

**MARSHALL COUNTY BOARD OF COMMISSIONERS
MINUTES**

MONDAY, MARCH 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, March 7, 2011, for a regular meeting. Present were Kevin Overmyer, President; Jack Roose, Vice President, and Greg Compton, Commissioner. 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.

**JIM SCOTT – ONLINE DATA
MAIL SERVICE**

Jim Scott, of Online Data Services, was present to discuss a proposal to provide a mail pick-up service to the county, resulting in reduced postage expenses. The company would pick up the mail daily from the Clerk and Auditor's offices, sort and barcode it and deliver to the post office. Departments would continue to process their mail using the current postage machines set at the rate of 41.4 cents rather than 44 cents per ounce. Bulk mailings of over 500 identical pieces would qualify for an additionally discounted rate of 38.2 cents per oz.

The county currently expends approximately \$98,000 for postage each year, and the Commissioners agreed to enter into an agreement with Online Data Services in an attempt to reduce postage expenses. Mr. Clevenger will review the non-binding memorandum of understanding, which can be terminated without penalty upon written notice.

Jack Roose moved, seconded by Greg Compton, to approve the Memorandum of Understanding with Online Data Services effective April 1, 2011, subject to review by the county attorney, and authorize Kevin Overmyer to sign on behalf of the commissioners. Motion carried 3-0.

**LINDA RIPPY – MUSEUM DIRECTOR
QUARTERLY UPDATE**

Ms. Rippy distributed an activity report for the museum from November through February, showing an increase in the number of meetings, programs and events as a result of the recently completed renovations. The museum will soon begin elementary school tours and she is currently working with local teachers to develop a curriculum which meets state standards. She also pointed out that Museum operations rely heavily on volunteers, and they are utilizing National Honor Society members and ABLE volunteers to assist, as well as two participants from the Good Will work program.

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

Mr. Ulrich reported that a fire in the elevator pit at the museum in late November has left the elevator inoperable, and requested approval to proceed with repairs. Two companies submitted proposals, with Otis Elevator the low bidder at \$34,750. Otis requires a 50% down payment of \$17,375, and the funds will come from Maintenance Repair in the Building and Grounds budget. He explained, however, that the depth of the elevator pit and location of the elevator will complicate repairs, and the final total cost may exceed the current bid.

Mr. Overmyer pointed out that the Commissioners were aware of the needed repairs, but had delayed the project as long as possible. However, the building is not handicapped accessible, and with several school groups coming in, it is now necessary to expedite the project.

Jack Roose moved, seconded by Greg Compton, to approve the contract with Otis Elevator in the amount of \$34,750 to repair the museum elevator, and to approve the pre-payment of \$17,375.00. Motion carried 3-0.

SHERIFF TOM CHAMBERLIN **PERSONNEL REQUEST**

Sheriff Chamberlin was present to request approval to replace three vacant patrol positions in the Sheriff's Department. He currently has 14 patrol officers on staff, and 17 were budgeted for this year. The replacement process began in November of 2010, and takes approximately five months to complete. Once officers are hired, they are required to complete training through the department and the Indiana Law Enforcement Academy, which takes several more months before they are able to be placed on the road.

Sheriff Chamberlin reported he is discussing staffing needs and accountability with his staff, in an effort to establish a more flexible staff, provide improved delivery of services and reduce expenses. He is currently utilizing two detectives rather than three, and he will continue to review the need for the third.

Mr. Overmyer thanked the Sheriff, as well as the Auditor, for following procedure and requesting approval to replace personnel.

Jack Roose moved, seconded by Greg Compton, to approve the Sheriff's request to replace three patrol positions. Motion carried 3-0.

