

MONDAY

NOVEMBER 15, 2004

MONDAY

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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**

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\_\_\_\_\_  
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**MATTER OF SUNNY MEADOWS FARMER - DAVID KIMMEL**

David Kimmel plans to retire from his position as tenant farmer at Sunny Meadows county farm. David has filed for his social security benefits, but must establish a final date for employment for filing for Public Employee Retirement Fund benefits. It was decided that David's last work date would be December 16 for a final paycheck on December 23<sup>rd</sup>. The date established for his last day of employment and for his PERF eligibility would therefore be January 1, 2005. David has vacation time yet to be used, and will take these days off during December.

**MATTER OF SANTA'S CHALET**

The downtown merchants association requested to place Santa's Chalet building on the sidewalk on the west side of the courthouse. A motion by Connie Miles to approve the request was seconded by Don Kaufman and carried.

**MATTER OF TOBACCO SETTLEMENT MONIES**

County health nurse Linda Miller explained that the health department receives three grants. The \$20,000 Local Health Maintenance grant has been received for many years. The \$23,747 Master Grant is used with the local health maintenance fund to support programs to encourage the cessation of smoking while a portion of the \$13,139 tobacco settlement grant has been used to attend the yearly national immunization conference. The 2005 conference will be held in Washington, DC, and given the position taken by the council on travel Ms. Miller asked for assurance that the commissioners would recommend this trip, as reservations must be made early in 2005. It is anticipated that lodging will be the greatest cost for the trip. There are plans to purchase a vehicle for use by members of the health department with the remainder of the tobacco grant monies. The commissioners agreed that this would be an acceptable expense and the used vehicle should be purchased locally.

**MATTER OF OFFICIAL BOND**

A motion by Don Kaufman to approve the official bond for acting administrator at Sunny Meadows Kim Pierson was seconded by Connie Miles and carried.

**MATTER OF COUNTY FLAGS**

Several incomplete handmade county flags have been discovered and donated to the county by Jama Carper. A motion by Don Kaufman to accept the estimate of Tuk-it-Tite Upholstery to finish the flags for county use was seconded by Connie Miles and carried.

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## MATTER OF AVIATION BOARD

Brad Stump reported that the term for George Wappes as an aviation board member would expire in December of 2004. Remaining board members would like the commissioners to replace Mr. Wappes for the term to begin in 2005. It is hoped that a new appointee will have a greater amount of time and interest in the airport affairs.

Laydon Rieke is also resigning from his position on the board at some time shortly after January 2005. Brad suggested that Jeff Turner attorney for Metal Technologies would be an excellent replacement for Mr. Rieke's position.

## MATTER OF SPECIAL CLAIMS

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

## MATTER OF HIGHWAY

The following bids for highway materials were opened at 11:AM. All bids were in order, and requested item numbers were verbally presented. A motion by Don Kaufman to take the bids under advisement for two weeks was seconded by Connie Miles and carried.

A question concerning the requirement of bid bonds was raised. The bid bond has been customary for many years, and perhaps necessary when bids were awarded to specific companies for exact items. It is often common to accept all bids for various times and areas of use and therefore a motion by Don Kaufman to terminate the use of the bid bond with the exception of bridge packages was seconded by Connie Miles and carried.

### Item #1 -30,000 Gallons or less Unleaded Gasoline

S & S Oil Co. \$1.4525/Gal.

