

**MARSHALL COUNTY BOARD OF COMMISSIONERS
MINUTES**

MONDAY, MAY 2, 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, May 2, 2011, for a regular meeting. Present were Kevin Overmyer, President; Jack Roose, Vice President; Greg Compton, Member; and Auditor Penny Lukenbill. The meeting was opened in due form and the business before it heard.

CLYDE AVERY – EMA DIRECTOR
MONTHLY REPORT

Meetings attended: County Council and Commissioners; meetings with IDHS District 2 Coordinator; EMA Advisory Council chair; County Fire; Incident Management Team; Pulaski County EMA Director; District 2.

Community outreach: Emergency preparedness talk, Oakhaven Adult Living, Bremen; Great Central US Shakeout at Plymouth Community Schools;

Training attended: Logistics Section Chief Course; Federal Emergency Management Agency Radiological Emergency Preparedness training; National Weather Service Severe Weather Webinar;

Miscellaneous: Assisted Pulaski County EMA with inspections of shelter systems for Task Force; monitored potential flooding of Tippecanoe and Yellow Rivers; worked with Red Cross on shelter arrangements for Tippecanoe River flood victim; conducted Monthly Radio check and Web EOC status change; sent Draft of Annex C Direction and Control for review and comments.

General Information:

1. Sent email on April 1 to all elected officials, departments and organizations that would be involved in an emergency or disaster seeking recommendations for the annual review of the Comprehensive Plan. No recommended changes were received.
2. Sent first draft of the Direction and Control Annex C to the Chief Elected official or representative for each jurisdiction, and to each primary coordinating agency listed as an Emergency Support Function in the County Emergency Management Plan. The Annex describes the process to direct and control those government activities essential to saving lives, stabilizing the incident, protecting property, and maintaining and restoring facilities and services during and following emergency or disaster situations.
3. Mike Miley of Gibson Insurance indicated that the county's insurance covers rostered volunteers.

Jack Roose moved, seconded by Greg Compton to allow Kirk Hintz to serve as a volunteer intern with the Emergency Management Agency during the summer. Motion carried 3-0.

4. County Council will consider the additional appropriation request on May 9 to purchase a new vehicle.

Mr. Avery thanked the IT Department for their assistance in installing equipment in the emergency operations center. Two monitors were purchased through an EMA grant, and the overhead projector and widescreen monitor were purchased by a Health Department grant.

The Commissioners commended Mr. Avery on receiving a Bronze Level designation by the Center for Domestic Preparedness.

Training and Meeting Requests:

1. May 10 – EMA Workshop in Michigan City, required for EMA Capability Assessment points.
2. May 17, 18, 19 – National Level Exercise “Shaking Bedrock” at Muscatutuck in Jackson County.
3. June 2 – Radiological Emergency Preparedness Conference in Indianapolis, required for EMA Capability Assessment Points.

Jack Roose moved, seconded by Greg Compton, to approve Mr. Avery's training requests for May 10, May 17-19 and June 2. Motion carried 3-0.

SHERIFF TOM CHAMBERLIN
911 COMMENDATION

Sheriff Chamberlin and 911 Supervisor Matt Pitney presented a Certificate of Outstanding Service to 911 dispatcher Jill Middaugh, who recently assisted with the delivery of a baby while the parents were enroute to the hospital. After guiding them through the delivery, she remained on the line with them until EMS personnel arrived. The new parents and baby were present to thank Ms. Middaugh as well.

On behalf of the Sheriffs Department and 911 personnel, the Sheriff expressed his appreciation to Ms. Middaugh for her outstanding service. She will also receive a special pin in recognition of her assistance.

PERSONNEL REQUEST

Sheriff Chamberlin reported that upon the retirement of Captain Rex Gilliland, he will be replacing the position with a Chief Deputy Sheriff, as allowed under the rules and regulations of the Marshall County Merit Board and Indiana Code. The qualifications and job description of the position will remain the same. The Merit Board has approved the designation and he will present the change to the County Council at their May 9 meeting. The Captain position will remain in the salary ordinance, but will not be funded. He anticipates that the new Chief Deputy will begin training with Captain Gilliland on May 10, and assume the Chief Deputy position on June 1.

Jack Roose moved, seconded by Greg Compton, to recommend approval to the County Council of the Sheriff's request to designate a Chief Deputy. Motion carried 3-0.

The Sheriff also requested approval to replace a full-time jailer/dispatcher position funded through 911, and anticipates filling the position with a current part-time jailer.

Jack Roose moved, seconded by Greg Compton, to approve the Sheriff's request to replace a fulltime jailer/dispatcher. Motion carried 3-0.

