

MONDAY, SEPTEMBER 20, 2004

The Board of Commissioners of Marshall County, Indiana, met in the Commissioners Room, in the City of Plymouth, Indiana at approximately 9:10AM, Monday, September 20, 2004, for a regular meeting with Kevin Overmyer, President; Clifford Allen, Vice President and John Zentz, member present. The County Attorney, Jim Clevenger and County Auditor, Jan Quivey were also present. The meeting was opened in due form and the business before is heard.

The meeting began with the Pledge of Allegiance.

ATTORNEY REPORT

Attorney James Clevenger presented the following:

3B Turnaround:

A closing date still needs to be set.

Rose Road Railroad Bridge Refund of Force Account Funds:

Numerous telephone calls have been made to CSXT and personnel changes have occurred within the company – Larry Shaw of URS has responded by e-mail stating that the accounting reconciliation is underway. The timeframe has not yet been determined.

Lake Village:

Was discussed at the Drainage Board Meeting earlier this morning.

Jail Project:

The land purchase closing is currently delayed because of the request for split payments. Attorney Clevenger is working with Ice-Miller on a document to present to the Council for their approval, which is needed in this instance. The landowners agreed to the delay.

Attorney Clevenger has discussed, with two of the judges, some tentative design ideas for the new jail. One is the possibility of a Work Release Center.

2004 Tax Sale:

Change in Judgment dates to October 1, 2004.

Shady Rest Contracts:

The contracts have been modified and the architect will send them to the contractor for approval.

United Way Resolution:

Attorney Clevenger presented the United Way Resolution, for the Board's signatures, declaring the week of September 20, 2004 as Kick-Off Week for the 2004 United Way Campaign. Clifford Allen will present the resolution at the luncheon.

Clifford Allen moves and John Zentz seconded the motion to accept the 2004 United Way Resolution as presented. Motion carried 3-0.

Kevin Overmyer thanked Clifford Allen for taking over as the United Way Representative for Marshall County.

AUDITOR'S REPORT

Jan Quivey presented the following to the Board:

Minutes:

The September 7, 2004 Commissioner Meeting Minutes were submitted for approval.

John Zentz moved and Clifford Allen seconded the motion to approve the September 7, 2004 Commissioner meeting minutes as presented. Motion carried 3-0.

Mid Month Claims:

The mid-month claims were submitted for approval.

John Zentz moved and Clifford Allen seconded the motion to approve the mid-month claims as presented. Motion carried 3-0.

Intelenet Commission Agreement:

The Intelenet Commission Authorized User Service Agreement was presented to the Board for signatures. The agreement was accepted for a period of twelve (12) months and signed by Kevin Overmyer, President of the Board of Commissioner's of Marshall County.

Clifford Allen moved and John Zentz seconded the motion to accept the Intelenet Commission Authorized User Service Agreement for a period of twelve (12) months. Motion carried 3-0.

Jail Feasibility Study Costs:

To date the total costs for the jail feasibility studies is \$33,348.14.

John Zentz moved and Clifford Allen seconded the motion to reimburse the General Fund from the Jail CAGIT fund for the jail feasibility study costs in the amount of \$33, 348.14. Motion carried 3-0.

ABC Rules Manual:

The billing statement in the amount of \$89.89 to purchase the annual updated Rules and Regulations Handbook for the Alcoholic Board was presented and approved.

Clifford Allen moved and John Zentz seconded the motion to approve the purchase of the Annual Updated Rules and Regulation Handbook for the ABC Board. Motion carried 3-0.

Department Head Annual Meeting:

Paula Babcock announced that the Department Head Annual Meeting was scheduled for Friday, September 24, 2004 at 9:00AM. All Department Heads have been notified and will receive another reminder this date. A variety of Insurance Representatives will be present as well as representatives from Lincoln Financial, Bowen Center, Umbaugh and Associates and United Way.

JIM WENINO – WEIGHTS & MEASURES

Jim Wenino appeared before the Board to present an update on his department. He stated that he has been trying to catch up. He advised that twenty (20) of the thirty (30) stations have been finished. Fourteen (14) pumps out of two hundred forty (240) did not pass inspection. All but one (1) has been corrected.

John Zentz moved and Clifford Allen seconded the motion to accept the Weights and Measures Report as presented. Motion carried 3-0.

DEBBIE FALL/CATHY HAMANN
2004 COUNTY CHRISTMAS PARTY

Debbie Fall and Cathy Hamann appeared before the Board to request permission for the Health Department to host the 2004 County Christmas Party. They have a tentative date and time of Thursday, December 16, 2004 from 11:00AM to 1:00PM at Christo's Banquet Center. The cost would be the same as last year unless they receive additional donations.

Clifford Allen moved and John Zentz seconded the motion to allow the Health Department to host the 2004 County Christmas Party. Motion carried 3-0.

