

MONDAY, JULY 3, 2006

The Board of Commissioners of Marshall County, Indiana, met in the Commissioners Room, in the City of Plymouth, Indiana at approximately 8:30AM, Monday, July 3, 2006, for a regular meeting with Kevin Overmyer, President; Tom Chamberlin, Vice President and John Zentz, member present. The County Attorney, James 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.

CLYDE AVERY
EMA MONTHLY REPORT

Clyde Avery, EMA Director appeared before the Board to submit his monthly report for review.

Clyde stated that he received a letter from the State of Indiana requiring him to notify them of any incidents that require action by any of the County's Emergency Response Agencies.

He informed the Board that the State is very concerned about the possibility of a pandemic. He stressed that county government; cities; towns; hospitals; schools etc. must have a plan in effect because local agencies will be pretty much be on their own. The State and Federal government have spent a considerable amount of time and resources training local governments to be prepared for any disaster.

The Weather-Warning Siren demonstration was held on June 19, 2006. The costs to outfit the entire county is prohibitive, therefore, Clyde has been contacting other counties to find out what they have done regarding obtaining funding through grants. He is also checking into finding out what other counties are doing in sub-divisions. Perhaps the cost of installing a weather-warning siren could be passed on to the property owner as part of the sub-division costs.

Currently Bremen has five (5) sirens; Culver has two (2); LaPaz, Argos and Plymouth have one each (1). The estimated cost for one (1) weather-warning siren is \$18,000.00.

Commissioner Tom Chamberlin asked Clyde to look further into a subdivision zoning ordinance regarding weather-warning siren requirements.

Clyde informed the Board that "grant monies" are drying up as the applications become more competitive. He said future grant monies would most likely be distributed on a district basis.

Mutual Aid Agreements: No response from other agencies as this point.

Pre-established Contracts: Contracts obtained prior to an event. There are very few at this time. The Board requested that Clyde contact various resource providers at let them know what amounts the Federal government will reimburse.

Supplies: Clyde informed the Board that supplies needed in the event of a disaster are virtually non-existent. He said if supplies aren't stockpile ahead of time, they will be very difficult to obtain once a pandemic situation occurs. Marshall County is responsible to deliver medicine, water, food etc. to its residents if the county is ordered quarantined.

ENHANCED GIS FEE ORDINANCE
PUBLIC HEARING

Larry Fisher, Ralph Booker and Shawnda Wenino appeared before the Board to present Ordinance 2006-11 – *An Ordinance for Enhanced Access Fees Known as the “Enhanced Access Fee Ordinance”*.

The following fees were suggested:

<u>Users and Time Period</u>	<u>Fee</u>
1 week subscription for a single user	\$15.00
1 month subscription for 1-2 users	\$50.00 per user per month
3-10 users will be charged	\$15.00 per month per additional user
1 quarterly subscription for 1-2 users	\$135.00 per user per quarter
3-10 users will be charged	\$15.00 per month per additional user

At this time the **free site** will include:

- Parcel Number
- Legal Description
- Acreage
- Taxes
- Property Mailing Address

The **enhanced access** will provide searches by:

- Owner's Name
- Complete Property Record Cards
- Sale Price/Date
- Assessed Value Range
- Tax Dollar Amount Range
- Acreage Range

The new website, hosted by Sidwell, will not be available until at least August 1, 2006. The current GIS information on the web has not been updated since mid-February – the current web site manager can't handle our new Geo Data Base. Sidwell will monitor the subscriptions, billing etc.

Attorney Clevenger asked the committee why the ordinance didn't state what features were included in the enhanced access site. Commissioner Chamberlin agreed with him that the features should be listed.

Tom Chamberlin moved and John Zentz seconded the motion to open the Public Hearing on Ordinance 2006-11 – An Ordinance for Enhanced Access Fees Known As the “Enhanced Access Fee Ordinance”. Motion carried 3-0.

Judy Goble, 1000 Miner Street, Plymouth, IN asked how Sidwell was chosen? Larry Fisher stated that only three (3) companies responded to the request for proposals that were mailed and Sidwell was the best of the three.

Ryan Stutzman, 507 East Jefferson Street, Plymouth, IN asked how many and where the public terminals would be located. He was told that the Auditor's office currently has three (3) terminals available.

Ryan also stated that he can obtain much of this information for half the cost on the MLS system.

