

**MARSHALL COUNTY BOARD OF COMMISSIONERS
MINUTES
MONDAY, JANUARY 3, 2011**

The Board of Commissioners of Marshall County, Indiana, met in the Commissioners Room, in the City of Plymouth, Indiana at 8:30 a.m., Monday, January 3, 2011, for a regular meeting. Present were Kevin Overmyer, President; Jack Roose, Vice President, and Greg Compton, Commissioner. The County Attorney, James Clevenger, and County Auditor, Penny Lukenbill were also present. The meeting was opened in due form and the business before it heard.

On behalf of the board, Mr. Overmyer welcomed Commissioner Greg Compton to his first meeting.

REORGANIZATION

Jack Roose moved, seconded by Greg Compton, to elect Kevin Overmyer President, and Jack Roose Vice President of the Marshall County Board of Commissioners for 2011. Motion carried 3-0.

Jack Roose moved, seconded by Greg Compton, to appoint Kevin Overmyer as MACOG representative. Motion carried 3-0.

CLYDE AVERY – EMA MONTHLY REPORT

Mr. Avery submitted the December EMA report, which included:

Meetings attended: District Task Force National Level Exercise; Communications Committee; Commissioners meeting; EMA Advisory Council; District 2 EMA Directors.

Miscellaneous: ID cards for Argos Fire and EMS; Monitored winter storm warning, gas leak in Bremen, and earthquake activity reports; met with various IDH and IDHS officials; participated in IDHS radio test and Web EOC sign-in; hazard vulnerability assessment for St. Joseph Regional Med Center;

Training attended: IDHS Grants workshop training; completed IS-632 – Debris Operations;

General Information:

After-action Review: The after-action review on the recent burn-ban declaration indicated additional efforts were needed in the area of Public Information, specifically with contacting the Amish community.

Communications Committee meeting: Thursday, January 6 at 7:00 pm, Plymouth Fire Department to discuss protocol for fire talk groups.

IDHS Winter RACES test: Saturday, January 15 at 8:00am

NWS Storm Spotter Training: Thursday, February 17 at 6:30 pm, County Building, Room 207.

Community Exercise: With LEPC, EMA and Hospital, Saturday, March 5 from 8:00 am to 1:00 pm, LaPaz Community Building.

Training requests: Jack Roose moved, seconded by Greg Compton, to approve Mr. Avery's request to attend the Indiana Pipeline Safety Awareness and Emergency Response Training in Rochester, Tuesday, January 11 -5:30 pm. Motion carried 3-0.

Mr. Avery requested that the board appoint a replacement for Mr. Chamberlin to the EMA Advisory Board.

Jack Roose moved, seconded by Greg Compton, to appoint Greg Compton as the commissioner representative to the Emergency Management Advisory Board. Motion carried 3-0.

Mr. Chamberlin had also served on the District Planning Oversight Committee and District Planning Council. DHS grants are now district-based and voted on by the District Planning Council. With each county having three votes, it is especially important that the representative attend the meetings to ensure that Marshall County is fairly represented. **Jack Roose moved, seconded by Greg Compton, to appoint Greg Compton as the commissioner representative to the EMA District Planning Oversight Committee and District Planning Council. Motion carried 3-0.**

Upcoming in 2011: Mr. Avery reported that he will be working on the renewal of his Professional Emergency Management certification; the National Level exercise will be held in May, and he will also be completing the Communications and Control Annex.

CONNIE YATES **BZA/PLAN COMMISSION ISSUES**

Connie Yates, 529 N. Thorn Road, Walkerton, asked for the board's intervention with unresolved complaints and chain-of-command issues she has with the Plan Director. The Commissioners explained that the Plan Commission has jurisdiction in the matter and is entirely independent of the Commissioners. They recommended she contact the Plan Commission to be on the agenda for their next meeting.

COUNTY ATTORNEY REPORT

Attorney James Clevenger presented his monthly report:

Old Business:

Bridge 225-Pierce Street: The completed Right-of-Way Certificate has been sent to USI for transmittal to INDOT, and a February bid date is now anticipated.

Culver Outlet Pipe: The interlocal government agreement between the County and the Town of Culver has been approved by both boards. Culver is paying for the engineering, materials, construction inspection and removal of old pipe. The County is providing labor from the Highway Department to install the new pipe. Expected replacement is now scheduled for Fall of 2011.