### Item #2 -60,000 Gallons or less #2 Premium Diesel Fuel

S & S Oil Co. \$1.4415/Gal. \$1.4627/Gal.(Winter Blend)

### Item #3 -Crushed Limestone Materials (Loaded on County Trucks)

	<u>#9</u>	<u>#11</u>	<u>#12</u>	<u>#73</u>	<u>#53</u>
Hixson Sand & Gravel	12.10	13.10	11.85	10.00	---
Hanson (Lower Huntington)	8.70	9.70	8.50	7.05	7.05
Hanson (Midwest Quarry)	8.70	9.70	8.50	7.05	7.05
Hanson (Ardmore Quarry)	8.70	9.70	8.50	7.05	7.05
Hanson (Angola Pit)	12.50	12.50	12.50	11.25	11.25
Stafford Gravel	9.35	9.35	---	8.40	8.40
Klink Trucking	14.00	14.90	14.25	11.90	---
Stone-Street (Poe Quarry)	7.15	7.90	---	6.05	---
Wilhelm Gravel	11.95	12.40	11.45	10.10	10.10
Irving (Dove Pit)	12.05	---	11.50	9.75	---
Irving (Kendallville)	13.80	14.75	13.05	11.65	---
Irving (Angola Pit)	14.25	15.50	---	12.40	---

### -Crushed Limestone Material (Delivered to County Barn)

	<u>#9</u>	<u>#11</u>	<u>#12</u>	<u>#73</u>	<u>#53</u>
J&M Bearcreek	10.35	11.10	10.00	8.50	---
Hixson Sand & Gravel	12.50	13.50	12.25	9.50	---
Klink Trucking	11.95	12.85	12.15	9.75	---
Wilhelm Gravel	10.95	11.40	10.45	8.90	8.90
Jerry Bailey Trucking	10.85	11.75	10.05	8.25	---
Irving Gravel	13.00	14.00	12.45	10.70	---

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**Item #4 -Processed Gravel Products (Loaded on County Trucks)**

	<u>Dip</u>	<u>Screen Dip</u>	<u>Bank</u>	<u>Screen Bank</u>	<u>#53</u>	<u>Sand</u>
Irving (Dove)	3.00	3.25	2.75	3.00	5.50	2.50
Irving (Kendallville)	2.75	3.00	2.75	3.00	5.50	2.00
Irving (Angola)	---	---	2.00	2.35	5.00	2.25
Hanson (Angola)	---	---	2.40	---	4.65	2.50
Stafford	---	---	2.20	---	4.90	2.60
Rock Bottom	---	3.75	---	---	---	2.00
Hixson's	---	---	---	4.00	5.75	2.85
Wilhelm	---	4.00	3.40	---	---	3.00

**Processed Gravel Products (Sand Delivered to County Barn)**

Irving Gravel	4.40/ton
Jerry Bailey Trucking	5.75
Hixson's	4.35
Wilhelm's	4.75
J&M Bear Creek Trucking	4.75
Stafford	4.80

**Item #5 -Bituminous or Emulsified Asphalt (Delivered)**

	<u>AE-90</u>	<u>Sealing Asphalt</u>	<u>MC-3000</u>	<u>AE-90s</u>
Pierceton Trucking	\$0.849	1.149	1.169	0.999
Koch Materials	\$0.862	---	---	1.162

**Item #6 -Bituminous Cold Patch (Loaded on County Trucking)**

Niblock (SP-400 Hi-Perf.)	44.00 / ton
Niblock (SMP HI-Perf.)	56.00 / ton
Brooks (BCCO 250 - Albion)	32.00 / ton
Brooks (BCCO 250-Auburn)	33.50 / ton
API (API 250)	35.00 / ton
API (HPCM)	45.00 / ton
Hixson's	37.50 / ton
E & B (BMP HPCM)	52.00 / ton

**Item #7 -A.P. Asphalt for Patching**

	<u>#5 Base</u>	<u>#8 Binder</u>	<u>#9 Binder</u>	<u>#11 Surface</u>
API	22.50	22.50	22.50	26.50
Brooks	23.00	23.00	23.00	25.50

**Item #8 -Pea Gravel (#12)**

Hanson (Angola)	6.65 / ton
Irving (Dove Pit)	7.50 / ton
Irving (Kendallville)	6.50 / ton
Irving (Angola Pit)	5.50 / ton
Wilhelm	6.50 / ton
Hixson's	7.00 / ton
Jerry Bailey Trucking	10.00 / ton delivered
Rock Bottom	6.25 / ton

