

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
JANUARY 2, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 8:30 a.m., Tuesday, January 2, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner and Mike Delp; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

REORGANIZATION OF THE BOARD OF COMMISSIONERS

Kurt Garner moved, second by Mike Delp, to retain Kevin Overmyer as President of the Marshall County Board of Commissioners for 2018. Motion carried 3-0.

Mike Delp moved, second by Kevin Overmyer, to retain Kurt Garner as Vice President of the Marshall County Board of Commissioners for 2018. Motion carried 3-0.

HIGHWAY DEPARTMENT

Jason Peters, Highway Supervisor, presented a road cut from NIPSCO on Union Road, between 5B Road and 6th Road, in Polk Township, at 5880 Union Road to remove Hole-Hawg drill stuck under the road. **Kurt Garner moved, second by Mike Delp, to approve the road cut for NIPSCO on Union Road between 5B Road and 6th Road, in Polk Township, to remove a Hole-Hawg drill stuck under the road. Motion carried 3-0.**

Mr. Peters presented Mailbox Regulations for County Residents to provide clarity to the Highway Department and Marshall County residents when a mailbox is damaged from either being hit by a plow or thrown snow stating that the County does not currently have a formal policy. Commissioner Garner stated that it may be appropriate to allow a stipend rather than provide a standard mailbox. Discussion was held concerning the mailbox set back. The Commissioners will take the matter under advisement and address it at an upcoming meeting.

Mr. Peters discussed residents placing steel posts as markers within a foot or two feet of the edge the road and the hazard it poses to vehicles and underground utility lines and suggested that fiberglass rods be used instead.

Commissioner Delp stated that there is a railroad iron placed at the corner of 7th Road and King Road and believes it to be a hazard and would like to see it removed or cut off.

Commissioner Garner requested that the directional arrow sign that was removed at the round-about following an accident on Christmas Eve day be replaced on the north side of the approach.

Mr. Peters explained that the road crews were out over the weekend and the roads are in good condition. They are expecting another load of Boost, which aids in clearing ice off the roads.

Mr. Peters stated that the Michiana Area Council of Governments (MACOG) Quarterly Tracking & Review meeting is scheduled for tomorrow, Wednesday, January 3rd at 9:00 a.m. and Call for Projects at the LaPorte District of INDOT on January 9th.

Commissioner Delp requested that the Commissioners continue to meet with the Highway Department for a monthly meeting to be held on the last Friday of the month.

ATTORNEY REPORT

Old Business:

Ricoh Copy Machine Contract: One of the master agreements has been revised as requested by Attorney Clevenger, but he has not seen the final draft. Attorney Clevenger spoke to both Ricoh Representative, Patrick Nau, and Councilperson Bill Githens, who asked to make redline revisions to the other maintenance agreement. Upon completion, the revisions will be submitted to the Ricoh legal team. Attorney Clevenger was advised that most of the proposed revisions were acceptable to Nau and he thinks they would also be acceptable to the Ricoh legal team. Mr. Nau is to provide Attorney Clevenger a copy of the paperwork verifying Ricoh as the winning vendor to the state governmental bidding process.

Neal Haeck: The Prosecutor and Mr. Haeck's attorney rescheduled an earlier hearing for January 4th at 11:00 a.m. Judge Bowen requested that Attorney Clevenger attend which he is planning to do.

Agreement with Plymouth for Planning Services: Attorney Clevenger sent a letter to Sean Surrisi, Plymouth City Attorney, advising that the proposed agreement needed to be modified if the County was going to approve it for the first three months of 2018. Mr. Surrisi has been on vacation and has not had the opportunity to deal with this matter.

New Business:

Attorney Contract: Attorney Clevenger submitted the Duties and Compensation Agreement between Marshall County Attorney and the Board of Commissioners of Marshall County for 2018, stating that it is identical to the 2017 Agreement. **Kurt Garner moved, second by Mike Delp, to approve the Duties and Compensation Agreement between the Marshall County Attorney and the Board of Commissioners of Marshall County for the calendar year 2018. Motion carried 3-0.**

Sheriff's Salary Contract: Attorney Clevenger submitted the Sheriff's Salary Contract for 2018 which is identical to the 2017 agreement, except the salary, which has increased to \$88,071.10. **Kurt Garner moved, second by Mike Delp, to approve the Sheriff's Salary Contract with the salary adjustment for 2018. Motion carried 3-0.**

Drainage Board: An attorney for the Indiana DNR called concerning a letter sent by Attorney Clevenger regarding the Lake of the Woods weir gate and the order concerning the lake water level. The DNR is concerned about appearing at a public meeting and discussing the situation since it is in litigation with the farm group led by Houin. The DNR attorney proposed a telephone conference instead with one or two board members to explain its position. A time will be arranged with Commissioner Garner and Surveyor Craig Cultice sometime the week of January 8th.

AUDITOR REPORT

December 29, 2017 minutes: Submitted for approval. **Kurt Garner moved, second by Mike Delp, to approve the Commissioner minutes of December 29, 2017. Motion carried 3-0.**

January monthly claims: **Mike Delp moved, second by Kurt Garner, to approve the January monthly claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

COMMISSIONER BOARD APPOINTMENTS

Argos Library Board: **Kurt Garner moved, second by Mike Delp, to appoint Kathleen Griffin to the Argos Library Board for a term of four years, from January 1, 2018 to December 31, 2021. Motion carried 3-0.**

Culver-Union Township Board: **Mike Delp moved, second by Kurt Garner, to appoint Anton P. Zurbrugg to the Culver-Union Township Library Board for the remainder of the four year term of Teri Baker, from January 1, 2018 to December 31, 2020. Motion carried 3-0.**

Bremen Public Library Board: **Kurt Garner moved, second by Mike Delp, to appoint Allison Mayer to the Bremen Public Library Board for a term of four years, ending July 9, 2021. Motion carried 3-0.**

Argos Plan Commission: **Mike Delp moved, second by Kurt Garner, to reappoint Ray Trump to the Argos Plan Commission for a term of four years, from January 1, 2018 to December 31, 2021. Motion carried 3-0.**

Culver Plan Commission: **Kurt Garner moved, second by Mike Delp, to reappoint Bill Harris to the Culver Plan Commission for a term of four years, from January 1, 2018 to December 31, 2021. Motion carried 3-0.**

BZA Appointment: **Mike Delp moved, second by Kurt Garner, to reappoint Trent Bennett, Citizen Representative, to the BZA Board for a term of four years, from January 1, 2018 to December 31, 2021. Motion carried 3-0.**

ABC Board Appointment: **Kurt Garner moved, second by Mike Delp, to reappoint Jan Fisher to the Local Alcoholic Beverage Board for a term of one year, from January 1, 2018 to December 31, 2018. Motion carried 3-0.**

Marshall County Drainage Board: **Mike Delp, moved, second by Kurt Garner, to reappoint Randy Glinge and Dan Voreis to the Marshall County Drainage Board for a term of one year, from January 1, 2018 to December 31, 2018. Motion carried 3-0.**

MACOG Board: **Kurt Garner, moved, second by Mike Delp, to reappoint Kevin Overmyer to the MACOG Board for a term of one year, from January 1, 2018 to December 31, 2018. Motion carried 3-0.**

MACOG Regional Economic Development Board: **Mike Delp moved, second by Kurt Garner, to reappoint Trend Weldy, Chamber Executive for Town of Bremen, and Joe Martin, Jr., Private Sector Representative, to the MACOG Regional Economic Development Board for a term of one year, from January 1, 2018 to December 31, 2018.** Motion carried 3-0.

Marshall County Economic Development RDA Board: **Kurt Garner moved, second by Mike Delp, to reappoint Roger Umbaugh to the Marshall County Economic Development RDA Board for a term of three years, from January 1, 2018 to December 31, 2020.** Motion carried 3-0.

CVB (Tourism): **Mike Delp moved, second by Kurt Garner, to appoint Linda Rippy, who is replacing David Bacon, to the CVB (Tourism) Board for a term of two years, from January 1, 2018 to December 31, 2019.** Motion carried 3-0.

Sick Bank Board: **Kurt Garner moved, second by Mike Delp, to appoint Rhonda Ferguson, Sheriff Matt Hassel and Mindy Relos-Penrose to the Sick Bank Board for a term of one year, from January 1, 2018 to December 31, 2018.** Motion carried 3-0.