CLYDE AVERY – EMA MONTHLY REPORT

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

Meetings attended: Commissioners; District 2 EMA Directors; District 2 DPC and General Assembly; LEPC; schools safety meeting; EMA Advisory Council Chair; Pulaski and Starke County EMA Directors; Rich Hackle – IDEM; Service and Support Mobilization Manager;

Miscellaneous: ID cards for Argos Fire Dept.; IDHS radio test, conference call and Web EOC sign-in; Conference calls - District Task Force, National Level Exercise 2011 and District 2 District Planning Committee; monitored winter storm and flood warnings; provided sandbags to Town of Bremen, Tippecanoe Fire Dept. and Pulaski County EMA; conducted after-action review for blizzard emergency.

Training attended: Independent study course 03, 301 and 836; NWS Storm Spotter Training;

Training conducted: Web EOC training to Culver EMS;

Blizzard Emergency: In office from 7:00 am February 1 through 4:20 pm February 2: Prepared Level 1 and 2 Emergency Declarations; established Unified Command, participated in webinars and conference calls.

Mr. Avery strongly recommended developing and implementing a Command and Control Annex to the Emergency Management Plan – everyone should understand and follow their role in an emergency.

All local agencies had been advised prior to the storm to keep track of expenses so they could be easily reported in case the governor sought an emergency declaration. Most jurisdictions complied and reported; however, Plymouth, Bremen and Argos did not submit reports, which may prevent the County from meeting the required threshold for reimbursement.

Severe Weather Preparedness Week: March 13-19. Statewide tornado drills are planned for Wednesday, March 16 between 10:00 and 10:30 am and 7:30 and 7:45 pm.

Miscellaneous:

The Yellow River is at 11 feet, and some flooding is anticipated.

Mr. Avery is in the process of securing a replacement for his 11-year old vehicle, but has not yet located a suitable one.

He has asked the county attorney to review mutual aid agreements, as well as a burn ban and the status of a proposed ordinance from many years ago.

Training requests: Jack Roose moved, seconded by Greg Compton, to approve Mr. Avery's request to attend the FEMA L340 Radiological Emergency Preparedness course at the South Bend Fire Department April 11-14. Motion carried 3-0.

AMENDMENT TO ZONING ORDINANCE

ORDINANCE #2011-02-RURAL SIGNS – 2nd and 3rd READINGS

Ordinance #2011-02 Rural Signs, an Amendment to the Zoning Ordinance was presented for second and third readings. The amendment establishes locations and standards for smaller off-premises commercial signs, and clarifies the permit process.

Plan Director Ralph Booker wanted to clarify an issue raised by Don Ecker at first reading regarding control of signs along US 6. He explained that billboards are allowed only in certain areas along Highways 6, 30 and 31, and regulated by INDOT. However, INDOT does not control small signs on state highways. The county controls the zoning, and requires a variance and permit, but many people simply put the signs up without approval. Mr. Booker stated that this provision has always been in the ordinance, but that it is difficult to enforce.

Jack Roose moved, seconded by Greg Compton, to suspend the rules and pass Ordinance #2011-03 on second and third reading. Motion carried 3-0.

JERRY FUSSELL-HEALTH DEPARTMENT

REQUEST TO JOIN INDIANA ENVIRONMENTAL HEALTH RESPONSE TEAM

Mr. Fussell appeared before the board to request approval to serve on the Indiana Environmental Health Emergency Response Team being organized by the Indiana Department of Health. The team would be deployed by the governor to areas of large-scale disasters with environmental health issues, and could serve as part of a national response team for up to 60 days. Mr. Fussell explained that he has received some training already, but will need additional to qualify for the team. The IDHS would reimburse the county for payroll and actual travel expenses incurred during deployment. The Commissioners had concerns about liability and health insurance coverage during deployment, and asked Mr. Fussell to investigate the matter further with Gibson and the Healey Group, and return on March 21 for final approval.

MICHAEL MARSHALL – IT DIRECTOR
BACKUP STORAGE PURCHASE

Mr. Marshall was present to request approval to purchase additional server storage for the county's computer system. He explained that the county's hardware servers had been replaced by a virtual system, enabling an immediate restoration of programs and data. However, as a result of huge data storage requirements for several programs, the system has now run out of memory storage. As a result, the GIS system cannot be upgraded to the next level. Mr. Marshall recommended a ten terabyte SAN, which would double the storage capability and should be sufficient for several years at the current rate of use. He estimated the cost of the additional storage at \$22,000, and proposed using the Rainy Day Fund for the purchase.

