

**MARSHALL COUNTY BOARD OF COMMISSIONERS
MINUTES
MONDAY, AUGUST 1, 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, August 1, 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.

**CLYDE AVERY – EMA DIRECTOR
MONTHLY REPORT**

Meetings attended: Commissioners; LEPC coordinator; 911 supervisor; EMA Directors; District 2 Planning Council & General Assembly; Starke County EMA director.

Miscellaneous: Monthly Radio check and Web EOC status change; monthly IDHS conference call; monitored severe weather warnings; monitored extreme heat emergency and arranged cooling centers; assisted Sheriff and Bourbon Town Council member with NIMSCAST;

Grants update: Continue to work on grant for security enhancements at the Courthouse.

Training: Participated in Public Information Officer Webinar; NIMSCAST Webinar;

Community Outreach: Programmed 106 All Hazard Emergency Alert radios at Martin's Supermarket on July 16.

General: Emergency responses: Lightning fire in Argos; Garden Court Downtown fire and request to assist with emergency shelter; gas leak in LaPaz;

During the recent extreme heat, he helped establish emergency cooling centers around the county, which went largely unused.

Recently distributed draft of the Ingestion Pathway Emergency Preparedness plan, necessary because the county is in the 50-mile ingestion pathway zone of Cook Nuclear Power Plant. The deadline for review is August 5, with adoption September 6.

Annexes: Mr. Avery requested formal adoption of several pending changes to the County Comprehensive Emergency Management Plan:

Annex C – “Direction and Control” provides direction for managing incidents at the scene and in the Emergency Operations Center.

Jack Roose moved, seconded by Greg Compton, to approve Resolution 2011-06 – Resolution of Emergency Direction and Control Annex C. Motion carried 3-0.

Annex B – “Emergency Public Information” will incorporate changes which include EMA on Facebook and Twitter.

Jack Roose moved, seconded by Greg Compton, to approve Resolution 2011-07 – Amended Resolution of Public Information – Annex B. Motion carried 3-0.

Annex D – “Communications” directs the protocol for use of 800 MHz radios purchased through a grant to Plymouth Fire Department.

Greg Compton moved, seconded by Jack Roose, to approve Resolution 2011-08 – Amended Resolution of Communications Plan Annex D. Motion carried 3-0.

Miscellaneous: Increased requirements for the 2011-2012 EMPG capabilities assessment will make it much more difficult to achieve the necessary points to receive the 50% salary and benefits reimbursement grant. In his discussions with the Indiana Department of Homeland Security, he has informed them that he feels the process is not equitable for one person agencies and will make it much more difficult for smaller agencies to attain sufficient points.

**KEN JONES – WIGHTMAN-PETRIE
KOONTZ LAKE SEWER PROJECT UPDATE**

Mr. Jones provided an update on the Koontz Lake sewer project, which began in January and consists of two phases – the collection system and treatment plant. For the collection system

portion, Selge Construction has installed the force main, as well as 249 of the 505 grinder pumps north and west of the dam. They are now working their way south and east toward Marshall County. After NIPSCO connects the electricity, testing of the pumps and force main will proceed. Three change orders have been submitted for three control panels and a pump, resulting in a net increase of \$6,085. The \$5.6 million project is 70% complete.

Theneman Construction, the contractor for the treatment plant, will soon pour the walls. According to their updated schedule, the plant should be complete by the end of October. One change order has been submitted covering a replacement bar screen, resulting in an increase of \$7,400. The \$2 million project is 50% complete.

Mr. Jones reported that of the 920 customers on the project, only 30 have contacted them with concerns. They are working to maintain good communications and have posted a status map with their contact information in several prominent public places around the lake, as well as on their web site.

MARSHALL COUNTY ELECTION BOARD **PRECINCT BOUNDARY CHANGES**

Marshall County Election Board members Steve Harper, Roger Wise and Clerk Julie Fox were present to discuss changes to the county's election precinct boundaries. Mr. Harper explained that after each census, the state is required to examine voting districts and suggest changes needed as a result of redistricting. Indiana code requires that the Commissioners review the current precinct files and notify the state of any errors within 30 days. The Election Board is proposing changes to the non-contiguous boundaries of Center 7. The majority of this precinct lies south of Plymouth, with the remainder lying north of the city. They intend to combine the northern portion of Center 7 with Center 5, affecting approximately 60 voters. As a result of redistricting, the Election Board will examine the congressional and legislative district and ensure that commissioner and council districts are approximately equal in population. The Commissioners must first send a Notice of Errors to the State Election Commission, and the Election Board will then have until January 1 to make the necessary changes.