JOE SMILLIE
KOONTZ LAKE SEWER OPPOSITION

Joe Smillie and Ron Adamson, residents of Koontz Lake, appeared before the Board to present their opposition to the Koontz Lake Sewer District formation. Mr. Smillie advised that he has lived at Koontz Lake for forty-five (45) years and he stated that he has not received any confirmation that Koontz Lake is polluted and therefore he doesn't believe a sewer system is necessary at this time.

He also stated that he was advised per IDEM that the law requires two criteria be met before a sewer system would be installed - the affected public must be notified and in agreement and there must be a need. Mr. Smillie says there is no indication of lake pollution and the notification procedure was not properly done.

According to the Koontz Lake Advisory Committee, 875 mailings were sent out, 299 responses were returned, of those returned, 186 indicated that they were in favor of a new sewer system. Mr. Smillie feels that the water should be tested to determine if pollution is actually occurring because of failing septic systems.

Mr. Smillie advised that his opposition team gathered 366 signatures opposing the sewer project. (he was willing to lower the number to 350 to allow for possible duplications). He recommends that the Commissioners rescind their previous motion until the necessary water testing is completed. He also recommends notifying IDEM of their intention to rescind their previous motion.

Ron Adamson indicated that the Commissioners are responsible for 116 homeowners residing on the Marshall County portion of Koontz Lake who have been denied a right to vote.

Attorney Clevenger questioned if IDEM held hearings to determine the need for a sewer system and Joe Smillie said Jim was partially correct, but it was ultimately up to IDEM if the project is allowed to proceed. Mr. Smillie feels that legislation needs to be changed in that regard.

At this point, IDEM has not yet considered the Koontz Lake Sewer project.

ROBERT ALOI
KOONTZ LAKE SEWER ADVISORY COMMITTEE

Robert Aloï, appeared before the Board and stated that the Petition to apply for the Koontz Lake Sewer District has been submitted to IDEM and a decision is expected in April 2005. Mr. Aloï requested permission, from the Board, to proceed in a pro-active manner by advertising now for engineers and consulting firms to head up the project once the go ahead is received. Mr. Aloï stated that this procedure takes time and he would like to start the process now.

Kevin Overmyer doesn't feel that the advertising process needs to begin until IDEM reviews and acts on the application for establishing a sewer district.

Clifford Allen and John Zentz concur with Kevin Overmyer. They questioned the need to proceed with preliminary work before the application is actually approved.

Clifford Allen moved and John Zentz seconded the motion to take Mr. Aloï's request under advisement at this time. Motion carried 3-0.

Mr. Smillie asked for the same consideration of his request.

Clifford Allen moved and John Zentz seconded the motion to take Mr. Smillie's request under advisement. Motion carried 3-0.

HIGHWAY

Road Cuts:

Comcast has advised Neal Haeck that they will be starting a huge project beginning at Maple Road and 11th Road to Lincolnway toward Inwood/Bourbon and on to Kosciusko County. They will be installing 2 inch incased plastic, by means of some road bores and some overhead installations. There has not been any paperwork submitted at this point. The Commissioners request copies of Comcast's road cut requests for review prior to giving approval for this project.

UTS: Requests a road cut on 19th Road, east of Hickory Road to splice into cable for a new home.

Clifford Allen moved and John Zentz seconded the motion to approve the road cut request from UTS. Motion carried 3-0.

Reith-Riley:

Neal advised that Todd Gosc estimated tonnage to repair Queen Road at 1251 tons and 6th Road at 1005 tons. Neal presented an offer to Reith-Riley stating the Highway Department would apply the materials if Reith-Riley doubled the amount of materials needed. To date, there has been no response from Reith-Riley.

The Board wants the repairs done soon because of the traffic hazards and the fact that it will be difficult to asphalt when the weather gets too cold. They requested that Neal install some road signs to slow the traffic down.

Attorney Clevenger recommends that a letter be sent to Reith-Riley and Mr. Beaver, the landowner, threatening litigation and explaining that it is the County's intent to repair the damaged roads and send the bill to them.

Clifford Allen moved and John Zentz seconded the motion to allow Attorney Clevenger to mail a letter to Reith-Riley and Mr. Beaver giving them ten (10) days to repair the roads or agree to pay for the asphalt and the Marshall County Highway Department will repair the damages themselves. Motion carried 3-0.

Pine Road Extension RFP's:

RFP letters have been sent, but to date there have been no responses.

Fir Road Bridge:

Beer and Slaughbaugh advised that the work will begin on October 1st and will be completed by the end of October.

TAC

Judy Stone asked if all the monies spent on the new jail have been reimbursed to the General Fund. The Board advised that there were no other expenditures except the feasibility study amounts previously discussed.

Ernest Rowe advised the Board that 6A Road, which is a residential area, needs to have a speed limit sign erected because the traffic travels very fast along that county road. The Board recommends that the Highway Department conduct a road count to determine the needs in that area.

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

Kevin Overmyer, President

Clifford Allen, Vice President

John Zentz, Member

Attest: _____
Jan A. Quivey, Auditor