

MARSHALL COUNTY BOARD OF COMMISSIONERS

MINUTES

MONDAY, NOVEMBER 7, 2011

The Board of Commissioners of Marshall County, Indiana, met in the Commissioners Room, in the City of Plymouth, Indiana at 8:50 a.m., Monday, November 7, 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.

CLYDE AVERY – EMA DIRECTOR

MONTHLY REPORT

Meetings: Commissioners; Marshall County Red Cross re: emergency shelter; Wes Burden & Todd Wycoff: re ESF-8; Damage Assessment Team; IDHS District Coordinator; Hospital District meeting; EMA Advisory Council Chair and Secretary; Sheriff Chamberlin; LEPC Exercise Committee; Coroner Bill Cleavenger; Joyce Woodall re: Animals in Disaster Plan; District 2 DPC and General Assembly.

Miscellaneous: Monthly radio check, Web EOC status change and EMA conference calls; conducted NIMS and ICS training – hospital and Town of Bourbon; radio check with Health Dept.; sent out draft of new travel advisory ordinance and Damage Assessment Annex F, worked on draft of Mass Casualty Annex G

Training: Attended Emergency Management Alliance Conference.

General Information: In 2012, District Planning Council and General Assembly will meet separately, and attendance is required to receive assessment points.

Grant Updates: The 2011 EMPG Competitive Grant proposal has been submitted. Funds will be used to purchase a small printer/scanner/copier for the EOC, four portable amateur radio equipment field kits and a DVD player for training purposes.

Training Request: December 1, Public Information Officers Training, Lakeville, which is one of three HSEEP compliant exercises required for EMA Assessment points.

Jack Roose moved, seconded by Greg Compton, to approve Mr. Avery's training request for December 1 in Lakeville. Motion carried 3-0.

Miscellaneous:

1. The proposed travel advisory ordinance has been sent out for review. As previously discussed, changes in the Indiana code provide uniform language for travel advisories and road closures in each county. The amended plan will include enforcement language contained in the current ordinance. The ordinance will be advertised for public hearing on December 5 at 10:00 am.
2. During the recent EMAI Conference, Mr. Avery received two awards on behalf of the Marshall County EMA. The first was for achieving the highest EMA Capabilities Assessment Score for District 2, and the second was for the County Emergency Management Program of the year, in recognition of receiving the highest assessment score in the State.

The Commissioners congratulated Mr. Avery and expressed appreciation for his outstanding work on behalf of the Marshall County EMA.

3. A national test of the Emergency Alert System will take place at 2:00 pm on November 10.

SHERIFF TOM CHAMBERLIN SECURUS INMATE PHONE CONTRACT

Sheriff Chamberlin introduced Barb Gunn, who had been retained to review the current Securus inmate telephone contract and was able to negotiate more favorable terms in the new one. Among the changes: Securus will provide updated technology for the system, including a laptop and interface to accommodate a wider band width, a book-in phone for free calls at booking, and requires that Securus provide for any necessary repair within four hours, or face a \$100 fine. She

was also able to negotiate an increase in the county's commission from 45% to 50%. Ms. Gunn explained that payments are based on collect calls by the inmates, who have the option of prepaying. The updated technology will allow for automatic upload of debit card information.

Sheriff Chamberlin stated that although rates will increase for inmate calls, they will still be reasonable. Jail personnel will continue to verify calls and monitor costs. He stated that the new contract with Securus will provide updated technology and increased revenue.

Jack Roose moved, seconded by Greg Compton, to approve the contract with Securus for the inmate telephone system at the jail. Motion carried 3-0.

The Commissioners thanked Ms. Gunn for her efforts in negotiating favorable terms for the new contract.

KAREN RICHEY – PURDUE EXTENSION MILEAGE REIMBURSEMENT INCREASE

Ms. Richey appeared before the board to seek support for increasing the mileage reimbursement rate from 40 cents to 44 cents per mile to reflect increased fuel costs. She explained that the mileage reimbursement in other counties ranges from 40 to 51 cents, with our county among the lowest. She reported that the State mileage rate is 44 cents per mile, while the federal rate is 55 cents. Although the County Council sets the rate, she asked the Commissioners for a recommendation to increase the rate. During discussion, Mr. Overmyer noted that budgets have already been set for 2012, and was concerned about how the increased rate would affect departmental budgets. Mr. Compton felt he did not have enough information to make a recommendation, and would like to see a comparison of gas prices over the past six months. No action was taken.

