

MONDAY, FEBRUARY 2, 2004

The Board of Commissioners of Marshall County, Indiana, met in the Commissioners Room, in the City of Plymouth, Indiana at approximately 8:30AM, Monday, February 2, 2004, for a regular meeting with Kevin Overmyer, President; Clifford Allen, Vice President and John Zentz, member present. County Attorney, Jim Clevenger was present as was Deputy Auditor Paula Babcock who performed the duties of acting secretary. The meeting was opened in due form and the business before is heard.

The meeting began with the Pledge of Allegiance.

MILLWOOD ROOFING AND CONSTRUCTION COURTHOUSE ROOF

Rich Ulrich, Building & Maintenance and Kyle Newcomer, Millwood Roofing and Construction appeared before the Board and presented a proposal to completely re-roof the Marshall County Courthouse. Rich informed the Commissioners that he was impressed with the amount of time Mr. Newcomer spent assessing and evaluating the damage to courthouse roof and he felt that the proposal being submitted was fair and accurate.

Rich also stated that it had been an honor working with Kyle and that this has been a journey that we've all spent a lot of time on and to date we've had five different roofing companies look at our problem. "We've had a lot of data to digest and I would say that Kyle and his group has spent more time assessing, evaluating and giving us more input than any of the other companies we've had. We've had five (5) different concerns look at our roof; four (4) of them have told us that we have a problem that cannot be a quick fix. We were told that we need to address our problems; we have problems that are going to lead us to a lot of damage if we don't act in some manner. Kyle has been very extensive in his survey, looking into the entire package of things that need to be done. I am very impressed."

Kyle Newcomer explained that his company would be using Schoberg & Schoberg and Vintage Roofing as subcontractors for the painting and lead coated copper work, respectively. Mr. Newcomer went through the proposal explaining any and all questions asked of him. His company has looked at this project as a complete package and wants to make sure that the integrity of the Courthouse remains intact. He stated that although he would not be the foreman on the project, he would be here daily and would work closely with Rich. Mr. Newcomer assured that all OSHA rules and regulations would be followed and all efforts would be made to insure safety for the employees and anybody entering or leaving the building.

Kyle Newcomer informed the Board that scaffolding will be set up, by a company from Hammond, Indiana, on top of the roof to get up to the spire and tower for repainting and

to remove and reapply the lead coated copper. He pointed out that workers would approach the project from the outside of the building, as often as possible, to keep from disrupting the daily business of the courthouse. After the installation of prefinished aluminum custom made louvers, Millwood will install Plexiglas to the back of all louvers, except for one (1) to the north and one (1) to the south which will have screen backing to allow for ventilation.

Kyle continued through the proposal addressing numerous points, explaining and answering all questions to the Commissioner's satisfaction.

Rich interjected and informed the Board that just last week we did get some commitment from the insurance company for the storm damage that occurred. We are going to receive a check for \$21,206.00. The electrical repairs, totaling \$7,494, have been made and paid for leaving \$13,700 of insurance money, which could be applied toward interior painting.

James Clevenger, County Attorney, advised that an architect should be consulted to assure that everything is being done properly.

After much discussion Rich Ulrich informed the Board that presently there were forty-two (42) buckets placed in the courthouse catching water trying to protect the interior and ceiling of the courthouse. With the change in seasons and the freezing and thawing, he felt that re-bidding would delay the process and could result in further structural damage.

Kyle Newcomer also mentioned that there will probably some unforeseen expenses with a project this size. The Commissioners are understanding of this. Kyle also stated that the area would be broom swept at the end of each day.

Kevin Overmyer asked if Kyle Newcomer would report to the Commissioner's every few weeks to update them on the progress, should he be awarded this project. He indicated that would be fine.

James Clevenger discussed advertising and accepting bids plus having an engineer and architect prepare the specifications. He indicated that perhaps the same companies would apply however the process will take a period of time. The ultimate question is can this project wait another sixty days?

