

**MARSHALL COUNTY BOARD OF COMMISSIONERS
MINUTES**

MONDAY, OCTOBER 17, 2011

The Board of Commissioners of Marshall County, Indiana, met in the Commissioners Room, in the City of Plymouth, Indiana at 9:30 a.m., Monday, October 17, 2011, for a regular meeting. Present were Kevin Overmyer, President; Jack Roose, Vice President; Greg Compton, Member; County Attorney James Clevenger and Auditor Penny Lukenbill. The meeting was opened in due form and the business before it heard.

CHUCK DEWITT-BUILDING INSPECTOR
3RD QUARTER REPORT

Mr. Dewitt reported that the Building Department issued 96 building permits during the third quarter valued at \$3,919,453, compared to 95 permits valued at \$2,967,700 for the same period in 2010. Year to date applications total \$7 million, and year-to-date Building Permit Fees collected total \$17,085. Mr. Dewitt performed 462 inspections during the third quarter, and 2011 collections for town inspection fees so far is \$3,400. Mr. Dewitt stated he is optimistic that the construction picture is improving, as more new homes, farm buildings and commercial projects are being built, but Mr. Roose noted the numbers are similar to 2010, and cautioned against over optimism.

Mr. Dewitt has registered 34 new contractors, with six new applications pending. The contractors must pay a \$50 registration fee, and provide proof of insurance and a bond. He explained he is visiting job sites when he knows contractors are on the job in an effort to make certain the contractors are registered.

SHERIFF TOM CHAMBERLIN
PREPAYMENT REQUESTS

Sheriff Chamberlin requested approval of a prepayment to Oliver Ford for \$69,000 covering the purchase of three 2011 Ford Crown Victorias from the Sheriff's General Fund budget. He will pay the balance of \$285 from his Commissary Fund.

Jack Roose moved, seconded by Greg Compton, to approve the prepayment of \$69,000 to Oliver Ford for three 2011 Crown Victorias from the Sheriff's budget. Motion carried 3-0.

The Sheriff also requested prepayment approval of an invoice for \$140 to Between the Buns for a food-safety training class for the jail cook on November 28 at Between the Buns.

Greg Compton moved, seconded by Jack Roose, to approve prepayment of the invoice of \$140 to Between the Buns for a food-safety training class. Motion carried 3-0.

DAMAGED VEHICLE REPAIR

The Commissioners requested an update on the repair of the 2011 Dodge pickup which was recently damaged extensively. The Sheriff reported that the final bill from Lincoln Way Auto Body was over \$17,000, approximately \$9,000 more than their initial quote, compared to the initial estimate from Burt's Body Shop of \$13,600.

PINE ROAD/PIONEER DRIVE

In response to an inquiry from the Sheriff, Mr. Clevenger reported that the Pioneer Road has not yet been officially dedicated. INDOT first has to officially approve the road before it can be transferred to the County. Pioneer Drive north from Lincoln Highway to the City Limits at the jail continues to be designated as Pine Road and the Commissioners discussed naming that stretch of road for clarity and continuity for 911 services and GIS. The matter was discussed further later in the meeting.

The Sheriff asked if street lights would be installed near the jail. The Commissioners stated that this was the responsibility of the City, and they had decided against installing street lights there.

JAIL POPULATION

The Sheriff reported that the average jail population is now 112. Cooks at the jail prepare approximately 12,000 meals per month for inmates, and an additional 1,300 meals are prepared and paid for by an outside agency for delivery to the homebound.

COUNTY ATTORNEY REPORT

County Attorney James Clevenger presented his report, which included:

Old Business:

Jail sewer line easement: Mr. Eckhard still has not responded to our proposal to purchase the sewer easement over his property for \$4,250, and his attorney has been contacted. AZZ Galvanizing has accepted the county's offer of \$6,250 for the easement over that property, and Mr. Clevenger is preparing the paperwork to complete the transaction. Payment for the easements will be made from the CAGIT fund.

Sheriff/LaPaz: The LaPaz Town Council will consider the Memorandum of Understanding between the County, Sheriff and the Town of LaPaz for law enforcement services at their meeting this evening.

Juvenile detention services for 2012: Mr. Clevenger continues to work on revisions to the proposed contract with Delaware County for juvenile detention services for 2012.

Lake of the Woods Conservancy District: A challenge has been made concerning the petitions for the conservancy, and Judge Palmer has not yet ruled on the challenge. If the challenge is rejected, the petition will go to the DNR for hearings and recommendations. If the Judge agrees with the challenge, new petitions may have to be circulated.

