

MONDAY, FEBRUARY 20, 2006

The Board of Commissioners of Marshall County, Indiana, met in the Commissioners Room, in the City of Plymouth, Indiana at approximately 9:50AM, Monday, February 20, 2006, for a regular meeting with Kevin Overmyer, President; Tom Chamberlin, 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.

AUDITOR'S REPORT

Jan Quivey, Auditor, presented the following to the Board for approval and signatures:

Minutes:

The February 7, 2006 Commissioner Meeting Minutes were submitted for approval and signatures.

Tom Chamberlin moved and John Zentz seconded the motion to approve the minutes as presented. Motion carried 2-0.

Claims:

The mid month claims were submitted for approval and signatures.

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

Ordinance 2006-04 Health Department Emergency Funding Procurement:

Jan Quivey presented Ordinance 2006-04 – Health Department Emergency Funding Procurement, for approval and signatures.

Tom Chamberlin moved and John Zentz seconded the motion to suspend the rules and approve Ordinance 2006-04 – Health Department Emergency Funding Procurement on second and third readings. Motion carried 3-0.

Resolution 2006-01 – Re-establishing the Personnel Committee:

Discussion was held regarding Resolution 2006-01 and it was decided that the resolution should be amended to include the Marshall County Sheriff and Marshall County Clerk as members of the Personnel Committee.

Tom Chamberlin moved and John Zentz seconded the motion to amend Resolution 2006-01 to include the Marshall County Sheriff and the Marshall County Clerk as members of the Personnel Committee. Motion carried 3-0.

Extended Leave of Absence:

Paula Babcock, Deputy Auditor presented a request for an Extended Leave of Absence for Julie Fox, an employee in Marshall Superior Court 1 who is running for Marshall County Clerk. As a court employee she is not allowed to work for the courts during the election process. Although the requested leave is longer than allowed in the Marshall County Policy, the Court's Policy does allow for an extended leave under these conditions. Pat Weedling has accepted a part-time position to work in Marshall Superior Court 1 during Julie's absence.

John Zentz moved and Tom Chamberlin seconded the motion to approve the Extended Leave of Absence for Julie Fox to enable her to run for Marshall County Clerk. Motion carried 3-0.

CONSULTANT PRESENTATIONS

Bridge # 89 Construction – 13th Road over Yellow River:

The following firms presented design proposals for consideration:

DLZ, LLC, South Bend, IN (10:09AM-10:25AM)

Michael Kummeth, Bob Kirkley and Brian Arterbery

Troyer Group (10:28AM-10:55AM)

Maryo Pasarel, David Burke, John

USI Consultants (10:57AM-11:03AM)

Sherry Hines, Mike Obergfell

Bridge Inspections:

The following firms presented proposals for consideration:

USI Consultants (11:03AM-11:11AM)

Sherry Hines, Mike Obergfell

Frost Engineering (11:15AM-11:33AM)

Jerry Frost, Troy Madlem

Strang and Associates (11:35AM-11:46AM)

Mike Strang

PUBLIC HEARING
ZONING ORDINANCE AMENDMENT 2006-03

Ordinance 2006-03 – Zoning Change Request:

Ralph Booker, Plan Director and Dawn Sahlhoff appeared before the Board to request an amendment to Zoning Ordinance 2006-03 changing 7809 Redwood Road from A1, Agricultural to B2, Business Interchange. Ralph stated that the Plan Commission gave a favorable recommendation for this change at their January 26, 2006 meeting.

Tom Chamberlin moved and John Zentz seconded the motion to open the Public Hearing. Motion carried 3-0.

No public comment

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

Tom Chamberlin moved and John Zentz seconded the motion to pass Zoning Ordinance Amendment 2006-03, on first reading, changing the zoning at 7809 Redwood Road from A1, Agricultural to B2, Business Interchange. Motion carried 3-0.

Second and Third readings will be considered on March 6, 2006. Mrs. Sahlhoff does not need to be present.

Ordinance 2006-02 – Zoning Amendment Regarding Special Exceptions:

Ralph Booker, Plan Director presented Ordinance 2006-02 amending Ordinance 1000, Commonly known as “The Marshall County Zoning Ordinance,” as amended, in regards to Special Exceptions – eliminating section 603.2 Part B of the Zoning Ordinance.

