

**MARSHALL COUNTY BOARD OF COMMISSIONERS**  
**MINUTES**  
**MONDAY, JULY 18, 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, July 18, 2011, for a regular meeting. Present were Kevin Overmyer, President; Jack Roose, Vice President; Greg Compton, Member; County Attorney James Clevenger and Auditor Penny Lukenbill. The meeting was opened in due form and the business before it heard.

**SHERIFF TOM CHAMBERLIN**  
**PREPAYMENT REQUEST-VEHICLE PURCHASE**

The Sheriff reported he has purchased a 2011 Dodge Charger to replace the recently totaled 2010 Crown Victoria, and requested prepayment approval of the invoice from Country Auto for \$23,297. The purchase price will be covered by the insurance settlement of \$14,437, \$6,750 from his vehicle purchase line, and a \$2100 trade-in allowance on a 2000 Taurus. He plans to use the accessories and electronic equipment from the damaged car.

**Jack Roose moved, seconded by Greg Compton, to approve the prepayment of the invoice to Country Chevrolet for \$23,297, covering the purchase of a 2011 Dodge Charger for the Sheriff's Department. Motion carried 3-0.**

**COUNTY COUNCIL RECOMMENDATION**  
**CENTRAL DISPATCH COMMITTEE**

County Council member Ward Byers presented a recommendation from the County Council to form a committee to study the implications of a central dispatch system. The Council feels it is important to include all those involved, providing an opportunity to discuss the impact of proposed services, as well as funding options, fee structures, and agreement language.

Plymouth Mayor Mark Senter was also present, and spoke in support of forming the committee, which he feels should include civil leaders of all jurisdictions to increase understanding and cooperation among everyone affected.

Mr. Byers stated that the timeframe for completing recommendations should be left to the committee, but that he would like to have a recommendation by the first of next year.

**Jack Roose moved, seconded by Greg Compton, to support the County Council's recommendation to form a committee of representatives from the County Commissioners, County Council, and all local entities to discuss central dispatch, and to appoint Kevin Overmyer as the Commissioners' representative to the committee. Motion carried 3-0.**

Mr. Overmyer recommended that he and Mr. Senter and the Council's representative contact each of the towns and townships, asking them to select their representatives for the committee.

**WAYNE LAMBERSON**  
**DRAINAGE CONCERN**

Wayne Lamberson of 1518 Lilac Road, LaPaz, advised the Commissioners of an ongoing drainage problem involving standing water on his property, resulting in a loss of nearly two acres. He explained that an 8-inch tile drains into a swamp, but feels roots from nearby trees may be obstructing the tile. He requested that the Commissioners provide some remedy for the standing water. Mr. Haeck stated that the Highway Department is preparing to dig a catch basin on the east side of Lilac and install a new tile under the road to improve the situation. The Commissioners stated their work is limited to the county right-of-way.

## COUNTY ATTORNEY REPORT

County Attorney James Clevenger presented his report, which included:

### Old Business:

Jail sewer line easement: The legal descriptions have been forwarded to the appraisers at DLZ, who should be forwarding a quote soon. Mr. Clevenger has advised Mr. Eckard's attorney that the conditions he requested were a matter for the City rather than the County, and that he should contact Mr. Clevenger if he wishes to agree to a purchase. Otherwise, the county will need to secure the property through eminent domain. AZZ Galvanizing has been contacted by letter.

US 31 Relinquishment: INDOT is still analyzing their cost matrix for the various relinquishments.

Wind energy matters: Mr. Clevenger reiterated his recommendation to hire attorney Rick Hall of Barnes & Thornburg, and accountant Todd Samuelson with Umbaugh, to provide specialized consultation in dealing with firms proposing to build wind turbine farms in the county. He stated that the benefit of their expertise in assisting other counties would more than offset their fees, which would be paid under an economic development agreement required by the zoning ordinance.

**Jack Roose moved, seconded by Greg Compton, to enter into letters of engagement with Rick Hall of Barnes & Thornburg, and Todd Samuelson of Umbaugh, for consultation on wind energy issues in Marshall County. Motion carried 3-0.**

Barnes and Thornburg also included a separate consent form advising of a possible conflict of interest in their representation of ITAMCO.

