

## **MONDAY, DECEMBER 3, 2007**

The Board of Commissioners of Marshall County, Indiana, met in the Commissioners Room, in the City of Plymouth, Indiana at approximately 8:30AM, Monday, December 3, 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.

### **CLYDE AVERY, EMA REPORT**

Clyde Avery, EMA Director appeared before the Board and presented his November 2007 monthly report.

November's Monthly Report as submitted:

1. Participated in District 2 Exercise Planning Committee meeting
2. Typed up and sent out news release regarding Winter Storm Spotter training on Saturday,
3. Distributed letters to the eligible Tornado victims regarding the Tzu Chi organizations monetary gift.
4. Attended Commissioners meeting
5. Attended meeting at Culver Administration building ref. review of their emergency plan.
6. Took photo's for ID's for the town of Culver.(5:30p-8p)
7. Attended the District 2 Seminar on Communication at Christo's Banquet Center.
8. Took photo's for ID's for Plymouth Fire Dept. (6:30p-9:30p)
9. Conducted NIMS training for Culver Military Academy, John Kowalski
10. Attended EMA/LEPC meeting (7p-9p)
11. Attended the Winter Storm Spotter training at St. Joe Regional Medical Center.
12. Participated in the Tzu Chi presentation in Nappanee.
13. Participated in the Indiana Department of Homeland Security Training Workshop
14. Attended the Information and Warning Planning Committee meeting
15. Printed out and delivered ID cards for Town of Culver
16. Facilitated After Action Report for the Tornado event in Nappanee (6p-9p)
17. Attended District 2 Exercise Planning Committee meeting
18. Attended the Communications Planning Committee meeting.
19. Met with Bill Hunt is trying to develop a mounted Area Search and Rescue Team for Northern Indiana.
20. Printed out and delivered ID card for Plymouth Fire Dept.
21. Checked on Emergency Alert Radios at Wal-Mart and Radio Shack. Applied for a grant at Wal-Mart to be used to purchase Emergency Alert Radio's. Spoke to the manager at Radio Shack to see if the Tandy Corp. had grants available. He advised he would check and get back with me. (The Commissioners requested

- Clyde speak with Marshall County Community Service to see if any funding is available).
22. Met with IDHS Coordinator Deb Fulk
  23. Went to Bremen to meet with Bremen School Superintendent Russ Mikel regarding implementing NIMS and ICS.
  24. Met with EMA Advisory Chairman John Grolich ref. Evaluation for EMA Director
  25. Participated in IDHS Conference call regarding the denial from the Feds for a Presidential Disaster Declaration for the October Tornado event.
  26. Met with Susie at Pilgrim Manor to discuss their Emergency Plan and possible NIMS/ICS training.
  27. Participated in a meeting with an organization called Northern Indiana Tornado Recover Organization. Made up of various organizations and churches to provide relief aid to tornado victims.
  28. Participated in IDHS Conference call.
  29. Participated in District 2 Exercise Planning Committee meeting.
  30. Participated in National Weather Service Webinar ref. possible severe winter weather event for Saturday, December 1<sup>st</sup> into the 2<sup>nd</sup>.
  31. Had a meeting with the other county EMA Directors.

#### Old Business:

1. There has been no information regarding the appeal for the August 14<sup>th</sup> Tornado event.
2. The Debris Management Plan Annex to the County's Comprehensive Plan has been distributed to each of the Points of Contacts I have for each jurisdiction.
3. The MOU with Natures Way has not been signed yet due to a misunderstanding regarding charges that will be involved for the use of their services. Whoever is requesting services will be responsible for any charges incurred. If a Federal Disaster area is determined any reimbursable grant monies can be used to pay for outside emergency resources
4. As mentioned in the monthly report, as requested, I made contact with Wal-Mart and Radio Shack regarding the Emergency Alert Radios and I am still waiting to here from both regarding the grants.
5. The class that I had previously requested and been approved to attend was cancelled. (Development of District Task Forces which was to be held in Kosciusko County)

#### New Business:

1. IDHS will be talking about FEMA requirements for aid and our options for appealing the recent denial for the October tornado event at the Next meeting of the Northern Indiana Tornado Recovery Organization meeting to be held on Tue. Dec.4<sup>th</sup>
2. The next District 2 Exercise Planning Seminar on Command and Control will be on Thursday, Dec. 13<sup>th</sup> at Christo's Banquet Center.

3. I have set up a meeting with Mayor-elect Mark Senter for Dec. 18th.
4. I will be providing NIMS/ICS training to Pilgrim Manor Nursing Home on Dec. 19<sup>th</sup>.

### **BS MAN LLC REZONING A1-C2 (Storage Shed)**

Ralph Booker, Plan Commissioner, along with Attorney Roy Michael Roush appeared before the Board to present Ordinance 2007-17, an ordinance rezoning a parcel on 3<sup>rd</sup> Road and Michigan Street, North Township, from A-1 Agricultural District to C-2 Highway Commercial District for self storage units only.