**Item #9 -Hot Asphalt F.O.B. Plant**

	<u>Base</u>	<u>Binder</u>	<u>Surface</u>
API	22.50	22.50	26.50
E & B (Angola)	28.00	28.00	32.00
E & B (Ft. Wayne)	23.00	23.00	27.00
Brooks	23.00	23.00	25.50

**Item #9 - Hot Asphalt (Laid on County Road)**

	<u>Tons</u>	<u>Base/Binder</u>	<u>Surface</u>
E & B	0-200	67.00	70.00
	201-400	42.00	45.00
	401-1000	37.00	40.00
	1000+	33.00	36.00
Brooks	0-200	62.50	64.50
	201-400	35.00	37.50
	401-1000	33.50	36.00
	1000+	32.50	35.00
API	0-100	61.00	61.00
	101-500	35.00	38.00
	501-1000	34.00	37.00
	1001-2000	32.00	35.00
	2000+	29.00	32.00

**Item #10 -Bridge Packages**

American Timber Bridge & Culvert, Inc.

Specs., Materials and Price list on file at DeKalb County Highway Office.

Primco, Inc. - Specs., Materials and Price list on file at DeKalb County Highway Office.

**MATTER OF ORDINANCES**

A motion by Don Kaufman to pass the following speed ordinances and also a stop sign ordinance on all three readings was seconded by Connie Miles and carried.

**DEKALB COUNTY COMMISSIONERS**  
**DEKALB COUNTY ORDINANCE NO. 2004- 6**  
**DEKALB COUNTY CODE 9-1-5-6**  
**4-WAY STOP AT THE INTERSECTION OF**  
**COUNTY ROAD 35 AND AUBURN DRIVE**

WHEREAS, Auburn Drive is a newly constructed road along parts of the City of Auburn, DeKalb County, Indiana, and also parts of the County outside the City of Auburn, DeKalb County, Indiana;

WHEREAS, the construction of Auburn Drive has created a new intersection with County Road 35 east and south of the City limits of the City of Auburn, DeKalb County, Indiana;

WHEREAS, as a result of an investigation and study of the traffic now driving and contemplated at the intersection of County Road 35 and Auburn Drive by the DeKalb County Highway Department, 4-Way Stop Signs should be placed at the intersection of County Road 35 and Auburn Drive, south and east of the City of Auburn, DeKalb County, Indiana.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE DEKALB COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA THAT:

- Section 1. **4-WAY STOP SIGNS:** For the benefit and safety of traffic traveling through the intersection of County Road 35 and Auburn Drive, 4-Way Stop Signs shall be placed along County Road 35 at the north side and south side of the intersection and 4-Way Stop Signs shall be placed along Auburn Drive at the east side and west side of the intersection of County Road 35 and Auburn Drive, in accordance with county road specifications for 4-Way Stop Signs.
- Section 2. **STOP SIGN VIOLATIONS:** Violators of this Ordinance may be charged by a traffic summons issued by any police officer having traffic enforcement jurisdiction in the area of the intersection of County Road 35 and Auburn Drive, south of the City of Auburn, DeKalb County, Indiana.

- 2.1 The DeKalb County Prosecuting Attorney is authorized to prosecute any violation of this Ordinance.
- 2.2 Any Court of DeKalb County, Indiana, having general traffic jurisdiction shall be empowered to process such charges as violations of the law, similar to other traffic violations of the Indiana Code.
- 2.3 Any existing penalties for violations shall be applied to this Ordinance and be imposed for any such violations.

Section 3. **EFFECTIVE DATE:** This Ordinance shall become effective after passage of the third reading as adopted by the DeKalb County Commissioners and after the publication of this Ordinance thereafter as required by law.

