

**MONDAY, OCTOBER 2, 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, October 2, 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 and presented his September 2006 monthly report. He also advised the Board that the September 23, 2006 community-wide drill went well.

A disaster drill involving Miller's Merry Manor Nursing Home will be held on Wednesday, October 4, 2006 at 6:00PM.

The community-wide drill critique will be on Thursday, October 5, 2006 from 2:00PM to 3:00PM at Saint Joseph's Regional Medical Center on the second floor in the boardroom.

Statewide Pan Flu teleconference table top exercise will be held on Tuesday, October 24, 2006 at the National Guard Armory in South Bend, IN. Clyde was asked to attend as the EMA representative for District 2.

Clyde informed the Board that federal grant money has been reduced by 45%. 2006 fiscal year grant money will be designated for specific projects identified by the Indiana Department of Homeland Security. District agencies will be given money for projects that will benefit the entire district, i.e. Plymouth Mass Casualty Trailer and the St. Joseph Hazmat Team will be available for all seven (7) counties in the district. The procedure in the event of an emergency is to notify the State and the State deploys the teams.

GIS laptops for emergency response vehicles and the Court Security System Improvements have been ordered. Once received and paid, a claim will be sent to the State for reimbursement. The Court Security System was \$26,000 and the GIS laptops were \$11,000. The GIS laptops and the Courthouse security systems upgrades are not affected by the grant limitations.

Several County agencies did not meet the September 15, 2006 NIMS Compliance deadline potentially affecting their ability to receive future grant funds. Further training will be required for response agencies and officials.

The Cardsmart I.D. system is still being perfected. The County had the company upgrade the software to allow us to be compatible with an I.D. system the State of Indiana is looking at called "Salamander". The Salamander system will allow credentialing which is a NIMS requirement. Clyde will meet with the Sale Representative on Tuesday to learn more.

### **COUNTY WIDE PRESCRIPTION DRUG PLAN**

Jan Fisher, Clerk, appeared before the Board to request permission for her and Larry Fisher to spearhead a NaCo Prescription Discount Card Program administered by Caremark Rx, Inc. for county residents who have high prescription drug costs and no insurance. The program is also available to those with insurance if their insurance company does not cover a particular drug.

The savings average about 20% depending on the drug and quantity purchased. Cardholders are eligible for higher discounts on a three-month supply of some medications through mail service. There is no enrollment form, no membership fee and no restrictions or limits on frequency of use. Cardholders and family members may use the card any time their prescriptions are not covered by insurance. Cards will be available at ten (10) participating local drug stores and other locations to be determined. NaCo will print all the cards at no cost to the County.

Jan Fisher presented a NaCo contract to be reviewed by Attorney James Clevenger. It will likely take 2-3 months to implement the program. Currently, Three (3) other counties are offering the prescription card program.

**John Zentz moved and Tom Chamberlin seconded the motion to allow Jan and Larry Fisher to proceed with the NaCo Prescription Discount Card Program after Attorney Clevenger reviews the contract. Motion carried 3-0.**

Update on the collection of outstanding court fees, fines and MCDAP fees – to date \$39,784.90 has been collected.

### **ELECTION EXTENDED OFFICE OPENING REQUEST**

Clerk Jan Fisher requested the Clerk's Office be open on Saturday October 28 and Saturday November 4, 2006 for the election.

**John Zentz moved and Tom Chamberlin seconded the motion to approve the request for the Clerk's office to be open on October 28 and November 4 prior to the election. Motion carried 3-0.**

### M.A.I.L. GROUP

Chris Willis, representative from the M.A.I.L Group, in Lafayette, IN, appeared before the Board to discuss outsourcing of certified mail. His program requires no contract and no license fees. Its service is web-based so there is no software purchase required. The County will save money on each piece mailed. Currently, twenty-two (22) counties use the program. A one (1) ounce piece of certified mail will cost \$1.87, saving \$1.89. The only cost to the County will be for the purchase of parcel packs, which are \$.88 each – when purchased in lots of 100 to 1000.

Mr. Willis also advised that the M.A.I.L. Group can do *Demand Notices* for the Treasurer and also *Form 11's*.

The Commissioners recommend that Jan Fisher and Patty Jones (Voter Registration) along with any interested Court personnel and Commissioners who would like to go, schedule a road trip to Allen County to get a better perspective as to how the system works.

The Postal Service will be experiencing major changes in the near future – meters will have to be digital by 2007. Users will be required to buy ink cartridges from Hewlett Packard, and the Postal Service is going to *shape and weight* based rates.

### ALLEY WORK – CITY OF PLYMOUTH

Rick Gaul, City Engineer, appeared before the Board and stated that the City of Plymouth has approved work on the alley on the east side of the County Building. There will be a storm sewer going in and running to the north with a catch basin in the middle of the alley. The work may begin next week and should be completed in about seven (7) days including black topping. The Commissioners asked that the City avoid closing the alley on election day and the days leading up to tax collection.