Personnel Committee: **Mike Delp moved, second by Kevin Overmyer, to reappoint Kurt Garner to the Personnel Committee for a term of two years, from January 1, 2018 to December 31, 2019.** Motion carried 3-0.

Central Dispatch Committee: **Kurt Garner moved, second by Mike Delp, to reappoint Kevin Overmyer to the Central Dispatch Committee for a term of one year, from January 1, 2018 to December 31, 2018.** Motion carried 3-0.

Unsafe Building Committee: **Mike Delp moved, second by Kevin Overmyer, to reappoint Kurt Garner to the Unsafe Building Committee for a term of one year, from January 1, 2018 to December 31, 2018.** Motion carried 3-0.

Shady Rest Committee: **Mike Delp moved, second by Kevin Overmyer, to reappoint Kurt Garner to the Shady Rest Committee.** Motion carried 3-0.

Safety Committee: **Kurt Garner moved, second by Kevin Overmyer, to reappoint Mike Delp, to the Safety Committee for a term of one year, from January 1, 2018 to December 31, 2018.** Motion carried 3-0.

BUILDING INSPECTOR

Commissioner Overmyer explained that Building Inspector Chuck DeWitt requested permission to attend the Indiana Association of Building Officials on January 13th and 14th at the Courtyard Muncie at Horizon Convention Center in Muncie, Indiana. **Mike Delp moved, second by Kurt Garner, to allow Chuck DeWitt to attend to the Indiana Association of Building Officials in Muncie, Indiana on January 13th and 14th.** Motion carried 3-0.

Shady Rest Committee: Commissioner Garner stated that the next Committee meeting will be held on January 10th at 6:00 p.m. in the Commissioners Room 203.

PUBLIC COMMENT

No public comments.

ADJOURNMENT

With no further business to come before the board **Mike Delp moved, second by Kurt Garner, to adjourn the meeting at 9:06 am. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST:

Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
JANUARY 16, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioners Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 9:30 a.m., Tuesday, January 16, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President and Michael A. Delp, Member; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

ARGOS TOWN COUNCIL

Argos Town Clerk-Treasurer Lisa Mullaney, and Council member Suzanne Umbaugh, presented an Intergovernmental Agreement between Marshall County and the Town of Argos for Building and Planning Services, an annual agreement which includes services, advice and assistance through the County Building Commissioner. The Town agrees to pay the County an annual fee of three thousand dollars (\$3,000) for 2018 services as listed in the agreement with said sum paid on a quarterly basis to the County. Attorney Clevenger stated that he has reviewed the Agreement and it appears to be modeled after the agreement with the Town of Culver, with the exception of the Town of Culver paying two thousand dollars (\$2,000) annually, which is expected to increase to three thousand dollars (\$3,000) upon renewal. Ms. Mullaney thanked Chuck Dewitt and Ralph Booker for the assistance provided to date. **Mike Delp moved, second by Kurt Garner, to approve the Intergovernmental Agreement between Marshall County and the Town of Argos for Building and Planning Services in the sum of three thousand dollars (\$3,000).**
Motion carried 3-0.

RICOH COPIER CONTRACT

Councilman Bill Githens and Ricoh representative, Patrick Nau, explained that Attorney Clevenger has been working with Ricoh on the copy machine contracts, Master Purchase-Lease Agreement and Service Agreement. Attorney Clevenger explained that Councilmember Githens, in an effort to save money, discovered that Ricoh received the State bid which Ricoh has confirmed. Attorney Clevenger stated that some of the requested revisions have been made. One requested change that did not occur was maintenance costs in some instances where the contract term exceeds twelve months can be increased up to 15% by Ricoh without notice to the County. The contract is ready for approval which sets up the framework and each purchase order complies with the Master Sales Agreement. Mr. Nau explained that Ricoh is in the third year of a four year State award and at the end of the term, Ricoh and the State can agree to extend the contract for two years. Mr. Nau clarified that the Master Lease Agreement and Service Agreement have fixed payments for a 60 month period and at the end of the term, the equipment may be purchased for one dollar (\$1). Community Corrections Director Ward Byers, requested clarification regarding the policy and procedure for department purchases and whether it was necessary to seek the Commissioners approval prior to entering into the Agreement. It was discussed that all department sub-agreements fall under the Master agreement and it is not necessary to seek prior approval; however, funding will need to be secured through Council prior to any agreements being executed.

Kurt Garner moved, second by Mike Delp, to approve the Ricoh Master Lease Agreement and Service Agreement and allow the President of the Commissioners to execute the agreement. Motion carried 3-0.

ELECTION BOARD

Clerk Deb VanDeMark presented the 2018 Infinity Voting System Annual Maintenance Agreement in the sum of \$12,000 which has not changed from years past. **Mike Delp moved, second by Kurt Garner, to approve the 2018 Infinity Voting System Annual Maintenance Agreement in the sum of \$12,000. Motion carried 3-0.**

GIBSON INSURANCE

Brian Kubicki, Representative of Gibson Insurance, presented the Insurance Services Agreement between Marshall County and Gibson Insurance, along with the Statement of Values. Mr. Kubicki stated that the total program cost has reduced by 6.4% from \$530,800 to \$498,060. Changes in Marshall County's exposures, including increases in payroll and property values, equate to an increase of just under 1%. Insurance company rates reduced by 6.77% overall with the majority of the rate decrease seen in the Workers Compensation policy. The workers compensation decrease is largely driven by two factors; decreasing rates in the State of Indiana overall and a reduction in the experience modification factor from 1.22 to 1.07 which reduced the overall rate for this policy by 14.23%, a reflection of the work done by the Safety Committee. Property exposure, driven primarily by building value, increased by 5.8% over last year. The property rate is down by 1.5%. Travelers did not require increases in building values, but Mr. Kubicki believes it has been more than five years since appraisals have been completed and suggests having appraisals completed for the County building and Highway Garage. Mr. Kubicki explained that there is a separate \$2,000,000 building limit for Shady Rest, with a \$25,000 deductible and stated that it is currently insured at actual cash valuation, not replacement value with coverage only being carried for no more than a six month period from January 31, 2018. If the Shady Rest location has not been sold, a separate policy will likely be required. The Gibson loss prevention fee has been reduced and Gibson would like to perform a risk assessment and prioritize items for further evaluation. County Attorney Clevenger asked if the County was covered for cyber security. Mr. Kubicki explained that the County does have some coverage, but a separate policy may be required and he will work with IT Director, Michael Marshall to evaluate cyber security coverage. **Kurt Garner moved, second by Mike Delp, to approve the Insurance Services Agreement and Statement of Values and to allow the President of the Commissioners to execute the documents.**

Motion carried 3-0.

SHERIFF DEPARTMENT

Sheriff Matt Hassel requested permission for two employees to travel out-of-state to attend the National Interdiction Conference in Denver, Colorado, from April 29th through May 4th, which will help officers identify vehicle concealment areas. The costs will be paid by the Prosecutor and the Sheriff through a JAG grant secured by the Town of Bremen. **Mike Delp moved, second by Kurt Garner, to approve the out-state travel request for two employees to attend the National Interdiction conference from April 29th through May 4th in Denver, Colorado, with the costs incurred by the Sheriff and Prosecutor. Motion carried 3-0.**

TREASURER

Treasurer Angie Birchmeier explained that in previous years, the tax billing contract has been with Thomson Reuters in partnership with Worrell Corporation. Thomas Reuters has made a procedural change in transferring contract service liability and billing to Worrell Corporation. The partnership between Thomas Reuters and Worrell Corporation for data interface of the MVP property tax system remains intact. This change will have no effect in the terms and conditions of service to Marshall County. Ms. Birchmeier presented the renewal contract for 2018 stating that the estimated printing costs would be \$10,371.80 and estimated postage costs would be \$10,187.50 based on last year's tax file, representing a decrease in cost from last year. Ms. Birchmeier requested the Commissioners sign the Letter of Authorization allowing Worrell Corporation to prepare and mail the 2018 tax bills. Attorney Clevenger stated that he has reviewed the contract and brought a few minor changes to the Treasurer's attention. **Mike Delp moved, second by Kurt Garner, to approve the contract between Worrell Corp and Marshall County for the Worrell MVP Property Tax Bill Outsourcing Program 2018 Contract Renewal. Motion carried 3-0.**

HIGHWAY DEPARTMENT

Highway Supervisor Jason Peters presented the Agreement between Marshall County Board of Commissioners and Walsh & Kelly for resurfacing services performed on North Michigan Road (SR 931) from 1st Road to Tyler Road, approximately 1.4 miles, in the sum of \$325,250. Mr. Peters explained that this project was originally part of the Community Crossings Grant, but was not awarded. **Kurt Garner moved, second by Mike Delp, to approve the Agreement between Marshall County Board of Commissioners and Walsh & Kelly for resurfacing services performed on North Michigan Road in the sum of \$325,250. Motion carried 3-0.**

Mr. Peters presented three call for projects: Veterans Parkway Phase II, Bridge #87 - 11th Road over the Yellow River and Bridge #120 - South Upas Road over the Yellow River.

