

MONDAY

September 20, 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 SUNNY MEADOWS

A motion by Don Kaufman to authorize Howard Richardson to sign for grain and feed subsidies and other agreements pertaining to the Farm Services Program and authorize President Ort to sign the letter of authorization 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 APPOINTMENT

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

MATTER OF SUNNY MEADOWS

There was discussion with regard to changing the guardianship for several residents at Sunny Meadows, since former administrator Janel Snow has resigned. Janel will come to speak to the commissioners later in the day concerning remaining issues. Since tenant farmer David Kimmel has moved from the farmhouse and plans to retire in January, it was decided that Howard Richardson should move into the former superintendent's apartment at Sunny Meadows until such time as the tenant house is renovated or other arrangements are made. This will allow Howard to remain on site to manage any problems with the livestock.

Henry Johnson, a former Sunny Meadows resident who was transferred to Betz Nursing Home has died.

MATTER OF SCANNING EQUIPMENT

Jeff Bassett presented a proposal for scanning equipment for the plan commission and clerk's offices. A motion by Don Kaufman to purchase a DC425AS Scanning Accessory for the plan commission office was seconded by Connie Miles and carried. The equipment is very much needed for document storage within the system as there is little space for file cabinets. Newly purchased copiers are now equipped with scanners, and will be most useful in the near future for the surveyor and auditor. The clerk is now scanning documents with a machine purchased at an earlier date, and there was no additional money for a second machine at this time.

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MATTER OF RESOLUTION 2004-R-11 – CMS ENTERPRISES, INC.

Zoning Administrator Sally Rowe introduced the resolution for Stafford Acres located in Section 2 of Jackson Township at County Roads 50 and 39. The Bond of Developer Michael Stafford for \$24,000 is in the form of an irrevocable letter of credit from Campbell and Fetter Bank in the name of the DeKalb County Commissioners for drainage improvements to Section 3 of the subdivision to be completed on or before December 31, 2004. A motion by Connie Miles to approve and sign Resolution 2004-12 DCC 36-7-3-28 and approve the bond of the developer was seconded by Don Kaufman and carried.

**DEKALB COUNTY CODE SECTION 36-7-3-21
RESOLUTION NO. 2004-R11
OF
COUNTY COMMISSIONERS
DEKALB COUNTY, INDIANA**

Whereas, "Stafford Acres Section III" is a subdivision for residential purposes in the unincorporated area of Section 2 in Jackson Township, DeKalb County, Indiana, approved by the County Plan Commission 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 "Stafford Acres Section III" in Jackson Township, DeKalb County, Indiana,

and

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 31st day of December, 2004.

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

Dated: this 20th day of September, 2004.

DEKALB COUNTY COMMISSIONERS

William C. Ort
William C. Ort, President

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

Don Kaufman
Don C. Kaufman, Member

KNOW ALL MEN BY THESE PRESENTS:

That I, Michael Stafford, of CMS ENTERPRISES, INC., developer of "Stafford Acres Section II", in consideration of the resolution of the DeKalb County Commissioners attached

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hereto and made a part hereof, are bound unto DeKalb County, Indiana, a municipal corporation in the penal sum of \$24,000.00 for the payment of which I jointly and severally bind myself and my 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 Drainage Improvements for "Stafford Acres Section III", as filed in the office of the DeKalb County Plan Commission (copy of site development plan herein incorporated by reference). Said Drainage Improvements call for the installation of drainage improvements for Section III, as required by the DeKalb County Subdivision Ordinance, and the DeKalb County Drainage Board. Said improvements shall be completed on or before the 31st day of December, 2004.

THE SECURITY I PLEDGE FOR THE PAYMENT OF SAID BOND IS AN IRREVOCABLE STANDBY LETTER OF CREDIT ISSUED BY THE CAMPBELL & FETTER BANK, 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 the 31st day of December 2004.

Michael Stafford
Michael Stafford, President
CMS Enterprises, Inc.

Before me, the undersigned Notary Public, in and for the County and State, personally appeared Michael Stafford 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 20th day of September, 2004.

Judith E Warrix
Judith E. Warrix
Notary Public
A resident of DeKalb County, IN
My Commission expires: 10-30-06

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: September 20, 2004

William C. Ort
William C. Ort, President

Connie R. Miles
Connie R. Miles, Vice President

Don Kaufman
Don C Kaufman, Member

MATTER OF PHOENIX SUBDIVISION

Zoning Administrator Rowe presented a request for drainage improvements for Phoenix Subdivision Section 2 in Richland Township Section 18 at County Roads 36 and 1 in the form of an irrevocable letter of credit for \$20,000 from the Commerce State Bank of Avilla. The request by developers Paul Lemish and Judith and Wayne Lemish included a letter of recommendation from engineer Michael Kline, but was not appropriate for approval at this time. It will be returned at a later date.

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MATTER OF HIGHWAY

Superintendent Patton reported that he had received a listing of T grants in the amount of \$800,000 to establish parks and trails listing Butler Fairman and Seufert as consulting engineers for the various projects.

MATTER OF ASSESSOR'S OFFICE - DEPUTY

A motion by Connie Miles to waive the probationary pay and the 90-day wait for insurance benefits for the new deputy in the assessor's office was seconded by Don Kaufman and carried. The new deputy Sheila Stonebraker has worked part time for more than one year.

MATTER OF APPOINTMENT

A motion by Connie Miles to appoint Louise Hamm to the Garrett Public Library Board and for President Ort to sign the appointment was seconded by Don Kaufman and carried.

It is noted that Commissioner Miles was absent from the PM portion of the meeting.

MATTER OF SUNNY MEADOWS ADMINISTRATOR

Commissioners Ort and Kaufman spoke with Janel Snow regarding the Sunny Meadows residents' trust accounts and guardianship. As administrator Janel managed the accounts and is the guardian for several residents. The county attorney will endeavor to change the guardianship documents declaring Kim Pierson as guardian, as Kim is now managing portions of the home. It was decided that Kim and Betty Bryant should be appointed to jointly manage the home until a decision is made for continuing operations and appointing a permanent superintendent.

MATTER OF PAYROLL

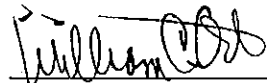
The payroll docket was signed for checks issued September 17th.

MATTER OF TREASURER'S REPORT

The commissioners reviewed the August treasurer's report.

MATTER OF ADJOURNMENT

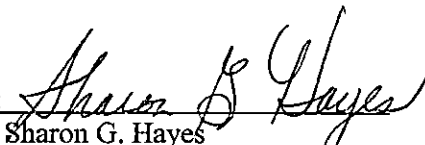
As there was no further business to come before the commissioners the meeting was adjourned.


William C. Ort


Connie R. Miles


Don Kaufman

ATTEST:


Sharon G. Hayes