted for Spencerville Bridge as there have been numerous requests to hold wedding ceremonies on the structure. Various limitations were considered. The bridge may be closed no longer than two hours for this purpose, no open flames such as candles or smoking will be permitted, a \$100 fee will be charged for the closing to pay highway personnel, and requests may be limited to two per month.

315

**MATTER OF REZONING**

Zoning Administrator Sally Rowe reported a favorable recommendation from the plan commission for Richard and Charity Wisel of 315 West Edgerton, Garrett, located at the west edge of Altona. A motion by Connie Miles to approve Zoning Ordinance 378 based on the plan commission findings was seconded by Don Kaufman and carried.

The zoning administrator also presented a letter from Metropolitan Planners regarding the Hurraw request for rezoning to allow for the sale of firearms. The Hurraws have since withdrawn their request.

Sally requested the release of a \$51,000 development bond for Southwest Development, which was secured by Resolution 2003-R8, as all inspections are complete and approved. A motion by Don Kaufman to release the bond was seconded by Connie Miles and carried.

Resolution 2004-R8 was introduced for Dana Simcox and Premier Building Ssystems for compliance to drainage code in Butler Township. The bond pledged is in the form of a letter of credit for \$10,000 from Standard Federal Bank. The onsite drainage improvements with the LaOtto Business Park are to be used for two show homes and a storage building for mowers and maintenance equipment for All American Homes. A verbal agreement has been received from county surveyor Mark Strong. A motion by Don Kaufman to approve the bond was seconded by Connie Miles and carried.

Petition No. 04-45  
Richard A. & Charity L. Wisel (owners)

**AN ORDINANCE AMENDING THE MASTER PLAN OF DEKALB COUNTY, INDIANA**

**AN ORDINANCE AMENDING THE MASTER PLAN OF DEKALB COUNTY, INDIANA WHICH INCLUDES THE ORIGINAL ZONING ORDINANCE NO. 1 THROUGH 4 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 AND MAPS PERTINENT THERETO ARE AMENDED AS FOLLOWS:**

That the C-RS (County – Rural Suburban) classification of the Zoning Ordinance for the development through zoning of the territory within the jurisdiction of the DeKalb County Plan Commission be extended to include the following real estate in DeKalb County, Indiana, which is presently classified by said ordinance as C-II (County – Open Industrial).

All that part of the West Half of the Southeast Quarter of Section Thirty-Two (32) Township Thirty-Four (34) North, Range Twelve (12) East, lying South of the South right-of-way of the Baltimore and Ohio Railroad Company, as illustrated on Tri-County Land Surveying work order #03-111, dated 9-12-2003, containing 11.82 acres plus or minus and being subject to all applicable easements and rights-of-ways of record.

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

**PASSED AND ADOPTED**

by the DeKalb County Commissioners of DeKalb County, Indiana this 12th day of July, 2004.

William C. Ort  
William C. Ort, President

Connie R. Miles  
Connie R. Miles, Vice-President

Don C. Kaufman  
Don C. Kaufman, Member

Sharon G. Hayes  
Attest: Sharon G. Hayes, Auditor

316

**DEKALB COUNTY CODE SECTION 36-7-3-16  
RESOLUTION NO. 2004-R8  
OF  
COUNTY COMMISSIONERS  
DEKALB COUNTY, INDIANA**

Whereas, Premier Building Systems, Inc., is a development plan for commercial purposes in the unincorporated area of the Southwest Quarter of Section 19, Township 33 North, Range 12 East, Butler Civil Township, DeKalb County, Indiana, approved by the DeKalb County Plan Commission, and

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

Whereas, the developer for the commercial lot has agreed to comply with the drainage requirements of the DeKalb County Surveyor and/or the DeKalb County Drainage Board regarding Premier Building Systems, Inc., in Butler Township, DeKalb County, Indiana,

Now therefore, the County Commissioners approve the acceptance of the development plan on the condition that the aforesaid improvements are completed on or before the 1st day of October 2004.

As a condition of the aforesaid approval the developer deposits herewith a Letter of Credit to be forfeited upon owner's failure to complete the improvements outlined above.