Mr. Peters requested an update on the mailbox replacement procedure, explaining that 30-50 mailboxes have been replaced and clarified that it is not the intent to have every mailbox in the County moved back off the road. Discussion was held and Mr. Peters was requested to research the mailbox policies of surrounding counties.

PLAN COMMISSION

Director Ralph Booker provided a PowerPoint presentation concerning 17-PC-23 Stockberger Trucking, a right-of-way request from Stockberger Trucking for a five lot subdivision located on parcels 50-32-10-000-007-000-018 and 50-32-10-000-013-000-018, at 11508 and 11652 11th Road, Plymouth, zoned R-2 Suburban Residential District. Mr. Booker explained that this was approved by the Plymouth Plan Commission on November 7, 2017. Further explaining that the right-of-way is to be dedicated to Marshall County and would require the Commissioners signature in order to be accepted. **Kurt Garner moved, second by Mike Delp, to accept the Stockberger Addition right-of-way dedication on 11th Road. Motion carried 3-0.**

HEALTH DEPARTMENT

Administrator Christine Stinson stated that she recently hired an Emergency Preparedness Coordinator who will start on January 22nd and is requesting permission for the new employee and Ms. Stinson to travel out-of-state in order to attend the Radiological Emergency Preparedness Post Plume Plan Review in Benton Harbor, Michigan, for a total of five days. The first course titled, AWR-317 Radiological Emergency Preparedness Concepts Course is February 6-7, 2018 and the second course titled, MGT-453REP Post-Plume Plan Review Course is March 20-22, 2018. These courses are for any emergency management program within fifty miles of a nuclear power plant and are designed to assist in developing a plan in response to a nuclear incident. **Kurt Garner moved, second by Mike Delp, to approve the out-of-state travel request on February 6th and 7th and March 20th – 22nd in Benton Harbor, Michigan to attend the Radiological Emergency Preparedness Post Plume Plan Review. Motion carried 3-0.**

ATTORNEY REPORT

Old Business

City of Plymouth Planning Services: Plymouth City Attorney, Sean Surrisi, revised the agreement as requested by the Commissioners at the December 18, 2017 meeting. If signed by the Commissioners it will be return to Mr. Surrisi for signature by the City of Plymouth.

New Business:

Amy Bacewic v. Sheriff & Quality Correction Care: Plaintiff filed suit, County received a tort claim notice in May 2017 alleged by the Plaintiff that she did not receive proper medical care at the jail. The lawsuit is brought under the ADA, claiming discrimination under the Act. Our insurance company adjuster has investigated the incident.

Two tort claim notices have been received regarding inmates at the jail which have been sent to Gibson Insurance and an adjuster has been assigned to begin the investigation.

AUDITOR REPORT

January 2, 2018 Minutes: Submitted for approval, Auditor Fox explained that the motion to appoint James Faulkner to the Culver Plan Commission should be omitted. Commissioner Delp stated that “Culvert Projects” at the top of page two should read “Call for Projects”.

Mike Delp moved, second by Kurt Garner, to approve the Commissioner Minutes of January 2, 2018 with the aforementioned corrections. Motion carried 3-0.

January mid-monthly claims: **Kurt Garner moved, second by Mike Delp, to approve the January mid-monthly claims as presented. Motion carried 3-0.**

Auditor Fox stated that the total revenues received as of December 31, 2017, for all funds, were \$90,301,101.62 and the total expenses were \$88,088,601.24.

COMMISSIONER ITEMS

Commissioner Garner stated that the Shady Rest Committee will be meeting February 1st at 2:00 p.m. in the Commissioners Room 203 of the County Building.

Commissioner Delp explained that Highway Supervisor, Jason Peters, has extended an Offer of Employment for the Highway Clerk. Further explaining that it is in the best interest to work together when hiring the Parts Manager and Assistant Clerk during the flux period.

Mike Delp moved, second by Kurt Garner, to allow Mike Delp and Jerry Ambrose to assist Jason Peters in the hiring process for the position of Parts Manager. Motion carried 2-1, with Kevin Overmyer voting no.

Mike Delp moved, second by Kurt Garner, to allow Mike Delp to assist Jason Peters in the selection of the Assistant Clerk. Motion carried 2-1, with Kevin Overmyer voting no.

Commissioner Delp suggested contacting Waggoner, Irwin & Scheele regarding an internal control hiring policy to assist Commissioner appointed department heads when hiring individuals. Discussion was held concerning adjusting the position descriptions to better define the position and hierarchy within the departments.

PUBLIC COMMENT

No public comment.

ADJOURNMENT

With no further business to come before the board **Kurt Garner moved, second by Mike Delp, to adjourn the meeting at 10:53 a.m. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Michael A. Delp, Member

ATTEST: _____
Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
FEBRUARY 5, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 8:30 a.m., Monday, February 5, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President and Mike Delp; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Jason Peters, Highway Supervisor, conducted a survey of adjacent counties concerning their mailbox ordinance and presented the findings for Commissioners review.

Mr. Peters stated that a culvert was replaced on 5th Road west of Plymouth-LaPorte Trail. Mr. Peters spoke with the salt supplier, who indicated that it may be possible to purchase additional salt, if needed, at the contracted price. Millings continue to be hauled in from the city and permission was requested to square off the fence to allow for a storage site. Mr. Peters received a verbal estimate for crushing asphalt at \$3.75 per ton and stone at \$4.50 per ton.

Commissioner Overmyer stated that when the Highway Department issues driveway permits it would be a good time to inform the property owner of the mailbox setback.

Commissioner Garner requested Mr. Peters provide an updated 2018 Road Plan for review at the next meeting.

DLZ

Laurie Johnson, P.E., presented a progress report of the Bridge 81 project since the last update on November 3, 2017: The current project letting date is February 7, 2018. As of last week, there are eight potential prime contractors on the plan holder list. The results will be monitored and the information communicated once it is received. DLZ was on-site last week to stake the right-of-way in preparation for clearing of the right-of-way and will work closely with Mr. Peters to be sure the trees are dropped in advance of the April 1st deadline. Once the project is awarded to the contractor, Marshall County will receive an invoice from INDOT for the required matching funds. To expedite the NTP, preparation to submit the funds to INDOT could be completed in advance of the award.

Ms. Johnson introduced Zach Dean, E1, DLZ Project Supervisor stating that he will be the day-to-day project supervisor working to ensure construction is in conformance with the plans and specifications.

COMMUNITY CORRECTIONS

Director Ward Byers explained that Kathleen Davidson submitted her resignation from the Community Corrections Board last month and is requesting that Daniel Franz be appointed to fulfill the unexpired term through 2019.

Kurt Garner moved, second by Mike Delp, to appoint Daniel Franz to the Community Corrections Board to fill the unexpired term of Kathleen Davidson through December 31, 2019. Motion carried 3-0.