NEAL HAECK - HIGHWAY REPORT

Tile truck unit replacement: Mr. Haeck reported that it is necessary to replace a 1972 truck with a tile blow unit which is used often during the summer months. New trucks with trailer-mounted blower units were offered by Northern Equipment at \$47,596 and Durand Wayland at \$50,680. However, Northern Equipment also offered a used 2002 unit with low mileage for \$22,200 with trade-in, and includes a one-year warranty on parts and labor. He recommended purchasing the used unit.

Jack Roose moved, seconded by Greg Compton, to approve the purchase of a 2002 trailer-mounted tile blow unit for \$22,200 from Northern Equipment. Motion carried 3-0.

Prepayment request to Oliver Ford: Mr. Haeck agreed to delay his request for prepayment to Oliver Ford until he receives the invoice for the new F250 pickup.

Security lights – Lincoln Highway and Pioneer: Michiana Contracting has submitted a bid of \$2,550 to install security lights with the red flashers at the Lincoln Highway – Pioneer Road intersection. The bid includes two 400-watt lights on each pole, wiring, 30' aluminum arms and installation.

Greg Compton moved, seconded by Jack Roose, to approve the installation of security lights to the red flashers at Lincoln Highway and Pioneer for \$2,550. Motion carried 3-0.

Lake Maxinkuckee outlet pipes: Work on the project is now complete, and is being reviewed by the project engineer. Culver is pleased with the completed project and appreciates the cooperation and assistance received from the county which resulted in a substantial cost savings. The county paid for the contractor, and the Town of Culver will reimburse the Highway Department for approximately \$7,000 in materials.

Miscellaneous: Mr. Clevenger discussed the release of the temporary easements granted to contractors on the Pine /Pioneer Road project, and presented release documents for signatures and recording.

Jack Roose moved, seconded by Greg Compton, to approve the release of temporary easements for Pine/Pioneer Road, and to authorize Kevin Overmyer and James Clevenger to sign the release documents. Motion carried 3-0.

TOM STOFFEL & JEFF MILLION, DLZ
13TH ROAD BRIDGE

Mr. Million reported that the bridge should be open by the end of the week. Paving is finished and sealed, and guard rail has been installed, except for places on the bridge deck which require special fabrication. Isom will finish placing the seeding, sod, plants and trees. Since permanent pavement markings require dry weather, the Commissioners recommended installing temporary markings to allow the bridge to be opened as soon as possible.

Mr. Stoffel presented a supplemental agreement extending the original Construction Engineering agreement to December 5. The extension is necessary because of the substantial construction delays, and will cost an additional \$14,770. Mr. Clevenger noted that the County will still require assistance from DLZ in the liquidated damages issue. Liquidated damages now total \$430,000, and will be charged through the date of completion. The county's share of the damages will be 10%, or \$43,000, and will more than cover the cost of the supplemental contract.

Jack Roose moved, seconded by Greg Compton, to approve the LPA Supplemental Agreement with DLZ on the 13th Road Bridge project, extending services to December 5 in the amount of \$14,770. Motion carried 3-0.

MARY JANE WALSWORTH & SCOTT BARLAG
MUNCIE RECEPTION & DIAGNOSTIC CENTER
JUVENILE FACILITY

Mary Jane Walsworth, accompanied by Scott Barlag of Cedar Bridge Treatment Centers, was present to discuss the proposed change in juvenile detention services from Porter County Juvenile Detention Facility to the Muncie Reception and Diagnostic Center.

The County has contracted with the Porter County Juvenile Facility for the past several years at \$110 per bed day. In 2011, we purchased 300 bed days and have used 155 of them, leaving a balance of 145 which we will not be able to use by December 31. The county also used 167 days at other facilities. Ms. Walsworth estimated 450 bed days would be needed for 2012.