Greg Compton moved, seconded by Jack Roose to sign the Notice of Errors, notifying the State Election Commission of necessary adjustments to Marshall County's election precincts. Motion carried 3-0.

RON WIREMAN – DLZ **PINE ROAD UPDATE**

The peat removal is now complete, and ditch grading is approximately 30% complete. Rieth Riley will return next week and complete the pipe structure placement and sub-grade treatment, which must cure for three days. Subsurface drainage will then be installed and asphalt paving should begin the week of August 29. The project is now approximately 67% complete. The recent strike resulted in a delayed completion date of October 17, but Mr. Wireman estimated that Pine Road may be open to traffic as early as the third week of September.

MICHAEL MARSHALL-IT DIRECTOR **NEW PHONE SYSTEM**

Mr. Marshall presented a work order for the installation of the new telephone system. The system was originally scheduled to be up and running by August 19, but was postponed due to a requested change in appropriations from Rainy Day to Cum Cap. Mr. Marshall reported that although the cost of the equipment has increased 7%, New Paris Telephone will honor the original price.

Jack Roose moved, seconded by Greg Compton, to approve the worker order authorizing New Paris Telephone to proceed with the installation of the new phone system for the county. Motion carried 3-0

JERRY FUSSELL
MARSHALL COUNTY LAKES & RIVERS ASSOCIATION
GRANT APPLICATION

On behalf of the Marshall County Lakes and Rivers Association, Jerry Fussell, accompanied by Joe Skelton, reported that they are applying for a \$1500 grant from the Marshall County Community Foundation to assist with establishing a 501C Corporation, which will enable them to pursue fund-raising efforts. The purpose of the association is to educate residents on improving water quality, discuss legislative issues and address common problems facing all county waterways. Membership includes representatives from each lake, owners association and conservation club. The Commissioners would sponsor the pass-through grant, with no financial commitment.

Jack Roose moved, seconded by Greg Compton, to sponsor the Marshall County Lakes and Rivers Association grant application with the Marshall County Community Foundation, with the understanding that the county has no financial responsibility. Motion carried 3-0.

COUNTY ATTORNEY REPORT

County Attorney James Clevenger presented his report, which included:

Old Business:

Jail sewer line easement: Mr. Eckard's attorney has advised that he is willing to sell an easement for the average of two appraisals. Mr. Clevenger recommended hiring local appraisers Steve Harper and Adam Mann, who are regularly appointed by the courts in condemnation cases. The fee for each will be \$450.00. He has not yet heard from AZZ Galvanizing regarding the easement proposal.

Greg Compton moved, seconded by Jack Roose, to hire Steve Harper and Adam Mann to conduct appraisals of the Eckard and Whitt (AZZ Galvanizing) properties for the purpose of obtaining easements for the jail sewer line. Motion carried 3-0.

Marshall County Council on Aging: Mr. Clevenger has reviewed the pass-through grant agreements for the 5317 New Freedom and 5311 public transit grants, and they are now ready for the Commissioners' approval, together with resolution 2011-05. He advised that there are several pages of regulations and which that the county relies on the Council on Aging to comply with. Jackie Wright advised that the \$139,000 INDOT grant requires 100% matching funds, which they receive from several agencies, including the commissioners. MCCOA has a budget of \$279,000 and owns eight public transportation vehicles.

Jack Roose moved, seconded by Greg Compton, to approve the pass-through agreement for the 2012 5311 Rural Transit Assistance Grant, together with Resolution 2011-05 authorizing the same. Motion carried 3-0.

Greg Compton moved, seconded by Jack Roose, to approve the pass-through agreement for the 5317 New Freedom Grant. Motion carried 3-0.

Ms. Wright then explained that she recently learned that the vehicles purchased through stimulus funds should have been titled in the name of Marshall County rather than the Council on Aging, and requested that the Commissioners approve re-titling the vehicles. Mr. Clevenger advised that there should be an agreement stating that the vehicles are in the County's name, but are for the use of the Marshall County Council on Aging, and that the Council will reimburse the County for the cost of insuring the vehicles.

Mr. Clevenger reported that RLS Associates recently conducted a compliance review of the Council's operations on behalf of INDOT. Several changes have been implemented involving the procurement policy, vehicle maintenance program and cash handling. Mr. Clevenger has prepared a

letter from the Commissioners to INDOT acknowledging they have reviewed the compliance report, and asked that they approve and sign it.

Jack Roose moved, seconded by Greg Compton, to approve the letter to INDOT indicating review of the compliance report prepared by RLZ Associates. Motion carried 3-0.