OCRA GRANT

Shannon McLeod of Priority Project Resources provided an update on the OCRA Grant for the 4H Fair Board Multi-purpose Building and submitted documents for approval. The application request is for \$500,000 with a local match of \$300,000 for the construction of an 8,000 square foot metal building which will accommodate 400 plus people. In lieu of the annual allotment from the County, an upfront sum of \$215,000 will be provided upon letting of the construction bid in fiscal year 2019. Ms. McLeod explained that during the August 21, 2017 Commissioner meeting, the Commissioners approved the grant application on the condition that a Memorandum of Understanding between the County and 4H Fair Board be executed, which has not been completed due to the sub recipient agreement containing the MOU language. The initial public hearing was held on November 30, 2017 and the second public hearing will be held this evening in Commissioners Room 203 at 5:30 p.m. Ms. McLeod explained that minutes will be taken on behalf of the Commissioners. **Kurt Garner moved, second by Mike Delp, to approve Resolution 2018-02 Authorizing Application Submission and Local Match Commitment concerning the multi-purpose building to the Indiana Office of Community and Rural Affairs and allow the President to sign the necessary documents. Motion carried 3-0.**

Kurt Garner moved, second by Mike Delp, to rescind the requirement of executing the Memorandum of Understanding between Marshall County and the Marshall County 4H Fair Board in Resolution 2017-07 as approved on August 21, 2017. Motion carried 3-0.

Ms. McLeod stated that an entity can have three open OCRA grants and apply for a fourth provided that the projects are underway. Further stating that the survey is good for four years.

SHERIFF

Sheriff Matt Hassel requested permission to purchase four 2018 Ford AWD Utility Interceptors and authorize the President to sign the purchase agreement with Oliver Ford Lincoln. The quote is in compliance with I.C. 5-22-10 State Bid. The total price less trade-in values is \$103,996.

Mike Delp moved, second by Kurt Garner, to approve the state bid through Oliver Ford Lincoln of four 2018 Ford AWD Utility Interceptors at a total cost of \$103,996 with trade-ins. Motion carried 3-0.

Sheriff Hassel presented the 2017 DEA Equitable Sharing Agreement and Certification requesting approval to submit the report. Sheriff Hassel explained that the funding was used for law enforcement equipment, enforcement operations and investigations. **Mike Delp moved, second by Kurt Garner, to approve the 2017 DEA Equitable Sharing Agreement and Certification and allow the Sheriff to submit the report. Motion carried 3-0.**

TREASURER

Treasurer Angie Birchmeier, on behalf of the Treasurer, Auditor and Assessor requested permission to extend hours for tax collection as follows: Spring Tax Collection: Saturday, May 5, 2018 from 9:00 a.m. to noon; Wednesday, May 9, 2018 from 8:00 a.m. to 6:00 p.m.; and Thursday, May 10, 2018 from 8:00 a.m. to 6:00 p.m.

Fall Tax Collection: Friday, November 9, 2018 from 8:00 a.m. to 6:00 p.m.; Saturday, November 10, 2018 from 9:00 a.m. to noon; and Tuesday, November 13, 2018 from 8:00 a.m. to 6:00 p.m. **Kurt Garner moved, second by Mike Delp, to approve the spring and fall tax collection extended hours for the Treasurer, Auditor and Assessor. Motion carried 3-0.**

SHADY REST COMMITTEE REPORT

Commissioner Garner extended thanks to the Committee members and appreciated their participation in the process of accepting proposals. Four proposals were submitted, two were very similar and the Committee requested the two join together. Business plans and security concerns were discussed. A motion was made by the Shady Rest Committee to recommend the Commissioners proceed with allowing David's Courage to come into receivership of the Shady Rest property, passing 5-1, the one in opposition was not in favor of a lease. Commissioner Overmyer stated that he understands the need to help with the crisis and is in favor of supporting the project to make it successful further stating that we either help to stop the cycle now or pay later through courts, jail, probation, community corrections or coroner. Commissioner Overmyer suggested two entities appraise the Shady Rest Building, find a mid-point and sell the building, using the funds to build a new facility beside the Sheriff's Department. Commissioners Garner and Delp stated that they are in favor of moving ahead with the Shady Rest transfer as it would be handled similarly to the Bowen Center. Commissioner Garner stated that David's Courage may have an opportunity to obtain funding through an OCRA grant. County Attorney James Clevenger discussed items that would be recommended in the contract, explaining that there is also a sewer line running from the City of Plymouth and the County may want to include in the contract the option to extend. **Kurt Garner moved, second by Mike Delp, to deed the Shady Rest property to David's Courage, allow County Attorney Clevenger to work on contractual language and to implement a transitional oversight committee.**

Motion carried 3-0.

BUILDING INSPECTOR

Director Chuck DeWitt presented the 2017 Year End Report stating that 815 building permits were completed and \$53,529,793 in valuation with between 200 and 250 open projects. Mr. DeWitt stated that the 15 Year Permit Comparison report (2003 to 2017) reflects an average of 452 permits per year. The contractor registration is steadily increasing with over 550 contractors registered.

TOWN OF CULVER

Jonathan Leist, Culver Town Manager, stated that the Intergovernmental Agreement between Marshall County and the Town of Culver for Building and Planning Services expired on January 31, 2018. Mr. Leist is requesting renewal of the Agreement with minor changes which include increasing the fee from \$2,000 to \$3,000 and adding a provision for automatic renewal. Mr. Leist explained that the fee paid to County is in addition to hours paid directly to Mr. DeWitt for services performed after hours. Mr. Leist explained that there was an oversight in payment of

the 2017 fee, which is forthcoming. **Mike Delp moved, second by Kurt Garner, to approve the Intergovernmental Agreement between Marshall County and the Town of Culver for Building and Planning Services in the annual sum of \$3,000 to be paid on a quarterly basis with automatic renewal.**

Motion carried 3-0.

ATTORNEY REPORT

Old Business:

Ricoh Copy Machine Contracts: The contracts have been completed on our part and are waiting on a return of copies signed by Ricoh.

Plymouth Planning Services Agreement: The agreement has been completed.

Amy Bacewic v. Sheriff and Quality Correctional Care: Attorney Steven Polick is representing the Sheriff and has represented the County before with satisfactory results. Mr. Polick advises that he has moved the case to federal court with the consent of counsel from Quality Correctional Care.

Harradon Tort Claim Notice: The claim was denied. The accident occurred on State Road 17 and not at an intersection.

Opioid Litigation: Our Indianapolis counsel filed suit in the Northern District Court. USA Today last week reported 250 counties, cities and towns have now joined the multi-district litigation.

New Business:

No new business to report.

AUDITOR REPORT

January 16, 2018 minutes: Submitted for approval. **Mike Delp moved, second by Kurt Garner, to approve the Commissioner minutes of January 16, 2018. Motion carried 3-0.**

February monthly claims: **Kurt Garner moved, second by Mike Delp, to approve the February monthly claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

ORDINANCE 2018-05

AMENDING THE PERSONNEL POLICIES HANDBOOK

Indiana Code 2-3-10, 34-28-7 was changed in April, 2017. It now states that employees of the jail may carry firearms and ammunition in the property as long as (1) they secure the firearm or ammunition, or both in a locked case, and (2) store the firearm or ammunition in the trunk or glove compartment or out of plain sight in the employee's locked vehicle. **Kurt Garner moved, second by Mike Delp, to approve Ordinance 2018-05 An Ordinance Amending the County of Marshall, Indiana Personnel Policies Handbook, 6.10 Security of Premises section and replacement of page 84 to follow State statute on first reading. Motion carried 3-0.**

Kurt Garner moved, second by Mike Delp, to suspend the rules and pass on second and third reading Ordinance 2018-05 An Ordinance Amending the County of Marshall, Indiana Personnel Policies Handbook, 6.10 *Security of Premises* section and replacement of page 84 to follow State statute on first reading. Motion carried 3-0.

Commissioner Garner stated that the Town of Bremen will be celebrating the 100 year birth of Governor Otis R. Bowen and would like to request a proclamation be handed down by the Board of Commissioners declaring February 26th as Doc Bowen Day.

Commissioner Delp requested guidance on book barristers located in the Court House.
Kurt Garner moved, second by Mike Delp, to allow internal departments the opportunity to obtain book barristers and to allow outside governmental agencies the same opportunity on Friday, February 16th, if any are remaining. Motion carried 3-0.

Commissioner Delp stated that the Buildings and Grounds Department is renting a storage shed at a cost of \$6,000 per year. Commissioner Delp suggested tearing down the current structure in the Courthouse parking lot and rebuilding a larger unit in the lower parking lot adjacent to the current concrete wall in order to better serve their purposes. Commissioner Garner has been in discussion with MACOG on how to better manage parking around the Courthouse.

PUBLIC COMMENT

Bill Walters, 822 W. LaPorte Street, Plymouth thanked the Commissioners for allowing him to serve on the Shady Rest Committee and for moving forward as he believes it is the right fit for that location.

