

**TUESDAY, JANUARY 16, 2007**

The Board of Commissioners of Marshall County, Indiana, met in the Commissioners Room, in the City of Plymouth, Indiana at approximately 9:30AM, Tuesday, January 16, 2007, for a regular meeting with Kevin Overmyer, President; Tom Chamberlin, Vice President and Jack Roose, 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.

**DENNIS HUSTED – CCI**  
**JAIL PROJECT UPDATE**

Dennis Husted, CCI Project Manager for the Marshall County Jail Project, appeared before the Board to provide an update on this project.

- The site contractor encountered unsuitable bearing conditions while trying to install the lift station at the north drive of the project and Jim Neu Drive, Patriot Engineering performed three borings in that area on Friday, January 12, 2007 to advise what needed to be done to achieve suitable bearing conditions for the lift station, the water meter pit and a light pole base. The unsuitable material will be excavated and replaced with # 2 stone.
- The building is temporarily closed in and the temporary heat is on throughout the building;
- Casteel continues to make concrete floor pours where they can;
- The masonry work continues in the holding area and the indoor/outdoor recreation areas;
- Duct work and pipe installation is going on in the Administration area to get ahead of the metal stud work that will start soon;
- Underground piping continues in detention behind the cell area so that floors can be poured;
- All of the pre-cast exterior panel work should be finished;
- The sprinkler system work is going on in the Administration areas;
- The low roof on unit A is about finished. The roof on unit B is also about finished. The high roof on unit A has not started yet until the metal stud soffit is finished.

## **RALPH BOOKER - FOE REZONING ORDINANCE**

Ralph Booker, Plan Commissioner, appeared before the Board to present a request from the Fraternal Order of Eagles, located on State Road 17, Culver, Indiana that the property be rezoned from A1 to B1. On December 21, 2006, the Plan Commission passed the rezoning request with certain written commitments required.

Number 2 on the Written Commitments states *This request will only go into affect with the purchase of the property by the Robbin Meek family.* Ralph stated that this clause should be eliminated because Written Commitments apply to the property and not the individual owner or purchaser.

Ralph Booker suggests striking Number 2 from the Written Commitments and if passed it would be resubmitted to the Plan Commission for their approval.

The Meek family plans to start culinary classes and restaurant retail sales in the FOE building.

**Tom Chamberlin moved and Jack Roose seconded the motion to open the Public Hearing. Motion carried 3-0.**

Robbin Meek, 19319 13B Road, Culver, Indiana, the prospective buyer, wanted the public to know that he planned to clean up the property and improve the area.

Don Massing, Candy Lane, Plymouth, Indiana, stated that when the Plymouth Eagles merged with the Culver Eagles, he looked for suitable buyers and he feels the Meek's family would do a good job and it would be a plus for the neighborhood.

Plan Commission recommendation is that not all B1 uses be allowed. Written Commitments provide these limitations. Any other uses, for this property, would require future approval by the Plan Commission.

**Tom Chamberlin moved and Jack Roose seconded the motion to close the Public Hearing. Motion carried 3-0.**

The current club operates with a liquor license; however, that license can not be transferred to the new owners without their first going before the Alcohol Beverage Commission.

**Tom Chamberlin moved and Jack Roose seconded the motion to approve the request to rezone the property at 13375 State Road 17, Culver, Indiana from A1 to B1. Motion carried 3-0.**

The amended Written Commitments will be presented at the Plan Commission Meeting on January 25, 2007 for final approval.

**PLAN COMMISSION APPOINTMENT**

Ralph Booker, Plan Commissioner, appeared before the Board to request that a Democratic appointment be made to the Plan Commission for 2007. Judd Roush has rearranged his schedule and would be willing to be appointed to the Plan Commission Board.

**Tom Chamberlin moved and Jack Roose seconded the motion to appoint Judd Roush to the Plan Commission Board. Motion carried 3-0.**

**HEALTH DEPARTMENT VEHICLE**

Wes Burden, Health Department Administrator, appeared before the Board and presented the following proposals for a new truck for his department:

Oliver Ford	2007 Ford Ranger XL	\$17,965.00
Oliver Ford	2007 Ford Ranger XLT	\$18,441.00
Country Chevrolet	2007 Chevrolet CT	\$19,959.00

**Tom Chamberlin moved and Jack Roose seconded the motion to accept the bid from Oliver Ford for a 2007 Ford Ranger XL in the amount of \$17,965.00 for the Marshall County Health Department. Motion carried 3-0.**

**HIGHWAY DEPARTMENT**

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

**Road Cuts:**

United Telephone Company/EMBARQ - Plymouth-Goshen Trail between 3<sup>A</sup> Road and Miami Trail, German Township, approximately 600 feet southwest of Miami Trail to repair, in place, a buried fiber cable cut by NIPSCO.