The Plan Commission has approved the request and has requested that the area be combined into one parcel.

Attorney Roush, who is representing BS Man, LLC, requested that the Board approve the Plan Commission's recommendation.

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

No Public Comments

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

**Tom Chamberlin moved and Jack Roose seconded the motion to pass Ordinance 2007-17 on first reading. Motion carried 3-0.**

**Tom Chamberlin moved and Jack Roose seconded the motion to suspend the rules and pass Ordinance 2007-17 on second and third readings. Motion carried 3-0.**

### **WEB HOSTING CONTRACT**

Larry Fisher, Tech Committee Chairman, and Andrew Harrison, Schneider Corporation appeared before the Board and presented the Schneider Web Hosting Contract in the amount of \$8400.00 per year plus an hourly rate as needed. Attorney Clevenger reviewed the contract and had a few concerns about a designee to make county decisions, additional contract costs and the automatic renewal terms.

There was some discussion as to when the Sidwell contract would expire. The Sidwell contract was signed October 2005 with an estimated start up time of five to six months following the signing. This however, did not happen. The Sidwell representative stated that the actual start up date was in October 2006 making the termination date October 2008. The County may be responsible for early termination charges of \$3500.00.

The Schneider Corporation is waiving their set up fee of \$8000.00 which will offset the charges incurred for early termination with Sidwell.

Ralph Booker explained that a payoff of \$3500.00 might be well worth it when one considers the web site “down time” experienced with Sidwell.

Larry Fisher said the Tech Committee wouldn’t come forward with a request to change if it wasn’t thought necessary.

Commissioner Roose questioned if the delay in Sidwell’s starting up was a Sidwell problem or a County problem? Michael Marshall said in reality what was sold to Marshall County was in the design phase, and what Sidwell actually offered wasn’t as good as what we had before. The County was led to believe the Sidwell web site was more complete.

**Jack Roose moved and Kevin Overmyer seconded the motion to approve the contract with Schneider to provide website hosting to Marshall County provided the Sidwell buyout funds can be obtained. Motion carried 2-1 with Tom Chamberlin voting nay.** Commissioner Chamberlin felt the decision should be delayed for two (2) weeks to see if the Sidwell contract buyout can be negotiated down.

The Schneider contract will run from January 1, 2008 through December 31, 2010.

### **ATTORNEY REPORT**

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

#### **Old Business:**

Contractor Registration Ordinance – 2007-13: At issue is the \$5000.00 bond that protects the County and the Building Commissioner should the County be dragged into a situation between the homeowner and a contractor if the building codes are not met. Attorney Clevenger stated the homeowner would never get the bond money, only the County is protected.

Building Inspector Dennis Elliott was in attendance and explained that the original 1996 ordinance called it a Performance Bond, but it really isn’t so the language was changed in the new draft to all it a Licensing and Permit Bond. A \$5000.00 bond costs the contractor about \$100.00. The ordinance does not hold the County responsible for anything, only the contractor is responsible.

**Tom Chamberlin move and Jack Roose seconded the motion to pass Ordinance 2007-13 amending Ordinance 1996-09 on second reading. Motion carried 3-0.**

Rightley Ditch Agreement: The City Attorney has requested a meeting to clarify the scope of the project. The meeting would include the Mayor, President of the

Redevelopment Commission, the City Attorney, Surveyor, a representative of the Drainage Board and Attorney Clevenger.

Tax Sale Matters: Still continue to work on a couple of different tax sale matters on behalf of the Auditor and Treasurer. Tax Sale is scheduled for Wednesday, December 12, 2007.

VonEhr Property: The County owned property is located on Cass Street in Culver, Indiana. Attorney Clevenger said if the property is valued less than \$2000.00 the best means of transferring it is to make it available to the abutting land owners.

**Tom Chamberlin moved and Jack Roose seconded the motion to sell the VonEhr property, Parcel Number 502117000046000013 since it has been determined that the value was assessed under \$2000.00 and it is of no value to the County and would be more valuable to the adjoining land owners. Motion carried 3-0.**

**New Business:**

Two new tort claim notices:

Bryce Tibbs – The Claimant was in an automobile accident near 4<sup>th</sup> Road and Maple Road with another vehicle pulling from a driveway. The notice has numerous claims against the County which include design flaws of the road, permitting a utility pole to sit too close to the road, etc.

Erika Suursoo – The Claimant didn't stop for a police officer after a traffic violation and was jailed for resisting law enforcement. She couldn't post a bond although she was eventually released. She claims false arrest and unlawful detention.

**HIGHWAY REPORT**

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

Road Cuts:

EMBARQ/United Telephone: Beech Road between 5<sup>th</sup> Road and 5C Road, German Township, beginning just south of the 5<sup>th</sup>/Beech Road intersection in the east right-of-way of an existing pedestal, and continuing south in the east right-of-way for approximately 636 feet. A pedestal will be placed at that location. From there a drop will be buried for approximately 50 feet before boring under Beech Road to the west to provide new telephone service to the resident.