Dated: 12th day of July, 2004.

DEKALB COUNTY COMMISSIONERS

William C. Ort  
William C. Ort, President

Connie R. Miles  
Connie Miles, Vice-President

Don Kaufman  
Don Kaufman, Member

**KNOW ALL MEN BY THESE PRESENTS:**

That we, PREMIER BUILDING SYSTEMS, INC., 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 \$10,000.00 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 Development Plan for PREMIER BUILDING SYSTEMS, INC., as filed in the office of the DeKalb County Plan Commission (copy of said plan herein incorporated by reference). Said Development Plan calls for the installation of on-site drainage improvements, as required by the DeKalb County Development Plan Ordinance, and the DeKalb County Drainage Board. Said improvements shall be completed on or before the 1<sup>ST</sup> day of October, 2004.

THE SECURITY WE PLEDGE FOR THE PAYMENT OF SAID BOND IS A LETTER OF CREDIT # 0401, ISSUED BY Standard Federal Bank (original attached), and is 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 October 1, 2004.

Dana Simcox  
Dana Simcox, Owner

652  
317

Before me, the undersigned Notary Public, in and for the County and State, personally appeared Dana Simcox 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 9 day of July, 2004.

Douglas A. Lehman  
Douglas A. Lehman  
Notary Public  
A resident of Wells County, IN  
My Commission expires: 12/26/2007

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: July 12, 2004

William C. Ort  
William C. Ort, President

Connie R. Miles  
Connie R. Miles, Vice Pres.

Don C. Kaufman  
Don C. Kaufman, Member

Sally presented the agreements between DeKalb County and Ground Rules for the preparation of zoning ordinances and subdivision control, and for consulting services with changes which addressed the responsibility of Ground Rules Company to assist the committee with Article 1.4. Commissioner Kaufman requested that Attorney Kruse review the contracts before the approval.

A motion by Don Kaufman to approve and sign both agreements between DeKalb County and Ground Rules, Inc. for facilitation of the process to establish extraterritorial jurisdictions and cooperative planning Areas was seconded by Connie Miles and carried.

#### **MATTER OF RADIO TOWERS**

Dave Smith, director of implementation for the Integrated Public Safety Commission explained the mission to build a statewide communications system by locating radio towers in each county over the entire state. Motorola has been accepted as the company to locate and subcontracts with Hansen Engineering. The state would lease space on the various towers for its communications network. Steve Skinner is the project and field coordinator who accompanied Mr. Smith to explain the states proposal to the commissioners.

#### **MATTER OF AIRPORT**

Airport Manager Wade Troth reported that the airport is in great shape physically. The AWAS is again under construction and the ALS is being finished. The T-hangers are finished and residents are happy with the new construction. The Wallace house has been removed by burning and filling the foundation, and the sanitary sewer system is under construction. The GULF POPA hanger is complete and is very well done. Two recently purchased airport property homes are being painted and will be ready to rent. One renter has not paid since March and is being evicted.

318

There are seven empty stalls in old T-hangers. These are not in the best shape and should be refurbished.

Victory Aviation has not paid rent since April. Laydon Rieke is attempting to negotiate with the owner to get caught up with this expense and to encourage the owner to invest more money for the sake of his business and the well being of the airport to maintain a basic level of services. Lease monies must be used to pay bills as other funding cannot be used for this purpose. Victory Aviation is behind 4 months for a total of \$18,500 in payments. Should Victory Aviation not wish to continue, another FBO must be chosen as soon possible as a seamless transition is desirable.

Wade announced that he will leave employment at the airport on August 13 to begin a new job in Pierre, South Dakota.

#### **MATTER OF SUNNY MEADOWS**

A motion by Connie Miles that since Richard Snow left his position as Superintendent of Sunny Meadows on July 1, 2004 he is no longer an employee of the county from that time forward was seconded by Don Kaufman and carried.

#### **MATTER OF WAGE COMMITTEE**

It was decided that Architect Ed Welling should be told to proceed with the committee to establish wages for the courthouse window replacement project.

#### **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