Clifford Allen announced that we have already had five (5) people in here to do the project. "We could have declared it an emergency and just got John Doe to go up there to try to fix it and we would have another job like what is already up there – a bad one. Since we've done this process we are into the delinquency of going out and having to hire an engineer, bid it and it's going to cost us more money in the end because we are going to have an engineer and architect on the job now."

James Clevenger stated that even if you declare it an emergency, he thinks it would be appropriate to have some engineer look at the plan. Clifford Allen feels that it wouldn't

take an engineer too long to go through the Millwood Roofing and Construction proposal because there is a topic for each category.

Rich Ulrich explained that it took ten (10) days to get the last emergency measures in place. What kind of damage would occur in the interior of the courtroom with a sudden thaw, whom would he call and what could be done with the building?

James Clevenger stated it was up to the Commissioner's whether they believed it was an emergency situation, if so, declare it as such, "you have the two (2) quotes, you tell who you had quote the project and hire them and go." James Clevenger still believes it would be prudent to have the plans approved.

John Zentz moved and Clifford Allen seconded the motion to declare the courthouse roof project an emergency. Motion carried 3-0.

The courthouse roof project was declared an emergency, by the Commissioner's, because it is leaking badly, there are forty-two (42) buckets catching water and the maintenance crew has been up there daily for the past five (5) months. Water is still getting in and causing further damage to the roof structure and to the ceilings in the courthouse. Clifford Allen also announced that it would be very expensive to re-stain the courthouse roof. John Zentz wants to protect the interior of the courthouse as well. Any further delays would cause more problems and structural damage to the roof.

Clifford Allen questioned whether or not the Commissioners needed to obtain an engineer on this particular job? James Clevenger feels that an engineer should look at the plans.

Clifford Allen moves and John Zentz seconded the motion to contact Van Janovic, Territorial Engineering, Walkerton, for a flat quote on inspecting the project as it progresses. Motion carried 3-0.

The following companies submitted quotes for repairing the courthouse roof:

Millwood Roofing/Construction, Milford, IN
Midland Engineering,
Atlas Building Services, Wabash, IN

Clifford Allen moves and John Zentz seconded the motion to accept the proposal from Millwood Roofing/Construction for complete re-roofing of the Courthouse. Motion carried 2-0. Kevin Overmyer abstained due to a conflict of interest.

JUVENILE DETENTION/TRAINING REQUEST

Mary Jane Walsworth, CPO requested that Eric Fritz, Juvenile Probation Officer be allowed to attend a Juvenile Justice Training Conference in Las Vegas, NV on March 28-31, 2004. She stated that this would be beneficial to his job and recommended this particular conference. Mary Jane advised that the conference would cost approximately \$1000.00 and she did have money in her budget to cover expenses.

John Zentz requested that PO Eric Fritz appear before the Board upon his return to explain what he learned at the conference.

Clifford Allen moves and John Zentz seconded the motion to approve the request to allow PO Eric Fritz to attend the Juvenile Justice Training Conference in Las Vegas on March 28-31, 2004 with the stipulation that he presents a report to the Commissions upon his return. Motion carried 3-0.

Mary Jane Walsworth, CPO also presented the 2004 Juvenile Detention Contract between Marshall County and Porter County Detention for the placement of juveniles. She informed the Commissioners that the per diem had increased from \$100.00 to \$110.00 and Marshall County has contracted for 850 days at a cost of \$93,500.00 annually. Mary Jane informed the Board that the county was assessed for any extra beds and given credit toward the next year for beds not used.

Clifford Allen moves and John Zentz seconded the motion to sign the contract between Marshall County and Porter County Juvenile Detention in the amount of \$93,500.00 for 2004.

