

MONDAY, FEBRUARY 21, 2005

The Board of Commissioners of Marshall County, Indiana, met in the Commissioners Room, in the City of Plymouth, Indiana at approximately 10:30AM, Monday, February 21, 2005, for a regular meeting with John Zentz, President; Tom Chamberlin, Vice President and Kevin Overmyer, 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.

**APPOINTMENT TO PLYMOUTH SCHOOLS COMMON
CONSTRUCTION WAGE COMMITTEE – PHASE 2**

Kevin Overmyer moved and Tom Chamberlin seconded the motion to appoint Tom Flynn to the Plymouth Schools Common Construction Wage Committee. Motion carried 3-0.

**VETERAN’S SERVICE MEDALS PRESENTATION TO
JOHN CHUBBS**

Jim Stapen, Veteran’s Service Officer for Marshall County, presented the following medals to John Chubbs and thanked him for his service to our country.

The Korea Defense Service Medal
Air Assault Badge
Expert Badge & Rifle Bar
Republic of Vietnam Campaign Ribbon with Devisal 1960
Oversees Service Ribbon
Army Service Ribbon
NCO Professional Development Ribbon & Number 2
Humanitarian Service Medal & Bronze Stars
Vietnam Service Medal & 2 Bronze Stars Attached
Armed Forces Expeditionary Medal
National Defense Service Metal & Bronze Star
Good Conduct Medal & Clasp Bronze 4 Loops (Good Conduct # 4)
Army Commendation Medal & Oak Leaf Cluster Bronze Large (Double)

BYRER AND PARKS ZONING MAP AMENDMENTS – PUBLIC HEARING

Troy Kiefer, County Plan Director, along with Cindy and Edward Parks appeared before the Board to present Ordinance Number 2005-03 and 2005-04 amending the zoning map to reclassify their property plus the property of Donald and Francess Byrer (her parents) from I-2, Industrial District to A-1, Agricultural District. The Parks property is located at 2363 US 6 across from the Pla-Mor Campground. The Byrer property is also located on

the south side of US 6 across from the Pla-Mor Campground. The Plan Commission voted 8-1 to recommend approval of these changes at their meeting.

Kevin Overmyer moved and Tom Chamberlin seconded the motion to open the matter to a Public Hearing. Motion carried 3-0.

There being no public comment:

Kevin Overmyer moved and Tom Chamberlin seconded the motion to close the Public Hearing. Motion carried 3-0.

Kevin Overmyer moved and Tom Chamberlin seconded the motion to approve, on the first reading, Ordinance Number 2005-03 changing the zoning map from I-2 to A-1 for the Parks property. Motion carried 3-0.

Kevin Overmyer moved and Tom Chamberlin seconded the motion to approve, on the first reading, Ordinance Number 2005-04 changing the zoning map from I-2 to A-1 for the Byrer property. Motion carried 3-0. The 2nd and 3rd readings will be on March 7, 2005.

SHADY REST CHANGE ORDER

Kurt Garner from B.A. Martin Architects and Scott Hughes from Hughes and Associates appeared before the Board to present Change Order #1, for the Bowen Center Shady Rest Restoration project, in the amount of \$39,715.00. They explained that even with the changes, they are still under budget and all expenses will be covered by the grant.

The final punch list will be completed one week from today with the exception of painting the window casings, which will be done in mid April.

Kevin Overmyer moved and Tom Chamberlin seconded the motion to approve Change Order #1 as submitted. Motion carried 3-0.

HIGHWAY

Neal Haeck, Superintendent, submitted the following to the Board:

Road Cuts:

United Telephone of Indiana: On Kenilworth Road between 17C and 18th Roads in Walnut-Green Township to replace deteriorated cable.

Kevin Overmyer moved and Tom Chamberlin seconded the motion to approve the road cut permit for United Telephone. Motion carried 3-0.

Verizon: Road Bore on 18th Road between Gumwood and Filbert in Walnut Township to place telephone service line.

Tom Chamberlin moved and Kevin Overmyer seconded the motion to approve the road bore permit for Verizon. Motion carried 3-0.

Reith-Riley:

A meeting needs to be set up between Neal, the County Officials and Reith-Riley representatives.