Tort-claim: The tort-claim of an inmate whose ear was bitten off by another inmate has been referred to our insurance carrier for investigation.

New Business:

Ordinance codification: The Auditor has forwarded a copy of the proposal from American Legal Publishing to codify the County's Ordinances. Mr. Clevenger will meet with the Auditor to discuss formatting and other issues.

Shady Rest Farm Lease: The farm lease expires December 31, 2011 and should be advertised for bids. The lease will be offered for a three-year term and will include the entire 153 acres. If the number of acres is reduced, the rent will be for the tillable acres remaining. Mr. Clevenger will notify Robin Roberts, the current lessee, of the expiration of the lease. The Auditor will advertise the lease for bids and the Commissioners will award the bid at their November 21 meeting.

McKesson Class Action: Municipal governments have brought a class-action suit against McKesson, a large drug wholesaler, who allegedly conspired with a publisher of drug data to inflate the mark-up factor for prescription drugs. Our health insurance provider may have used the data, resulting in a possible overpayment for prescription drugs. There is no action required if the county wants to remain a member of the action, but must notify the court by October 31 if they do not want to be included. Mr. Clevenger recommended remaining in the suit, but felt there would not be much impact to the county.

Jack Roose moved, seconded by Greg Compton, to remain in the McKesson Class-Action Lawsuit. Motion carried 3-0.

ELECTION BOARD

PROPOSED DISTRICT AND PRECINCT MAPS

On behalf of the Election Board, Steve Harper presented the proposed revised district and precinct maps, and noted that the process was made easier with the assistance from Schneider and Beacon. He explained that since precincts are limited to 1200 voters, it is necessary to add one precinct each in North and Center Townships, and to realign precinct lines in West Township. Several annexations are now incorporated into the new precincts, and there is room for growth. Plymouth and Bremen are responsible for realigning their own precincts in 2012.

The Election Board also realigned and simplified Commissioner and Council districts, which are drawn by population, rather than the number of voters. Mr. Harper emphasized that the board worked to ensure that each district has equal population and that no current commissioner or council member was redistricted out of their boundaries. The new Commissioner districts are: District 1 - Polk, North and German Townships, including LaPaz and Bremen; District 2 – All of Center, including Plymouth; District 3 – West, Union, Green, Walnut, Tippecanoe and Bourbon, including Culver, Argos and Bourbon. The new Council districts are: District 1 – German and Bourbon Townships, including Bourbon and Bremen; District 2 – West, Union, Green, Walnut and Tippecanoe Townships, including Culver and Argos; District 3 – Polk and North Townships, including LaPaz, and Center Township Precincts 5, 6 and 7; District 4 – Center 1, 2, 3 and 4 in the City of Plymouth. Mr. Harper stated that the board attempted not to cross current State Representative districts.

Clerk Julie Fox presented an order for the Commissioners’ signatures, approving the redistricting. Upon approval by the Commissioners and review by the county political chairs, the proposed precincts and districts will be submitted to the State Election Commission for approval.

Greg Compton moved, seconded by Jack Roose, to approve the revised precinct and district changes as presented by the Marshall County Election Board. Motion carried 3-0.

Mr. Overmyer asked about the feasibility of establishing voting centers as proposed in other counties. Mr. Harper explained that the Election Board had formed a committee to research the matter, and they had concluded that vote centers would require such significant up-front costs that the county would not realize any economic savings. They would be required to purchase electronic poll books, computer software and hardware, and have internet access at all voting sites. He explained that larger counties with 100 or more precincts could save money, but ours is a rural county, and values helping voters.

However, the board is considering combining several precincts into one polling site, and cited Polk, West and North precincts which vote at the same location. This could streamline the process and reduce election-day staffs. Mr. Harper reported that when the board tested this in Bremen, voters were receptive and the outcome was successful.

Mr. Overmyer thanked the Election Board for the exceptional job they do, and stated they had a great responsibility to ensure proper representation. He noted that if the county changed from a board of three commissioners to a single county executive, many areas would have no representation since the executive would be elected by the most populous area.

NEAL HAECK - HIGHWAY REPORT

Pick-up truck bids: Mr. Haeck received the following three quotes to replace the ¾ ton pickup truck recently totaled:

Country Auto Dodge	\$24,691
Oliver Ford	\$26,818
Best Ford	\$26,290
Best Chevrolet	\$25,871

Mr. Haeck noted that the quote from Oliver Ford was the only one that met the bid specifications, and recommended accepting their bid.

