

**MARSHALL COUNTY BOARD OF COMMISSIONERS
MINUTES**

MONDAY, DECEMBER 21, 2009

The Board of Commissioners of Marshall County, Indiana, met in the Commissioners' Room, Plymouth, Indiana on Monday, December 21, 2009, at 9:45 am for a regular meeting. Present were Jack Roose, Vice President and Tom Chamberlin, member; County Attorney James Clevenger and County Auditor Penny Lukenbill. President Kevin Overmyer was absent. The meeting was opened in due form and the business before it heard.

GENE GRAY – LEPC

On behalf of the LEPC, Gene Gray presented to the commissioners the award the LEPC recently received for Outstanding Hazardous Materials Plan development from the Indiana Emergency Response Commission. There are 82 facilities in Marshall County that store hazardous materials, and the county plan details type and location of hazardous materials at each one, along with emergency contacts and possible evacuation routes in the event of an incident. The plan has been distributed to each emergency response agency in the county.

Mr. Gray explained that the LEPC board is made up of volunteers from law enforcement and emergency response agencies and hospitals. Mr. Gray introduced three of the board members in attendance - John Grolich, Co-chair; Rex Gilliland, Secretary; and Clyde Avery, EMA director.

The commissioners congratulated Mr. Gray and the LEPC on receiving the award, and expressed their appreciation for the committee's efforts in developing a successful plan.

**DEBBIE DUNNING – COUNTY ASSESSOR
CONTRACT RENEWALS**

Assessor Debbie Dunning presented renewals of two assessment contracts. The contract with Lakeside Consulting LLC covering new construction is in the amount of \$39,400. This will be the last year for the separate contract, as new construction is included in the reassessment contract beginning May 2, 2010.

The contract with Indiana Assessing Services covers consultation and preparation for difficult assessment appeals and provides 150 hours of service at \$145 per hour – a total of \$21,750. Ms. Dunning has requested fewer hours since the number of petitions is down, and her staff is performing more of this work in-house. However, she can purchase additional hours if necessary. IAS also serves as a voting member of the PTBOA.

Both companies have the required liability insurance. The County Attorney has reviewed both contracts and minor changes have been made. After approval by the commissioners, the contracts must be approved by the DLGF.

Tom Chamberlin moved, seconded by Jack Roose, to approve the new construction contract with Lakeside Consulting LLC for \$39,400. Motion carried 2-0.

Tom Chamberlin moved, seconded by Jack Roose, to approve the contract with Indiana Assessing Services in the amount of \$21,750.00. Motion carried 2-0.

NEAL HAECK – HIGHWAY REPORT

Road Cuts: Mr. Haeck followed up on the road cut previously requested by Ron Hayn on 11th Road east of Queen, and reported he was performing work on an existing tile and not changing the drainage.

Zehner Mill Pond dam report: Mike Strang's report on the Mill Pond dam structure was submitted to the DNR for their review. They contacted Mr. Haeck to inform him that in their opinion, ownership of the structure is shared by Marshall County, the Lake Latonka Property Owners Association, and a property owner on the south side of the lake. They have sent a letter to all owners reminding them that they share responsibilities and liability for the dam. Mr. Haeck will send a copy of Mr. Strang's report to the property owners association.

Annual Highway Bids: In checking with State Board of Accounts, Mr. Haeck learned that bid Form 95 has been replaced by Form 96, which was revised this year. He will use Form 96 for the 2011 bids. Mr. Haeck requested that the commissioners accept the annual bids for highway supplies.

Tom Chamberlin moved, seconded by Jack Roose, to accept the 2010 Highway Bids. Motion carried 2-0.

AARA project – final inspection and change order: Mr. Haeck reported that the chip and seal and resurfacing projects on 9A and Lincolnway are now complete and final inspection has taken place. He reported that a change order resulted in a reduction of \$81,945 in the cost of the project. The projects included work on the driving lanes, signage and painting. Construction Engineer Lawson Fisher has recommended that the project be accepted and the change order be approved.

Tom Chamberlin moved, seconded by Jack Roose, to accept the change order on the 9A and Lincolnway resurfacing projects, resulting in a reduction of \$81,945. Motion carried 2-0.

Tom Chamberlin moved, seconded by Jack Roose, to approve the final inspection on the completed 9A and Lincoln Highway resurfacing projects. Motion carried 2-0.

13th Road Bridge contract: The County Attorney has reviewed the LPA contract with INDOT, and reported it is the standard agreement and requires the project to be completed to INDOT specifications. He cautioned that the County should be aware of its responsibilities under the contract. Mr. Haeck stated that the 20% match is due within thirty days and will be paid from the Cum Bridge Fund. The project will be bid in January.

Commissioners tabled action on the LPA contract until December 31, to obtain information on the selection of the construction engineer.

COUNTY ATTORNEY REPORT

Old Business:

Pine Road: After consulting with INDOT, Paragraph 4 of the construction engineer contract with DLZ has been removed. The revision needs the Commissioners' initials and will be inserted into the contract.

Jail lift station: The City is still looking for a legal description for that portion of the lift station and line that was described in the dedication agreement completed a year ago. Mr. Clevenger will follow up with Larry Fisher to obtain the description.

Recovery Zone: The excerpted minutes of the two meetings in connection with the Recovery Zone ordinance have been completed. The minutes, completed ordinance and resolution are now ready to be signed

Cleaning Service: A certified letter has been sent to Taylor Maids Cleaning Services to discontinue their services.

New Business:

Verizon 911 contract: The sheriff has delivered a customer agreement from Verizon Wireless which covers 911 calls made from areas of the county served by Verizon. The contract is for one year at \$117.48 per month.

Tom Chamberlin moved, seconded by Jack Roose, to approve the Verizon Wireless contract for 911 calls for one year at \$117.48 per month. Motion carried 2-0.

Einhorn tort claim notice: The Plaintiff was run over by a runaway quarter horse at the county fair this past summer. The matter will be referred to our insurance carrier.

AUDITOR'S REPORT

December 7, 2009 Minutes: **Tom Chamberlin moved, seconded by Jack Roose, to approve the minutes of the December 7, 2009 meeting as presented. Motion carried 2-0.**

December mid-month claims: **Tom Chamberlin moved, seconded by Jack Roose, to approve the December mid-month claims as presented. Motion carried 2-0.**

Sick Bank recommendation: The Sick Bank Board has recommended that currently enrolled employees donate one sick day to the Sick Bank for 2010. In 2009, 19 sick bank days were used, leaving a balance of 1,075 days.

Tom Chamberlin moved, seconded by Jack Roose, to accept the recommendation of the Sick Bank Board, that currently enrolled employees donate one day to the sick bank for 2010. Motion carried 2-0.

COMMISSIONER ITEMS

Certificates of Recognition:

Linda Verhaege - The commissioners presented Linda Verhaege with a certificate of recognition honoring her for 26 years of service to the Marshall County Extension Office and the 4-H program. She will retire December 31.

Terry Green – A certificate of recognition was also given to Terry Green for his work in Civil Defense, Sky-Warn and as a current member of the EMA Advisory Council.

ADJOURNMENT

With no further business to come before the Board, **Tom Chamberlin moved, seconded by Jack Roose, to adjourn the meeting at 10:45 a.m. Motion carried 2-0.**

Jack Roose, Vice President

Tom Chamberlin, Member

Attest: _____
Penny Lukenbill, Auditor