Under the proposed contract, the county will contract for 300 bed days at \$89 per day, which includes transportation to and from the facility and to various Department of Corrections facilities throughout the state. The county would realize substantial not only through the reduced per diem rate, but also in reduced transportation costs for the sheriff's department. Juveniles awaiting transport will be held in the attorneys' consultation room at the jail.

Mr. Barlag explained that Muncie Reception and Diagnostic Center is owned by Cedar Bridge Treatment Centers based in Carmel, and contracts with the Indiana Department of Child Services as well as ten counties. The facility has a capacity of 86, with an average census of 50, offers psychological evaluations, and accepts all cases except status offenders. If the county exceeds the number of contracted bed days, we would be billed at the rate of \$89.00, and unused bed days would carry over to the following year.

Mr. Clevenger notified Porter County by November 1 that the county would not be renewing their contract. He has reviewed the proposed contract with Cedar Bridge and returned it with suggested changes, but has not yet received a copy of the amended contract.

COUNTY ATTORNEY REPORT

County Attorney James Clevenger presented his report, which included:

Old Business:

Drainage: Sent a letter and met with Tony Ross and his wife.

Sheriff – Securus phone contract: Reviewed the contract and suggested changes, but have not seen the final draft. The fees to inmates are being increased under the new contract, and are near the state average. The County is receiving an incentive bonus to enter into the contract.

Sheriff/LaPaz: The Memorandum of Understanding between the County, Sheriff and the Town of LaPaz for law enforcement services has been approved by the LaPaz Town Council, and a copy has been sent to LaPaz, the Sheriff and the Auditor.

Jail sewer line easement: AZZ Galvanizing has accepted our offer to purchase the easement for \$6,250, and paperwork has been prepared to complete the transaction. A closing date will be set after the Council approves a fund transfer into the right-of-way purchase line. Mr. Black has requested additional time to discuss our proposal with his client. The Commissioners then discussed setting a deadline for Mr. Eckard's reply, after which they will consider other means to obtain the required easement.

Jack Roose moved, seconded by Greg Compton, to set a deadline of December 1 for Mr. Eckard to respond to the county's offer for the sewer easement over his property. Motion carried 3-0.

Otto Cooley: Mr. Cooley claimed his rights were violated because he was not provided with forms necessary for the defense of his case. He had a court-appointed attorney, and his suit against the jail and jailers has been dismissed by a Federal Judge.

Ryan Smith: Mr. Smith has filed suit against the jail and a jailer. The lawsuit has been referred to our insurance carrier.

Pioneer Road dedication: Mr. Clevenger is preparing a dedication document referring to all parcels the county purchased for road right-of-way.

LOW Conservancy District: Met with the Auditor regarding petitions to establish the conservancy district.

Ordinance codification: Will meet with the Auditor to discuss formatting and other issues regarding the ordinance codification.

New Business:

Drainage Board – Crowel appeal: The Association of Indiana Counties has received approval to submit an amicus brief on behalf of the county.

WIC: Reviewed a proposed lease between WIC and the Community Resource Center and suggested changes.

AUDITOR REPORT

October 17, 2011 meeting minutes: Jack Roose moved, seconded by Greg Compton, to approve the minutes of the October 17, 2011 meeting as presented. Motion carried 3-0.

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

COMMISSIONER ITEMS

Lake of the Woods Sewer Board appointment: Jonathon Oswald was present and requested reappointment to the Lake of the Woods Regional Sewer Board.

Jack Roose moved, seconded by Greg Compton, to reappoint Jonathon Oswald to the Lake of the Woods Regional Sewer District board from January 1, 2012 through December 31, 2016. Motion carried 3-0.

Transfer of funds for sewer easement purchase: The Auditor requested that the Commissioners authorize a request to transfer \$10,500 into the “Right-of-Way Purchase” line in their budget to cover the purchase of both easements. The transfer must be approved by the County Council. **Jack Roose moved, seconded by Greg Compton, to authorize the transfer of \$10,500 from various lines into the “Right-of-Way Purchase” line in the Commissioners budget. 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 10:55 a.m. Motion carried 3-0.**

Kevin Overmyer, President

Jack Roose, Vice President

Greg Compton

Attest: _____
Penny Lukenbill, Auditor