### MIKE BOYS – REQUESTS FOR TEMPORARY EMPLOYEE STATUS

Mike Boys, Assessor, appeared before the Board to request that his two (2) part time employees be categorized as temporary employees for the balance of the 2006 year at the same rate they are currently being paid due to the additional work required because of trending. The Temporary status is allowed under County policy as long as the employees are involved in a project with a specific time frame for completion. This status overrides the 1,499 hours annual work limit placed on part time employees.

**John Zentz moved and Tom Chamberlin seconded the motion to approve the requested employee status change from part time to temporary for two (2) employees in the Assessor's Office for the remainder of 2006. Motion carried 3-0.**

**MEMORANDUM OF UNDERSTANDING**  
**PUBLIC HEALTH COORDINATOR**

Sherrie Daniel, Public Health Coordinator, appeared before the Board and presented a Memorandum of Understanding, as required by the State of Indiana, between the Marshall County Health Department for the use of printing companies and pharmacies. The agreement is between Marshall County Health Department and entities regarding a health emergency (Pandemic). She requested that it be reviewed and approved for use. Jim Clevenger stated an ordinance is in place to allow a procedure for funding and payment of expenses involved with a health emergency.

**John Zentz moved and Tom Chamberlin seconded the motion to approve the Memorandum of Understanding following the funding procedures established per the emergency ordinance. Motion carried 3-0.**

**HIGHWAY**

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

Road Cuts:

UTS/Embarq:

6B Road between King Road and Jarrah Road, North Township, to bury 730 feet of cable for service improvement;

9A Road between US 31 and King Road, Center Township, on the west side of King Road going under 9A Road, to provide telephone service to the Pilot Travel Center.

**Tom Chamberlin moved and John Zentz seconded the motion to approve the UTS/Embarq road cuts as presented. Motion carried 3-0.**

Muckshaw Railroad Crossing:

No further updates but will meet with Sandi Seanor this week.

Southfield Subdivision:

Dean Stump, owner, inquired when the County will take over the roads in the Southfield Subdivision. Neal will check with the Plan Commission to see if the road improvements are acceptable before the County would take possession.

The Board also asked Neal to check on Del Wenzel's subdivision as well.

2006 Road Program:

Neal presented the final tally of the 2006 Road Program – it showed the actual miles and costs spent in each township on Marshall County Roads during 2006. The Highway Department improved 86.652 miles of at a cost of \$722,835.73.

Proposals for Design of the Rightly Ditch:

Neal presented two (2) proposals for the design of the Rightly Ditch under North Michigan Street:

Strang and Associates	\$24,700
USI	\$21,100

Neal recommended that we hire USI to design the Rightly Ditch on Michigan Street at a cost of \$21,100.

**John Zentz moved and Tom Chamberlin seconded the motion to accept the Highway Department’s recommendation of selecting USI to do the design work on the Rightly Ditch on Michigan Street at a cost of \$21,100. Motion carried 2-0. Kevin Overmyer abstained.**

Lawson Fisher & Associates:

Neal advised the Board that Lawson Fisher & Associates notified him of two (2) bridge projects scheduled to go over the US 31 as part of the new US 31 project– one at Plymouth/Goshen Trail and US 31 and one at 6<sup>th</sup> Road and Lilac at US 31. A preliminary meeting is scheduled for November with work hopefully to begin by next year.

Once the new US 31 is constructed from 4<sup>th</sup> Road North, the current US 31 will become the County’s responsibility.

Commissioner Zentz asked Neal to check on the standing water in the Carriage Hills Subdivision.

**ATTORNEY REPORT**

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

Jail Project: Presented the fourth Interlocal Agreement and Change Order Analysis.

Highway v Watson: Discovery continues but no list from Plaintiffs of additional items.

Tax Sale: The order for Tax Sale was approved last week. The sale is scheduled for October 4, 2006 at 10:00AM in the room 307 of the Marshall County Building.

FMLA Sick Pay Issue: A letter was sent to the Commissioners recommending that the County's sick leave policy remain unchanged. Current policy says sick leave can be used for only two (2) purposes. 1) Injury or illness of the employee, and 2) to avoid jeopardizing the health of other employees. County policy also states that an employee is required to substitute accrued sick leave, along with accrued vacation and personal leave, for any part of the 12-week period of such leave under the County's FMLA policy.

Judicial Court Orders: Attorney Clevenger and Commissioner Chamberlin met with Judge Colvin regarding prepay court orders. While this matter is being explored Jim will work on drafting a prepay ordinance dealing with non-emergency prepay claims and Judge Colvin will hold off issuing court ordered claims until the matter is resolved..

State v Sheskey: The State has filed a land condemnation against a property owner for land along State Road 10. The County was named for real estate tax interest, so Attorney Clevenger will enter his appearance and monitor the situation.

Justin Whitt v County: Plaintiff is a seriously injured minor who was in a car driven by Kristy Andersen. Ms. Anderson stated she was unable to stop at the Highway 6 intersection "because of black ice covering the intersection." Our insurance carrier denied the tort claim notice for a number of reasons and likely will vigorously defend. Jim has referred the suit papers to Gibson Insurance.