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

Craig Hawley: Hickory Road between 9B Road and 8B Road, Bourbon Township, 1675 feet south at 8B Road on Hickory to install a drainage tile.

**Jack Roose moved and Tom Chamberlin seconded the motion to approve the road cut request from Craig Hawley as presented. Motion carried 3-0.** The Commissioners requested that Neal have someone on site to see that the work is done properly.

North Michigan Pipe: Was supposed to be done last week but wasn't. Neal will check on it.

Oak Road North of 3<sup>rd</sup> Road: Neal will check on it again.

2007 Fuel Report: Neal presented the 2007 fuel report for both diesel and regular gasoline. Diesel savings were \$38,176.48 and Regular Gasoline savings were \$34,550.00 for a total to date of \$72,726.48.

Because of the high gasoline usage by the other departments and agencies, Neal would like to install another 10,000 gallon tank that could be tied to the current one to better manage fuel delivery. He would like to do this in 2008 and plans to get some cost estimates first.

Street Light at SR 17 & Glenn Overmyer Drive: Neal contacted NIPSCO last week and has prepared a letter to them requesting a street light at said location, but needs a contact person and address before mailing it.

Weeds at King Road and Plymouth/Goshen Trail: Neal advised this has been taken care of.

### **AUDITOR'S REPORT**

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

Minutes: The Commissioner Meeting Minutes from November 19, 2007 were presented for approval and signatures.

**Tom Chamberlin moved and Jack Roose seconded the motion to approve and sign the November 19, 2007 Commissioner Meeting Minutes as presented. Motion carried 3-0.**

Claims: The December claims were presented for approval and signatures.

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

2008 Veteran's Assistant Contract: Jan Quivey presented the 2008 Veteran's Office Assistant's contract for approval and signatures. With the exception of the date the contract is identical to the 2007 contract.

**Tom Chamberlin moved and Jack Roose seconded the motion to approve the 2008 Veteran's Office Assistant Contract as presented. Motion carried 3-0.**

Ordinance 2007-16: An Ordinance allowing 2007 Property Tax Rebate checks to be applied to current delinquent property taxes prior to distributing the checks to the property owners.

**Jack Roose moved and Tom Chamberlin seconded the motion to approve Ordinance 2007-16 on first reading, allowing 2007 Property Tax Rebate checks to be applied to current delinquent property taxes prior to distributing the check to the property owners. Motion carried 3-0.**

**Tom Chamberlin moved and Jack Roose seconded the motion to suspend the rules and pass Ordinance 2007-16 on second and third readings. Motion carried 3-0.**

2008 Commissioner's Meeting Schedule: Jan Quivey presented a draft of the 2008 Commissioner's Meeting Schedule for approval.

**Tom Chamberlin moved and Jack Roose seconded the motion to approve the 2008 Commissioner's Meeting Schedule as presented. Motion carried 3-0.**

Ordinance 2007-14a: An Ordinance adopting the County of Marshall, Indiana Personnel Policies Handbook was presented for approval. Prior to approval, Attorney James Clevenger mentioned concerns regarding the designation of an HR Administrator because this title is noted in the handbook. He also recommends the appointments to the Sick Bank Committee for 2008 and inquired as to the status of the Personnel Committee. Jan Quivey stated that he will be the new HR Administrator as of January 1, 2008, and that the Sick Bank and Personnel Committees have been established and functioning for some time, and necessary appointments will be made in a future Commissioner meeting.

**Jack Roose moved and Tom Chamberlin seconded the motion to suspend the rules and pass Ordinance 2007-14a on all three readings, an ordinance adopting the County of Marshall, Indiana Personnel Polices Handbook. Motion carried 3-0.**

**The policies in the new personnel handbook will become effective January 1, 2008.**

### COMMISSIONER ITEMS

Commissioner Tom Chamberlin presented the following invoices for the Marshall County Jail to be paid from CAGIT:

Sungard – OSSI	\$1,370.53	Training
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Umbaugh & Associates	2,100.00	Services through Nov. 30, 2007
Indiana Restaurant Equip.	4,498.75	
RQAW	13,644.87	Construction Administration And reimburseables
PC Source	2,726.36	
New Horizons Comm.	2,590.46	phone systems
City of Plymouth	33.32	Water Use
E & B Paving	6,150.00	Final Binding
Indiana Restaurant Equip.	3,787.60	Serving trays, cups, etc.
Bob Barker Co., Inc.	308.50	Inmate Slippers & Sandals

**Jack Roose moved and Tom Chamberlin seconded the motion to approve payment of the above listed invoices for the Marshall County Jail from CAGIT funds. Motion carried 3-0.**

Commissioner Chamberlin stated that the job trailer has been moved out, training on the security system is occurring now, a punch list is being worked, Casteel and Haddersley had to come back to make corrections, Michael Marshall is finishing up communications and networking and the lift station has been installed but a blockage was found and is being investigated and corrected.

There being no further business:

**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