ADJOURNMENT

With no further business to come before the board **Mike Delp moved, second by Kurt Garner, to adjourn the meeting at 9:55 am. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST: _____
Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
FEBRUARY 19, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 9:30 a.m., Monday, February 19, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President and Mike Delp; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Jason Peters, Highway Supervisor, presented a right of way cut from QC Communications for Mediacom on 2A Road, between Old US Highway 31 and US Highway 6, in North Township for the installation of 2 – 1 ¼ inch Ducts and Coaxial Cable by directional boring at a minimum depth of 48" and install pedestal for service to 12798 2A Road. **Kurt Garner moved, second by Mike Delp, to approve the right of way cut from QC Communications for Mediacom on 2A Road, between Old US Highway 31 and US Highway 6, in North Township to install pedestal for service to 12798 2A Road. Motion carried 3-0.**

Mr. Peters stated that he has received notification from Indiana Department of Transportation regarding the Federal-aid Call for New Projects concerning Marshall County Veterans Parkway Phase II: Michigan Road to Pine Road and it was not selected to receive Federal Highway Administration funding at this time. However, the County has been awarded \$1,884,080 in Federal Highway Administration construction funds for the Marshall County Bridge #120: South Upas Road over Yellow River, DES #1702838. The funding may be used for up to 80% of the approved phases: \$0 Utility Construction, \$0 Railroad Construction, \$1,636,080 Construction, and \$248,000 Construction Inspection. The County was also awarded \$1,632,320 in Federal Highway Administration construction funds for Marshall County Bridge #87: 11th Road over Yellow River, DES #1702839. The funding may be used for up to 80% of the approved phases: \$0 Utility Construction, \$0 Railroad Construction, \$1,416,320 Construction, and \$216,000 Construction Inspection. Commissioner Garner stated that the amount awarded was impressive.

Mr. Peters provided a report for Community Crossings Potentials with traffic counts and mileage by Township, along with a listing of the main lines in the County planned to be chipped and sealed in the next two to three years.

Mr. Peters provided an estimate from USI for resurfacing the roads around Lake of the Woods as well as the main roads coming into the lake for a total construction estimate of \$1,608,495.25. Mr. Peters would like to consider paving the roads around Lake of the Woods in two or three phases as there are a significant amount of culverts. The project repairing the dam began in 2016 and has not yet been completed. Commissioner Delp questioned if the contract cost remains in place. Mr. Peters affirmed that the costs have not changed.

Mr. Peters presented a Revised 2018 Road Program for approval.

Mr. Peters provided a PowerPoint presentation displaying pictures of the road conditions from 2015, reiterating the cost and time involved to pave the roads. Mr. Peters further explained that crack and seal maintenance for all roads chipped and sealed is critical to prevent water damage.

Discussion was held concerning the removal of the four way stop signs placed at Linden Road and Veterans Parkway and establishing a consistent speed limit.

MUSEUM

Director Linda Rippy and Historical Society President Mike Miley provided a 2017 Historical Society Income and Expense Statement. Ms. Rippy explained that the Museum is currently being painted by a gentleman that needed to perform Community service. The exhibit honoring Doc Bowen's 100th birthday is on display, two grants for the sports room have been applied for through the Community Foundation and Eli Lilly Foundation. Mr. Miley encouraged the use of their meeting rooms, which can accommodate 75-80 individuals. Ms. Rippy stated that they had 2,985 volunteer hours and 9,751 visitors and they could not accomplish all that they do without volunteers and generally have more help than they can use, further stated that the staff does a wonderful job rotating the exhibits which assists in attracting visitors.

HEALTH DEPARTMENT

Administrator Christine Stinson provided a biography of Tracy A. Fox who has been nominated by the Marshall County Board of Health to fill the vacancy of Michele Riise as the Democratic Representative and requested the Commissioners approval for the term beginning February 19, 2018 and ending December 31, 2021. **Mike Delp moved, second by Kurt Garner, to appoint Tracy A. Fox to the Marshall County Health Board to fill the vacancy of Michele Riise, as the Democratic Representative for the term ending December 31, 2021. Motion carried 3-0.**

ERIC READ

Eric Read provided a PowerPoint presentation of pictures taken with his drone and explained the FAA registration requirements and regulations. Mr. Read is currently flying as a hobbyist, but is working on obtaining his license. Mr. Read explained that drone pictures may be used for inspecting waterways, roof repair, property management and future planning. Mr. Miley explained that traditionally drones are not covered under the liability policy and would recommend that a certificate of liability be obtained. Commissioner Overmyer suggested the use of drones for the Drainage Board.

ATTORNEY REPORT

Old Business:

Ricoh Copy Machine Contracts: The contracts have been completed on our part and are waiting on a return of copies signed by Ricoh. Council member Githens stated that he has not received the signed contract and they are still in process.

Culver Planning Services Agreement: Culver has approved the agreement.

Amy Bacewic v. Sheriff and Quality Correctional Care: A reservation of rights letter was received from our carrier which was expected given some of the allegations in the complaint.

Shady Rest: An agreement for the transfer of Shady Rest to David's Courage, Inc. has been drafted and sent to the Commissioners for review. A draft will be sent to David's Courage for its review before completion. **Kurt Garner moved, second by Mike Delp, to approve the Agreement between Marshall County and David's Courage, LLC with the modifications suggested by the County Attorney. Motion carried 3-0.**

Shady Rest Farm: Following up on the Highway Department request for additional acreage at the Highway Garage property, two acres will be cut out of the farm lease with MDRA Properties, LLC. A revised lease that is identical to the approved lease except for two acres less and a corresponding less amount. **Mike Delp moved, second by Kurt Garner to amend the Farm Lease between Marshall County and MDRA Properties, LLC from 163, to 161 with 44,366. Motion carried 3-0.**

4-H Fair Board/OCRA Grant Application (revisited): The certifications, resolution and sub-recipient agreement that were approved at the last meeting have been reviewed. A confidential memo has been sent to each Commissioner that included additional comments reviewing the County responsibilities. As indicated, the County is required to take a larger role as the applicant for this grant than some of the other grants in which the Commissioners simply act as a vehicle for the grants. OCRA grant money comes with a lot of "strings attached" and "red tape". Attorney Clevenger suggested that if the County is awarded the grant, that we look to additional security for our matching funds.

New Business:

Holl v Marshall County: The County and the City of Plymouth have been sued in Federal Court by a pro se Plaintiff. After reading the complaint, Attorney Clevenger does not know what either the City or County did wrong. There is no claim upon which relief can be granted. The only contract with the County was a Sheriff Deputy drove the Plaintiff to the Bowen Center in accordance with Judge Palmer's Order of Involuntary Commitment. GIE would like the County to agree that the same defense counsel represent both the City and the County in getting the complaint summarily dismissed. Attorney Clevenger recommended that the Commissioners consent. **Kurt Garner moved, second by Mike Delp, to approve the use of the same attorney as the City of the Plymouth to represent Marshall County. Motion carried 3-0.**

AUDITOR REPORT

February 5, 2018 minutes: Submitted for approval. **Mike Delp moved, second by Kurt Garner, to approve the Commissioner minutes of February 5, 2018. Motion carried 3-0.**

February mid-monthly claims: **Kurt Garner moved, second by Mike Delp, to approve the February mid-monthly claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

Kurt Garner moved, second by Mike Delp to adopt A Proclamation Establishing February 26, 2018 as Honorable Doctor Otis R. Bowen Day in Marshall County. Whereas, the Board of Commissioners of Marshall County, Indiana do recognize the 100th anniversary

of the birthday of Otis Ray Bowen to be February 26, 2018; and, Whereas, the Board of Commissioners recognize the positive contributions “Doc” Bowen has made in Marshall County communities, our state and nation as a family physician, County Coroner, State Representative, Speaker of the Indiana House of Representatives, Governor, and Secretary of Health and Human Services to President Ronald Regan; and, Whereas, the Board of Commissioners seek to honor the work of this statesman, leader and friend by inviting all of Marshall County’s residents to reflect on the virtues of civic responsibility, community, and service to fellow man as demonstrated by the late Honorable Doctor Otis R. Bowen. Now, therefore, be it resolved, the Board of Commissioners of Marshall County, Indiana, proclaim February 26, 2018 to be “Doc Bowen Day” in Marshall County.