Janet Trowbridge, 8150 SR 331, Bourbon, IN stated that she uses the Kosciusko County System that has three (3) computers and three (3) printers available. She also is able to access it from her home at no cost. She felt that the costs incurred by asking an employee for assistance would increase if the system is not user friendly.

Penny Lukenbill, Treasurer, 1008 Ferndale, Plymouth, IN asked for direction on what to tell the public when they have questions?

Jim Masterson, 12346 Diamond Drive, Plymouth, IN stated that in other counties, the property owners are listed on the free site. He feels that \$50.00 per month is excessive. He indicated that Kosciusko has the best site he has seen.

Kathy Alexander, 11905 Lawndale, Plymouth, IN asked why a system like Kosciusko's wasn't considered for Marshall County? She also wanted to know what the cost was for the Sidwell System? She was told the initial system was \$35,000 plus and additional \$18,000 to develop the advanced site.

Larry Fisher said the GIS is a powerful tool that provides the ability to query and to provide additional information that wasn't available before.

Sherry Hess, 11th Road, Plymouth, IN wondered how the fee schedule determined?

Jack Roose, 15300 6th Road, Plymouth, IN stated that approximately 20% of the businesses and individuals will use the site and the other 80% of the public probably will not. He does feel that some fees should be assessed to those who use the system to make a living. He thinks the County should look at the Kosciusko County system.

Judy Stone, 12477 Muckshaw Road, Plymouth, IN asked what was the design cost of the old system? Shawnda told her it was \$25,000.00 4 years ago - \$900.00/month maintenance fee.

Sidwell's maintenance fee is \$1000.00/month.

Sam Goble, 1000 Miner Street, Plymouth, IN stated that we should not look at the computer system as a revenue source for the County. He asked what the length of the Sidwell contract was?

Jim Masterson, 12346 Diamond Drive, Plymouth, IN stated that if fees are assessed, they should be less for Marshall County residents. He also stated that fees should include some training on the new system.

Linda Jacobson, 1000 Kings Court, Plymouth, IN stated that it is very difficult to find a parking place at the County Building now, it will be even harder once this new system gets into place. She also stated that the Auditor's office will become more crowded if everybody needs to go there to look up free information.

Dennis Thornton, 590 Juniper Road, Bremen, IN feels that taxpayers should pay for the basics and those who make a living from using the site should pay more.

Ryan Stutzman, 507 East Jefferson Street, Plymouth, IN said the enhanced access should be used to promote business coming to our town. Charging extra for out of county usage would discourage that.

Linda Jacobson, 1000 Kings Court, Plymouth, IN said she doesn't mind a fee but feels it should be lower.

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

Commissioner Overmyer said the purpose of the GIS was to reduce traffic in the County Building. He doesn't feel charging for enhanced access is in the best interest of the public.

Commissioner Zentz wants to review it and talk with some of the potential users. He would like the Tech Committee to talk with the users also.

Commissioner Chamberlin believes in charging fees for users outside the county.

Tom Chamberlin moved and John Zentz seconded the motion to table this matter and send Ordinance 2006-11 back to the Tech Committee for changes. Motion carried.

The Board would like to have the Tech Committee see if out-of-county users only could be charged. Also they would like a description of what is included in both the free site and enhanced access site. Attorney Clevenger suggest an agreement be drafted for users to sign.

Larry Fisher asked the Commissioners if they were still willing to look at fees? They indicated that they were.

The current website will be maintained for another 30-60 days.

CAFO ORDINANCE 2006-07
PUBLIC HEARING

Ralph Booker appeared before the Board to present Ordinance Number 2006-07, An Ordinance Amending Ordinance No. 1000, Commonly Known As “The Marshall County Zoning Ordinance”, As Amended, Regarding Concentrated Animal Feeding Operations (CAFO), for consideration.

This ordinance was amended from a previous meeting – the only change is paragraph 437-12 which states that *No building permits for CAFO facilities outlined on the site plan will be permitted in a flood hazard area or flood plain.*

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

Bob Yoder, Chairman of the CAFO Committee, stated that the ordinance is tougher than that of surrounding counties and will discourage new facilities. He said it should be flexible enough so as not to hurt current livestock producers but comply with a higher standard. He recommends that the Commissioners pass Ordinance 2006-07 as presented.

Commissioner Chamberlin asked if 1320 feet to the property line vs. to the nearest residence was discussed by the CAFO Committee? Bob Yoder said yes, but if the set back went to the property line rather than the residence, no CAFO’s would be allowed.