**Tom Chamberlin moved and Jack Roose seconded the motion to approve the road cut request from United Telephone Company/EMBARQ as presented. Motion carried 3-0.**

Darling International (Read's Fertilizer) Road- Jeff Read had told Neal that there has been some vandalism occurring at this facility and he wondered if a gate could be installed and locked on the weekends and holidays to try to prevent further incidents. The owner would pay for the installation of the gate. He advised that the only people using that road are doing business with Darling International, it is not used by the public even though it is a county road.

Commissioner Roose suggests that Neal, along with other emergency personnel, have a key to access the area in the event of an emergency.

Commissioner Chamberlin asked Neal to notify all emergency departments that there will be a gate and it will be locked on weekends and holidays.

**Jack Roose moved and Tom Chamberlin seconded the motion to allow Darling International to install a gate across Plymouth/Goshen Trail to prevent further vandalism to their facility. Motion carried 3-0.**

5D Road – Dead End – Brian Stutler appeared with Neal Haeck to offer to donate land to the county to allow them to construct a cul-de-sac for a turn around on the south side of his property. This extra area would allow the school buses and county vehicles to turn around easily.

Neal will check with the other property owners to see how far back they can go to establish a cul-de-sac before they hit muck, and to see if they would object to having the road improvement and cul-de-sac go as far back as their property if soil conditions are suitable.

**Jack Roose moved and Tom Chamberlin seconded the motion to accept the offer from Mr. Stutler to donate property to the county to install a 40' right-of-way back to an 80' cul-de-sac on 5D Road (a dead end road) following Neal's investigating to determine the best location for the cul-de-sac. Motion carried 3-0.**

Speed Limit on West Shore Drive, Lake Maxinkuckee- Currently the speed limit on West Shore Drive, between the Culver city limits south to the intersection of South Shore Drive and Sage Road is 30mph. The residents have requested that the speed limit be lowered to 20mph in that area because of the increase foot traffic and congestion. Many residents live on one side of the road and have garages on the opposite side of the road.

**Jack Roose moved and Tom Chamberlin seconded the motion to reduce the speed limit on West Shore Drive between the Culver city limits to the intersection of South Shore Drive and Sage Road from 30mph to 20mph. Motion carried 3-0.**

Attorney Clevenger will prepare an amendment to the current speed limit ordinance.

**LARRY FISHER/MICHAEL MARSHALL**  
**TECH COMMITTEE**

Larry Fisher and Michael Marshall, Tech Committee, appeared before the Board and gave a solution to the issues the County has been having in getting our GIS website problems addressed. A programmer from Manatron will contact Sidwell to find out exactly what needs to be done to rectify the situation.

The Committee recommends supporting an upgrade to the Court Package (CSI) which will involve the Courts, Clerk's Office, Sheriff's Department and Probation Department. There are two (2) phases, the first phase will cost about \$10,000.00 and will elevate the current system; the second phase in the amount of \$24,000.00 will provide an updated imaging program. The funding is coming from the Clerk's Office plus the IT Department will pick up the expenses for upgrading the server.

Commissioner Overmyer said that Jan Fisher is highly in favor of the upgrade. Michael Marshall says the Judges and their staff are generally in favor but questioned whether or not the County should hold off until the State-wide JTAC program is implemented. It was noted that the JTAC system could still be years away.

**Tom Chamberlin moved and Jack Roose seconded the motion to proceed with the CSI system upgrade. Motion carried 3-0.**

### **ATTORNEY REPORT**

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

#### **Old Business:**

DoxPop Contract- The DoxPopContract was returned to DoxPop with the addition of Sheriff's Department and DoxPop advised that they will not include the Sheriff's Department as they don't want to alter their standard form. The original contract will be revised by Attorney Clevenger and presented to the Commissioners for signatures at a future meeting.

Jail- Interlocal Agreement – Attorney Clevenger inquired if the Commissioners would like to proceed with responses on the City of Plymouth's proposed changes. Costs of water hookup are not known at this time. The City's proposal states the County will not be responsible for gutters and sidewalks.

The Commissioners asked Attorney Clevenger to tweak the Interlocal Agreement and try to get the matter resolved.

Marshall County Economic Development Corporation- The Steering Committee held a meeting last week. A presentation to the Argos Town Board is scheduled for Wednesday, January 17, 2007 and another at the Culver Town Board is scheduled for Tuesday, January 23, 2007.

The final Board will be appointed by several organizations including members of the banking industry, utilities, school corporations and realtors.