Motion carried 3-0.

Commissioner Garner explained that the City of Plymouth will be renaming Jefferson Street to Doc Bowen Avenue for the day on February 26, 2018.

Book Barrister: Culver Library requested several of the book barristers. Gary Masterson stated that there are several book barristers remaining. It was requested to have the Auditor send an email to the Schools, Towns and Libraries offering the book barristers.

Highway Department: Commissioner Delp suggested hiring part-time clerical to help in the office stating that there is a line for Seasonal Highway help.

Commissioner Delp stated that Mr. Bruce Breeden of Telamon Corporation, an energy assessment and management company, will come to the March 5th meeting to provide a presentation.

Commissioner Overmyer stated that as a Board a decision needs to be made at the Highway Department concerning filling the vacant positions of Assistant Clerk and Engineer/Director. Commissioner Overmyer stated that the Assistant Clerk position has always been filled and it was never stated that when the Highway Administrator was hired that the Assistant Clerk position would not be filled. Commissioner Overmyer stated that the Highway Clerk has almost 75 hours of compensatory time accumulated and the Highway Supervisor has worked 80 hours overtime. Commissioner Overmyer further stated that since no new resumes have been received for the Engineer position, he believes it is time to move on by hiring a financial administrator to oversee the clerical office staff and allow the Highway Supervisor to oversee the remaining Highway personnel. Since we are in the first year of the increased gas tax, it will be interesting to see where we are after receiving the financial payment from the State. Commissioner Overmyer further stated that he is still not in favor of an Engineer because of the revenue, but maybe things will change. However, we need to continue improving not only the Highway, but the County. Commissioner Overmyer would be open minded to a County engineer, appointed by the Commissioners, to work with the highway, surveyor and maintenance. The Engineer could act in a way that the Building Inspector has for the other towns and provide them an avenue for their projects with technical support. Commissioner Overmyer feels that Mr. Peters should be compensated for work he has done, either by adjusting the salary or moving him to an hourly rate. In summary, Commissioner Overmyer stated that we have to do something. Commissioner Delp stated that he needed clarification on the overtime hours for the Clerk.

Cumulative Bridge Fund: Commissioner Overmyer requested that the Auditor review the necessary steps needed to increase the Cum Bridge rate and timetable.

PUBLIC COMMENT

Council President Judy Stone, 124774 Muckshaw Road, Plymouth, Indiana, thanked Commissioners Delp and Garner for their presentation to Council last week. Ms. Stone explained that having been involved as the County Council MACOG representative and knowing the paperwork that is involved, she believes that an additional person needs to be added to handle the financials in the Highway Department and requests that the Commissioners provide a solid plan. Ms. Stone agreed that a County Engineer may be a viable option. Ms. Stone also stated that if we jeopardize our federal reporting, we also jeopardize our funding.

ADJOURNMENT

With no further business to come before the board **Kurt Garner moved, second by Mike Delp, to adjourn the meeting at 10:46 am. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST: _____
Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
MARCH 5, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 8:30 a.m., Monday, March 5, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President and Mike Delp; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

Commissioner Overmyer thanked Commissioners Garner and Delp for their efforts during the flood.

TOWN OF CULVER

Jonathan Leist, Culver Town Manager, requested the Commissioners consent to annex 71 acres of property into the Town of Culver's municipal limits, as is required by Indiana Code 36-4-3-9.1. Mr. Leist explained that the property owner, Thomas Beste, has petitioned the town for voluntary annexation of the following parcels: 502117000032000013, 502117000039000013, 502117000044000013, 502117000016000013 and 502117000015000013. A public hearing has been scheduled by the Culver Town Council for Tuesday, March 13, 2018 to consider Ordinance 2018-002, an ordinance to annex Mr. Beste's property. **Mike Delp moved, second by Kurt Garner, to support the Town of Culver Ordinance 2018-002 annexing 71 acres of property into the Town of Culver's municipal limits. Motion carried 3-0.**

Mr. Leist presented the Intergovernmental Agreement between Marshall County and the Town of Culver for Building and Planning Services for the 2018 calendar year in the total sum of Three thousand dollars (\$3,000) to be paid on a quarterly basis for signature.

REES THEATRE PROJECT FUNDRAISER

Donna Pontius, on behalf of the Rees Theatre project fundraiser, explained that they are looking for unique items to auction during their October fundraiser and are requesting permission to auction one tour for four people of the Courthouse Clock Tower. **Kurt Garner moved, second by Mike Delp, to allow Rees Theatre project fundraiser to auction one tour for four people of the Courthouse Clock Tower upon providing additional information concerning the fundraiser. Motion carried 3-0.**

EMA

Director Clyde Avery explained that revisions to the Marshall County Comprehensive Emergency Management Plan are in order to more accurately reflect how the County will respond to emergencies and disasters. Mr. Avery presented the Quarterly Report from December 5, 2017 to March 4, 2018 stating that 25 NIXLE Alerts were sent out. Discussion was held concerning leaving the watch level in effect for travel restriction until further notice.

The Board of Marshall County Commissioners ratifies the following actions: February 20, 2018 a Disaster Emergency Declaration, in accordance with Marshall County Ordinance 2011-16, was implemented due to an immediate threat by a natural hazard, specifically significant flooding in German Township and a “Warning” Travel Advisory declared and remains in effect until terminated by the Board of Commissioners. Also on February 20, 2018 a Declaration of Emergency was implemented due to the immediate threat by a natural hazard, namely local flooding and historic flooding of the Yellow River to expire Monday, March 5, 2018 at 4:00 p.m. Marshall County officials asked individuals to use caution if and when they needed to be on the roads. On February 21, 2018 at 8:00 a.m. a Disaster Emergency Declaration was implemented due to an immediate threat by a natural disaster, specifically significant flooding in Marshall County including roads being washed out and water across roads making them impassable and a “Warning” Travel Advisory declared for all of Marshall County which remains in effect until terminated by the Board of Commissioners. On February 22, 2018 at 7:30 a.m. a Termination of Emergency Declaration was implemented and the “Warning Level” Travel Advisory Declared Emergency is hereby terminated for all of Marshall County. On March 5, 2018 the Marshall County officials declared an extension to the Declaration of Emergency issued on February 20, 2018 due to the excessive water accumulations creating hazardous driving conditions until Monday, March 19, 2018 at 4:00 p.m. in order to allow road crews to work on the roads. **Kurt Garner moved, second by Mike Delp, to ratify the Disaster Emergency Declarations implemented between February 20, 2018 and March 5, 2018. Motion carried 3-0.**

Mr. Avery is encouraging the public to report any damage incurred, to the Marshall County Emergency Management Agency (EMA). Federal funding will be based on an accumulated damage assessment for each individual county and the State as a whole. There is no federal financial assistance available at this point; data is still being collected for submission.

Mr. Avery requested permission to apply for the 2017 EMPG Salary Reimbursement Performance Grant through the Indiana Department of Homeland Security explaining that the federal grant reimburses the County for up to 50% of the EMA Director’s salary and benefits for 2017. **Kurt Garner moved, second by Mike Delp, to approve the 2017 EMPG Salary Reimbursement Performance Grant through the Indiana Department of Homeland Security. Motion carried 3-0.**

Mr. Avery requested permission to attend a no cost Indiana Department Homeland Security (IDHS) Grants Management Workshop in Warsaw, Indiana on Tuesday, March 20, 2018. **Mike Delp moved, second by Kurt Garner, to allow Clyde Avery to attend the IDHS Grants Management Workshop in Warsaw, Indiana on March 20, 2018. Motion carried 3-0.**

Mr. Avery requested permission to attend a no cost Radiological Emergency Preparedness Radiation Meter and Field Sampling Training Class in South Bend, Indiana on Wednesday, March 21, 2018. **Kurt Garner moved, second by Mike Delp, to allow Clyde Avery to attend the Radiological Emergency Preparedness Radiation Meter and Field Sampling Training Class in South Bend, Indiana on March 21, 2018. Motion carried 3-0.**

HIGHWAY DEPARTMENT

Jason Peters, Highway Supervisor, presented several road cut permits from Century Link to install fiber optic cable. Mr. Peters explained that he and Surveyor Craig Cultice have reviewed the requests. **Kurt Garner moved, second by Mike Delp to approve the road cut permits for Century Link as presented today. Motion carried 3-0.**

Mr. Peters provided a road closure list due to high water, stating 98 roads were closed and several barriers were taken. Therefore, materials were placed in the roadway to prevent through travel. The Commissioners stated that additional supplies need to be purchased and tracking devices will be utilized going forward.

