

**MARSHALL COUNTY BOARD OF COMMISSIONERS  
MINUTES**

**MONDAY, NOVEMBER 21, 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, November 21, 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.

**FARM LEASE BIDS**  
**COUNTY FARM GROUND LEASE 2012-2014**

The following three bids were received to lease 163 acres of farm ground at Shady Rest for 2012 through 2014:

Smith Family Farms -	\$338.00 per acre
Voreis Farms -	\$267.75 per acre
Robin Roberts -	\$257.00 per acre

**Jack Roose moved, seconded by Greg Compton, to accept the bid of Smith Family Farms of \$338.00 per acre to lease the 163 acres at Shady Rest for 2012-2014. Motion carried 3-0.**

**MARC HOLLINGSWORTH-USI**  
**PIERCE STREET BRIDGE UPDATE**

Project Manager Marc Hollingsworth reported that the bridge project is progressing well. The concrete bridge deck, as well as curbs and gutters on the west side of the project have been poured, and the storm sewer system is now complete. The project was short 41 bars of steel for the bridge deck, and additional steel was ordered at the unit price rather than via change order. It was also necessary to order a different casting for a storm-sewer structure, and a change order will be submitted for this change.

Over the next month, they will be pouring the bridge approaches, sidewalk, and barrier wall, and begin paving. The bridge should be open to traffic December 2, a few days beyond the original completion date of November 23. However INDOT has granted a seven-day extension due to weather and high water. Mr. Hollingsworth noted that there will be some liquidated damages because of the delay.

**RICH ULRICH – BUILDINGS & GROUNDS**  
**ELEVATOR REPAIRS & MAINTENANCE**

Mr. Ulrich was present to discuss repairs and maintenance of the County Building elevators. They are now 30 years old and still utilize the original switches and electronics. The aging system has been experiencing an increasing number of service outages – as many as 27 in a recent eight-week period. Technicians from Otis Elevator have been providing short-term remedies just to keep the elevators in service, but Mr. Ulrich feels it is time to consider a long-term solution.

J.R. Rossman of Otis Elevator presented a proposal to overhaul both elevators, installing new controls, switches, pumping mechanism and other equipment at a cost of \$144,000 plus \$20,000 in electrical upgrades. The cost will include a one-year warranty on new equipment, which will take approximately six to eight weeks to arrive once it is ordered.

Mr. Ulrich explained that the county currently contracts with Kone for maintenance of the two elevators in the County Building and one in the Museum for \$965 per month. However, he feels they are no longer providing satisfactory service, and proposed terminating the contract with Kone and entering into a new maintenance agreement with Otis. Mr. Rossman presented a proposal for full maintenance, repairs, call backs and state testing for \$950 per month for all five elevators in the

Courthouse, County Building and Museum. The county attorney objected to the five-year term and the automatic renewal provision, and Mr. Rossman indicated Otis may agree to a three-year term and remove the automatic renewal provision.

Mr. Clevenger stated it appeared that the original contract with Kone dated from 1993 and had been automatically renewed every five years. It was his opinion that the poor service may be cause for termination.

**Jack Roose moved, seconded by Greg Compton to direct the County Attorney to terminate the contract with Kone for elevator service effective immediately. Motion carried 3-0.**

The Commissioners agreed that the elevators are vital equipment and must be in good working order. They requested that Mr. Ulrich return on December 19 for further discussion and a recommendation to the County Council for an additional appropriation to repair the elevators early next year.

### **JEFF KUTCH, CULVER MILITARY ACADEMY ACADEMY ROAD TRANSFER**

Mr. Kutch was present to request that the Commissioners consider the possible relinquishment of Academy Road in Culver from the town limits at the railroad crossing, through the CMA campus to State Road 10. He explained that although the road is county-owned, the Academy has maintained it for many years, plowing, patching and striping when necessary. Traffic through the campus poses a hazard to pedestrians, with illegally-parked cars along the narrow road adding to the danger. Mr. Kutch pointed out that the Academy owns property on both sides of the road, and would consider restricting traffic to increase safety. They also own North Terrace and North Shore Lane.

