

MONDAY

November 24, 2003

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**

Don Kaufman  
Connie R. Miles  
William C. Ort

**ABSENT**

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**MATTER OF SHERIFF'S REQUEST**

Sheriff Dennis explained that he would like to make improvements to upgrade the chief deputy's office. He would like to encumber monies from the jail building improvements and furniture and fixtures accounts from both the sheriff and jail budgets based on a quote from Bassett Office Furniture for \$4,756. The auditor will determine if sufficient funds are available to allow for the transfers before the monies are encumbered.

**MATTER OF REZONING - D. A. BROWN ENGINEERING CONSULTANTS**

Zoning Administrator Sally Rowe reported a favorable recommendation from the plan commission for rezoning 4.45 acres from C-RS to C-GB for Graber Enterprise, Inc. in the northwest quarter of section 7, township 33 north, range 13 east in Jackson Township. The area is located on County Road 427 south of Feters Construction and will be used for construction of a new facility for D A Brown Engineering Consultants, Inc. A motion by William Ort to approve the rezoning was seconded by Connie Miles and carried.

Petition No. 03-76

Graber Enterprise, Inc., David B. Graber, President (owner)

D.A. Brown Engineering Consultants, Inc. (purchaser)

**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-GB (County – General 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).

A tract of land located in the Northwest Quarter of Section 7, Township 33 North, Range 13 East, in DeKalb County, the State of Indiana, with said tract of and being part of the tract of land conveyed to Graber Enterprises, Inc. by Corrective Corporate Deed recorded in DeKalb County Deed Record Book 201,

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page 84, more fully described as follows: COMMENCING at an Iron Pipe situated in the Northeast corner of said Northwest Quarter: Thence South 00 Degrees 37 Minutes 20 Seconds East (GPS Grid Basis of Bearings), a distance of 1589.87 feet along the East line of said Northwest Quarter to a Rebar Stake with cap (FIRM 0042) situated in the South line of The Re-Plat Of The Gravel Pit Addition as recorded in DeKalb County Plat Record 10, page 193; Thence South 89 Degrees 17 Minutes 50 Seconds West, a distance of 16.00 feet along said South plat line to a Rebar Stake with cap (FIRM 0042), the TRUE POINT OF BEGINNING; Thence South 89 Degrees 17 Minutes 50 seconds West, a distance of 425.99 feet along said South plat line to Rebar Stake situated in the Southwest corner of said Grave Pit Addition; Thence Southwesterly, a distance of 240.07 feet along the Easterly Right-of-Way line of County Road 427 (being a circular arc that is concave Northwesterly, having a radius of 2914.79 feet, having central angle of 04 Degrees 43 Minutes 08 Seconds, and having a chord bearing South 40 Degrees 06 Minutes 04 Seconds West, with a distance of 240.00 feet) to a Rebar Stake with cap (FIRM 0042); Thence South 46 Degrees 36 Minutes 10 Seconds East, a distance of 313.73 feet to a Rebar Stake with cap (FIRM 0042); Thence North 89 Degrees 17 Minutes 50 Seconds East, a distance of 356.96 feet to a Rebar Stake with cap (FIRM 0042); Thence North 00 Degrees 37 Minutes 20 Seconds West, a distance of 400.00 feet parallel with and 16.00 feet West of the East line of said Northwest Quarter to the POINT OF BEGINNING, said tract containing 4.45 acres, more or less, and being subject to all public road rights-of-way and to all easements 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 24th day of November, 2003.

Don C. Kaufman  
Don C. Kaufman, President

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

William C. Ort  
William C. Ort, Member

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

**MATTER OF REZONING – PAUL BARANY**

Zoning administrator Rowe reported a favorable recommendation from the plan commission for rezoning 2 acres in the northeast quarter section 28, township 34 north, range 14 east in Wilmington Township, more specifically 5952 County Road 40, Butler, Indiana from C-RS to C-RB for Paul Barany. A motion by Connie Miles to approve the rezoning was seconded by William Ort and carried.