Section 4. **ORDINANCE CODIFIED:** This DeKalb County Ordinance Number 2004-6 shall be codified in the DeKalb County Code as Section 9-1-5-6 and appropriately indexed in the DeKalb County Code.

Section 5. **PLACEMENT OF STOP SIGNS:** After the publication of this Ordinance is completed, the DeKalb County Highway Superintendent shall place a northbound 4-Way Stop Sign, a southbound 4-Way Stop Sign, an eastbound 4-Way Stop Sign and a westbound 4-Way Stop Sign at the intersection of County Road 35 and Auburn Drive in accordance with this Ordinance.

This DeKalb County Commissioners Ordinance for a 4-Way Stop at the Intersection of County Road 35 and Auburn Drive is hereby signed, approved and adopted after all three readings by the DeKalb County Commissioners on this **15 day of November, 2004**, and ordered to be published as required by law.

**COMMISSIONERS:**

BY: William C. Ort  
William C. Ort, President

BY: Connie R. Miles  
Connie Miles, Vice President

BY: Don Kaufman  
Don Kaufman, Member

Attested By:  
Sharon G. Hayes  
Sharon Hayes, Auditor of  
DeKalb County, Indiana

**ORDINANCE NO. 2004-8**  
**DEKALB COUNTY CODE SECTION 9-1-1-25**  
**DEKALB COUNTY COMMISSIONERS**  
**SPEED LIMIT ON COUNTY ROAD 60 BETWEEN**  
**STATE ROAD 427 AND COUNTY ROAD 29**

WHEREAS, the DeKalb County Highway Superintendent has made a study of that stretch of County Road 60 between State Road 427 and County Road 29 for the purpose of determining the appropriate speed limited for that part of County Road 60;

WHEREAS, the DeKalb County Highway Superintendent has made a safety recommendation to the DeKalb County Commissioners that the speed limit on County Road 60 between State Road 427 and County Road 29 should be established at 30 m.p.h.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE DEKALB COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA THAT:

**Section 1. 30 MPH SPEED LIMIT:** There is hereby established a maximum speed limit over and along County Road 60 from the east line of the State Road 427 intersection with County Road 60 to the west line of County Road 29 intersection with County Road 60, for all motor vehicles traveling over and along said portion of County Road 60.

**Section 2. SPEED VIOLATIONS:** Violators of the Ordinance may be charged with a traffic summons issued by any enforcement officer of any government jurisdiction on the roadway of County Road 60 between State Road 427 and County Road 29, DeKalb County, Indiana.

- 2.1 The DeKalb County Prosecuting Attorney is authorized to prosecute any violation of this Ordinance.
- 2.2 Any Court of DeKalb County, Indiana, having general traffic jurisdiction shall be empowered to process such charges as violations of the law similar to other speeding violations of the Indiana Code.
- 2.3 Any existing penalties for such violations shall be applied to this Ordinance and be imposed for any such violations.

**Section 3. EFFECTIVE DATE:** This Ordinance shall become effective after passage of the third reading as adopted by the DeKalb County Commissioners and the publication of this Ordinance thereafter as required by law.

**Section 4: Ordinance Codified.** This DeKalb County Ordinance Number 2004-8 is passed and adopted on all three readings and shall be codified in the DeKalb County Code as Section 9-1-1-25 and appropriately indexed in the Code.

READ AND PASSED ON FIRST READING: Monday, November 15, 2004.  
 READ AND PASSED SECOND READING: Monday, November 15, 2004.  
 READ AND PASSED ON THIRD READING: Monday, November 15, 2004.

This Ordinance No. 2004-8, codified as DeKalb County Code Section 9-1-1-25 is signed, approved and adopted after all three readings by the Commissioners of DeKalb County, Indiana.