Kunkle v. Sheriff, Jail, et al: The Federal Court has issued a summary judgment dismissing all claims against the sheriff and numerous deputies arising out of a 2006 claim that stemmed from a fight at the old jail.

Einspahr v Marshall County Court Services: Ms. Einspahr had alleged that her discharge was sexual discrimination, but the US EEOC office was unable to determine a violation had occurred and dismissed the claim. She has until March 17 to file suit on any Title VII allegations.

NEAL HAECK – HIGHWAY REPORT

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

2011 Highway bids: Mr. Haeck recommended that all bids submitted December 6 for Highway supplies be accepted, except for those companies which did not enclose the

required bid bonds: St. Regis – Item #14; Rocal and Pen Products – Item #16; and Pioneer Associates – Item #18.

Jack Roose moved, seconded by Greg Compton, to accept all bids submitted for 2011 Highway supplies, except St. Regis-Item #14; Rocal and Pen Products-Item #16; and Pioneer Associates-Item 18 for failure to enclose bid bonds. Motion carried 3-0.

Koontz Lake Regional Sewer District: The preconstruction meeting on the sewer project was held December 29, 2010. The general contractor is Schlage, who installed the sewer system at Pretty Lake. They expect to begin work in mid- January, weather permitting, and will start on the northwest side and work southward. Mr. Haeck stated that the number of grinder tanks to be constructed within the right-of-way is still unknown at this point.

Miscellaneous: The commissioners requested updates on overtime expense and salt supplies. Mr. Haeck stated he had some overtime expense in early December due to bad weather, and the salt and sand supplies are adequate.

AUDITOR'S REPORT

Auditor Penny Lukenbill presented the following:

Minutes: **Jack Roose moved, seconded by Kevin Overmyer, to approve the minutes of the December 31, 2010 meeting. Motion carried 2-0-1, with Mr. Compton abstaining.**

January Claims: **Jack Roose moved, seconded by Greg Compton, to approve the January claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

Commissioners tax sale certificate sale-Resolution #2011-1: As a result of recent tax sales, the County has acquired tax sale certificates on 39 properties, and the commissioners discussed holding a Commissioners' Certificate Sale in order to restore the delinquent properties to the tax rolls. After adopting a resolution to proceed with the certificate sale, the board will establish a minimum bid on each property, advertise the sale and sell the certificates to the highest bidder at auction. The auction date has not yet been set, but is tentatively scheduled for March. Resolution #2011-1- Establishing the Intent to Conduct a Commissioner's Sale was presented for consideration.

Jack Roose moved, seconded by Greg Compton, to approve Resolution #2011-1 Establishing the Intent to Conduct a Commissioners Sale to Sell Tax Sale Certificates. Motion carried 3-0.

SRI Services Addendum: The board then considered an agreement with SRI to assist the County with the certificate sale, under the terms of which the County will pay SRI 15% of the total amount collected for all properties sold at the sale.

Jack Roose moved, seconded by Greg Compton, to approve the service agreement addendum with SRI for their services related to the Commissioners Sale of tax certificates. Motion carried 3-0.

Personnel policy amendment: At their December 6 meeting, the Commissioners approved an amendment to the personnel policy instituting certain guidelines for the use of the timekeeping system. An identical amendment was presented to the County Council, who adopted the measure with a change in language to specify that the fee charged for a lost fob/badge will not exceed the county's actual replacement cost. Consequently, the Commissioners must now approve an amendment reflecting the Council's change.

Jack Roose moved, seconded by Greg Compton, to approve Ordinance #2011-01 amending Ordinance #2010-18, specifying that the fee charged for replacement of the timekeeping fob will not exceed the county's actual cost. Motion carried 3-0.

Project liaisons: The board discussed project liaison assignments for the two bridge projects now underway. Mr. Chamberlin had been liaison on both projects.

Jack Roose moved, seconded by Greg Compton, to appoint Jack Roose liaison for the 13th Road Bridge 89 project, and Kevin Overmyer liaison for the Pierce Street Bridge 225 project. Motion carried 3-0.

With no further business to come before the Board, **Jack Roose moved, seconded by Greg Compton, to adjourn the meeting at 9:15 a.m. Motion carried 3-0.**

Kevin Overmyer, President

Jack Roose, Vice President

Greg Compton, Member

Attest: _____
Penny Lukenbill, Auditor