Mr. Overmyer stated that this is a unique situation, and feels the Commissioners should consider relinquishing the road. He cited precedent in which county roads were given to the towns of Argos and Bremen. However, Mr. Clevenger reminded the board that the Academy is not a municipality. During discussion, members expressed concern about access for emergency services and residents who live on North Terrace and North Shore Lane. Mr. Overmyer suggested that they consider the matter further after January 1.

### **NEAL HAECK - HIGHWAY REPORT**

#### Road cuts:

Mr. Haeck explained that NIPSCO had originally submitted a road cut request for the north side of King and 5B Road, but later resubmitted it for work on the south side instead. However, work was actually done on the north side of the road along the ditch bank. He explained that the County is concerned about the stability of the ditch bank and would not have approved the request for work along the bank.

Jan Gustafson requested a road cut on 3B between Lilac and King Road to install drainage tile, but the Surveyor has not yet approved it. Mr. Haeck will contact the Surveyor this morning and return before the end of the meeting for the Commissioners' approval.

Snowplow bids: The following bids were submitted for five 12-ft snowplows:

Henke Manufacturing	1 plow	\$9,348	5 plows	\$46,740
Northern Equipment	1 plow	\$9,051	5 plows	\$45,255
	Trade-in allowance			<u>5,000</u>
	Net cost			\$40,255

**Jack Roose moved, seconded by Greg Compton, to accept the bid from Northern Equipment for the purchase of five snowplows for a total of \$40,255 after trade-in. Motion carried 3-0.**

Speed limit on Pioneer Road: Mr. Haeck recommended increasing the speed limit from 40 to 50 miles per hour on Pioneer Road from State Road 17 to the city limits. Mr. Clevenger reminded the board that they should seek input from both the Highway and the Sheriff.

**Jack Roose moved, seconded by Greg Compton, to amend the speed limit ordinance to raise the speed limit to 50 miles per hour on Pioneer Road between State Road 17 and Lincoln Highway. Motion carried 3-0.**

Boss 9'2" plow: The following two bids were submitted for the purchase of a 9'2" Boss snowplow for a Highway Department ¾-ton pickup truck:

Northern Equipment	\$5,555
WA Jones	\$5,867

**Jack Roose moved, seconded by Greg Compton, to approve the purchase of a 9'2" Boss snowplow from Northern Equipment for \$5,555.**

Personnel request: Mr. Haeck requested approval to replace a vacant truck driver position, which has been budgeted for 2012.

**Jack Roose moved, seconded by Greg Compton, to approve Mr. Haeck's request to replace a driver position in the Highway Department. Motion carried 3-0.**

Allied Waste contract: The annual contract with Allied Waste will expire January 1. Mr. Haeck is requesting quotes from other companies and will return with his recommendation in December.

US 31 relinquishment: The County has now received payment of \$800,000 for the relinquishment of US 31 north of Argos, and it has been quietused to the Highway fund.

Annual highway bids: The bid opening for 2012 highway supplies has been set for December 5 at 1:00 pm in the Commissioners' Room.

### **COUNTY ATTORNEY REPORT**

County Attorney James Clevenger presented his report, which included:

#### **Old Business:**

Jail sewer line easement: Attorney Tom Black has been notified of the December 1 deadline for a response from Mr. Eckhard. AZZ Galvanizing has accepted the county's offer of \$6,250 for the easement over that property, and Mr. Clevenger will set a closing date upon receipt of the completed paperwork. Payment for the easements will be made from the Commissioners' general fund budget.

Highway – 13<sup>th</sup> Road Bridge: Now that the 13<sup>th</sup> Road Bridge is completed, the temporary easements for right-of-way can be released.