BUILDING INSPECTION ORDINANCE & RESOLUTION

Dennis Elliott appeared before the Board to give an update on the Building Inspection Resolutions and advise that on January 14, 2004 he sent a letter to each one of the towns and asked for a copy of their resolution and approved building permit filed with the state. As of this date, he had received the Building Ordinance Resolutions from the Towns of Argos, Bourbon and Bremen but not Culver. James Clevenger advised that the one for Culver was in the process of being approved by the State. With that information, Dennis indicated that the towns are all in compliance.

Bremen has already sent money to the Auditor's office for permit fees due the County; the other towns have not issued any permits due to the time of the year. The towns will provide Dennis Elliott with a monthly list of building permits they issue which require inspections.

STEVE PIFER – COURT SERVICES

John Zentz advised Steve Pifer that while going through the monthly claims he had come across one for David Wiseman in the amount of \$4900.00. Steve indicated that was for Home Detention monitoring in which Mr. Wiseman is paid \$4.00 per day per individual. Mr. Wiseman submits claims each month for his payment. Steve indicated that there are thirty-five (35) people on Home Detention and that figure does fluctuate. This is the highest they've had in a long time. By using this pay schedule, the county does not pay health insurance or vehicle mileage.

Mr. Wiseman has to monitor each person through a monitoring sheet; he meets with the clients weekly to determine their schedule for the next week. Steve stated that if he hired a full time person, they would work an eight (8) hour shift and the job requires more than eight (8) hours that goes into overtime at time and one half. That's why he came up with a per diem per individual.

Cliff asked where the money comes from and Steve advised that it comes from the client himself or herself. If they fail to pay, they are disconnected from the program. This program does not include education just monitoring.

Clifford Allen questioned the liability of the county if for some reason Mr. Wiseman is hurt while doing his job because he is an independent contractor without a contract. James Clevenger stated that he could be an independent contractor and we could require him to carry workman's compensation. Steve stated that Mike Miley told him that if the independent contractor didn't carry workman's compensation it would fall back to the General Contractor (i.e.: Marshall County). Mr. Wiseman has been issued a identification card explaining who he is and that he works as a sub contractor for the Marshall County Home Detention.

VICTIM ASSISTANCE – OUT OF STATE CONFERENCE

Laura Mann, Director of Victim Assistance requested permission to attend a two-day (2) Date Violence Conference in Jacksonville, Florida on April 28-29, 2004. Part of the expenses will be absorbed through scholarship monies leaving approximately \$400.00 to be paid from her budget, which she has.

Clifford Allen moves and John Zentz seconded the motion to allow Laura Mann to attend the Date Violence Conference in Jacksonville, Florida on April 28-29, 2004. Motion carried 3-0.

Dean Byers appeared before the Board asking Marshall County to enter into a contract with INDOT for the purchase of the Hemminger House. Even though Turning Point is doing it, Marshall County is the local public agency. James Clevenger, County Attorney prepared a contract for the Commissioners signatures. The contract simply states that we want them (Turning Point) to buy the property and we're going to comply with all the

rules and regulations placed on the property i.e.: we're not going to employ people that are on drugs while working at this project; we are and equal opportunity employer and plan to follow all the rules and regulations. James Clevenger also prepared an Addendum to Agreement to Purchase, which needs to be signed by Laura Mann. Dean Byers wants the Commissioners to sign the Agreement to Purchase Property Utilizing Federal Funds and to sign the Addendum to Agreement to Purchase Property Utilizing Federal Funds. Apparently everyone is willing to do that and they can go forward and ask the state to go forward with funding the grant to allow the purchase of the Hemminger House.

Clifford Allen moves and John Zentz seconded the motion to sign the contract to Purchase Property Utilizing Federal Funds and the Addendum to Agreement to Purchase Property Utilizing Federal Funds, with Turning Point, for the purchase of the Hemminger House. Motion carried 3-0.

Laura Mann informed the Commissioners that the final plans for the Hemminger House project have been completed and sent down state and we have to wait about twenty (20) weeks for approval. After that time, bids and be let and construction begun.

