

**MARSHALL COUNTY BOARD OF COMMISSIONERS
MINUTES**

MONDAY, FEBRUARY 7, 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, February 7, 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.

**PLYMOUTH TRAVEL SOCCER LEAGUE
SOCCER COMPLEX**

Duane Culp and Curt Feece of the Plymouth Travel Soccer Association presented a proposal to develop a soccer complex on 49 acres of county-owned property between Shady Rest and the Paul Langfeldt property. The group proposes to lease the property from the county, with the provision that the lease would become void if the complex is not developed within five years. The group has been utilizing facilities at various Plymouth schools, and the proposed complex would centralize the soccer facilities and allow them to host soccer tournaments, which would also benefit the local economy. The association would like to begin construction in the Fall of 2011 for the Spring 2012 soccer season. They will provide a business plan and proposed budget to the commissioners.

Paul and Todd Langfeldt, 11126 Lincoln Highway East, owners of property directly to the west of the proposed complex, presented their concerns about its proximity to their property. They stated that the proposed fence is just 10 feet from Paul's residence and would prefer that the fields be moved further east. They have a grain operation and excavating business, and are concerned about the effect of additional traffic on their operations. In addition, they pointed out that grain dryers run continually after the fall harvest, and the noise and debris from the dryers may bother those utilizing the soccer facilities.

The commissioners recommended that the league representatives meet with the Langfeldts in an effort to address the various issues and return to the March 7 commissioners meeting.

**TREASURER DEBBIE VANDEMARK
EMPLOYEE BREAK ROOM VENDING MACHINES**

Treasurer Debbie Vandemark and Francis Ellert of Premier Vending were present to discuss the installation of coin-operated coffee and snack vending machines in the County Building employee break room. The machines would be placed in the break room at no cost to the County, and selections could be varied according to preference. Installation could be completed in approximately two weeks, and would require minor plumbing.

Jack Roose moved, seconded by Greg Compton, to allow Premier Vending to install coin-operated coffee and snack vending machines in the County Building break room. Motion carried 3-0.

CLYDE AVERY – EMA MONTHLY REPORT

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

Meetings attended: Commissioners; District 2 EMA Directors; District Task Force National Level Exercise; Communications Committee; County Council; District 2 DPC and General Assembly; Wellhead Protection Plan meeting; District 2 Health Dept. and Hospital meetings; Incident Management Team;

Miscellaneous: ID cards for LOW Sewer Inspector and Greg Compton; Monitored winter warnings and advisories; met with various IDH, IDHS, LEPC and EMA officials and representative from Congressman Donnelly's office; IDHS radio test, conference call and Web EOC sign-in; conference calls with IDHS, District Planning Council, Task Force; participated in IDHS Winter RACES test; prepared for approaching winter storm.

Training attended: Pipeline Safety Awareness Training;

Training conducted: ICS-300 class in Rochester.

General Information: District 2 is currently putting together the 2011 SHSP project proposals for submission. Three proposed projects include District 2 Collaborative Planning and development of a district-wide emergency plan; Emergency Operations Center Development; and District Emergency Response Capability Improvement. The estimated total request is \$1.4 million.

Training requests: Jack Roose moved, seconded by Greg Compton, to approve Mr. Avery's request to attend the All Hazard Incident Management Teams Logistics Section Chief Course in Seymour, Indiana April 4-8. Motion carried 3-0.

Miscellaneous: The commissioners noted that the current EMA vehicle is over ten years old and requires extensive maintenance, and recommended that he consider purchasing a newer used vehicle. They will recommend approval of an additional appropriation by the County Council to enable the purchase.

AUDITOR'S REPORT

Auditor Penny Lukenbill presented the following:

Minutes of January 18, 2011 meeting: Jack Roose moved, seconded by Greg Compton, to approve the minutes of the January 18, 2011 meeting. Motion carried 3-0.