In miscellaneous matters, the Sheriff reported that the current jail population is 91, with an average of 90 prisoners. The Department of Corrections is now only 90-days delinquent in their payments due the County.

DAVE LATTIMER – PLYMOUTH AIRPORT
5-YEAR CAPITAL IMPROVEMENT PROGRAM UPDATE

Dave Lattimer, Manager of the Plymouth Municipal Airport, and Mayor Mark Senter were present to provide an update on the airport. Mr. Lattimer reminded the board that although it is a municipal airport within the city, it serves the entire county and is utilized by local businesses and aviators. He distributed copies of the current five-year plan, which the Board of Aviation Commissioners is required to update every two years. The plan is used by the Department of Transportation and the FAA for future budgeting and funding.

Since his appointment in July, 2010, Mr. Lattimer has worked with the BOAC to prioritize needed improvements, which include the cracked ramp between hangars, milling and repaving the runway, and repairing and maintaining hangars

Mr. Lattimer stated that plans to extend the current 4,400-ft.runway are not included in the five-year plan. However, he has been advised by several pilots that insurance carriers will soon prohibit them from utilizing runways less than 5,000 feet

COUNTY ATTORNEY REPORT

County Attorney James Clevenger presented his report, which included:

Old Business:

Jail sewer line easement: Mr. Clevenger contacted both RQAW and Construction Control regarding the sewer line easement. Construction Control maintains that the location of the line is where it was designed; RQAW says the line was in the right-of-way of Jim Neu Drive. The contractor may have moved the line away from the road thinking it would weaken the road bed. RQAW has offered to perform a survey and produce a legal description.

In order to rectify the situation, the county needs to procure a five-foot right-of-way either by purchase or condemnation. For an outright purchase, two appraisals would be made and the purchase price would be the average of the two appraisals. Mr. Clevenger will be meeting with Mr. Eckert later today, hoping to resolve the matter.

Mr. Clevenger recommended that the Commissioners consider possible appraisers, and Mr. Overmyer suggested Tim Jackson, appraiser for DLZ. Mr. Clevenger recommended also confirming that the sewer line on the Whitt property directly to east is in the correct location.

Lindsey Einspahr v. Court Services: The County's insurance carrier is completing an answer on our behalf.

Crowel v. Drainage Board: Crowel's reply brief contained documents that were not part of the original record. Mr. Clevenger has filed a motion to strike the inappropriate additional materials.

US 31 Relinquishment: Commissioner Roose and Mr. Clevenger will meet with the Town of LaPaz representative in the near future.

New Business:

Tax-sale certificates sale: The Town of Culver has adopted a resolution accepting one of the parcels of abandoned railroad property near the wastewater treatment plant. A resolution on behalf of the commissioners authorizing the assignment of the certificate has been prepared and is ready for signatures. The City of Plymouth has not replied on the three Gupta parcels.

Jack Roose moved, seconded by Greg Compton, to approve Resolution 2011-03, authorizing Marshall County to transfer to the Town of Culver Tax Sale Certificate #5010085. Motion carried 3-0.

Mr. Clevenger will prepare a similar resolution for the certificate being assigned to the LaPaz Legion.

Various contracts: Mr. Clevenger reviewed proposed agreements for waste hauling services and uniform rental for Buildings and Grounds and Highway, and struck provisions for automatic renewal, late payment charges, and liquidated damages, among other items.

WES BURDEN – HEALTH DEPARTMENT PROPOSED OFFICE IMPROVEMENTS

Mr. Burden presented proposed changes to the Health Department office. The project will involve reconfiguring the present full wall with two pass-through windows, enabling both clerks to be at the front, and will also include carpeting and electrical improvements. The estimated \$9,500 cost would be paid from the H1N1 fund. The Commissioners tabled approval pending further consideration of the changes.

PROPOSED ORDINANCES

Mr. Burden explained that the Health Department is considering a change to the fee ordinance to allow the county to collect a vaccine administration fee. As of July 1, those covered by insurance will no longer be eligible for vaccinations at the Health Department, and will be referred to their

own health-care provider. Those not covered under an insurance plan would still be eligible to receive the state-provided vaccine. Up to now, the Health Department has not charged a fee to administer the vaccine, but all surrounding counties charge between \$1 and \$8. As a result, many out-of-county residents come to Marshall County for their vaccines. The Health Department is considering an administration fee of \$8, which would either be paid at the time the vaccination is received or reimbursed by Medicaid.

An agreement with Medicaid is necessary, and Mr. Clevenger emphasized the importance of having someone in the Health Department aware of the county's obligations. The agreement will be signed by the commissioners, who requested that the county's federal ID number be used in place of their individual social security numbers.

