

MONROE COUNTY COMMISSIONERS AGENDA
MONROE COUNTY COURTHOUSE
JUDGE NAT U. HILL, III MEETING ROOM
BLOOMINGTON, IN

February 1, 2008
9:00 a.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

I. APPROVAL OF MINUTES

A. Approval of minutes for January 4, 2008.....1-8

II. PAYROLL AND CLAIMS

A. Approval of payroll and claims for February 4, 2008

III. REPORTS

A. Monthly report from Weights and Measures.....9

B. Annual Report from the Surveyor – Surveyor’s office
Kevin Enright.....10-11

IV. NEW BUSINESS

A. Youth Services Bureau Cleaning Contract Approval – Youth Services
Ron Thompson.....12-14

B. Ratification of Change Order #1 – Court Services/Judge’s Office Remodel
Legal Dept - Bill Steger.....15-19

C. Contract with John Byers Associates for Miscellaneous Architectural
Services – Legal Dept. – Bill Steger.....20-38

D. Ordinance 2008-1 An Ordinance Amending Chapter 450 of the Monroe
County Code Entitled “Emergency Management” – Legal Dept – Jeff
Cockerill.....39

V. APPOINTMENTS

VI. ANNOUNCEMENTS

VII. PUBLIC COMMENT

VIII. ADJOURNMENT

MONROE COUNTY COMMISSIONERS MEETING
MONROE COUNTY COURTHOUSE
JUDGE NAT U. HILL MEETING ROOM
BLOOMINGTON, IN

The Monroe County Commissioners met in a regular meeting on January 4, 2008 at 9:00 a.m. With the following members present: Iris Kiesling, President; Joyce Poling, Vice President; Patrick Stoffers, Member. Also present William Steger, Monroe County Attorney; Jane Marie Lind, Commissioners Executive Director; Bill Williams, County Highway Engineer and Sandy Newmann, Monroe County Auditor.

CALL TO ORDER

(Kiesling) I would like to call to order the Commissioners meeting for January 4, 2008

PLEDGE OF ALLEGIANCE

ELECTION OF OFFICERS

Poling moved, Kiesling seconded Patrick Stoffers for President. Iris Kiesling for Vice President and Joyce Poling, member

Motion passed

APPROVAL OF PAYROLL (\$720,170.29) AND CLAIMS (\$2,162,062.86)

Poling moved, Stoffers seconded

Motion passed

OLD BUSINESS \$121,205.70

Poling moved, Stoffers seconded

(James Kennedy, Sheriff's Dept) We received a letter from DLZ their recommendation was to award the bid to the lowest bidder, which was Building Associates in Bloomington.

(Poling) Bill, on this motion. It says that we will accept alternate 01?

(Steger) Yes, if you look at your tab sheet, Building Associates base bid was \$121,215.70. The specifications drawn by the architect, also requested bidders to bid one

alternate which involves re-using twenty - nine of the existing (inaudible) which would result according to Building Associates figures of a de-duct.....excuse me the base bid was \$135,837. Eleven accepting alternate number #1 results in a de-duct of \$14,631.40 for a total on the contract to be awarded of \$121,205.70

Motion passed

NEW BUSINESS

RATIFICATION OF ACCEPTANCE OF PROPOSAL FOR DEVELOPING A HUMAN RESOURCES DEPARTMENT

Poling moved, Stoffers seconded to table this item until January 18, 2008

Motion passed

ENHANCED 911 SERVICE AGREEMENT ADDENDUM NO. #1

Poling moved, Stoffers seconded

(Steger) The I.U. Police Department is in the course of moving from their headquarters to a new location. IUPD is a secondary public service answering point for our Central Dispatch. The addendum to the to the 911 Service agreement is for the cost of moving that equipment and re-installing it at the new headquarters in the amount of \$14,725

Motion passed

CONTRACT WITH ROBERT DIXON FOR CLOCK WINDING \$2,600

Poling moved, Stoffers seconded

(Steger) This is a renewal of a long standing agreement that we've had with Robert Dixon to service and wind the clock weekly.

