

MONDAY

DECEMBER 13, 2004

MONDAY

407

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 DEVELOPMENT BOND – ROWE ADDITION

Zoning administrator Sally Rowe reported a favorable recommendation from the plan commission for rezoning petition 04-86 Section 15 of Butler Township to vacate lots and unimproved streets and alley ways in New Era Addition to the original towns at the intersection of County Roads 327 60 and 11A. The DeKalb County Commissioners were the original petitioners for the vacation.

A motion by Don Kaufman to approve Zoning Ordinance 383 -DCC 36-8-1-383 to vacate was seconded by Connie Miles and carried.

ZONING ORDINANCE NO. 383 – DCC 36-8-1-383

DEKALB COUNTY COMMISSIONERS

VACATION OF PUBLIC WAYS

NEW ERA (NOW BUTLER CENTER)

BUTLER TOWNSHIP, SECTION 15

DEKALB COUNTY, INDIANA

WHEREAS, a Petition was filed with the DeKalb County Plan Commission to vacate the following Public Ways:

1. All that portion of the alley running north to south between lots 6 through 19, all in the Original Plat of New Era (now Butler Center), being 12 foot wide and 522 feet in length, AND
2. All that portion of Jackson Street in the Original Plat of New Era east of the east line of County Road 11 and west line of the alley being vacated, being 60 feet wide and 135 feet in length, AND
3. All that portion of the un-improved platted street between lots 24 & 25 running north from County Road 60 to County Road 327 and being 60 feet in width as shown on the attached aerial photo.

The New Era (Butler Center) was recorded in Plat Book 3, Page 51.

WHEREAS, the DeKalb County Plan Commission held a public hearing for the vacation of the Public Way after notice of public hearing had been given in accordance with Indiana law, including notice to adjoining landowners whose land abuts the Public Way proposed to be vacated:

WHEREAS, the vacation of the Public Way conforms to the general policy and pattern of development set forth in the Master Plan for Zoning of DeKalb County, Indiana;

WHEREAS, the DeKalb County Plan Commission recommended to the DeKalb County Commissioners the vacation of the Public Way:

WHEREAS, the Petition for Vacation of the Public Way was filed with the DeKalb County commissioners as the legislative body for DeKalb county, Indiana; and

WHEAREAS, the DeKalb County Commissioners have held a public hearing with notices as required by Indiana law, including the consideration of any objection by any person aggrieved by the proposed vacation, if any;

NOW, THEREFORE, BE IT HEREBY ORDAINED, by the DeKalb County Commissioners of DeKalb County, Indiana, that the following Public Way in DeKalb County, Indiana, shall be and hereby is, vacated, and the public use has been and is abandoned, subject to any existing utility easements, to-wit:

1. **SUBJECT OF VACATION:** All that portion of the alley running north to south between lots 6 through 19, all in the Original Plat of New Era (now Butler Center), being 12 foot wide and 522 feet in length, AND
2. All that portion of Jackson Street in the Original Plat of New Era east of the east line of County Road 11 and west line of the alley being vacated, being 60 feet wide and 135 feet in length, AND
3. All that portion of the un-improved platted street between lots 24 & 25 running north from County Road 60 to County Road 327 and being 60 feet in length as shown on the attached aerial photo.

The New Era (Butler Center) was recorded in Plat Book 3, Page 51.

AND BE IT FURTHER ORDAINED THAT A COPY OF THIS ORDINANCE is furnished to the DeKalb County Recorder for a recording and to the DeKalb County Auditor to place in the County Ordinance Record Book.

Dated this 13th day of December, 2004

Signed, approved and enacted by

The Board of Commissioners of DeKalb County,
State of Indiana

William C. Ort

William C. Ort, President

Connie R. Miles

Connie R. Miles, Vice-president

Don C. Kaufman

Don C. Kaufman, Member

ATTEST:

Sharon G. Hayes

Sharon G. Hayes, DeKalb County Auditor and
Secretary to the DeKalb County Commissioners

MATTER OF DEVELOPMENT BOND

A motion by Connie Miles to release the bond and \$8,000 letter of credit for developer Paul Lemish for Phoenix subdivision as set forth in Resolution 2004-R12 was seconded by Don Kaufman and carried. Drainage improvements for the subdivision are complete and the request to release the development bond was accompanied by letters of approval from engineer Michael C. Kline and county surveyor Mark Strong.

MATTER OF MULTI HAZARD MITIGATION

Zoning administrator Rowe reminded the commissioners that they must appropriate \$17,383.11 for the multi hazard mitigation plan at the January council meeting. Meetings for the plan will begin in January. The auditor will create a fund for the monies.

MATTER OF SPECIAL CLAIMS

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

MATTER OF APPOINTMENT – BUTLER LIBRARY BOARD

A motion by Don Kaufman to reappoint Frank Weller to the Butler Library Board was seconded by Connie Miles and carried.

MATTER OF HIGHWAY

There was no immediate Highway business. However the commissioners wish to pursue the matter of the wheel tax (LOHUT), and following discussion with the highway superintendent it was decided that the commissioners would again bring the issue to the council meeting for discussion and request a resolution to adopt the tax at the February 7, 2005 meeting. The auditor will advertise for the meeting.

MATTER OF IS DEPARTMENT

IS director Jack Smith introduced Jim Baxter Jr. as candidate for the position of network support specialist within the IS department. Mr. Baxter then spoke to the commissioners concerning his background and experience with the Tokheim Company. Mr. Baxter currently teaches a class at Ivy Tech and has an associate degree in Electronic Technology. He has a family and is excited at the possibility to work with Jack again. He would continue to teach part time, but would need to give 2 weeks notice to his current employer Professional Medical Billing. He is agreeable to the salary and benefits offered.

A motion by Don Kaufman to waive the 90-day salary restriction, but to adhere to the 90-day probationary trial period and health insurance benefit restrictions was seconded by Connie Miles and carried.

MATTER OF GENERAL CLAIMS

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

MATTER OF PAYROLL

The commissioners signed the payroll docket for the period ending December 2nd with checks issued December 10th.

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

Don Kaufman
Don Kaufman

ATTEST:

Sharon G. Hayes
Sharon G. Hayes