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

Expedited claims: The Auditor requested approval to pay three claims for court-ordered appraisals in connection with the acquisition of the Zackheim property for the Pierce Street bridge right-of-way.

Jack Roose moved, seconded by Greg Compton, to approve payment of the following claims for the Zackheim property appraisals: \$400.00 to SHarper Appraisal Service; \$400.00 to Rene' Williams; and \$400.00 to AM Appraisals. Motion carried 3-0.

Personnel request: The Auditor reported that Accounts Payable Deputy Debbie Palmer will become the new HR Deputy, making it necessary to replace her former position, and requested approval by the commissioners.

Jack Roose moved, seconded by Greg Compton, to recommend replacing the Accounts Payable Deputy position in the Auditor's office. Motion carried 3-0.

The request will now go before the County Council.

BOARD OF HEALTH APPOINTMENT

Jack Roose moved, seconded by Greg Compton, to reappoint Dr. Craig Miller to the Marshall County Board of Health from January 1, 2011 through December 31, 2014. Motion carried 3-0.

COUNTY ATTORNEY REPORT

Attorney James Clevenger presented his monthly report:

Old Business:

South West Lake Maxinkuckee Conservancy: He is following up with the Conservancy's insurance agent concerning the bond required under the recent agreement.

Crowel-Drainage Board appeal: The Indiana Court of Appeals granted Crowel's new attorney an additional 30 days through March 7 to complete his brief for the appeal. We will have 30 days to respond.

Kunkle v. Sheriff, Jail, et al: Kunkle is appealing the summary judgment granted by the Federal Court which dismissed all claims against the sheriff and numerous deputies arising out of a 2006 claim. Kunkle's brief to the Court of Appeals involves the sheriff and one deputy, and is due March 6. We will then file a response and Kunkle will file a reply. A decision by the Court will probably not be made until the end of the year.

New business:

Bridge 225-Pierce Street: USI has submitted a proposed construction management/inspection agreement, and Mr. Clevenger is working with them to resolve several concerns he has. Their fee of \$155,000 is 12.7% of the estimated construction costs, over the INDOT limit of 12.5%, and if bids come in lower than the original estimates, USI will adjust their fee. Mr. Clevenger will provide the revised agreement to the commissioners to review prior to approval at the March 7 meeting. USI will submit the agreement to INDOT for a May bid-letting.

MicroVote contract: The 2011 contract in the amount of \$9500 is identical to the previous two years.

Jack Roose moved, seconded by Greg Compton, to approve the 2011 MicroVote Contract in the amount of \$9500. Motion carried 3-0.

US 31 relinquishment: On January 19, Mr. Overmyer, Mr. Haeck and Mr. Clevenger met with INDOT officials concerning ongoing negotiations for relinquishment of portions of US 31 north and south of LaPaz that will not be utilized for the new highway. Under the proposed relinquishment, the County would receive 2.89 miles of road and the bridge over the CSX Railroad, but not including the town of LaPaz. In exchange, INDOT would reconstruct 3A Road, remove the bridge ramp, realign the road for transition to Michigan Road and restripe, as well as pay the county \$4.2 million in three installments of \$1.4 million per year, beginning September 1, 2014. The county is also asking for bridge inspection reports and a possible increase in MVH funds with the additional road miles. They are also considering reducing some or all of the relinquished road to two lanes. INDOT will require a memorandum of understanding after the issues are resolved. No action is required at this time.

Mr. Roose expressed appreciation to Mr. Clevenger, Mr. Haeck and Mr. Overmyer for their efforts in the negotiations with INDOT.

Miscellaneous: Mr. Clevenger is assisting the Health Department with seeking injunctive relief in two cases of failed septic systems.

(Meeting recessed from 9:45-9:50 am)

NEAL HAECK – HIGHWAY REPORT

Road cuts: Mr. Haeck presented a request from CenturyLink for a road cut on Rose and Sycamore Roads, between 9th and Lincoln Highway in West Township to install service for new construction. The road cut has been approved by the surveyor.