Motion passed

ORDINANCE 2007-51 TO AMEND VARIOUS TRAFFIC ORDINANCES

Poling moved, Stoffers seconded

(Bill Williams, Highway Dept)

ORDINANCE 2007-51

An ordinance to amend various traffic ordinances listed below in the Monroe County Code.

SECTION I

An ordinance to amend Ordinance 86-6 regarding regulatory stop conditions for vehicular traffic on designated roads, streets, etc., in Monroe County, Indiana.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF MONROE COUNTY, BLOOMINGTON, INDIANA, AS FOLLOWS:

Appendix A of Ordinance 86-6 is amended by the **addition** of the following **stop** locations:

- a. Chalmers Court for Crop Circle
- b. Moline Drive for Chalmers Court
- c. Crop Circle for Bolin Lane
- d. Natasha Drive for Andy Way
- e. Paddock Ridge for Hudoff Road
- f. Sudbury Drive for Weimer Road

SECTION 4: Any vehicle operator who is found to violate any provision of this ordinance commits a Class C ordinance violation and shall be fined in accordance with Monroe County Code Section 115-3(A)(3).

SECTION II

An ordinance to amend Ordinance 86-9 regarding regulatory speed conditions for vehicular traffic on designated roads, streets, etc., in Monroe County, Indiana.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF MONROE COUNTY, BLOOMINGTON, INDIANA, AS FOLLOWS:

Appendix A of Ordinance 86-9 is amended by the addition of the following **speed limit** locations to be **30 mph**:

- a. Castilla Subdivision - Castilla Court
- b. Farmers Field - Crop Circle
- c. Farmers Field - Chalmers Court
- d. Farmers Field - Moline Drive
- e. Sudbury Farms - Sudbury Drive

SECTION 4: Any vehicle operator who is found to violate any provision of this ordinance commits a Class C ordinance violation and shall be fined in accordance with Monroe County Code Section 115-3(A)(3).

Passed and adopted by the Board of Commissioners of Monroe County, on this 4th day of

January 2008. Monroe County Commissioners

Motion passed

RESOLUTION 2008-1 AUTHORIZING AREA 10 TO APPLY FOR TRANSIT GRANT

Poling moved, Stoffers seconded

(Jewel Echelbarger, Area 10) The funding is based upon the recommendation of the consultant who did the planning study for the State of Indiana. So we are requesting under what is called Job Access Reverse Commute. These are new Federal funds where the Federal Government has decided that public transportation should be doing more to help the workers get to work and get home from work. This is for three counties, Owen, Monroe and Lawrence. We have been before the Metropolitan Planning Organization for what we need to do in what is part of Monroe County's Metropolitan Planning. And they've authorized \$24,000 just within the MPO and we have the rest of the county, all of Owen County and most of Lawrence County to put in. So we are asking for a total of \$100,000. It's broken up in the following ways. The first thing is, if we're going to do this we need a bus. Our buses are old. We are asking to retire four of them today. Its \$48,000 a vehicle of which \$38,400 would come from the Federal Government. \$9,600 would be local. We're planning to write grants for those local funds to see if we can get some help with this. \$9,600 is 20% of the cost of the vehicle. And then the rest of it, \$61,600 is to operate the vehicles and pay for the insurance, staffing, gas, all the good things that happen with Public Transit. We would work with our existing schedule and try to expand it.

Motion passed

RESOLUTION 2008-2 AUTHORIZING AREA 10 TO APPLY FOR A TRANSIT GRANT \$100,00

Poling moved, Stoffers seconded

(Echelbarger) 5317 is called New Freedom. This essentially is coming out of the Federal Government. Public Transit needs to go beyond the very restrictive regulations of the Americans with Disabilities Act for transportation, which says you need to go 3/4 of a mile beyond your existing route. And New Freedom is something that we really need. We've been turning people down who need transportation.