Merle Hayne:

Mr. Hayne requested that the hill in front of his home be cut down because it posed a visual liability. Neal Haeck presented the Board with an estimate in the amount of \$22,146.00 that includes both materials and labor for the project. An additional cost for finishing the berm was estimated between \$8,480 - \$12,720.

Neal recommended posting “Hidden Driveway” signs in the affected areas for now and monitoring the situation.

Kevin Overmyer moved and Tom Chamberlin seconded the motion to take this matter of cutting down the hill under advisement and for Neal to put up “Hidden Driveway” signs for now. Motion carried 3-0.

High Street Insurance:

Neal Haeck contacted Mike Miley of the Gibson Insurance Agency, and was advised that Marshall County has a five million dollar blanket liability policy. Neal will provide a copy of the County’s Insurance Policy to the Town of Bremen.

Neal advised that the drainage problem on Oak Road and 1st Road has been worked on to divert water.

AUDITOR

Jan Quivey, Auditor, presented the following to the Board:

Minutes:

The February 7, 2005 Commissioner Minutes were presented for approval.

Tom Chamberlin moved and John Zentz seconded the motion to approve the February 7, 2005 Commissioner Minutes as presented. Motion carried 2-0. (Kevin Overmyer was not present at the February 7, 2005 meeting)

Claims:

The monthly claims were presented for approval.

Kevin Overmyer moved and Tom Chamberlin seconded the motion to approve the claims as presented with the exception of one Court Ordered Claim. Motion carried 3-0.

United States Life Insurance Company:

Paula Babcock advised the Board of the increasing costs of our life insurance premiums and explained that our agent, Brian Liechty, has presented a proposal that would save the county approximately \$8000.00 annually by switching to The United States Life Insurance Company. The United States Life Insurance Company would provide the same \$25,000 policy per employee up to age 70. After age 70 the policy would be reduced to \$12, 500.

Kevin Overmyer moved and Tom Chamberlin seconded the motion to change life insurance vendors from NABCO to The United States Life Insurance Company. Motion carried 3-0.

COUNTY ATTORNEY

James Clevenger, County Attorney discussed the following:

Town of Bremen:

The signed Intergovernmental Agreement between Marshall County and the Town of Bremen and the Bremen Hospital was presented to Jan Quivey, Auditor.

Annexation:

Attorney Clevenger asked the Board if he should continue proceedings with regard to the annexation of proposed jail site. John Zentz recommended that Attorney Clevenger go forward because it will have to be done eventually. Attorney Clevenger will prepare the petition for presentation to the City of Plymouth.

Jail Bond Lease Approval:

The Council did not approve the resolution stating a **need** for the new jail. This document is part of the plan. Attorney Clevenger suggests holding off on the lease agreement until it is determined how to pay for operational costs of a new jail. He states waiting will delay the start of the project; however, it appears the project is not on target anyway. Attorney Clevenger stated that Marshall County has been listed as one of five counties in Indiana that have not built or remodeled their jail. As a result, he feels this put us more in the eyes of those who look at such things.

The Board, by consensus, agrees to delay approving the lease agreement until the appropriate funding is determined.

Pine Road Extension: DLZ is nearing completion of the contract.

Amy Jones v Quivey and Marshall County:

Matt Clark, Attorney for Marshall County's Insurance Company, has negotiated a settlement as follows: \$18,000 to be paid by the Insurance Company and \$12,000 to be paid by the County.

Kevin Overmyer moved and Tom Chamberlin seconded the motion to approve the settlement stated. Motion carried 3-0.

Firestone v Penn Central:

Attorney Clevenger requested that the Board allow the County to pay the fee for recording the judgment in this case. By doing so, it would eliminate the recording costs for the individual adjacent landowners that may have an interest in abandoned railroad property.

Kevin Overmyer moved and Tom Chamberlin seconded the motion to allow the county to pay for recording the judgment in the Firestone v Penn Central Class Action Suit. Motion carried 3-0.

TAC

Mike Bernero asked who Matt Clark was and Attorney Clevenger explained that he was the attorney for our insurance company and was involved in the settlement of the Amy Jones case versus the Auditor and the County.

Kevin Overmyer moved and Tom Chamberlin seconded the motion to adjourn the meeting. Motion carried 3-0.

John Zentz , President

Tom Chamberlin, Vice President

Kevin Overmyer, Member

Attest: _____
Jan A. Quivey, Auditor