**COMMISSIONERS:**

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

Attested By:  
Sharon G. Hayes  
 Sharon Hayes, Auditor of  
 DeKalb County, Indiana

**ORDINANCE NO. 2004-7**  
**DEKALB COUNTY CODE SECTION 9-1-1-24**  
**DEKALB COUNTY COMMISSIONERS**  
**SPEED LIMIT ON AUBURN DRIVE BETWEEN**  
**COUNTY ROAD 35 AND STATE ROAD 8**

WHEREAS, a new county road known as Auburn Drive has been constructed, among other places, from County Road 35 and then in an easterly northeasterly direction until it ends at its northern most terminus at State Road 8 east of the City Limits of the City of Auburn, DeKalb County, Indiana;

WHEREAS, the DeKalb County Highway Superintendent has made a safety recommendation to the DeKalb County Commissioners that the speed limit on Auburn Drive between County Road 35 and State Road 8 should be established at 45 m.p.h.

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NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE DEKALB COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA THAT:

**Section 1.**     **45 MPH SPEED LIMIT:** There is hereby established a maximum speed limit over and along Auburn Drive from the east line of the County Road 35 intersection with Auburn Drive to the intersection of Auburn Drive at State Road 8, for all motor vehicles traveling over and along said portion of Auburn Drive.

**Section 2.**     **SPEED VIOLATIONS:** Violators of the Ordinance may be charged with a traffic summons issued by any enforcement officer of any government jurisdiction on the roadway of Auburn Drive between County Road 35 and State Road 8 east of the City Limits of the City of Auburn, DeKalb County, Indiana.

2.1     The DeKalb County Prosecuting Attorney is authorized to prosecute any violation of this Ordinance.

2.2     Any Court of DeKalb County, Indiana, having general traffic jurisdiction shall be empowered to process such charges as violations of the law similar to other speeding violations of the Indiana Code.

2.3     Any existing penalties for such violations shall be applied to this Ordinance and be imposed for any such violations.

**Section 3.**     **EFFECTIVE DATE:** This Ordinance shall become effective after passage of the third reading as adopted by the DeKalb County Commissioners and the publication of this Ordinance thereafter as required by law.

**Section 4:**     **Ordinance Codified.** This DeKalb County Ordinance Number 2004-7 is passed and adopted on all three readings and shall be codified in the DeKalb County Code as Section 9-1-1-24 and appropriately indexed in the Code.

READ AND PASSED ON FIRST READING:     Monday, November 15, 2004.

READ AND PASSED SECOND READING:     Monday, November 15, 2004.

READ AND PASSED ON THIRD READING:     Monday, November 15, 2004.

This Ordinance No. 2004-7, codified as DeKalb County Code Section 9-1-1-24 is signed, approved and adopted after all three readings by the Commissioners of DeKalb County, Indiana.

**COMMISSIONERS:**

BY:     William C. Ort  
          William C. Ort, President

BY:     Connie R. Miles  
          Connie Miles, Vice President

BY:     Don Kaufman  
          Don Kaufman, Member

Attested By:

Sharon G. Hayes  
Sharon Hayes, Auditor of  
DeKalb County, Indiana

**MATTER OF AIR PURIFIERS**

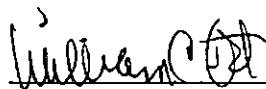
Pat Rothenhofer introduced Donna Ables from the EcoQuest Company. Ms. Ables demonstrated several air purifying machines which might be helpful to court house offices where there is a great deal of mold, mildew and pollen within the stored record materials.


**MATTER OF PAYROLL**

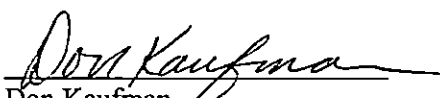
The commissioners signed the payroll docket for checks issued November 12<sup>th</sup>.

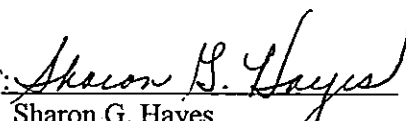
**MATTER OF ADJOURNMENT**

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