### New Business:

Marshall County Council on Aging grant application: Jackie Wright has delivered the applications for federal funds to support various public transportation projects. The Commissioners will need to approve the application and a resolution at the August 1 meeting.

Great Lakes Labs contract: The contract is identical to previous years' contracts, but does provide for a 10% cost increase from \$38,400 to \$42,240 per year.

Sheriff: The Sheriff has scheduled a meeting with the Town of LaPaz on August 1 to discuss law enforcement. Commissioner Roose received notice along with Mr. Clevenger.

## AUDITOR REPORT

Minutes of the July 5, 2011 meeting: **Jack Roose moved, seconded by Greg Compton, to approve the minutes of the July 5, 2011 meeting as presented. Motion carried 3-0.**

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

2012 personnel requests: The Auditor distributed a report of the personnel requests from each department for the 2012 budget. As required by statute, the Commissioners will review the requests and make their recommendations to the County Council.

## NEAL HAECK - HIGHWAY REPORT

Road cut: CenturyLink has requested a 10,788 ft road bore on Lincolnway, Iris and 9B Road between Lincolnway and 9A road to bury fiber optic cable. The surveyor has approved the request.

**Jack Roose moved, seconded by Greg Compton, to approve the request from CenturyLink for a road bore on Lincolnway, Iris and 9B Road. Motion carried 3-0.**

Hickory Road Bridge #81: The County's application for Federal funds to assist with this construction has been declined for 2011. The bridge has a sufficiency rating of less than 50%, which qualifies the project for federal assistance, but no funds are presently available. Mr. Haeck will continue to work on securing Federal funding.

Pierce Street Bridge #225: The first pre-construction meeting is set for July 20 with Northern Indiana Construction. Work could begin soon, with a scheduled completion date of May 23, 2012.

Muckshaw Road rail crossing: Work has now been completed.

Miscellaneous: Mr. Haeck reviewed the financial status of several ongoing projects: 13<sup>th</sup> Road Bridge invoices are paid and up-to-date. The 10% match on the Pierce Street Bridge #225 project

has been paid. Substantial savings has been realized on the Pine Road project due to the fact that the Highway Department hauled material and the demucking process was not as extensive as originally estimated.

**JEFF MILLION – DLZ**  
**13<sup>TH</sup> ROAD BRIDGE UPDATE**

Mr. Million reported that this project was scheduled for completion on July 13, but remains substantially behind schedule. The contractor has requested an extension of 87 days, claiming delays in relocation of the utilities, wet weather and flooding this spring. INDOT has approved 28 days, extending the completion date to August 10, after which damages will accrue at \$5,000 per day. Mr. Million presented for the Commissioners' approval a change order for the first five days' extension.

During discussion, Mr. Overmyer stressed that DLZ was hired to keep the contractor on schedule. Mr. Million agreed, but stated that he cannot tell the contractor how to do the job or direct the schedule. With a second crew, the contractor is now working on both sides of the river, and Mr. Million remains hopeful that the project can be completed by Labor Day.

Mr. Clevenger pointed out that DLZ's contract expired on July 13 and that the County is now responsible for additional charges by the company as a result of the delays. He recommended that the Commissioners consider requesting reimbursement from the contractor if the additional 23 days are granted.

**Jack Roose moved, seconded by Greg Compton, to approve the change order for a five-day extension on the 13<sup>th</sup> Road Bridge. Motion carried 2-1, with Mr. Overmyer voting against.** Mr. Roose stated that it will be difficult to approve subsequent requests for additional days.

Mr. Haeck stated that the Highway Department will repair damages to Muckshaw Road, which have been attributed in large part to hauling by the contractor.

**ADJOURNMENT**

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

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**Kevin Overmyer, President**

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**Jack Roose, Vice President**

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**Greg Compton**

**Attest:** \_\_\_\_\_  
**Penny Lukenbill, Auditor**