David Dinius said a person would have to own four (4) one hundred sixty (160) acre parcels with the CAFO right in the middle if the 1320 foot setback was to the property line..

Judy Stone, CAFO Re-write Committee, asked if the set back requirements would infringe on the rights of the adjoining property owners – limiting their ability to sell land for a residence?

Ralph Booker said the same thing could be asked in reverse – i.e.: Would the farmers rights be violated?

Bob Yoder said land zoned agriculture needs to be protected. He said residential households in an agricultural area must understand that there is some inconvenience in living in an agricultural area.

Damon Harrell, 17835 Linden Road, Argos, IN said standards are so high, Marshall County is not going to be overrun with CAFO's.

John Stone said there are a lot of places in the County that could support CAFO's. He said a CAFO operation could buy the 640 acres (1 square mile) necessary to have the 1320 feet setback from the property line. Additionally he wanted to know:

1. Who is going to police the ordinance requirements? "IDEM does a poor job".
2. What are the fines and penalties?

Ralph says the only policing is the Plan Director notifying the owner of the violations and if corrective action is not taken, it is referred to the Plan Commission and then to the Courts if necessary.

Ralph also stated the IDEM does respond to complaints and violations.

Bob Yoder said permits would have to be renewed every five (5) years.

John Zentz feels that 1320 feet to the residence and not the property line violates people's rights. He feels that existing farmers could be grand fathered.

Ralph Booker said homeowners need to have the land rezoned residential if they oppose CAFO's. He said the Commissioners must decide if the County wishes to be a residential county or an agricultural county. If the Commissioners wish to put residential rights ahead of agricultural rights, the County needs to be rezoned residential.

Ralph also said that there are only two to three sites in the entire county that would have enough land available to support a CAFO if the 1320 setback went to the property line.

John Vaillard feels the issue is land use. If land is zoned agricultural then the priority use must be agricultural.

John Stone suggested cutting back on the footage and make the setback to the property line.

Jack Roose said our southern four (4) townships are the only one's where a CAFO is likely to be established. He recommends passage of the ordinance as is.

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

Tom Chamberlin moved and Kevin Overmyer seconded the motion to pass Ordinance 2006-07 – An Ordinance Amending Ordinance No. 1000, Commonly Known As “The Marshall County Ordinance”, As Amended, Regarding Concentrated Animal Feeding Operations (CAFO) on first reading. Motion carried 2-0. John Zentz voted nay.

The second reading will be at the July 17, 2006 Commissioner Meeting.

TYNER ALLEY VACATION
ORDINANCE NO. 2006-12

Ralph Booker, Plan Commissioner, appeared before the Board to present Ordinance Number 2006-12 – An Ordinance Vacating All of An Unnamed Right-of-Way Between Lots 3 & 6, Block 9 In The Original Plat of The Village of Tyner In Section 10, Township 34 North, Range 1 East in Marshall County, Indiana for first reading.

He stated that the Plan Commission voted 9-0 in favor of this request.

Tom Chamberlin moved and John Zentz seconded the motion to pass Ordinance 2006-12 – An Ordinance Vacating All of An Unnamed Right-of-Way Between Lots 3 & 6, Block 9 In The Original Plat of The Village of Tyner In Section 10, Township 34 North, Range 1 East in Marshall County, Indiana on first reading. Motion carried 3-0.

COMMISSIONER’S – MILEAGE RATE INCREASE

John Zentz moved and Tom Chamberlin seconded the motion to recommend to the Marshall County Council that the mileage reimbursement rate be increased to the same as the State level for 2007. Motion carried 3-0.

COMMON CONSTRUCTION WAGE COMMITTEE
APPOINTMENT FOR THE CULVER SCHOOLS

Tom Chamberlin moved and John Zentz seconded the motion to appoint Francis Ellert to the Common Construction Wage Committee for the Culver Schools – New Administration Building. Motion carried 3-0.

AUDITOR’S REPORT

Jan Quivey, Auditor, appeared before the Board and presented the following:

Minutes:

The minutes from the June 19, 2006, Commissioner Meeting were presented for approval and signatures.

John Zentz moved and Tom Chamberlin seconded the motion to approve the June 19, 2006 Commissioner Meeting Minutes as presented. Motion carried 2-0.

Claims:

The monthly claims were presented for approval and signatures.

Tom Chamberlin moved and John Zentz seconded the motion to approve the claims as presented except for the Court Order. Motion carried 3-0.