Motion passed

RESOLUTION 2008-3 CONCERNING SURPLUS PROPERTY

Poling moved, Stoffers seconded

(Echelbarger) We have two 1993 vehicles that have been out of service for some time. We need to get them off of the records so nobody is held responsible.

Motion passed

RURAL TRANSIT SECTION 5311 AND PMTF OPERATING ASSISTANCE GRANT \$1,155,946

Poling moved, Stoffers seconded

(Echelbarger) This is our 2008 Operating and Capital Assistance. August 3, 2007 was the County Commissioners meeting when we dealt with this. The operating grant is \$496,690. State \$329,628 local funds \$231,628 for a total of \$1,155,946 for the operation of Rural Transit in three counties.

RURAL TRANSIT 5311 AND PMTI CAPITAL ASSISTANCE GRANT \$117,500

Poling moved, Stoffers seconded

(Echelbarger) The Capital Grant is for two vehicles, six radios and some fare boxes. It comes to a total of \$117,500 of which the Federal Government pays \$94,000 State \$11,750 and local \$11,750.

Motion passed

ANNOUNCEMENTS

We have been saddened by the illness of our employee Patty Smith and amazed by all the help with the County employees

Our next Commissioners meeting is January 18, 2008

PUBLIC COMMENT

(John Reeves) I wish to bring to your attention once again, the issue of Back to Nature cabin rentals. I brought this matter to the attention of County Government several times from last May. It seems I continually meet with delays throughout the Planning Department and the Building Department, even though they admit that they believe it to be a violation of what is right now a single family dwelling. I don't believe it takes a lot of dealing with this matter to see there are situations in Monroe County more than just the one next door to me. I've been told that this is an unregulated business. My experience has only been since Memorial Day weekend past year with the cabin next to me. It's been one that's been filled with large groups and large parties. There are multiple families in this single family dwelling. It is registered as a single family dwelling. Instead of looking forward to the weekends and holidays I dread them because it is totally overwhelmed from the people that come in. There are large groups of people, loud music, they're on

my property. There is property damage and I have repeatedly echoed this to the different departments. I watched the Plan Commission meeting two meetings ago where Mr. Schilling tried to introduce packets to all the Planning Commissioners, as some direction in this matter. As they looked thru the packets, Richard Martin suggested some strategic foot dragging in this matter was appropriate. I found this to be a shock when everybody knew that there are clear violations in this matter. And his recommendation was to slow it down even though Mr. Schilling had informed them that he had found as many as 200 such cabins in Monroe County. As I begin to echo my problems, I'm beginning to find out I'm not the only one that has (inaudible) in this. I was a little bit opposed to the notion that I found out that your Building Department has issued four new permits to upgrade single family dwellings that is currently being used as cabin rentals, so they can go to commercial use.

(Judy Sharp, Assessor) Mr. Reeves came to my office yesterday and he was trying to see how we assess this type of property. So I pulled everything and I really wasn't aware until yesterday of the magnitude of this problem. As we got to talking it was very interesting because I have the same case. My old house that we sold a few years ago has been made into a bed and breakfast and when I saw it happen I'm thinking, I don't think this is legal. So I made a couple of phone calls and was told that there is nothing in the County that we can do about something like this. And I thought it was strange because this is a two bedroom, two bath home that's being rented out to multiple families. Its in the watershed, it's on a septic so where is all this stuff going to, in Lake Monroe. They put in another bathroom, which is illegal. I notified the health department and they seemed to think that their hands are tied. I think that we jump into a lot of things in Monroe County that I feel maybe we shouldn't, but in a case like unregulated business, this is like a hotel, there's people coming in. These places have no inspection; they are not under the fire people where they come in for fire code. The other thing that I really have a problem with is that we have so many rules and regulations for all of us to follow in Monroe County for building and the septic and the sewers and the holding tanks are all regulated very concisely.