Petition No. 03-78  
Paul Barany (owner)  
Lonnie Fry (purchaser)

**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).

A part of the northeast quarter (1/4) of the Northeast quarter (1/4) of Section 28, Township 34 North, Range 14 East, DeKalb county, Indiana, and more particularly described as follows: Beginning at a railroad spike on the north line of said Section 28, South 89 degrees 11 minutes West (assumed bearing) 469.41 feet from a railroad spike at the northeast corner of said Section 28, South 0 degrees 07 minutes East 1013.26 feet to an iron pipe; thence South 89 degrees 17 minutes West 215.00 feet to an iron pipe; thence North 0 degrees 07 minutes West 1012.88 feet to a railroad spike on the north line of said section 28; thence North 89 degrees 11 minutes East on and along said north section line 215.00 feet to the point of beginning and containing 5.000 acres, more or less.

ALSO, a part of the Northeast quarter (1/4) of the northeast quarter (1/4) of Section 28, Township 34 North, Range 14 East, DeKalb County, Indiana, and more particularly described as follows: Beginning at a railroad spike on the north line of said Section 28, South 89 degrees 11 minutes West (assumed bearing) 254.49 feet from a railroad spike at the northeast corner of said Section 28, South 0 degrees 07 minutes East 1013.64 feet to an iron pipe; thence South 89 degrees 17 minutes West 214.92 feet to an iron pipe; thence North 3 degrees 07 minutes West, 1013.26 feet to a railroad spike on the north line of said Section 28; thence North 89 degrees 11 minutes East on and along said north section line 214.92 feet to the point of beginning and containing 5.00 acres more or less.

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 24th day of November, 2003.

Don C. Kaufman  
Don C. Kaufman, President

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

William C. Ort  
William C. Ort, Member

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

**MATTER OF RELEASE - DEVELOPMENT BOND**

Zoning Administrator Rowe requested the release of the development bond for Shanyfelt Addition. The bond is an irrevocable letter of credit in the amount of \$9,000. Both the surveyor and engineer have presented letters stating that the drainage improvements are satisfactorily completed. A motion by William Ort to approve the release of the bond for Shanyfelt Addition was seconded by Connie Miles and carried.

**MATTER OF SOLID WASTE DISTRICT**

The commissioners addressed various issues and questions concerning the solid waste district to the director, Steve Christman. Mr. Christman explained the contract for expenses for engineering consultant Joe Spears. The contract calls for services at \$40 per hour, or \$3,000 per month up to 75 hours, and \$4,000 per month beyond the 75 hours. Mr. Christman feels this expense is easily justified, and somewhat inexpensive whenever the engineering services are required.

Mr. Christman has plans for the solid waste district to grow and for more to be accomplished, however, the present state of the economy finds his group trying to do more with fewer people on the same amount of money. Desirable additions to be made are a program manager and project specialist. Many of the district services are now out-sourced

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**MATTER OF SUNNY MEADOWS**

Sunny Meadows staff members were present for the monthly meeting with the commissioners. Herdsman Howard Richardson's livestock report noted that the somatic cell count is down. There are currently 59 milking cows, 6 dry cows, 11 bred heifers, 16 heifers 5-15 months old, 8 heifers 1 to 5 months old, 25 steers and 2 herd bulls. Milk prices are questionable depending on the time of the report. If figured on advance the price is \$15.42 per 100 pounds. This averages to \$11.14 per 100 pounds.

Sunny Meadows Farmer David Kimmel and Howard would like to attend a DHIA award dinner where Mr. Kimmel will receive an award. The commissioners agreed that the cost for the dinner could be paid from the Sunny Meadow account.

**MATTER OF SPECIAL CLAIMS**

A motion by Connie Miles to approve special claims was seconded by William Ort and carried.

**MATTER OF PAYROLL**

A motion by Connie Miles to approve the payroll for the period ending November 20<sup>th</sup> was seconded by William Ort and carried.

**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