Brucellosis and Tuberculosis Eradication Contract:

The annual contract for Bovine Brucellosis and Tuberculosis Eradication was presented to the Board for their approval and signatures.

John Zentz moved and Tom Chamberlin seconded the motion to sign the State Board of Animal Health Contracts for Bovine Brucellosis and Tuberculosis Eradication. Motion carried 3-0. Cost to the County is \$ 1,000 annually.

FMLA Request:

Paula Babcock presented a Family Medical Leave Request for an employee in the Sheriff's Department.

The matter was tabled awaiting further information from the Sheriff's Department.

Cash Advisory Services Agreement:

Jan Quivey presented the Cash Advisory Services for Marshall County Holding Corporation Series 2006 Bond Proceeds and Debt Service Reserve Fund Agreement between Marshall County and H.J. Umbaugh & Associates. The agreement was signed by Commissioner President Kevin Overmyer and an executed copy was returned to H. J. Umbaugh & Associates on July 3, 2006.

ATTORNEY REPORT

Attorney James Clevenger appeared before the Board and discussed the following:

Jail Project:

Annexation Agreement – Still waiting for revisions from the City of Plymouth.

Bond Infrastructure Agreement – The signed agreement was received by the City of Plymouth and Debbie VanBlaricom has a copy.

Eckard Drainage and Sewer Agreement - Commissioner Chamberlin will take a copy of the contract to Mr. Eckard.

Bridge 226 – Michigan Street – City Attorney Joseph Simanski advises that this matter will be acted upon at the next City meeting. He wanted to clarify a number on the exhibit that was an error by DLZ.

U.S. Abrasives – The new Midwest Blast proposal is still being investigated.

Koontz Lake Sewer District Project – A lawsuit has been filed against the Marshall Council and Commissioners regarding the Koontz Lake Sewer District Project. Attorney Clevenger will enter his appearance on behalf of both.

Museum Project – Attorney Clevenger shared a letter he received from IDEM outlining the regulation that must be adhered to with regard to relocation of residents. There are no resident relocations involved with this project.

John Zentz moved and Tom Chamberlin seconded the motion to approve the verification letter stating that Marshall County will follow the law and that there is no relocation of residents necessary regarding the new museum building. Motion carried 3-0.

MIKE STRANG
UNDERWATER BRIDGE INSPECTIONS

Mike Strang appeared before the Board to explain that there are twenty-seven (27) underwater bridges due to be inspected this year. He is qualified to inspect seventeen (17), however, the remaining ten (10) are too deep and require inspection by a more qualified inspector.

Mike Strang sent requests for proposals (RFP's) to four (4) companies qualified to perform the inspections. They were:

Bernardin Lochmueller and Associates	\$30,000 - \$35,000
Collins Engineering PC	\$31,885.00
USI Consultants Inc.	\$20,811.89
Fuller Mossbarger Scott and May Engineers Inc.	\$22,860.00

After reviewing them with Neal Haeck, Highway Superintendent, his recommendation is USI Consultants, Inc., 8415 East 56th Street, Indiana 46216 for \$20,811.89.

John Zentz moved and Tom Chamberlin seconded the motion to accept the USI Consultants, Inc. bid in the amount of \$20,811.89 for the ten (10) underwater bridge inspections. Motion carried 3-0.

TAC

No Comment.

DLZ UPDATES

Michael Kummeth and Bob Kirkley from DLZ appeared before the Board to present updates on the following projects.

Pine Road – Grade Review plans were submitted to INDOT approximately six (6) weeks ago, but no response to date. Usually the response time is about thirty (30) days.

DLZ met with Dave Miller (VanVactor’s) regarding 9th Road. The revision proposed is slightly longer but will be better. The hope is the extra distance can be included as part of the Pine Road project and qualify for the 80% Federal Funding. INDOT allows a 5% overrun due to increased costs (i.e. fuel).

The railroad crossing will also be an 80%-20% split.

Walkway designs were presented. The Board asked DLZ to look into a bike trail only. The bike trail option would not require any additional right-of-way purchases.

Bridge 226 Michigan Street – DLZ advised the Board that the bridge was in better shape than originally thought. The City of Plymouth is close to selecting light fixtures.

DLZ presented a time schedule for all three (3) projects. Pending INDOT approval, they will start as soon as possible on Pine Road and Bridge 226.

Bridge 89 13th Road – Work will begin in 2008.

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