(Dan Combs, Perry Township Trustee) I'm also an adjoining property owner for this particular Shields Ridge establishment. First off I want to say that I'm involved in Government and I find it incredulous that John has been up here for eight months and this hasn't been resolved. He is trying not to involve the neighborhood. But it's got to the point where he needs some back up, and shame on the County. It was a nightmare getting our house built. It's a nightmare to get a house built. In August we had a reception for the Mayor. The first thing we had to do was send someone to clean up the intersection because we had been paper toweled by the residents of this cabin for that particular night. John Paul happened to catch them. We've had to chase four wheelers out of our woods. We deserve neighbors, these aren't neighbors, these are motel residents. It's not our obligation to nightly go over and tell the new occupants what they need to do. I have not seen the owner of the property since this went online. He told me it was going to be a rental unit. A summer vacation rental is the exact words he used, not a night by night rental. So if you change the ordinance because you feel that you can't cover what's there now, you will grandfather it. Specifically what I'm asking is that it moves forward.

(Unknown) He came down and asked us why we didn't inspect these? We are not permitted to inspect any private homes, unless we're asked to. So our hands are tied unless we know this is a commercial building. And if this is a commercial building and they're making an income then Judy should be taxing them.

(Gregg Zody) We are beginning to draft a text amendment to deal with the rental cabins. We discussed this at our last Plan Commission meeting. I agree this is something that we need to regulate; it's something that's gone on for far too long. It's not fair to adjacent property owners or to the general public to be subjected to the misuse of these properties. But we also have to acknowledge that they are a commercial entity and they have to be treated as such. The problem staff found is that they kind of fall in between a motel/hotel. So my recommendation is to create a new definition for them. We don't have a mechanism at this time in our zoning ordinance to deal with rental cabins as such, but we are going to create a mechanism to deal with that and to regulate them.

(Kiesling) Are you including the Health Department who deal with septics and also Building Department and so on?

(Zody) That will have to be part of it, yes.

(Kiesling) Because I'm very concerned. We've been very careful about trying to have an echo area where there's proper disposal of sanitation and here we have people spilling out into the land and that's not acceptable.

(Zody) Undoubtedly.

(Kiesling) And an increased concern of fire code. I'm always concerned with that because so quickly something can go up in flames and we don't really have the quickness to respond when that kind of fire occurs.

(Zody) I agree.

(Poling) Do you grandfather illegal activity that has happened since the Comprehensive Land Use Plan?

(Zody) I don't see how it could be grandfathered when we haven't created a code. My thought would be that we would bring everybody into compliance. I don't like this whole grandfathering notion.

(Poling) I think it's a legal question because if they went in doing something illegal after the last plan then I would hope it couldn't be grandfathered. But I recognize that's a legal question.

(Zody) The Comprehensive Plan is merely a guide and I don't recall any rental cabin language in the Comprehensive Plan. This is something that would probably be put into

Chapter 802 which is Permitted Land Use section. And I'd like to make it as strict as possible just out of consideration for the people who have purchased property with the expectation that they would be surrounded by single family residences and not weekend cabin parties. There is the issue of sanitation a lot of these septic systems are sized for two or three bedrooms and a certain number of people.

(Kiesling) Are you also going to look at what the City has done, because what I'm thinking is the City has some restrictions?

(Zody) They have a certification process in the City for rentals and that's really dealing with the students and everything.

(Poling) I think looking at Brown County you would have some good guidance.

(Zody) I just want the people to know that staff isn't going to drag their feet on it.

(Combs) As far as grandfathering if you do not recognize something as being illegal and then you pass a land use ordinance that regulates that activity, that activity is legal until they amend the use. There's a whole list in the ordinance that will cover these behaviors. What you have here is, "Oh we're afraid" Either you stand up and do it or you punt it. And if you punt it we have this with us forever. Because it will become grandfathered in that you can not take a business that is not already out of the ordinance and make it out of the ordinance.