Mr. Burden explained that the Board of Health has approved developing a new sewer ordinance to comply with revised Indiana code. The new ordinance would require an operating permit for various secondary treatment units, and provide for contractor certification and registration. He anticipates the new ordinance would take effect January 1, 2012. The Commissioners recommended that he seek input from those likely to be affected by the ordinance and submit a draft to the county attorney for his review.

Jack Roose moved, seconded by Greg Compton to proceed with drafting changes to the Health Department fee schedule and developing a new sewer ordinance. Motion carried 3-0.

NEAL HAECK – HIGHWAY REPORT

Road cuts: Brad Stackhouse submitted a request for a road cut across Hawthorn Road 775 feet north of 9B Road for installation of an irrigation pipe. Mr. Haeck will follow up on the work.

Jack Roose moved, seconded by Greg Compton, to approve Brad Stackhouse's road cut request across Hawthorn Road 775 feet north of 9B, in Center Township. Motion carried 3-0.

Vehicle Replacement: Mr. Haeck presented the following three bids for a new ¾ ton, four-wheel drive pickup to replace the vehicle now used by Buildings and Grounds:

Oliver Ford – 2011 Ford F250	\$24,750.00
Country Auto – 2011 Dodge Ram 2500	\$25,244.00
Best Chevrolet Buick – 2011 Silverado 2500HD	\$28,466.70

He recommended accepting the bid from Oliver Ford.

Greg Compton moved, seconded by Kevin Overmyer, to accept the bid from Oliver Ford for the F250 ¾ ton pickup truck for \$24,750. Motion carried 2-0-1, with Mr. Roose abstaining due to his wife's employment at Oliver Ford.

Annual Report: The previously submitted 2010 Annual Highway Report was presented for formal acceptance and signatures.

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

1st Road and Maple addresses: Mr. Haeck and Plan Director Ralph Booker discussed an addressing issue that is causing confusion for the 911 system and delivery services. East of US 31, 1st Road runs south then jogs to the east and becomes Maple Road for a short stretch, then jogs back to the south as 1st Road. Resident Jerald Heckart, 1050 Maple Road, Plymouth, explained that he owns two parcels which had always had 1st Road addresses, but were changed to Maple Road with the 911 addressing. After contacting emergency services, he found his Maple Road address does not exist as a Plymouth address, but as a Lakeville address instead. To alleviate confusion for emergency services and parcel delivery services, he requested that his address revert from Maple to 1st Road. The Commissioners will check with the Sheriff's Department and EMS, and consider action at their May 16 meeting.

Contracts: Mr. Haeck has reviewed proposals from several companies for trash hauling and uniform rental, and recommended proceeding with contracts with Allied Waste and Cintas. Mr.

Clevenger reviewed the proposed contracts and recommended several changes regarding automatic renewal and late payment charges.

Greg Compton moved, seconded by Jack Roose, to approve the contracts with Allied Waste and Cintas with the recommended changes. Motion carried 3-0.

Miscellaneous: Several roads in the river areas throughout the county have flooded, and some have been closed due to high water. The Commissioners recommended posting the closures on the website. Chip and seal projects will be planned if funds are available.

RON WIREMAN - DLZ
PINE ROAD UPDATE

Mr. Wireman reported that the recent rainy weather has resulted in construction delays. Rieth-Riley plans to work on the pipe structure placement for the next three weeks, and anticipates milling the existing Pioneer Drive during the last week in May. G.E. Marshall has completed excavating detention basin #3 and approximately 900 feet of ditch. The de-mucking process will begin as soon as weather permits, and should take three to four weeks. Road Safe will be placing thermoplastic for pavement markings and touch up last year's markings. The project is approximately 60% complete and remains on schedule for September 14 completion.

AUDITOR'S REPORT

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

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

Financial system: The Auditor reported that conversion to the new financial software system will begin later in May, with live operation set for July 1.

COMMISSIONER ITEMS

Health Board appointment: The Board of Health recommended the appointment of Rodger Smith, Assistant Superintendent at Plymouth Community School Corporation, replacing Triton Superintendent Carl Hilling as the school representative on the board. However, Dr. Smith is a resident of Starke County, and Mr. Clevenger advised that the position should be filled by a Marshall County resident. No action was taken.

ADJOURNMENT

With no further business to come before the Board, **Jack Roose moved, seconded by Greg Compton, to adjourn the meeting at 10:37 a.m. Motion carried 3-0.**

Kevin Overmyer, President

Jack Roose, Vice President

Greg Compton

Attest: _____
Penny Lukenbill, Auditor