

MONDAY

NOVEMBER 22, 2004

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**

William C. Ort  
Connie R. Miles  
Don Kaufman

**ABSENT**

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**MATTER OF REZONING ORDINANCE**

Zoning Administrator Sally Rowe reported that the DeKalb County Plan Commission met on the 17th day of November 2004 for a public hearing on the matter of Petition No. 04-80 filed by Ruth Julia Buchs, requesting an Ordinance Amendment to Portions of the DeKalb County Comprehensive Master Plan. After due consideration, a motion was made and passed that the Plan Commission submit a favorable recommendation to the DeKalb County Commissioners to rezone 2.716 acres of land as described in said legal description from C-RS (County – Rural Suburban) to C-RB (County – Roadside Business), as requested in Petition No. 04-80.

A motion by Connie Miles to approve the rezoning ordinance for Ruth Julia Buchs was seconded by Don Kaufman and carried.

Petition No. 04-80  
Ruth Julia Buchs, Trustee of the Ruth Julia Buchs Trust

**DEKALB COUNTY CODE 36-8-5-7  
ZONING ORDINANCE NO 381 DCC 36-8-1-381**

**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-RB (County – Roadside Business) 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-RS (County – Rural Suburban).

Part of the Southeast Quarter of the Southeast Quarter of Section 1, Township 34 North, Range 13 East, Second Principal Meridian, Grant Civil Township, DeKalb County, Indiana and more particularly described per survey by Michael C Kline Associates, Inc. Job No. 04068, certified August 30, 2004, as follows:

Commencing at a Harrison monument marking the Southeast corner of the Southeast Quarter of said Section 1; thence North 00 degrees 00 minutes 00 seconds East (an assumed bearing and basis of all bearings to follow in this description), 903.46 feet on and along the East line of U.S. Highway No. 6; thence North 86 degrees 39 minutes 22 seconds West, 765.25 feet on and along said centerline of U.S. Highway No. 6 to a MAG nail marking the true point of beginning of this description; thence North 00 degrees 32 minutes 04 seconds East, 375.18 feet to a 5/8 inch rebar with cap marked "KLINE ASSOC. INC. #0043" on the North line of said Southeast Quarter of the Southeast Quarter; thence South 89 degrees 56 minutes 47 seconds West, 323.63 feet on and along said North line of the Southeast Quarter of the Southeast Quarter to a 7x12 inch stone; thence South 00 degrees 32 minutes 04 seconds West, 355.98 feet to a MAG nail on aforesaid centerline of U.S. Highway No. 6; thence South 86 degrees 39 minutes 22 seconds East, 324.00 feet on and along said centerline of U.S. Highway No. 6 to the point of beginning, containing 2.716 acres.

Subject to any and all restrictions, conditions, limitations, zoning ordinances, easements visible or of record, rights of way and highways 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 22nd day of November, 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

**MATTER OF DEKKO GRANT**

County historian John Martin Smith continues to attempt to obtain funds for printing of a his new historical fact book for use by school age children touring the courthouse. Copies of the previous courthouse history book are no longer available. There are no county funds to pay for printing at this time, but Mr. Smith believes he may be able to secure a Dekko Foundation grant for this purpose. A motion by Don Kaufman to approve placing the application on commissioners' letterhead for submission was seconded by Connie Miles and carried.

**MATTER OF RECORDER - SHELVING**

Recorder Burtie Rynearson wishes to donate shelving in her office to NATMUS, the National Automotive and Truck Museum. Commissioner Ort stated that the shelving is no longer of any use to the county and has no value, and could be donated. This would be a transfer of furnishings from a tax exempt entity to a nonprofit organization, thus keeping the artifacts within the county. A motion by Connie Miles to approve the removal of the steel shelving storage unit from recorder's office of the courthouse to be donated to NATMUS was seconded by Don Kaufman and carried.

**MATTER OF LUNCHEON**

Attorney Smith also requested the commissioners schedule a date for the Historic Landmarks Foundation to meet and tour the courthouse. February 7, 2005 was selected for the meeting and luncheon.

## **MATTER OF SUNNY MEADOWS**

Herdsmen Howard Richardson presented the livestock report. The dairy herd consists of 60 milking cows, 1 dry cow, 9 bred heifers, 23 heifers 5-15 months, 15 heifers 1-5 months, 1 newborn heifer and 1 herd bull. One cow fell and had to be destroyed and 1 calf died. Two calves were sold for \$140 apiece and milk price is \$15.03 per hundred weight. The laboratory market report reveals the butterfat content at 3.74, protein at 3.16 with Somatic cell count at 432.

Howard also presented a list of tools left by retiring tenant farmer David Kimmel. David would like to receive \$575 for all of the personally purchased tools, as he will not need them following his retirement.