Commissioner Garner stated that this flood exceeded the 1954 flood by six inches. Mr. Peters explained that bids were requested for several culverts and bridges. Mr. Peters also provided a list of damaged roads. Since State Road 6 and State Road 331 were closed, county roads were damaged due to the additional traffic. Mr. Peters is in contact with the State and was encouraged that the State will assist in the repair of those roads.

Mr. Peters provided a statement of overtime hours for the Highway Department which does not include the overtime hours for snow removal.

Commissioner Garner stated that First Road blew up due to the rain and would like to consider the possibilities of restricting weight limit in order to preserve our main infrastructure roads.

Commissioners thanked the Highway Department for all their efforts during the disaster.

DLZ

Laurie Johnson, PE, provided a progress report of the Bridge 81 Project, Hickory Road Bridge stating the project was let on February 7, 2018. Five bids were received. After review of the bids, Grand River Construction, Inc. was awarded the contract for \$1,184,454.67. A notice to proceed with construction was issued to Grand River last week. A pre-construction meeting is scheduled for Friday, March 9th at 1:00 p.m. at the Marshall County Highway Department. Zach Dean's initial discussions with Grand River is that they will begin clearing of right-of-way activities on Monday, March 19th.

HEALTH DEPARTMENT

Administrator Christine Stinson requested approval for the reappointment of Thomas Pedavoli to the Marshall County Board of Health beginning January 1, 2018 and ending December 31, 2021. **Mike Delp moved, second by Kurt Garner, to reappoint Thomas Pedavoli to the Marshall County Health Board beginning January 1, 2018 and ending December 31, 2021. Motion carried 3-0.**

The Commissioners thanked Christine and staff for all efforts during the disaster. Ms. Stinson stated that over 100 individuals attended the tetanus shot clinic and they have an additional 100 shots available. Ms. Stinson stated that hygiene kits will be also be distributed. Well test kits will be available once supplies are received from the State. Ms. Stinson explained that wells can

and should be disinfected immediately and stresses the importance of inspecting the integrity of the wells.

BUILDING DEPARTMENT & PLAN COMMISSION

Building Commissioner Chuck DeWitt and Plan Commissioner Director Ralph Booker requested the Building Permit Fees be waived for a period of six months for flood victims. It is suggested that applicants come into the office rather than apply online in order to receive the waiver. Mr. Booker explained that there are FEMA requirements that will need to be met. **Mike Delp moved, second by Kurt Garner, to approve the six month waiver of Building Permit Fees for flood victims and application be made in-person in the office. Motion carried 3-0.**

Mr. DeWitt explained that he spent a good portion of last week with Clyde Avery, met many individuals and it was a good learning opportunity. Further stating that all of the departments worked well together.

SHERIFF

Sheriff Matt Hassel requested permission to send three employees to attend out-of-state training for Superion Customer Summit at Disney's Coronado Springs Resort in Orlando, Florida from June 4 to June 8, 2018. Sheriff Hassel explained that Superion is the vendor for OSSi software used by the jail, dispatch and CAD. **Kurt Garner moved, second by Mike Delp, to allow three employees to travel to Orlando, Florida June 4 to June 8, 2018 to attend Superion Customer Summit. Motion carried 3-0.**

Sheriff Hassel requested permission to apply for the Firehouse Subs Public Safety Foundation Grant. Sheriff Hassel explained that twenty-one ballistic vests for turnkey/dispatchers use during transports. The total cost of the grant is approximately \$17,000 and requires no matching funds. **Kurt Garner moved, second by Mike Delp, to approve the application for the Firehouse Subs Public Safety Foundation Grant to be used for the purchase of twenty-one ballistic vests. Motion carried 3-0.**

Commissioner Delp thanked Sheriff Hassel for the recent church training event.

ATTORNEY REPORT

Old Business:

Ricoh Copier: Attorney Clevenger stated that Ricoh has not returned the executed contract.

Amy Bacewic v. Sheriff and Quality Correction Care: The attorney representing the County has entered an appearance for the Sheriff and Captain and filed an answer, as well as motions to narrow the issues and probably dismiss some of the allegations that trigger no insurance coverage. A long litigation process has begun. Periodic updates will be issued.

David's Courage/Shady Rest: No response has been received from David's Courage concerning the proposed agreement transferring the Shady Rest Home.

Holl v Marshall County: Another reservation of rights letter from our insurance carrier on this federal court case will be forthcoming. As agreed GIE could be using the same counsel to

represent both the City of Plymouth and the County with a plan to have the case summarily dismissed.

New Business:

Flood Emergency Clean-up Services Agreement: Bill Dawson and Josh Walker provided clean-up services, including organization of volunteer assistance, through Heavy Equipment Response Coalition (HERC), a nonprofit disaster relief organization. HERC entered into a Disaster Response Agreement – Rev. 1 for Marshall County Flood Response with Marshall County and the City of Plymouth in the total sum of \$33,800. The City of Plymouth and Marshall County will share in the cost not to exceed \$16,900 each and requires approval of expenditures in excess of this approved budget amount. **Kurt Garner moved, second by Mike Delp to ratify the Agreement between Marshall County and Heavy Equipment Response Coalition (HERC) in an amount not to exceed \$16,900. Motion carried 3-0.**

Emergency Declaration: **Kurt Garner moved, second by Mike Delp, to allow Commissioner Overmyer the authority to sign an Extension of the Emergency Declaration if needed for an additional seven days. Motion carried 3-0.**

Cumulative Bridge Fund: The Auditor was asked to seek an increase in the tax rate for the cumulative bridge fund. The notice to taxpayers of a public hearing to reestablish the fund at the increased rate must be published two times, at least seven days apart, with the first publication being at least ten days before the public hearing and the second publication at least three days before the public hearing. Notice is to be published March 8th and March 15th. The public hearing is scheduled for March 19th. Taxpayers have the right to be heard. After the hearing, the Commissioners may vote to pass an ordinance adopting the proposed cumulative bridge fund and rate as presented, or a lower tax rate. If an ordinance is enacted, the Auditor must publish a notice of adoption. That notice begins a thirty day remonstrance period for the taxpayers. The Auditor, on behalf of the County, must submit the proposed new rate and all the necessary documents to the Department of Local Government Finance on or before April 30, 2018. This is on a very tight timeline with no room for delay if there is to be a new rate in 2019.

Auditor Fox stated that the proposed rate will not exceed \$0.0524 per \$100 of assed valuation, which is \$26.20 per \$100,000 of assessed value. Commissioner Garner explained that USI provided a bridge survey and within five years the County would be at a \$2.2 million dollar deficit in 2023. There are currently two calls for projects and unknown costs associated with the flood damage. Commissioner Overmyer stated that each year the cumulative bridge decreases due to the tax caps and we are unsure of how much, if any, reimbursement will be received from FEMA. Commissioner Garner stated that we cannot have deficits to public safety.

Mike Delp moved, second by Kurt Garner, to approve having a public hearing on March 19, 2018 at 10:30 to raise the cumulative bridge fund to a rate of \$0.0524. Motion carried 3-0.

AUDITOR REPORT

February 19, 2018 minutes: Submitted for approval. **Mike Delp moved, second by Kurt Garner, to approve the Commissioner minutes of February 19, 2018. Motion carried 2-0-1, with Kevin Overmyer abstaining.**

March claims: **Kurt Garner moved, second by Mike Delp, to approve the March claims as presented. Motion carried 2-0-1 with Kevin Overmyer abstaining.**

COMMISSIONER ITEMS

Commissioner Delp stated that Bruce Breeding will be present at the March 19th meeting.

Commissioner Delp stated that a part-time clerical individual has been provided at the Highway Department.

Commissioner Overmyer thanked everyone for their efforts in a job well done.

PUBLIC COMMENT

Carol Anders inquired as to how all of the damages are going to be paid. Commissioner Garner explained that the individual needs to show a certain level of cost to the individual and all damages need to be reported in order to meet the FEMA threshold. However, we will not have a response from FEMA for a long time.

