

**MARSHALL COUNTY BOARD OF COMMISSIONERS
MINUTES**

MONDAY, MARCH 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, March 21, 2011, for a regular meeting. Present were Kevin Overmyer, President (until 10:45); Jack Roose, Vice President, and Greg Compton, Commissioner. County Attorney James Clevenger and Auditor Penny Lukenbill were also present. The meeting was opened in due form and the business before it heard.

ALAN LOEHR – CULVER BOYS AND GIRLS CLUB

Alan Loehr thanked the board for their support of the Culver Boys and Girls Club in 2010, and presented an update on the program. Club membership has grown to 250, with an average daily attendance of 90. Mr. Loehr pointed out that the club's success is largely due to partnerships with Culver Community Schools and Culver Military Academy, who offer their facilities and resources. Programming focuses on character and leadership, community service and life skills, education and career development, as well as recreation and arts and crafts. The Club offers extended hours during the summer from 6:30 am to 6:30 pm, and a program with the Academy this summer will offer members the opportunity to interact with Woodcraft campers.

In 2010, the Club's operating budget was \$202,000, with \$110,000 coming from private sources such as individuals and businesses. The operating budget for 2011 is \$197,000, \$125,000 of which will come from private funding, with the balance coming from grants, local governments and fundraising efforts. Annual dues remain at \$25.00.

The commissioners thanked Mr. Loehr for his work and leadership in the Club's success.

SOCCER COMPLEX UPDATE

Curt Feece updated the board on the proposed soccer complex using 53 acres of county-owned property west of the former Shady Rest Home. After discussions with area landowners, the group decided that moving the facility to the north end of the property southwest of the County Highway Garage could alleviate many of the issues with grain and farming operations in the immediate area.

To assist with construction, the league will apply for a grant, which requires that they either own the property or lease it for 99 years. Robin Roberts currently leases the tillable farm ground at \$157 per acre, and the group is offering to lease the 53 acres for the same price. In addition to the grant, they will offset construction costs with fundraisers and donations of materials and labor.

Hochstetler Landscaping, a sports field specialist, has indicated that construction could begin in the spring of 2012 and be completed in time for play in the fall. Initially, the complex would consist of minimal facilities, with improvements over the years to include storage and irrigation. Parking would be in a graded area for day-to-day use and on grass for tournaments. Plan Director Ralph Booker stated that the zoning ordinance calls for 20 spaces for every sports field.

Mr. Overmyer noted that four football fields are again included in the revised plan. It was his opinion that the project should only include soccer fields, and the lease should be with the

soccer league only. Mr. Feece stated that many area children are involved in Junior League Football, and this seemed a logical location for football fields. He indicated that the soccer league could enter into a sub-agreement with the Marshall County Junior Football League.

Mr. Clevenger advised that an agreement is needed to develop the lease, and they will need to consider what action to take if the complex is not developed within five years.

Jack Roose moved, seconded by Greg Compton, to enter into an agreement with Plymouth Travel Soccer to develop a lease covering 53 acres of county-owned land for the development of a soccer complex. The lease is contingent upon the county attorney working out various issues, and will provide for lease payments equivalent to cash rent, which will be reviewed every five-years. Motion carried 2-0.

Al Neidlinger, who runs a dairy operation to the east of the proposed complex, stated that area beef, hog, dairy and grain operators want to preserve the farm ground as much as possible, and that it is difficult to return land to farm ground once it has been excavated. He also noted that the junior football league had planned to develop a sports complex several years ago, but lacked the necessary funding.

PUBLIC HEARING- ORDINANCE #2011-03
TO ESTABLISH STORM WATER RUN-OFF AND SEDIMENT CONTROL
REGULATIONS

Plan Director Ralph Booker presented a proposed ordinance to address storm water run-off and sediment issues resulting from denser land use and construction of larger commercial and agricultural structures. The ordinance will provide developers with guidelines for required site drainage information, and will require approval of drainage plans by the Plan Director, Surveyor and Technical Review Committee. The proposed ordinance was approved by the Plan Commission during a public meeting on February 24.