Great Lakes Laboratories contract: The contract for 2012 is identical to prior years, except for the 10% increase in cost from \$38,400 to \$42,240 annually.

Jack Roose moved, seconded by Greg Compton, to approve the contract with Great Lakes Laboratories at \$42,240 per year. Motion carried 3-0.

Meeting reminder: Mr. Roose and Mr. Clevenger will attend the August 1 meeting between the Town of LaPaz and the Sheriff.

New Business:

Bridge 89-13th Road Bridge: Mr. Clevenger recommended that the Commissioners officially notify Isom Construction, their bonding company, and INDOT that the 13th Road bridge has not been completed as specified in the contract. The contract states that the contractor is liable for damages of \$5,000 per day if the construction deadline is not met. The project was originally scheduled for completion July 13, but the contractor requested an extension based on wet weather and flooding this spring. INDOT has granted 28 days, extending the completion date to August 10, after which damages will accrue at \$5,000 per day. Additional days are still under consideration by INDOT. The Commissioners noted that although there may have been conditions that prevented work, there also have been many days of good weather to allow better progress.

Jack Roose moved, seconded by Greg Compton, to direct the County Attorney to draft a letter to INDOT, advising of the Commissioners' dissatisfaction with the progress of the 13th Road Bridge construction, with copies to Isom Construction, DLZ, MACOG and the contractor's bonding company. Motion carried 3-0.

NEAL HAECK - HIGHWAY REPORT

Road cuts:

Frontier: **Jack Roose moved, seconded by Greg Compton, to approve the request from Frontier for a 25' bore on #19B Road between State Road 331 and Birch Road in Tippecanoe Township for line repairs. Motion carried 3-0.**

Nipsco: **Jack Roose moved, seconded by Greg Compton, to approve the request from Nipsco for a 300' cut on 3rd Road between Oak and Olive in North Township to install new gas service. Motion carried 3-0.**

CenturyLink: **Jack Roose moved, seconded by Greg Compton, to approve the request from Century Link for a 3700' cut and a 50' bore on Old US 30, between Iris and Hawthorn Road in Center Township to bury fiber for a service upgrade. Motion carried 3-0.**

CenturyLink: **Greg Compton moved, seconded by Jack Roose, to approve the request from Century Link for a 60' bore and a 12,144 cut on 17B, Linden and 19th, between 17B and US 31 in Green Township for a service upgrade to an AT&T cell tower. Motion carried 3-0.**

Century Link: **Greg Compton moved, seconded by Jack Roose, to approve the request from Century Link for a 50' bore and an 8,845 cut on West 14B and Peach between Olive Trail and Peach in Green Township to provide service to an AT&T cell tower. Motion carried 3-0.**

Pierce Street Bridge #225: Work will begin August 8, closing the bridge for 100 days, and will be complete by May 23, 2012. The appropriate officials have been notified of the closure.

13th Road Bridge: It is necessary to replace material in a soft area on the west side of the bridge. In an effort to save time and money, Mr. Haeck requested that the Highway Department be allowed to haul the excavated dirt away and bring in material from the county's gravel pit. Isom was to have prepared a change order, but has not yet done so, and Mr. Haeck asked for verbal approval of the change order to allow work to begin as soon as possible.

Jack Roose moved, seconded by Greg Compton, to verbally approve the pending written change order allowing the Highway Department to transport excavated material away from

the 13th Road bridge construction site, and bring fill material from the county gravel pit.
Motion carried 3-0.

AUDITOR REPORT

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

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

COMMISSIONERS ITEMS

Boston Mutual Agent of Record designation: The Auditor presented for approval and signatures a letter to Boston Mutual Life Insurance Company designating Michael Kuhn of GLG America as the agent of record for Marshall County.

Jack Roose moved, seconded by Greg Compton, to designate Michael Kuhn as the agent of record representing Boston Mutual Life Insurance Company for Marshall County. Motion carried 3-0.

Building Inspector: Mr. Overmyer requested that the part-time building inspector position be restored to full time. He stated that Chuck DeWitt has been working more than four hours per day in order to complete requested inspections. He has been keeping a log of hours worked and inspections performed, which shows a substantial increase in activity. He is also updating procedures and technology in an effort to streamline the Building Department. Mr. Overmyer recommended a salary of \$38,000 for the full-time position, which was originally budgeted at \$47,000.

Jack Roose moved, seconded by Greg Compton, to approve the full-time status for the Building Inspector at \$38,000, with a 90-day probationary period. 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 10:35 a.m. Motion carried 3-0.**

Kevin Overmyer, President

Jack Roose, Vice President

Greg Compton

Attest: _____
Penny Lukenbill, Auditor