Porter County Juvenile Detention Agreement: The contract is in the amount of \$71,500. annually for 650 bed days (\$110 per bed day). The Board requested that the Chief Probation Officer report on bed usage for this year prior to extending the contract.

Jones v Womacks: Attorney Clevenger asked if the County wanted to sign on an Amicus Brief on behalf of the AIC (Association of Indiana Counties). The Court of Appeals determined that the remonstrance process that only counts landowners is unconstitutional. The Amicus Brief challenges this ruling.

**John Zentz moved and Tom Chamberlin seconded the motion to have the County sign on to the Amicus Brief. Motion carried 2-1. Kevin Overmyer opposed.**

### **AUDITOR'S REPORT**

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

Minutes: The September 18, 2006 Commissioner Meeting Minutes were presented for approval and signatures.

**Tom Chamberlin moved and John Zentz seconded the motion to approve the September 18, 2006 Commissioner Meeting Minutes as presented. Motion carried 3-0.**

Claims: The October claims were submitted for approval and signatures.

**John Zentz moved and Tom Chamberlin seconded the motion to approve the October claims as submitted. Motion carried 3-0.**

2007 Holiday Schedule: The 2007 Holiday Schedule was submitted for approval. Jan Quivey asked the Board to consider moving Columbus Day from October to Monday, December 31, 2007 New Years Eve allowing for a four (4) day weekend over the New Year's 2008 Holiday.

**John Zentz moved and Tom Chamberlin seconded the motion to move Columbus Day from October to Monday, December 31, 2007 New Years Eve Day. Motion carried 3-0.**

2007 Commissioner Meeting Schedule: The schedule was submitted for approval.

**Tom Chamberlin moved and John Zentz seconded the motion to approve the 2007 Commissioner Meeting Schedule as presented. Motion carried 3-0.**

2007 Payroll Schedule: The schedule was submitted for approval.

**John Zentz moved and Tom Chamberlin seconded the motion to approve the 2007 Payroll Schedule as presented. Motion carried 3-0.**

Manufacturing Resolution: Jan Quivey asked the Board if they had made a decision on the Manufacturing Resolution presented at the previous meeting. Commissioner Overmyer stated that the State Manufacturing Association is looking into the resolution. The Association said the County was wise to hold off signing the resolution, pending further review.

### **PENNY LUKENBILL**

Penny Lukenbill, Treasurer, appeared before the Board and presented a contract requesting to change the company that processes credit card payments for the payment of property taxes. Currently, 3% is being charged directly to the taxpayer.

The new company, Certified IT charges 2.75% and the County will receive the difference between the charge to the property owner and what the credit card company charges. Their credit card process is easier to use and debit cards are also allowed. Certified IT would also install a kiosk in the Treasurers Office for taxpayer convenience.

**Tom Chamberlin moved and John Zentz seconded the motion to table the request until the County Attorney can review the contract. Motion carried 3-0.**

### **RESOLUTION 2006-12**

The Commissioners presented Resolution 2006-12 to Penny Lukenbill congratulating her on being recognized as **Outstanding Treasurer** by the Association of Indiana Counties (AIC), and for her accomplishments and the many significant contributions to the citizens of Marshall County as Treasurer and to all Treasurers statewide.

**Tom Chamberlin moved and John Zentz seconded the motion to pass Resolution 2006-12 recognizing Penny Lukenbill as Indiana Outstanding Treasurer of the Year. Motion carried 3-0.**

### **COMMISSIONER ITEMS**

Jail Information: Commissioner Chamberlin – Patriot Engineering, a company that tests soil and concrete submitted a bill for \$6,072.50, which will be paid from CAGIT funds, not through the Holding Corporation.

**John Zentz moved and Tom Chamberlin seconded the motion to approve the payment submitted by Patriot Engineering in the amount of \$6,072.50. Motion carried 3-0.**

Gibson Insurance – Builder’s Risk Insurance (insurance during the period of jail construction) in the amount of \$14,240. will be paid from CAGIT funds.

**John Zentz moved and Tom Chamberlin seconded the motion to approve the payment submitted by Gibson Insurance Agency in the amount of \$14,240. Motion carried 3-0.**

Change Order 004: Commissioner Chamberlin reported two (2) change order credits in the amount of \$29,109.00 from Casteel (originally paid from the Holding Corporation) – one was from eliminating the installation of an ornamental fence and replacing it with a standard chain link fence (\$22,359.00) and the second credit was from eliminating soil poisoning (a treatment for bugs and termites), at a savings of \$6,750.00.

**John Zentz moved and Tom Chamberlin seconded the motion to accept Change Order 004. Motion carried 3-0.**

TAC

Mike Bernero wanted to know if the CAGIT and Change Order items increased the cost of the jail? He was told no, as the Change Orders were a Credit. Future Change Orders could increase the jail cost.

He also presented opinions on the remonstrance process and his wish for a referendum determining public building projects rather than the current remonstrance process.

He voiced his disapproval of the format of current tax statements, he said they were difficult to read.

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

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Kevin Overmyer, President

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Tom Chamberlin, Vice President

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John Zentz, Member

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