State regulations require the installation of a timer to control the mixer in the milk storage tank at the farm by January 1, 2005. Without the mixer to maintain even temperature throughout the tank, the milk will be graded lower than the regular inspection indicates.

Kim Pierson explained a letter from Betty Bryant requesting to have one sick day per pay to continue her health insurance during the time she will need to complete her medical absence. Betty plans to request 10 days from the sick bank.

There were several questions pertaining to employment at Sunny Meadows. All Sunny Meadows Home full time work staff are class 1 employees, therefore an employee would get double pay for holidays, but this would not be considered for overtime pay.

Howard's questions regarding benefits were also answered, and a motion that beef and pork for Howard will be processed to his specifications, \$500 will be removed from his monthly salary for rent, and utilities will be prorated was made by Connie Miles. The motion further states that Howard may hire Eric Edgar as a full time milker with hourly pay and commissioners will waive the 90-day waiting period for insurance as Eric has worked part time since June. The motion was seconded by Don Kaufman and carried.

Clint Stephens has agreed to inspect the floors at the home for repairs.

Kim also stated that the commissioners may remove the copier currently installed at the home, as it is not being used.

## **MATTER OF LPA CLAIM - HIGHWAY**

A motion by Don Kaufman to approve the correction and LPA claim for \$80.00 for the Spencerville Covered Bridge project as presented by Toby Steffen of Butler Fairman and Seufert Engineering was seconded by Connie Miles and carried.

## **MATTER OF SPECIAL CLAIMS**

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

## **MATTER OF UNFINISHED BUSINESS**

Commissioner Kaufman stated that he feels the county must proceed to make a decision concerning the communication tower under discussion for the past several months. The auditor will request that Paul Brewer and Larry Wheeler meet with the commissioners at the next meeting.

## **MATTER OF OFFICIAL BOND**

A motion by Don Kaufman to approve the official bond for 2005 for Treasurer Susan Bauermeister was seconded by Connie Miles and carried.

398

## **MATTER OF RELEASE – CEDIT FUNDS**

A motion by Don Kaufman to approve and sign the resolution to release the CEDIT monies originally dedicated to the 1995A Bonds for the Mini-Mill Local Public Improvement Project was seconded by Connie Miles and carried.

### **DEKALB COUNTY COMMISSIONERS** **RESOLUTION NUMBER 2004-R-** **DEKALB COUNTY CODE 26-2-1-6**

#### **Resolution of DeKalb County Commissioners Confirming Release of Pledge of CEDIT Tax** **to** **Redevelopment Commission**

Whereas, the County of DeKalb, Indiana (the "County") on January 16, 1995, passed Resolution Number 95-2, as DCC 26-2-1-5, which resolution pledged CEDIT tax revenues to the Redevelopment Commission for such use as may be necessary by the Commission to make the Lease Rental Payments specified in said Resolution to assist the Redevelopment Commission in making required Lease Rental Payments to the DeKalb County Redevelopment Authority to cash flow the DeKalb County Redevelopment Authority, DeKalb County, Indiana, Series 1995A Bonds (Mini-Mill Local Public Improvement Project; and

Whereas, that Bond Issue has been subject to an advanced refunding, with sufficient proceeds to pay off said Bond in full upon a call date on the payment for said Bond, through application of certain funds held by the DeKalb County Auditor for the benefit of the Redevelopment Commission, also held by the Trustee on said Bond Issue and through the issuance of new bonds through the DeKalb County Redevelopment Commission in April, 2004; and

Whereas, the closing date on the advanced refunding and new Bond Issue took place on the 28<sup>th</sup> day of October, 2004; and

Whereas, the new Bond Issue undertaken by the DeKalb County Redevelopment Commission did not require the pledge of any CEDIT tax monies whatsoever to properly cash flow the payment for said Bond Issue; and

Whereas, the DeKalb County Redevelopment Commission through resolutions in connection with said 2004 Bond Issue specifically rejected the need for any future CEDIT tax revenues, effective immediately upon the closing on the advanced refunding of the 1995 Bond Issue and sale of bonds on the year 2004 Bond Issue.

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

1. The pledge of CEDIT tax revenues to the Redevelopment Commission set forth at DCC 26-2-1-5 is hereby rescinded, effective October 28, 2004.

2. Any and all CEDIT tax revenues received by DeKalb County from and after October 28, 2004, shall no longer be pledged to the DeKalb County Redevelopment Commission, but instead be disposed of in the manner provided by law for counties which have enacted these CEDIT tax.

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

Dated this 22 day of November, 2004.

William C. Ort

William C. Ort - President

Connie R. Miles

Connie R. Miles - Vice President

Don Kaufman

Don Kaufman - Member

**MATTER OF PAYROLL**

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

399

**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