Administrative Fees for Vendors - Ordinance 2007-01, A Joint Ordinance to Establish Administrative Fees for Vendors Utilizing Payroll and Other County Services in the amount of \$100 was presented for approval on first reading.

**Tom Chamberlin moved and Jack Roose seconded the motion to approve Ordinance 2007-01 on first reading. Motion carried 3-0.**

**New Business:**

Vendor Service Agreement - The agreement between Marshall County and American Financial Credit Services, Inc., a company that collects delinquent personal property taxes, was submitted by Penny Lukenbill for approval by the Board. To date, there is \$203,000.00 in outstanding personal property tax debt. This process does not cost the County anything – the recovered money is first applied to the principle and then to the interest.

Penny Lukenbill, Treasurer would like to enter into an agreement with American Financial Credit Services. Currently, their services are used in thirty (30) Indiana Counties with a recovery rate of 16%.

**Jack Roose moved and Tom Chamberlin seconded the motion to approve the contract between Marshall County and American Financial Credit Services for the collection of outstanding personal property taxes. Motion carried 3-0.**

Revised County Attorney Compensation Agreement – Attorney Clevenger presented a revised County Attorney Compensation Agreement raising the hourly rate from \$100.00 to \$110.00 per hour.

DLZ Seminar – DLZ is presenting a seminar on February 14, 2007 entitled *Managing Correctional Facilities*.

NACO - Prescription Drug Plan – Attorney Clevenger is still working on determining the effects of the CVS purchase of Care Mark and in turn the effects on the NACO Prescription Drug program. He will complete his review of this program and report back to the Commissioners. Commissioner Overmyer will contact Jan Fisher for more information.

**AUDITOR’S REPORT**

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

Mintues - The January 2, 2007 Commissioner Meeting minutes were presented for approval and signatures.

**Tom Chamberlin moved and Jack Roose seconded the motion to approve the January 2, 2007 Commissioner Meeting minutes as presented. Motion carried 3-0.**

Mid Month Claims - The mid month claims were submitted for approval and signatures.

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

Covered Bridge Report - Jan Quivey presented the Annual Certified Covered Bridge report for the Commissioners signatures. Marshall County does not have any covered bridges.

FMLA Request - Paula Babcock, Deputy Auditor, presented an FMLA request from an employee at the Highway Department.

**Tom Chamberlin moved and Jack Roose seconded the motion to approve the FMLA request from an employee at the Highway Department. Motion carried 3-0.**

### TAC

Mike Bernero informed the Board that he visited the State Capitol last week. He explained that one of the Senators will be presenting a bill for a five (5) year plan to eliminate property taxes. He says there are (3) three things that would need to be done before this proposed bill could be enacted. The first is to changes the Constitution, then establish a property tax elimination fund and then look for alternative sources of government funding.

### COMMISSIONER BUSINESS

Commissioner Chamberlin presented two (2) invoices for the jail project to be approved and paid from CAGIT.

They are: \$96.00 for a security system at the Field Office Trailer and \$2,851.75 to Stockberger Trucking for fill that is going into the correctional building where the prefab steel cells will be installed.

**Tom Chamberlin moved and Jack Roose seconded the motion to approve payment of the two (2) invoices presented with Special CAGIT funds. Motion carried 3-0.**

Matthew Zahn – Rents farmland along Pine Road from the County and informed the Board that due to the construction of the new jail, he suffered a partial loss of his crops and is requesting to be reimbursed, by the County, for his losses. He submitted a claim for fifty (50) bushels of soybeans lost on the south side of the jail at \$6.00 per bushel which equals \$300; and fifty (50) bushels on the north side at \$6.00 per bushel which amounts to \$300. Total claim is for \$ 600.

**Tom Chamberlin moved and Jack Roose seconded the motion to pay Matthew Zahn \$600.00 from the General Fund for the loss of production due to the construction of the new Marshall County Correctional Facility. Motion carried 3-0.**

**Tom Chamberlin moved and Jack Roose seconded the motion to appoint Commissioner Kevin Overmyer to the MACOG Board. Motion carried 3-0.**

**Tom Chamberlin moved and Kevin Overmyer seconded the motion to appoint Commissioner Roose to the Marshall County Fair Board. Motion carried 3-0.**

Commissioner Kevin Overmyer read a letter from the Town of Argos indicating that Don Mahoney is desirous of becoming a member of the Argos Plan Commission, however, Mr. Massing lives outside the city limits. According to Pam Bishop, the only way an out-of-town person can be appointed is through Commissioner approval. Attorney Clevenger will check to make sure he is eligible to become a member.

**Tom Chamberlin moved and Jack Roose 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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Jack Roose, Member

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