Dean advised it will take approximately thirty (30) days before they authorize the purchase of the real estate after they receive the agreement. They have to use their own certified appraiser for the appraisal and the same for the bidding, they have to be certified by INDOT. The money is set aside for the project, we are approved for the \$350,000.00 grant, plus we have the match.

HIGHWAY

Neal Haeck appeared before the Board and presented the following

Road Cuts:

NIPSCO Road Cut on State Road 17 and 14th Road south to Rose Road then north to some lots at the corner of Rose Road and 14th Road.

Clifford Allen moves and John Zentz seconded the motion to approve the road cut at State Road 17 and 14th Road. Motion carried 3-0.

Annual Operational Report:

Submitted and Reviewed.

Clifford Allen requested time to read and review the report prior to signing. This matter is being taken under advisement until the next meeting.

State Bridge Work:

The state stopped by last week and advised that they were going to work on the Ballinger Ditch, which is on State Road 10 west of Argos. The state will close the road down for a short period of time during the repairs. Neal was not told exactly what work would be done. He informed the state that he did not want the area closed to traffic.

Ancilla Project:

Neal plans to meet with them at 1:00PM this date to discuss some concerns they had and who is responsible for certain things. Neal presented a list prepared by Strang & Associates which outlines the responsibilities of both the County and Ancilla.

Clifford Allen requested permission to attend the meeting with Neal. Kevin Overmyer stated that would be fine.

Clifford Allen complimented Neal on the improved condition of Michigan Street.

Kevin Overmyer asked if Neal had heard anything from the Railroad concerning our deposits for the Oak Road and Rose Road Bridge projects. James Clevenger will send a letter requesting a return of our deposit.

SHERIFF'S DEPARTMENT

Sheriff Bob Ruff appeared and presented the ticket designed for the Animal Ordinance for the Humane Society.

Sheriff Ruff also presented a Memorandum of Understanding for grant money. He explained that John Grolich and the Emergency Management Agency has received a grant which some of it was used in the county for cameras, etc and some can be used for the 800 Megahertz System which would allow the Sheriff's Department to hear and talk with other state agencies on the 800 megahertz system. This is an agreement between the county and the Intergrated Public Safety Commission on the use of the 800 megahertz system we would be installing. The Memorandum of Understanding needs to be signed before they will allow us to use their talk groups. Sheriff Ruff feels this is a good step forward for us to contact the State Police or in case of an emergency we can contact their cars directly if needed.

James Clevenger will go over the Memorandum of Understanding and he advised the Board that the Memorandum was designed to oversee and provide guidelines as to who will have the radios and how they will be utilized to maintain an organized plan of proceeding. Sheriff Ruff would be the contact person. There is no money involved for the county. James Clevenger will contact the attorney involved and another gentlemen before the Memorandum of Understanding is signed.

All the Commissioner's are in favor of the system.

James Clevenger also discussed the new curfew laws with Sheriff Ruff.

Sheriff Ruff requested that an Ordinance be established to raise the cost for an accident report from the present \$3.00 to \$5.00. He will bring this up at a later time.

AUDITOR'S REPORT

Paula Babcock presented the minutes for January 20, 2004 Commissioner's Meeting and the January 28, 2004 Public Hearing.

Clifford Allen moved and John Zentz seconded the motion to accept the minutes. Motion carried 3-0.

Paula Babcock presented claims:

John Zentz moved and Clifford Allen seconded the motion to accept the claims. Motion carried 3-0.

Paula Babcock informed the Board that Waddell Printing has requested the county extend their present contract for printed materials and supplies.

Clifford Allen moved and John Zentz seconded the motion to continue the contract with Waddell Printing. Motion carried 3-0.

COUNTY ATTORNEY REPORT

Health Department Case:

Pre-trial conference reset for March 3, 2004, with an order for the Defendant to make a counter offer to resolve the issue. Jim may have something else to report at the March 2, 2004 Commissioner Meeting.

