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	ABSENT
Don Kaufman	
Connie R. Miles	
William C. Ort	

MATTER OF SPECIAL CLAIMS

A motion by Connie Miles to approve special claims and for President Kaufman to sign Dan Fry's cell phone claim was seconded by William Ort and carried.

MATTER OF COPIERS

Jeff Bassett explained that changes in technology have brought the cost of some copiers down to where it is less expensive to maintain by paying the cost per copy than a lease purchase agreement. Jeff presented a yearly assessment of the copiers owned by the county as well as a plan for replacement of copiers in 2004. This change should occur in 2004 at various times when the leases for machines are finished. The machine in the clerk's office should be replaced with a machine, which could be networked and also used as a printer. Instead of moving to other areas, the copiers which are networked in the surveyor's and auditor's offices would be traded in and replaced with updated machines at a lower cost to maintain per copy. The newer machines of this type have a superior document feeder when compared to the older machines now in use. The probation department copier should also be traded in for a copier to be networked as a printer, and Jeff also recommended that the prosecutor's extra copier be moved to the airport if the commissioners felt it was needed. At the cost per copy billing each office will turn in a monthly meter reading via the Internet and copies which are not usable will be counted and credit given. A motion by Connie Miles to approve the plan for conversion of all digital copier leases to cost per copy as the supplies for the various machines are exhausted, and replace copiers to be upgraded to better manage the cost, subject to determination of maintenance responsibility for the soil and water district copier, was seconded by William Ort and carried. The analogue copiers will be kept until supplies are exhausted.

MATTER OF RESOLUTION 2003-R26 AND BOND OF DEVELOPER

Zoning Administrator Sally Rowe reported a favorable action from the plan commission for Brookwood Farms, a 14-lot subdivision for residential use in Newville Township.

Based on the approval of the plan commission, a motion by Connie Miles to approve and sign Resolution 2003-R26 (DeKalb County Code 36-7-3-15) and the Bond of Developer for drainage improvements to be finished by May 1, 2004 by Shepard Development LLC, Jesse Graber Member, was seconded by William Ort and carried. The bond for drainage improvements is secured by cashier's check No. 733801449 payable to the DeKalb County Commissioners in the amount of $119,000 from Bank One. The engineer's estimate from D. A. Brown, and DeKalb County Surveyor's letter approving the drainage plans accompany the check.

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DEKALB COUNTY CODE SECTION 36-7-3-15
RESOLUTION NO. 2003-R26
OF
COUNTY COMMISSIONERS
DEKALB COUNTY, INDIANA

Whereas, "Brookwood Farms" is a 14-lot platted subdivision for residential purposes in the unincorporated area of Section 30 in Newville 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 "Brookwood Farms" in Newville 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 1st day of May, 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 15th day of December, 2003.

DEKALB COUNTY COMMISSIONERS

Don C. Kaufman
Don C. Kaufman, President

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

William c. Ort
William C. Ort, Member

KNOW ALL MEN BY THESE PRESENTS:

That we, Sheperd Development, LLC, Jesse S. Graber, Member in consideration of the resolution of the DeKalb County Commissioners attached hereto and made a part hereof, are bound unto DeKalb County, Indiana, a municipal corporation in the penal sum of $118,560.00 for the payment of which we jointly and severally bind ourselves 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 Subdivision for "Brookwood Farms" Lots 1 through 14, as approved by the DeKalb County Plan Commission and on file in the office of the DeKalb County Plan Commission. Said subdivision calls for the installation of detention ponds including, but not limited to, earth work, overflow structures, erosion control measures, inlets/manholes, and reconstruction of the Meeks Drain, at a cost estimate being $118,560.00, as a condition placed on said plat approval by the DeKalb County Plan Commission as requested by the DeKalb County Drainage Board. Said improvements shall be completed on or before the 1st day of May, 2004.

THE SECURITY PLEDGED FOR THE PAYMENT OF SAID BOND IS A CASHIERS CHECK PROVIDED BY
Bank One for $119,000 (No. 733801449 original attached), 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 May 1, 2004.