Greg Compton moved, seconded by Jack Roose, to open the public hearing on Ordinance #2011-03. Motion carried 2-0.

Public Input

There was no public comment.

Greg Compton moved, seconded by Jack Roose, to close the public hearing on Ordinance #2011-03. Motion carried 2-0.

Several minor changes in language were discussed, and Mr. Booker agreed to improve the wording.

Greg Compton moved, seconded by Jack Roose, to pass Ordinance #2011-03 on first reading, with minor language changes to be made for second and third reading. Motion carried 2-0.

WILLIAM CLEAVENGER
2010 CORONER'S REPORT

Mr. Cleavenger explained that counties can expect that 12% of all deaths could be possible coroner cases. There were 372 deaths last year in Marshall County, 102 (27%) of which were

coroner cases. Out of that number, 82 were natural deaths, due to disease and other natural causes; 10 were suspected drug overdoses, compared to 5 in 2009; 7 suicides, an increase over 2009; two traffic fatalities; and one which remains undetermined at this time.

He noted that the Coroner's budget is one of the smallest in the county, costing taxpayers \$1.35 per day. However, nearly half of his budget is variable and expenditures depend on the number of cases. In 2010, he purchased an 800 MHz radio for the Coroner's vehicle, which is in good condition and remains parked at the jail until needed. The state now requires death registrations be completed online, and provides the program and training opportunities.

JERRY FUSSELL-HEALTH DEPARTMENT
INDIANA ENVIRONMENTAL HEALTH RESPONSE TEAM

Mr. Fussell returned to report his findings on various insurance issues involved with serving as a member of the Indiana Environmental Health Emergency Response Team. Mike Miley of Gibson insurance indicated that he would be covered by Worker's Compensation, but he is still waiting for confirmation on the health care coverage. Mr. Clevenger stated that the liability portion will depend on the agreement with the state, but he felt Mr. Fussel would be covered while deployed.

He will need additional training, much which is available online, and requested approval to apply for a position as soon as the state finishes developing the requirements. He noted he could rescind his application if the health insurance coverage issue is not resolved satisfactorily.

Greg Compton moved, seconded by Jack Roose, to approve Mr. Fussel's request to participate in the initial application process for a position on the Indiana Environmental Health Response Team, with final participation dependent upon health insurance coverage. Motion carried 2-0.

SHERIFF TOM CHAMBERLIN
PERSONNEL REQUEST

The Sheriff reported he will be moving a full-time jailer/dispatcher to a patrol position, and requested approval to replace the vacant position. The position is paid from the 911 budget and is cross-trained.

Greg Compton moved, seconded by Jack Roose, to approve the Sheriff's request to replace a full-time jailer/dispatcher position. Motion carried 2-0.

CLERK JULIE FOX
PRIMARY ELECTION POLLING SITES

Ms. Fox presented a list of polling sites in Bremen and Plymouth for the primary elections in May. Bremen has requested consolidation of German Precincts 3, 4 and 5 into one polling site at Bremen High School. Plymouth Center 1, 2, 3 and 4 will remain the same.

The Election Board has selected a committee to review possible vote centers for the county and give their recommendations. Vote centers could reduce the costs of poll workers and staffing, but the county must purchase an electronic poll book to connect the system, and that cost is unknown at this time.

Greg Compton moved, seconded by Jack Roose, to approve the polling sites for the Bremen and Plymouth municipal primary elections, and to authorize Kevin Overmyer to sign the notice on behalf of the commissioners. Motion carried 2-0.

Absentee voting hours in the Clerk's Office will be Monday through Friday, 8:00 am to 4:30 pm; and two Saturdays, April 23 and April 30, 10:00 am to 2:00 pm.