Jack Roose moved, seconded by Greg Compton, to approve the road cut request from Century Link along Rose and Sycamore roads. Motion carried 3-0.

Expedited claim: Mr. Haeck requested expedited payment of a claim to INDOT to cover a change order in the Pine Road construction. If INDOT can arrange a direct transfer of remaining credit from the utilities agreement, the claim of \$133,991.50 may be reduced to \$41,741.08, 80% of which will be reimbursed from the state.

Jack Roose moved, seconded by Greg Compton, to approve expedited payment of the claim to INDOT for either \$133,991.50, or \$41,741.08, depending on the credit transfer. Motion carried 3-0.

2011 Blizzard: The Highway Department continues to calculate the costs related to the recent blizzard for FEMA reimbursement purposes. FEMA will reimburse overtime, use of trucks, plows, and materials such as salt and sand used over a 48-hour period. He stated that overtime costs through Friday, February 4 totaled \$13,500, and the last 400 ton salt shipment has now depleted the salt budget. He suggested that the commissioners consider increasing the comp time limit to 80 hours to ease the overtime costs. Mr. Haeck credited the county's advance planning for a smooth response, and Mr. Overmyer expressed appreciation to the entire highway department staff for their efforts during the storm.

USI – 7TH ROAD CORRIDOR

On behalf of USI, Greg Wendling presented an update on the environmental engineering and design for the 7th Road corridor from the proposed US 31 interchange to Pine Road. The project began with ten proposed alignments, which were later reduced to three of the most viable options. After considering comments received at two public information meetings, USI modified Alignment A, which now runs south of 7B Road across the northern portion of property owned by Everett Colvin. To address Mr. Colvin's concerns, USI is proposing a 40-foot buffer to separate the road right-of-way and the driveway of the Irish Inn. The modified route will have less environmental impact on existing wetlands and attempts to reduce property owners' objections to the original Alignment A route.

Once an alignment is chosen, they will proceed with developing the design of Phase I from Michigan Road to Linden. Work will resume on the environmental assessment in March, with surveying in April, and a public hearing in late summer in preparation for right-of-way acquisition. They will also proceed with identifying any endangered species along the route,

The board then considered how best to proceed if additional funding cannot be secured for Phase II, continuing the new road from Michigan Road to Pine. They felt that Phase I should be terminated with a stop sign at Michigan, rather than proceed with right-of-way acquisition for a roundabout and the remaining section from Michigan to Pine Road.

John Stone, 12477 Muckshaw Road, asked if the county has secured sufficient funding for the project, and expressed concern about increased accidents at roundabouts. Mr. Overmyer explained that it appears there will be sufficient funding for Phase I, but funding for Phase II

is questionable at this time unless Congress passes another federal highway bill. Mr. Compton stated that drivers just need to get used to roundabouts.

Mr. Overmyer emphasized that the county has one opportunity for access from US 31 to Plymouth. If the alignment is not selected in a timely manner in order to meet a strict time schedule, INDOT will not put in the interchange at US 31.

Jack Roose moved, seconded by Greg Compton, to recommend approval of the Modified A alignment for the proposed 7th Road corridor from US 31 to Michigan Road. Motion carried 3-0.

MISCELLANEOUS BUSINESS

Mr. Overmyer reported on additional negotiations for the relinquishment of four miles of US 31 north of Argos. INDOT has offered a one-time cash payment of \$700,000 for maintenance, and will include the Town of Argos in future discussions.

ADJOURNMENT

With no further business to come before the Board, **Greg Compton moved, seconded by Jack Roose, to adjourn the meeting at 10:45 a.m. Motion carried 3-0.**

Kevin Overmyer, President

Jack Roose, Vice President

Greg Compton

Attest: _____
Penny Lukenbill, Auditor