Jesse S. Graber
Jesse S. Graber, Member

Before me, the undersigned Notary Public, in and for the County and State, personally appeared Jesse S. Graber 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 15th day of December, 2003.

Donald L. Lepper
Donald L. Lepper
Notary Public
A resident of Allen County, IN
My Commission expires:6-9-08

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: 12-15-03

Don C. Kaufman
Don C. Kaufman President

Connie R. Miles
Connie C. Miles, Vice Pres.

William C. Ort
William C. Ort, Member

MATTER OF CONTRACTS

Zoning Administrator Sally Rowe presented contracts for 2004 for the committee preparing the new comprehensive master plan. A motion by William Ort to approve and sign the contracts for Sharon Kline, Sally Rowe and Brad Stump was seconded by Connie Miles and carried.

MATTER OF PLAN COMMISSION

Plan commission deputy Joyce Shoup requires surgery for a brain tumor. The surgery will not take place until after January 1, 2004. Joyce has 8 vacation days left and would like to be allowed to carry them over to 2004 to use with her sick days during her recovery. Joyce may also need to borrow days from the sick bank. Joyce must submit a letter to the zoning administrator for further approval.

MATTER OF HIGHWAY

Zoning Administrator Rowe explained that Angela Goegline has opened the Snip and Clip Pet Grooming business on the east side of County Road 35 just south of County Road 52 in an area already zoned for residential business. Ms. Goegline requested a variance to place a 3 x 4-foot sign in front of the fence at the roadside area in front of the residence. The BZA approved the variance and has referred the matter to the commissioners. The sign would be placed within the road right of way, as horses pastured inside the fence would chew and destroy the sign. The sign would be removable to allow for snowplowing or utility work.

Attorney Kruse felt that it would be prudent to list findings of fact, which would lead to the commissioners' decision. The sign could be permitted if it is no larger than 3 x 4 feet and ¼ inches thick in size, and is supported by 4x4 posts, not lighted, portable-not set in concrete, does not obstruct the view of the traffic on the road, is up against the fence that has existed for at least five years and the fence is in compliance, is not in the way of any road or ditch maintenance, is placed at the owners' risk, other signs in the vicinity are as close to the road as this one, and the installation of the sign will be subject to approval of the highway superintendent.

A motion by Connie Miles to approve the request for variance within the expanded right of way subject to the 8 findings of fact, which shall be conditions upon the installation of the sign was seconded by William Ort and carried.

See Correction January 12, 2004

MATTER OF UTILITY PERMITS

A motion by Connie Miles to approve a utility permit for Verizon 600 feet west of State Road 3 to bore under County Roads 66 from south to north for a new installation at 0151 County Road 66 was seconded by William Ort and carried.

MATTER OF PAYROLL

The commissioners signed the payroll dockets for weeks ending November 25th and December 12th.

MATTER OF EMPLOYEES' HEALTH INSURANCE

The committee for discussion of changes for the employees' health insurance met to pursue the issues, which might lower the cost of the health insurance plan. Others members of the committee present, aside from the commissioners and auditor, were Linda Gulick, Missy Heffelfinger, Jackie Rowan, Jeff Hirons, Brad Stump, Tim McAlhany and Janet Ordway. Agent Brian Miller of The Matrix Group distributed a listing of various methods and savings which might be adopted.

Following the discussion, a motion by Connie Miles to adopt the first five options, with Lutheran Hospital as the primary provider, an increase for co-pay for office visits to $15, a co-pay of $75 for use of emergency room facilities unless the patient is admitted within 24 hours, an increase in prescription co-pay at $15 for generic and $30 for brand name drugs, and increasing the deductible to $300 per person and $600 per family was seconded by William Ort and carried. A motion by Connie Miles that employee contributions remain the same was seconded by William Ort and carried. It was agreed that the life style changes would perhaps be adopted for the 2005 budget year.

MATTER OF XEROX CONTRACT

Jeff Bassett returned with contracts for the copiers approved earlier in the day. A motion by William Ort to approve and authorize Connie Miles to sign the contracts for copiers to be replaced in 2004 was seconded by Don Kaufman 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