Cindy Quivey v Palmer:

It was reported that the Laura Mann deposition went well. There is movement afoot for some type of favorable resolution to that item.

Amy Jones v County:

Attorney Knight had until the end of last week to report back to the adjuster with regard to where we stand on the case.

Speed Limit Ordinance Amendment:

James Clevenger drafted an amendment to the Speed Limit Ordinance concerning the property at Muckshaw – number 2002-01 concerning speed limit. Paula Babcock will assign an ordinance number and inform James Clevenger.

The ordinance is to modify the speed limit on Muckshaw from the Plymouth City limits to 500 feet south of the 12th Road intersection to a 45-mile per hour speed limit. It is Jim's suggestion that to do that we need to amend the speed limit ordinance. To do that, we simply add, in this particular case, subsection 6 to section 3.G which would basically cover that you're going to add to the speed limit ordinance that that area on Muckshaw Road from the Plymouth City Limits to 500 feet south of the 12th Road intersection would become a 45 mile per hour speed section.

Jim asked that the Commissioners approve the amendment on the first reading.

John Zentz moved and Clifford Allen seconded the motion to approve the amendment of the speed limit ordinance on the first reading. Motion carried 3-0.

Randall Funding Agreement:

James Clevenger presented a contract from Randall Funding, a company who will monitor for grants and do an assessment of the county, for the sum of \$3,000.00 for two (2) years. This will also include the City of Plymouth and all the towns in the county. They would put us on an e-mail newsletter by where they would send out information, not just for the county, but for any of the cities or towns that might have an interest in a particular federal grant that these folks are monitoring. We agreed to enter into that agreement with them and the Economic Development people were anxious for us to do that, thinking that would be of help to them.

The contract was revised with sub contracts stating that Randal Funding would enter into this contract with the county; they would do a countywide assessment; they are going to monitor for grants; they will give us the e-mail newsletter and keep the county advised and if the county wants to make an application there will be an additional fee, there will be additional fees for Randal processing this on the county's behalf but if for instance the Town of Culver wants to do so, Randal will contract directly with the Town of Culver and the county isn't responsible for that application or that outside deal.

James Clevenger has also been in contact with Doug Anspaugh and his group, they are anxious for us to approve this contact and get the assessment process going and see what might develop.

John Zentz moved to approve and Clifford Allen seconded the motion to approve the contract with Randall Funding. Motion carried 3-0.

MICHAEL MARSHALL – SERVICE EXPRESS AGREEMENT

Michael Marshall appeared before the Board and requested permission to purchase a service agreement from Service Express in the sum of \$206.00 per month for service on maintaining the server. Michael does not feel we will need this program for a full year. Once we switch to another system we are going to realize some savings. We can add and remove hardware basically by a telephone call, they have been wonderful to work with.

John Zentz moved and Clifford Allen seconded the motion to accept Option 2 of the proposal presented by Michael Marshall. Motion carried 3-0.

OTHER COMMISSIONER ITEMS

Health Board Appointment:

Clifford Allen tendered a letter from Mark Gidley announcing his resigning from the Marshall County Health Board.

Clifford Allen moved and John Zentz seconded the motion to appoint Michelle Livinghouse to the Marshall County Health Board. Motion carried 3-0.

MACOG Economic Development Board:

Kevin Overmyer discussed finding a minority person to be on MACOG’s Economic Development District Policy Board for minority representation in accordance with the bylaws and federal regulations. MACOG asks that the Commissioners from each of the member counties select the name of one non elected minority citizen as defined by the US Census Bureau.

John Zentz moved and Clifford Allen seconded the motion to adjourn. Motion carried 3-0.

Kevin Overmyer, President

Clifford Allen, Vice President

John Zentz, Member

Attest: _____
Jan A. Quivey, Auditor