(Newmann) I just wanted to give you a little update on the Homestead Tax Refund. We have certified those to the State and to the Monroe County Treasurer. This moment we have sent the files to SIR. They are looking at it and seeing if the format is fine and once they see the format is okay and they can use it, then things will be in the works. There's no time line yet, but as soon as we find out we will keep you informed.

ADJOURNMENT

The meeting was adjourned at 9:45 a.m.

**INDIANA STATE BOARD OF HEALTH
DIVISION OF WEIGHTS AND MEASURES**

1330 W. MICHIGAN STREET, INDIANAPOLIS, INDIANA 462

Month of 12/16/07 thru 01/15/08

Jurisdiction Monroe County

January 2008

Inspector Richard McMurry

MONTHLY REPORT

NARRATIVE

(Explain Miscellaneous Tests and Activiti

STATISTICAL

| MECHANICAL ACTIVITIES | Correct | Rejected | Confiscated | Total |
|------------------------------|------------|----------|-------------|------------|
| SCALES | | | | |
| Vehicle | | | | 0 |
| Livestock | | | | 0 |
| Portable & Dormant | 9 | | | 9 |
| Hopper | | | | 0 |
| Computing | 80 | 4 | | 84 |
| Suspension | | | | 0 |
| Prescription | | | | 0 |
| Non-Commercial Scales | | | | 0 |
| MEASURING DEVICES | | | | |
| Vehicle Tank Compartments | | | | 0 |
| Gasoline, Kerosene Pumps | 2 | | | 2 |
| Timing Devices | | | | 0 |
| High Flow Diesel | | | | 0 |
| Miscellaneous | | | | 0 |
| CALIBRATIONS AND TEST | | | | |
| Test Weights | | | | 0 |
| Commercial Weights | | | | 0 |
| Prescription Weights | | | | 0 |
| Liquid Measures | | | | 0 |
| Linear Measures | | | | 0 |
| Milk Bottles | | | | 0 |
| Standard Containers | | | | 0 |
| Miscellaneous | | | | 0 |
| OTHER ACTIVITIES | | | | |
| Packages Checked | 527 | | | 527 |
| Packages Controlled | | | | 0 |
| Bulk Loads Checked | | | | 0 |
| Misc. Determinations | | | | 0 |
| GRAND TOTAL | 618 | 4 | 0 | 622 |

SBH 56-001

R. McMurry



OFFICE OF
MONROE COUNTY SURVEYOR
KEVIN P. ENRIGHT
County Surveyor

Health Services Building
119 West 7th Street
Bloomington, IN 47404
Phone: (812) 349-2570

TO: Monroe County Commissioners

SUBJECT: Surveyor Review Board

DATE: January 24, 2008

I am requesting to be placed on the agenda of the County Commissioners meeting on February 1, 2008.

In accordance with Monroe County Ordinance 97-49, the Surveyor shall present an annual report to the County Commissioners of the accomplishments of the Surveyor Review Board. Also, I am re-appointing to the board the following licensed surveyors, with the approval of the Monroe County Commissioners, to administer the Section Corner Perpetuation Program for 2008:

Ben Bledsoe, R.L.S. (No. SO 559)
1351 W. Tapp Road
Bloomington, IN 47403

Douglas Curry, R.L.S. (No. 890006)
528 N. Walnut Street
Bloomington, IN 47404

Eric Deckard, R.L.S. (No. 29900012)
1604 S. Henderson Street
Bloomington, IN 47401

Steve Smith, R.L.S. (No. SO 427)
Smith Neubecker & Associates
PO Box 5355
Bloomington, IN 47404

January 24, 2008

James Zimmer, R.L.S. (No. 2900006)
221 S. Maple Street
Bloomington, IN 47403

cc: David Schilling, Monroe County Attorney

Surveyor's Signature:

Kevin Enright, Monroe County Surveyor

Commissioner's Signature:

Patrick Stoffers, President, Monroe County Commissioners