Greg Compton moved, seconded by Jack Roose, to approve the purchase of additional storage for the county's computer system at an estimated cost of \$22,000, using funds from the Rainy Day Fund. Motion carried 3-0.

The request will now go before the County Council.

JOSH WAKELAND **VETERANS SERVICE OFFICE UPDATE**

Josh Wakeland, the newly-appointed Veterans Service Officer, appeared before the board to provide a progress report. He has organized and updated the office in an effort to make it more efficient and better serve the county's 3500 veterans. He reported that the VA recently invested \$125 million to implement their on-line claims service, providing the capability to complete claim forms on line while veterans are in his office. Claims are stored in electronic format and the entire process is streamlined – reducing waiting time and the need for appeal, and results in increased benefits. He reported an average of ten walk-ins each day, and he is assisting with an average of five claims per day.

Mr. Wakeland stated that with the increased numbers of combat veterans, the need for service is greater than ever. He feels the number of claims will continue to increase, especially with Agent Orange issues for both Vietnam and Korean veterans. He stated that many veterans are unaware of their benefits and he is looking forward to helping make them aware and assisting with obtaining the benefits due them.

Mr. Wakeland has been selected to serve on the Indiana Veterans Advisory Commission with Congressman Donnelly, and will also attend upcoming training for Service Officers.

The Commissioners thanked Mr. Wakeland for the outstanding job he has done since his appointment.

COUNTY ATTORNEY REPORT

Attorney James Clevenger presented his report, which included:

Old Business:

US 31 relinquishment: The Memorandum of Understanding covering portions of US 31 north and south of LaPaz was presented. Under the terms, INDOT agrees to reconstruct 3A Road, remove the bridge ramp, realign and restripe the road for transition to Michigan Road, and pay the county \$4.2 million in three installments of \$1.4 million per year, beginning September 1, 2014. INDOT has answered some concerns, but not all, and has agreed to look at a drainage culvert in question. Mr. Clevenger noted that the settlement resulted in maximum funding to help cover costs associated with maintaining the highway.

Jack Roose moved, seconded by Greg Compton, to approve the Memorandum of Understanding with INDOT to relinquish 2.89 miles of US 31 north and south of LaPaz for \$4.2 million, payable \$1.4 million per year, beginning September 1, 2014. Motion carried 3-0.

LaPaz is considering their Memorandum of Understanding with INDOT for the portion of US 31 which runs through LaPaz for a cash payment for maintenance, additional funding and a grant to realign and improve the road, as well as installation of sewer lines on US 6 to the new US 31. Commissioner Roose advises that we are close to an understanding with LaPaz concerning the respective responsibilities of the town and county for maintenance of the old road.

INDOT has also sent a written proposal for the relinquishment of 2.89 miles of Michigan Road north of Argos for a one-time payment of \$800,000 to the county, and \$ 200,000 to Argos for the road within the town limits. Mr. Clevenger noted that there will be no deeds involved in either relinquishment.

Jack Roose moved, seconded by Greg Compton, to approve the Memorandum of Understanding with INDOT to relinquish 2.89 miles of US 31 north of LaPaz for a one-time payment of \$800,000, payable in 30 days. Motion carried 3-0.

Kunkle v. Sheriff, Jail, et al: The Court of Appeals has dismissed Kunkle's appeal, due to his failure to pay the docketing fee.

Sheriff: Mr. Clevenger is working with Sheriff Chamberlin on a contract with the Lake Maxinkuckee Association for patrol of the lake.

Health Department: Assisted the Health Department in obtaining an order to stop illegal sewage discharge near Culver, and a second case involving a partially damaged septic system and the illegal collection and retention of garbage on a property southwest of Plymouth.