Tom Chamberlin moved and John Zentz seconded the motion to suspend the rules and pass Ordinance 2006-02 on second and third readings. Motion carried 3-0.

MIKE BOYS
DOX-TEK CONTRACT

Mike Boys, Assessor, appeared before the Board to present the Dox-Tek Contract for approval and signatures. This contract, for personal property record maintenance, has already been approved by the Department of Local Government Finance and reviewed by Attorney James N. Clevenger.

John Zentz moved and Tom Chamberlin seconded the motion to approve the Dox-Tek Contract as presented. Motion carried 3-0.

HIGHWAY DEPARTMENT

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

Road Cut Request:

SPRINT/UTS: Lilac Road between Plymouth/Goshen Road and E 7th B Road, Center Township to bury 1,575 feet of cable in the right of way on Lilac Road to provide cable service to a new home.

Tom Chamberlin moved and John Zentz seconded the motion to approve the road cut requested by SPRINT/UTS. Motion carried 3-0.

Attorney Clevenger suggested that Neal inform SPRINT officials about the possibility of Lilac Road being closed for airport expansion. He says they may want to rethink the location of their road cut.

DLZ – Letter to Proceed:

Neal Haeck gave copies of the “Notice to Proceed” letter he mailed to DLZ on February 13, 2006.

Guardrail Project:

Waiting for the guardrail to be delivered in order to install on 1st Road at Juniper Road.

INDOT:

Will be replacing a small structure on State Road 10 east of State Road 17 by Culver Military Academy. The project will begin on April 1, 2006 and be done by June 1, 2006.

ATTORNEY REPORT

Attorney James N. Clevenger presented the following to the Board:

Jail Project:

Annexation – City approved on the second reading, the next reading is scheduled for February 27, 2006.

Petition of Objection – filed by union members regarding Common Construction Wage adoption. Petitions must be certified and mailed to the Department of Local Government and Finance. Auditor Quivey advised that this process was done and mailed to the Department of Local Government on Friday, February 17, 2006.

Tom Chamberlin moved and John Zentz seconded the motion to have Jim Clevenger send a letter to the DLGF stating Marshall County's objection to the petition and the petition signers' reason for objection. Motion carried 3-0.

Sycamore Road Lake Access:

The agreement between Marshall County and Mark and Ann Aker was presented for approval. The boundary lines will be set along its "use" line. A compromise between the County and Mark and Ann Aker was reached.

Tom Chamberlin moved and John Zentz seconded the motion to approve the agreement between Marshall County and Mark and Ann Aker regarding the boundary line of Sycamore Road Lake Access to Lake Maxinkuckee. Motion carried 3-0.

South Michigan Bridge Project:

A letter was sent to DLZ to proceed with the survey; the next meeting is scheduled for February 23, 2006 with the City.

Highway/Watson:

The Court denied the County's Motion to Dismiss. Discovery completed but new information has been requested. Attorney Clevenger requests the Board to schedule an Executive Session to discuss this and other matters.

The Auditor is requested to advertise for an Executive Session to be held following the regular Commissioner's Meeting on March 6, 2006.

TAC

Mike Bernero – regarding Prevailing Wage – he stated that the wages vary from county to county and therefore he is in favor of the ABC wages.

Mike Bernero recommended Strang and Associates for the Bridge Inspection job if his costs are equal to or less than the other presenters.

COMMISSIONER NOTES

Commissioner Kevin Overmyer stated that there would be an "informational" meeting scheduled for Wednesday, March 8, 2006 at 6:00PM in Room 307 of the Marshall County Building to discuss the Ethanol Plant. Representatives from the Ethanol Plant will be present.

Auditor Quivey is to prepare the notice for the media and mail letters to the following:

Marshall County Council
Argos Town Council
Pamela Bishop, Argos Town Clerk
Kenneth Powell, Walnut Twp. Trustee
Marshall County Plan Commission
Board of Zoning Appeals

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

Kevin Overmyer, President

Tom Chamberlin, Vice President

John Zentz, Member

Attest: _____
Jan A. Quivey, Auditor