**Greg Compton moved, seconded by Jack Roose, to authorize Jack Roose and Jim Clevenger to sign the release of the temporary easements for the 13<sup>th</sup> Road Bridge project. Motion carried 3-0.**

Pioneer Road: Mr. Clevenger requested approval to hire a title company to assist with preparing the dedication documents, and recommended continuing with Metropolitan Title. The documents will include all parcels purchased by the county for the right-of-way, and those within the city limits will be transferred to the City of Plymouth.

Juvenile services contract: Suggested changes to the contract with Cedar Bridge Treatment Centers have been given to Mary Jane Walsworth.

Ordinance codification: Mr. Clevenger has reviewed the proposal from American Legal Publishing to codify the county's ordinances, and has no objections.

**Greg Compton moved, seconded by Jack Roose, to approve the agreement with American Legal Publishing to codify the county's ordinances, in an amount not to exceed \$8,500.**

**Motion carried 3-0.**

#### **New Business:**

Jail: Mr. Clevenger is assisting the Sheriff with a new contract for physician services at the jail.

## AUDITOR REPORT

November 7 meeting minutes: **Jack Roose moved, seconded by Greg Compton, to approve the minutes of the November 7, 2011 meeting as presented. Motion carried 3-0.**

November 7 Executive Session minutes: **Jack Roose moved, seconded by Greg Compton, to approve the minutes of the November 7, 2011 Executive Session as presented. Motion carried 3-0.**

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

## COMMISSIONER ITEMS

Hunting on county-owned property: Mr. Overmyer stated that several individuals have contacted him recently about hunting on county-owned properties such as the Memorial Forest and at Mill Pond, and asked if there is an ordinance in place allowing or prohibiting hunting on county property. He suggested that the Commissioners might consider enacting such an ordinance, or even bidding out hunting permits on county property.

County resident Joe Harner, 15190 14<sup>th</sup> Road, stated that as many as 200 hunters and trappers already use the Memorial Forest and asked that they be allowed to continue to hunt there. He recommended a central parking area so that people can be aware when someone is using the forest.

During discussion, the Commissioners were concerned about liability for injuries on county-owned land, and that hunting would preclude other types of recreation. They agreed to take the matter under consideration.

Plymouth Library Board appointment: Susie Reinholt, Director of the Plymouth Public Library, submitted a request to reappoint Diane Eveland to the Library Board of Trustees, serving from January 1, 2012 through December 31, 2015.

**Greg Compton moved, seconded by Jack Roose, to reappoint Diane Eveland to the Plymouth Public Library Board of Trustees from January 1, 2012 through December 31, 2015. Motion carried 3-0.**

Culver Plan Commission appointment: Bobetta Ruhnow of Culver requested reappointment to the Culver Plan Commission for another four-year term.

**Jack Roose moved, seconded by Greg Compton, to reappoint Bobetta Ruhnow to the Culver Plan Commission serving from January 1, 2012 through December 31, 2015. Motion carried 3-0.**

Pine/Pioneer Road: The Commissioners again discussed the designation of the former Pine Road as Pioneer Road or Drive. At a previous meeting, it was 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. There was discussion regarding the non-consecutive address numbers due to a portion of the road being situated in the County and a portion in the City of Plymouth. Mr. Clevenger indicated he is still working on the dedication documents and will be consulting with the City Attorney.

## HIGHWAY REPORT (CONTINUED)

Mr. Haeck reported that the Surveyor verbally approved the Gustafson road cut request.

**Jack Roose moved, seconded by Greg Compton, to approve the request from Jan Gustafson for a road cut on 3B Road between Lilac and King Roads. 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 11:00 a.m. Motion carried 3-0.**

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**Kevin Overmyer, President**

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**Jack Roose, Vice President**

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**Greg Compton**

**Attest:** \_\_\_\_\_  
**Penny Lukenbill, Auditor**