Ms. Fox reported that the Election Board has some reservations about the HAVA reimbursement grant application. Mr. Clevenger explained that there are requirements that must be met and we could be required to repay the grant to the State if we do not comply. The application must be approved by the Council and Commissioners to ensure the County understands and complies with the requirements. Mr. Clevenger will attend the next election board meeting to further discuss the application.

CLERK PERSONNEL REQUEST

Ms. Fox stated that two retirements have created vacancies in her office. Juvenile Deputy Clerk Wanda Shively retired in December, and this position has already been filled. Lori Martin will retire April 1, and has been responsible for new cases, protective orders, mental health cases, opening mail, directing incoming calls, and scheduling marriage license appointments. The Clerk requested approval to post the position for replacement.

Mr. Roose indicated the Commissioners would like time to review the position and job description, and advised that they will make a recommendation on April 4. He reminded Ms. Fox that the position must also be reviewed by the County Council, which meets on April 11

NEAL HAECK – HIGHWAY REPORT

Renewal contracts: The current contracts with Allied Waste and Cintas will expire soon, and Mr. Haeck is securing quotes from other companies in an effort to reduce costs. Mr. Clevenger reminded him to be aware of automatic renewal clauses.

Bridge Inspection Report: The draft report for the Phase I 2010 bridge inspection is now complete, and the cover pages were presented for signatures.

Jack Roose moved, seconded by Greg Compton, to accept the draft of the 2010 Phase I Bridge Inspection Report and sign the cover sheets. Motion carried 2-0.

JEFF MILLION - DLZ BRIDGE 89-13TH ROAD UPDATE

Mr. Million reported that better progress is being made on the bridge construction. The cap has been poured on pier 3 and they will now demolish the remainder of the old bridge to make room for pier 2. Construction of the coffer dam for the second pier will begin after demolition. The completion deadline is July 13, with a \$5,000 per day penalty if not completed by that date.

CERTIFICATE OF RECOGNITION

Clerk Julie Fox requested approval of a certificate of appreciation for Lori Martin, who will be retiring April 1 after 23 years with the county.

Jack Roose moved, seconded by Greg Compton, to approve a certificate of appreciation for Lori Martin. Motion carried 2-0.

COUNTY ATTORNEY REPORT

Attorney James Clevenger presented his report, which included:

Old Business:

Lindsey Einspahr v Court Services: Ms. Einspahr has filed a complaint for discriminatory employment discharge. The complaint has been sent to the adjuster for Bliss, who will refer the matter to their counsel.

On-Line Data Memorandum of Understanding: The agreement covers procedures for mailing services and there are no terms typical of a contract. It appears fine for signatures.

New Business:

Lewellan Tort Claim: We received a tort claim notice based on a fall which may have occurred in the park during the Blueberry Festival. The plaintiff's attorney has been advised that the County was not a proper party.

HAVA application: As previously discussed, the Election Board has concerns about future compliance. Two resolutions are required, one from the Commissioners to authorize a person to complete the application, and a joint resolution with the County Council to complete certain requirements in order to obtain the grant.

AUDITOR'S REPORT

Auditor Penny Lukenbill presented the following:

Minutes of the March 7, 2011 meeting: **Greg Compton moved, seconded by Jack Roose, to approve the minutes of the March 7, 2011 meeting. Motion carried 2-0.**

March mid-month claims: **Greg Compton moved, seconded by Jack Roose, to approve the March mid-month claims as presented. Motion carried 2-0.**

COMMISSIONER TAX CERTIFICATE SALE PROPERTIES – MINIMUM BIDS

The Commissioners currently hold tax certificates 20 parcels that have now been through at least two tax sales, and plan to dispose of those certificates. Under the process, the commissioners can sell their interest in the certificates or assign them to another governmental agency or adjoining land owner. At the time the certificate is assigned or sold, the property owners have an additional 120 days in which to redeem their property by paying all delinquent taxes, special assessments, fees and penalties. If the property is not redeemed, the prospective owner has to go through the regular noticing process and take proper legal steps to obtain a court order for a tax deed. At the time of transfer, the Commissioners will order removal of delinquent taxes.

