

**MARSHALL COUNTY BOARD OF COMMISSIONERS
MINUTES
MONDAY, JUNE 20, 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, June 20, 2011, for a regular meeting. Present were Kevin Overmyer, President; Jack Roose, Vice President; Greg Compton, Member; Auditor Penny Lukenbill and County Attorney James Clevenger. The meeting was opened in due form and the business before it heard.

**PUBLIC HEARING – ORDINANCE #2011-08
ZONING ORDINANCE AMENDMENT-WECS**

Plan Director Ralph Booker presented proposed Ordinance #2011-08 to amend Article 6, Section 230 Wind Energy Conversion Systems. The amendment clarifies language which had been interpreted to mean that wind energy produced in Marshall County could be used only for the benefit of Marshall County residents. The Plan Commission held a public hearing on May 26, 2011 and issued a favorable recommendation at that time.

Greg Compton moved, seconded by Jack Roose to open the public hearing on Ordinance #2011-08-Zoning Ordinance Amendment-WECS. Motion carried 3-0.

Public Input

There was no public input.

Jack Roose moved, seconded by Greg Compton, to close the public hearing. Motion carried 3-0.

Greg Compton moved, seconded by Jack Roose, to pass on first reading Ordinance #2011-08 Zoning Ordinance Amendment-WECS Standards. Motion carried 3-0.

Jack Roose moved, seconded by Greg Compton, to suspend the rules and pass on second and third readings Ordinance #2011-08 Zoning Ordinance Amendment-WECS Standards. Motion carried 3-0.

**PUBLIC HEARING – ORDINANCE #2011-07
ZONING ORDINANCE AMENDMENT
TELECOM STANDARDS**

Mr. Booker also presented proposed Ordinance #2011-07 to amend Article 6, Section 210 Telecommunication Facility Standards, adding language to clean up the intent section of the telecom facilities standards. The Plan Commission issued a favorable recommendation at a public hearing on May 26, 2011.

Jack Roose moved, seconded by Greg Compton, to open the public hearing on Ordinance #2011-07-Telecommunication Facility Standards. Motion carried 3-0.

Public Input

Travis Dexter of 16075 16C Road, Culver, asked how the county regulates a project to protect the public health and safety, citing shadow flicker from wind turbines and noise level enforcement. He also asked how complaints would be addressed, and whether the County could offer a property value guarantee similar to one in DeKalb County, Illinois where NextEra has built several turbines. Mr. Booker explained that the standards and site plan are approved by the Plan Commission prior to construction, and assured him that they would be adhered to now and in the future. Complaints should be brought before the Board of Zoning Appeals for resolution. .

Mr. Clevenger explained that ordinances are established to guide potential construction of facilities according to certain standards, and advised that the public could protest to the Board of Zoning Appeals at the time of application. He also advised that if the noise level is determined to be over the limit, the company must remedy the situation.

Jack Roose moved, seconded by Greg Compton, to close the public hearing on Ordinance #2011-07. Motion carried 3-0.

Jack Roose moved, seconded by Greg Compton, to suspend the rules and pass on all three readings Ordinance #2011-07 Zoning Ordinance Amendment-Telecommunications Facility Standards. Motion carried 3-0.

COUNTY ATTORNEY REPORT

County Attorney James Clevenger presented his report, which included:

Old Business:

Jail sewer line easement: Still waiting for the legal description and other information from RQAW. Mr. Eckard has offered a proposal concerning the sale of the easement to the County. He would agree to sell for the average of two appraisals, but it is based on the City of Plymouth granting him a permit for an additional building, approving a connection to the sewer line through the lift station, and obtaining approval from the City for an advertising sign. If a condemnation is involved, Mr. Eckard is prepared to claim damages. Mr. Clevenger will discuss the matter further with the commissioners.

US 31 Relinquishment: He has prepared a memorandum of understanding between the County and LaPaz concerning maintenance of Michigan Road after it is relinquished to the Town. Mr. Roose and Mr. Haeck are reviewing the MOU before it is sent on to LaPaz.

Einspahr v Court Services: The case has been dismissed and we have received a release.

NextEra Energy: An executive session with Fulton County is planned for June 23 at 5:30 pm in Argos. All Commissioners and most of the County Council plan to attend. The purpose is to discuss strategy concerning economic development as it relates to a wind turbine farm in our counties.

New Business:

Assessor – Nexus contract: The Assessor wishes to hire an attorney who specializes in property tax appeals, and Counsel will provide services at \$150 per hour. Mr. Clevenger has reviewed the contract and made suggestions.

AUDITOR'S REPORT

Minutes of June 6, 2011 regular meeting: **Jack Roose moved, seconded by Greg Compton, to approve the minutes of the June 6, 2011 meeting as presented. Motion carried 3-0.**

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

Prepayment request: EMA Director Clyde Avery has requested prepayment of the invoice from Country Chevrolet in the amount of \$20,997 for the purchase of a 2011 Dodge Ram truck.

Jack Roose moved, seconded by Greg Compton, to approve prepayment of the invoice from Country Chevrolet for \$20,997. Motion carried 3-0.

LINDA RIPPY, MUSEUM DIRECTOR

QUARTERLY UPDATE

Ms. Rippy distributed minutes of the Historical Society Board of Trustees and an historical archive report from March 11 through June 17. Also included were director's reports for the January, March and June meetings, detailing projects, programs and events at the museum. The total number of visitors so far this year has reached 2,140, with 790 volunteer hours accumulated. The number of

genealogy researchers has increased significantly, and the research fees will be used to purchase new reader machines. The elevator has been repaired and work on the transportation room continues.

NEAL HAECK – HIGHWAY REPORT

Muckshaw Road Railroad Crossing: Mr. Haeck reported that the work to repair the railroad crossing on Muckshaw will begin today according to Bob White of INDOT.

Prepayment approval: Mr. Haeck requested prepayment approval for a check to INDOT for \$107,292.94 to cover the construction match for the Pierce Street Bridge. He reported that due to the application of additional Federal credits, the match has been reduced to 10%, which has saved the county \$107,292.94.

Jack Roose moved, seconded by Greg Compton, to approve the prepayment request for a check to INDOT for \$107,292.94 for the 10% match funds for the construction of the Pierce Street Bridge. Motion carried 3-0.

6th Road Culvert: The culvert is now in stock and work will begin to replace it as soon as weather permits.

2012 Salt Bid: The County has again joined with the State salt bid for the coming winter at a price of \$52.36 per ton delivered, compared to \$52.50 last year. He estimated usage at 1250 tons, and is required to purchase a minimum of 1,000 tons.

JEFF MILLION-DLZ
13th ROAD BRIDGE 89 UPDATE

Mr. Million reported that the strike by Operators Local 150 has not affected construction since Isom is non-union. Rainy weather has delayed pouring the concrete cap on Pier 2, and the project is now only 35% complete, and will not be complete by the July 18 deadline. Because of the high river levels and rainy weather, Mr. Million feels that INDOT will likely grant a 14-day extension to August 1. He has informed the contractor that construction has to be complete by Labor Day. Isom is subject to a \$5,000 penalty for each day beyond the deadline.

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