Greg Compton moved, seconded by Kevin Overmyer, to accept the bid from Oliver Ford for a ¾ ton pickup truck for \$26,818. Motion carried 2-0-1, with Mr. Roose abstaining due to his wife’s employment at Oliver Ford.

Dirt pile at jail: Mr. Haeck explained that a large dirt pile remained at the corner of Pioneer and Jim Neu Drive after the construction of Pine Road, and asked for approval to level it out and remove the excess to the 5C gravel pit. He noted it was important to remove the excess, since just leveling it off could pose a potential drainage issue.

Jack Roose moved, seconded by Greg Compton, to allow the Highway Department to level off the site at Pioneer and Jim Neu Drive, and remove the excess to the 5C gravel pit. Motion carried 3-0.

Lake Maxinkuckee outlet pipes: NIPSCO still has not moved a three-inch gas line, despite repeated contacts by Mr. Haeck, Mr. Overmyer and Culver officials, resulting in what Mr. Haeck described as the fourth week of a three-day project. The Commissioners agreed that the delay was unacceptable.

Pine/Pioneer Road: Plan Director Ralph Booker reported that a request for a building permit on the former Pine Road has led to some confusion regarding the actual name of the road. According to 911 and the county's GIS Department, the road is still designated as Pine Road from Lincoln Highway to just south of the jail at the city limits. From the city limits north to US 30, the road is Pioneer Drive. To further complicate the issue, only the east side of the road is in the City, and is designated Pioneer Drive, while the west side lies in the County, designated as Pine Road. In addition, the portion of the road from Lincoln Highway south to State Road 17 is designated Pioneer Drive, rather than Pioneer Road as the Commissioners intended. They agreed the name should be Pioneer Road from State Road 17 north to the city limits, and Pioneer Drive on both sides of the road from the city limits to US 30.

Jack Roose moved, seconded by Greg Compton, to name and dedicate that portion of the former Pine Road from State Road 17 north to the city limits as Pioneer Road.

However, Mr. Clevenger noted that the road has not yet been dedicated and was still technically in the hands of the project engineer. INDOT is scheduled to inspect the road next week and upon approval, it will revert to the county, after which they could properly name and dedicate it. The Commissioners agreed it would be better to wait until after INDOT's inspection. Mr. Roose withdrew his motion and action was postponed to November 21.

Mr. Clevenger asked DLZ if the County would receive a legal description to the road for the acceptance document, and Laurie Johnson agreed to check on the matter.

JEFF MILLION-DLZ **13TH ROAD BRIDGE UPDATE**

Mr. Million reported that Isom has poured the bridge deck, as well as the west approach slab and plans to pour the east approach today. They have also completed retaining walls and placed pipe structures on both sides of the bridge. After the seven-day concrete curing period, they plan to begin paving next week, followed by placing guardrail on the bridge and road portions. The project is approximately 82% complete, with an anticipated completion date of November 11.

Isom will then place seeding, sod, plants and trees, and will need specific nursery stock for the special wetlands mitigation requirements. Mr. Million reported that communication with Isom is difficult, since their foreman will not return calls or emails. The Commissioners again expressed their dissatisfaction with Isom, and will write a letter to accompany DLZ's evaluation for INDOT. The Commissioners were also concerned about whether the sub-contractors are being paid.

Mr. Million indicated that DLZ's agreement with the County provides that they will remain on the job until they determine it is complete. DLZ has budgeted for the project through October, but will need an additional three weeks to finish up after Isom is done. They will compile an estimate of the cost.

Mr. Roose thanked Mr. Million and DLZ for their assistance on this project.

AUDITOR REPORT

October 3, meeting minutes: **Jack Roose moved, seconded by Greg Compton, to approve the minutes of the October 3, 2011 meeting as presented. Motion carried 3-0.**

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

2012 Pay Schedule: The Auditor presented for approval the 2012 pay schedule calling for 26 pay periods.

Jack Roose moved, seconded by Greg Compton, to approve the 2012 pay schedule as presented. Motion carried 3-0.

ADJOURNMENT

With no further business to come before the Board, **Jack Roose moved, seconded by Greg Compton, to adjourn the meeting at 11:20 a.m. Motion carried 3-0.**

Kevin Overmyer, President

Jack Roose, Vice President

Greg Compton

Attest: _____
Penny Lukenbill, Auditor