Bridge 225 Pierce Street – The revised contract with USI for Construction Inspection services is ready for approval. The contract calls for a maximum cost of \$155,000 and does not require INDOT approval.

Jack Roose moved, seconded by Greg Compton, to approve the contract with USI in the maximum amount of \$155,000 for Construction Inspection for Bridge 225. Motion carried 3-0.

7th Road: The Supplemental Consulting Contract with USI for additional design services was discussed. The agreement is the next step in extending 7th Road from Michigan Road east to Linden Road, and includes project design services, topographic surveys, pavement design and right-of-way engineering. The amount of the contract is \$1,163,865, and is the standard INDOT form. A separate supplemental agreement will be required to acquire the 25 parcels for right-of-way.

The Commissioners noted that the agreement should include the requirement that USI will update MACOG and attend quarterly TTAC meetings.

Mr. Overmyer reminded the board that Congressman Donnelly has secured \$635,000 in federal funding, and INDOT has also set aside funds to assist with the project.

Jack Roose moved, seconded by Greg Compton, to approve the Supplemental Consulting Contract with USI in the amount of \$1,163,865 for project design services for

7th Road from Michigan Road to Linden, with the addition of language requiring periodic updates to MACOG and regular attendance at TTAC meetings. Motion carried 3-0.

Sewer line to Marshall County Jail: Mr. Clevenger reported that the City of Plymouth has never accepted the dedication of the lift station and sewer line adjacent to the jail. RQAW's plans provided for installing the line in the right-of-way of Jim Neu Drive, but it actually runs east across property owned by Steve Eckert. The County has not been able to obtain an easement from Mr. Ecker, and the City will not accept the lift station and sewer line until the easement issue is resolved. The Commissioners directed Mr. Clevenger to contact RQAW to explain why the line was not installed in the Jim Neu right-of-way.

DLZ-RON WIREMAN **PINE ROAD UPDATE**

Mr. Wireman reported that work on the project will resume soon, and that GE Marshall and Reith-Riley have scheduled a meeting for March 14. They will try to keep Pioneer Road open between Lincoln Highway and Miller Drive as long as possible, and will try to give two weeks notice prior to closing it. They will also work with the Sheriff and Van Vactors to coordinate when work will start. He reported that cost projections and budget status reports show an estimated overrun of approximately \$10,000, which is very close to budget. Mr. Wireman will resume monthly updates to the Commissioners.

NEAL HAECK – HIGHWAY REPORT

Maxinkuckee Outlet Pipes: The required permits are now in place, but the project is on hold until the lake level drops.

Truck specs: He is reviewing specifications for the purchase of a single-axle truck, with the possibility of purchasing two more if he has sufficient funds. In addition, Northern Equipment is in the process of rehabbing four older but mechanically-sound trucks with new beds, hydraulics and paint.

Kathy Bottorff asked for an update on the Muckshaw railroad crossing. Mr. Haeck reported has not heard from the railroad people recently, and will check on the progress.

AUDITOR'S REPORT

Auditor Penny Lukenbill presented the following:

Minutes of February 21, 2011 meeting: **Jack Roose moved, seconded by Greg Compton, to approve the minutes of the February 21, 2011 meeting. Motion carried 3-0.**

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

2010 County Annual Report: The Auditor had previously distributed copies of the Annual Report for Marshall County.

Jack Roose moved, seconded by Greg Compton to accept the 2010 County Annual Report. Motion carried 3-0.

MISCELLANEOUS BUSINESS

Commissioner Overmyer reported that Jennifer Laurent of the Marshall County Economic Development Corporation is assisting the City of Plymouth with a grant application for their greenways project, and has requested a letter of support from various local entities.

Jack Roose moved, seconded by Greg Compton, to approve the letter of support for the greenways project, and to authorize Kevin Overmyer to sign on behalf of the Commissioners. 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 11:23 a.m. Motion carried 3-0.

Kevin Overmyer, President

Jack Roose, Vice President

Greg Compton

Attest: _____
Penny Lukenbill, Auditor