The Commissioners had previously discussed the matter in executive session, and made the following recommendations:

Parcel #	Owner	Location
Assign to City of Plymouth:		
50-32-93-102-821.000-019)	Vinod Gupta	Sering St, Plymouth
50-32-93-102-822.000-019)		Adjoins Founders Park
50-32-93-102-823.000-019)		

Assign to Town of Culver:

50-21-21-000-065.000-013 US Railvest West of West Shore, East of Tamarack, Culver - Adjoins sewer treatment plant
Both Plymouth and Culver have indicated they are interested in receiving the parcels.

Assign to DNR:

50-31-24-000-222.000-017 US Railvest E of Peach Adjoins DNR property

Assign to LaPaz Legion:

50-52-95-202-073.000-010 Sanetra Trust, N Main, LaPaz Adjacent to LaPaz Legion

County to take title to:

50-21-02-000-002.000-013 US Railvest S of 15 B, E of Redwood - Adjacent to right-of-way

County to consider taking title to:

50-53-26-304-095.000-006 Burdeau, Betty W Dewey Street, Bremen Adjacent to county-owned lot

Offer Certificates at Commissioners Certificate Sale:

		Minimum Bid
50-22-06-000-011.000-007	Schillaci Howard 16th Rd, Argos	100.00
50-22-90-203-960.000-016	Gonzales, Humberto & Carmen, West of N Grove, Argos	100.00
50-32-93-301-472.000-019	Whitaker, Kirby W of Plum, S of Schuyler, Plymouth	100.00
50-42-92-303-142.000-019	Chizum, Pamela, 1008 N Plum, Plymouth	2000.00
50-42-92-303-217.000-019	Parrott, Vernon E of Plum, S of Harrison, Plymouth	2000.00
50-41-27-302-053.000-017	Houghton, Thomas & Christine Yogi Bear Lot 1338	100.00
50-41-27-302-911.000-017	Gonzalez, Juan & Claudia Yogi Bear Lot 1015	100.00
50-41-27-302-924.000-017	Askren, Stephen Yogi Bear Lot 1186	100.00
50-41-27-401-713.000-017	Kmety, Daniel, Yogi Bear Lot 852	100.00
50-21-10-000-041.000-013	US Railvest S of 16 th , W of Redwood	1.00
50-31-26-000-007.000-017	US Railvest N of 14 th Rd	1.00
50-42-91-000-101.000-018	Plymouth Short Line N of Hoham, W of Michigan	1.00

The US Railvest and Plymouth Short Line properties are abandoned railroad rights-of-way that reverted to adjoining landowners who took the necessary action to take title. Many have never completed the process; consequently, title remains in the name of US Railvest and taxes go unpaid year after year. Mr. Clevenger noted that if the commissioners do sell the tax certificates on these properties, purchasers may have an issue in obtaining title if they are not adjoining landowners.

Mr. Clevenger recommended passing separate resolutions authorizing transfer to each entity, and will check with SRI for clarification.

Mr. Roose stated he agreed with the minimum bids, but recommended tabling action on establishing the official minimum bids until the second meeting in April.

EXTENDED HOURS FOR TAX COLLECTION

On behalf of the Treasurer, Mr. Roose requested approval for the following extended hours during tax collection:

Saturday May 7 and Saturday November 5 - 9:00 am to 12:00 noon
May 9 and 10 and November 9 and 10 - 8:00 am to 6:00 pm

Greg Compton moved, seconded by Jack Roose, to approve the Treasurer's request for extended hours for the May and November tax collection. Motion carried 2-0.

ADJOURNMENT

With no further business to come before the Board, **Greg Compton moved, seconded by Jack Roose, to adjourn the meeting at 12:35 p.m. Motion carried 2-0.**

Kevin Overmyer, President

Jack Roose, Vice President

Greg Compton

Attest: _____
Penny Lukenbill, Auditor