

## **MONDAY, APRIL 4, 2005**

The Board of Commissioners of Marshall County, Indiana, met in the Commissioners Room, in the City of Plymouth, Indiana at approximately 8:30AM, Monday, April 4, 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.

### **JUVENILE DETENTION CENTER CONTRACT**

James Pheibush, Assistant Chief of the Marshall County Probation Department, appeared before the Board and presented the 2005 contract for Porter County Juvenile Detention Center for approval and signatures.

Mr. Pheibush informed the Board that the probation department has a credit of 285 unused bed days from their 2004 contract of 850 bed days; therefore this years contract is for 650 bed days at an annual costs of \$71,500.00. The per diem is \$110.00 per bed day . The contract period is from January through December, 2005 and is paid in two installments.

**Kevin Overmyer moved and Tom Chamberlin seconded the motion to approve the 2005 Porter County Juvenile Detention Center Contract in the amount of \$71,500.00 for 650 bed days pending review of the contract by Attorney James Clevenger. Motion carried 3-0.**

### **HIGHWAY DEPARTMENT**

Neal Heack, Highway Superintendent, appeared before the Board and presented the following:

#### **5<sup>th</sup> Road and Underwood Road:**

Replaced the clogged pipe and contacted IDEM.

#### **Truck Specifications:**

Specifications for one (1) single axel dump truck and chassis was submitted along with General Instructions to Bidders plus the Request for Bids to be published in the Pilot News and the South Bend Tribune. Bids will be opened at the regularly scheduled Commissioners Meeting on May 2, 2005. The bids are to be submitted to the Auditor's Office by 8:30AM on May 2, 2005. The highway department will publish the Request for Bids in the Pilot News and South Bend Tribune on April 8<sup>th</sup> and 15<sup>th</sup>, 2005.

**Tom Chamberlin moved and Kevin Overmyer seconded the motion to accept the truck specifications for bid letting on a 2005 Single Axel Dump Truck. Motion carried 3-0.**

**Bridges:**

Neal informed the Board that all the bridges are cleaned.

**FA3's Funding:**

FA3 funding for the repairs to the Michigan Street Bridge is due by Monday, April 11, 2005. MACOG is supposed to send the application to the Marshall County Commissioners. Neal advised that the bridges on Pierce Street, Hickory Road and 13<sup>th</sup> Road need to be replaced.

**DLZ Contract:**

With regard to the Pine Road project, Neal Haeck and Commissioner Kevin Overmyer will meet with DLZ prior to their meeting on April 14, 2005 with INDOT.

\*\*No changes with Reith-Riley regarding the Queen Road and 6<sup>th</sup> Road repairs – the county is still withholding funds from other projects.

**AUDITOR'S REPORT**

Jan Quivey, Auditor, presented the following to the Board for approval.

**Minutes:**

The minutes from the March 21, 2005 Commissioner Meeting were presented for approval.

**Kevin Overmyer moved and Tom Chamberlin seconded the motion to approve the March 21, 2005 Commissioner Meeting Minutes as presented. Motion carried 3-0.**

**Claims:**

The monthly claims were submitted for approval.

**Tom Chamberlin moved and Kevin Overmyer seconded the motion to approve all claims except claim number 84067 in the amount of \$1,178.97 from American Consulting Engineers until further detailed explanation of the claim from them. Motion carried 3-0.**

**FMLA:**

Paula Babcock, Deputy Auditor, presented an FMLA request for intermittent leave for an employee in the Probation Department.

**Kevin Overmyer moved and Tom Chamberlin seconded the motion to approve the FMLA request for the Probation Department employee. Motion carried 3-0.**

**COUNTY ATTORNEY REPORT – JIM CLEVINGER**

**Reith-Riley – Queen and 6<sup>th</sup> Road Repair Issues:**

No activity.

**Lake Village:**

Derek Jones is the new attorney for Lake Village. He is hoping to re-open the drain issue regarding Oak Road

**Sheriff/Medical Service Agreement:**

No response.

**Zahm Farm Lease:**

Mr. Zahm proposed a few changes to the lease agreement – he requested to be reimbursed, by the County, for any damage that might occur to his crops as a result of the County being on the property. Attorney Clevenger amended the farm lease to reflect that change and presented it to the Board for signatures. The lease period is from March 1 to December 31, 2005 at \$65.00 per acre.

**Kevin Overmyer moved and Tom Chamberlin seconded the motion to approve the lease agreement for farm ground on Pine Road to Mr. Zahm. Motion carried 3-0.**

Attorney Clevenger also presented a Request for Farm Reconstitution form to be signed by a Commissioner because of the change of ownership.

**Tom Chamberlin moved and Kevin Overmyer seconded the motion to have John Zentz sign the Request for Farm Reconstitution form. Motion carried 3-0.**

**Amy Jones-Release of Lien:**

Attorney Clevenger presented a Release of Lien for the Commissioners to sign for property purchased by Amy Jones at a tax sale as part of the negotiated settlement in her lawsuit against the Auditor. The lien executed by the Marshall County Health Department was originally filed on the property owned by John L. Armstrong.

**Kevin Overmyer moved and Tom Chamberlin seconded the motion to approve the release of a lien on the Amy Jones property. Motion carried 3-0.**

**Kurtz v Sheriff:**

To date, Attorney Clevenger has not heard from the Insurance Carrier and therefore he will enter his appearance to avoid any default judgment and request an extension to respond.

**Lake of the Woods:**

The Lake of the Woods property owners have petitioned to transfer their case regarding the lake level to the Indiana Supreme Court.

**INDOT Relocation:**

With regard to the relocation of the former Hemminger House tenants, all contracts at INDOT have been signed. The payment vouchers will be processed and sent to the Auditor’s Office for payment.

**Animal Control Ordinance:**

An amendment to modify Ordinance 1993-05 concerning Animal Control is presented for first reading. The new amendment will be 2005-06. A copy of the new ordinance is to be sent to the Sheriff and Nancy Cox at the Humane Society. Essentially, the amendment allows the Animal Control Officer to issue tickets for loose animal violations and for fines to be paid to the Marshall County Clerk with receipts to go into the County’s General Fund.

**Tom Chamberlin moved and Kevin Overmyer seconded the motion to approve on first reading Ordinance 2005-06 amending Ordinance 1993-05 with regard to Animal Control. Motion carried 3-0.**

**TAC**

No Comments.

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

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John Zentz , President

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Tom Chamberlin, Vice President

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Kevin Overmyer, Member

Attest: \_\_\_\_\_  
Jan A. Quivey, Auditor