ADJOURNMENT

With no further business to come before the board **Kurt Garner moved, second by Mike Delp, to adjourn the meeting at 10:07 am. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST: _____
Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
MARCH 19, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 9:30 a.m., Monday, March 19, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President and Mike Delp; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Jason Peters, Highway Supervisor, presented a road cut from Jones, Petrie and Rafinski for various partial lane road cuts along 5th Road for the installation of a sanitary sewer force main pipe along 5th Road for Swan Lake. **Kurt Garner moved, second by Mike Delp, to approve the road cut permit from Jones, Petrie and Rafinski for various partial lane road cuts along 5th Road for the installation of a sanitary sewer force main pipe along 5th Road.** Motion carried 3-0.

Mr. Peters requested permission for Attorney Clevenger to create a lease agreement between Marshall County and Wayne Houin, residing on Jarrah Road, for two acres of property to stockpile stone material on behalf of the Highway Department. Mr. Peters stated that two RFP's for Bridge #87 and Bridge #120 have been resubmitted for bidding and provided an update on Hickory Road Bridge. Further stating that a Preliminary Damage Assessment of Flooding has been provided to Clyde Avery, EMA Director. Mr. Peters stated that the flood response coalition was provided a fuel FOB for use by Mark Gidley, which will be billed to Heavy Equipment Response Coalition (HERC) at 121 W. Garro Street, Plymouth, Indiana for use during the flood recovery. Mr. Peters explained that the ditcher throws rocks into fields when used and every effort is being made to retrieve the rocks, further explaining that future consideration may be requested for investment in a rock bucket for the skid loader. Commissioner Garner requested the Highway Supervisor provide road miles damaged by PAR during construction of electric lines.

Michael Obergfell, PE, of USI Consultants stated that initial damages due to the flood are estimated at \$563,000 for the 20 bridges affected, however, the water level is still high and footings cannot be inspected. Mr. Obergfell stated that an assessment will be made once the water recedes and culverts over 20 feet will also be inspected.

Commissioner Garner asked Mr. Peters if there is a need for an emergency Council meeting to allocate funding for flood damage repair. Council President Stone stated that a meeting is scheduled on Monday, March 26th at 9:00 a.m.

TELAMON ENERGY CORPORATION

Dr. Bruce Breeden, Vice President of Energy Solutions for Telamon Energy Corporation, presented a brief overview of Telamon Energy Corporation stating that his focus is to assist and evaluate reduction of electric costs. The two main areas of concentration are solar operation and LED lighting conversion. A complete no charge analysis would be performed and the results would be available to the County. Dr. Breeden requested permission to perform an analysis of all the buildings. Discussion was held concerning the lighting updates at the jail. **Mike Delp moved, second by Kurt Garner, to allow Telamon Energy Corporation to perform an analysis of all County facilities except the Jail. Motion carried 3-0.**

DOSSETT CONSULTING

Jeff Dossett and Jeff Kemper with Dossett Consulting presented a brief overview of their background in County Government and Dossett Consulting. Mr. Dossett explained that their experience and background provide them with a complete and comprehensive knowledge of Federal and State laws concerning Cost Allocation Plans and Title IV-D Child Support Claiming Services. Mr. Dossett provided an estimate for services for future consideration. The Commissioners thanked Mr. Dossett and Mr. Kemper for the presentation.

SHERIFF

Sheriff Matt Hassel explained that when a Security Officer is off duty it leaves the County Building unattended. Sheriff Hassel presented a proposal to the Safety Committee to have officers and civilian employees who serve as reserve officers, to fill in for an off-duty Security Officer. Sheriff Hassel requested the Commissioners support in moving forward with the additional appropriation to Council in the total sum of \$15,000 for overtime wages to cover costs during security officer absences. **Mike Delp moved, second by Kurt Garner, to support the Sheriff pursuing an additional appropriation from Council for overtime wages during Security Officer absences in the total sum of \$15,000. Motion carried 3-0.**

ATTORNEY REPORT

Old Business:

David's Courage/Shady Rest: David's Courage, Inc., requested two revisions to the proposed contract for the transfer of Shady Rest: Remove the requirement that the facility continued to be named "Shady Rest", and remove the requirement concerning state residential care licensing. Also, the language has been amended to require David's Courage, Inc. to follow all state and federal regulations. **Kurt Garner moved, second by Mike Delp, to approve the contract between Marshall County and David's Courage, Inc. for the transfer of the Shady Rest home. Motion carried 3-0.**

Holl vs Marshall County: Attorney Lisa Brown, with the Betty Knight Firm in Merrillville, is entering her appearance on behalf of the County and the City of Plymouth. Ms. Brown has plans to try and dismiss many, if not all, of the allegations early on. Updates will be provided as warranted.

Cumulative Bridge Fund Rate Increase: The public hearing to increase the rate on this fund is scheduled for today. Taxpayers have the right to be heard. After the hearing, the Commissioners may vote to pass an ordinance adopting the proposed cumulative bridge fund and rate as presented, or a lower tax rate. If an ordinance is enacted, the Auditor must publish a notice of adoption. That notice begins a 30-day remonstrance period for the taxpayers. The Auditor, on behalf of the County, must submit the proposed new rate and all the necessary documents to the Department of Local Government Finance on or before April 30, 2018. Attorney Clevenger stated that this is on a very tight timeline with no room for delay if there is to be establishment of a new rate for 2019.

New Business:

Public Records Access Request: Since the last meeting, Attorney Clevenger has assisted with three requests for access to public records. The requests were made to three different departments and all were timely granted.

Courtside Ministries: Attorney Clevenger explained that a letter was received from a board member of the Christian Legal Society, a national non-denominational Christian membership association of lawyers, judges, law professors, law students, and other associates. Beginning on Monday, March 19th and to continue one morning each week outside the Marshall County Courthouse from 8:30 a.m. to noon, volunteers will serve individuals with a prayer table.

Executive Session: Scheduled for after today's meeting.

CUMULATIVE BRIDGE FUND

Marshall County Ordinance 2018-06: Ordinance Establishing/Re-Establishing Cumulative Bridge Fund for the purposes set out in IC 8-16-3. The proposed fund will not exceed \$0.0524 on each \$100 of assessed valuation. The Cumulative Bridge tax rate will be levied beginning with taxes for 2018 payable 2019. **Kurt Garner moved, second by Mike Delp, to open the public hearing for Marshall County Ordinance 2018-06: Ordinance Establishing/Re-Establishing Cumulative Bridge Fund. Motion carried 3-0.**

No public input was heard.

Mike Delp moved, second by Kurt Garner, to close the public hearing for Marshall County Ordinance 2018-06: Ordinance Establishing/Re-Establishing Cumulative Bridge Fund. Motion carried 3-0.

Mike Delp moved, second by Kurt Garner, to pass on first reading Marshall County Ordinance 2018-06: Ordinance Establishing/Re-Establishing Cumulative Bridge Fund. Motion carried 3-0.

Kurt Garner moved, second by Mike Delp, to suspend the rules and pass on second and third readings Marshall County Ordinance 2018-06: Ordinance Establishing/Re-Establishing Cumulative Bridge Fund. Motion carried 3-0.

County Attorney Clevenger stated that the Auditor will publish the notice of adoption in two publications.

AUDITOR REPORT

March 5, 2018 minutes: Submitted for approval. **Mike Delp moved, second by Kurt Garner, to approve the Commissioner minutes of March 5, 2018. Motion carried 3-0.**

March mid-month claims: **Kurt Garner moved, second by Mike Delp, to approve the March mid-month claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

Safety Committee: Commissioner Delp stated that it was recommended that the windows in the Clerk's Office be overlaid with protective shatterproof film and the window frames caulked for a total cost of \$2,500. Commissioner Delp also stated that the evidence room in the basement has mold which will be addressed with Judge Palmer and remediated.

Commissioner Garner requested that he be removed from the Unsafe Building Committee and that Commissioner Delp, who is currently serving on the Plan Commission, be appointed. Commissioner Garner further requested to be added as the appointed member to the Long-Term Recovery Committee for the Flooding of 2018. **Kurt Garner moved, second by Mike Delp, to approve Commissioner Delp to replace Commissioner Garner on the Unsafe Building Committee. Motion carried 3-0.**

Mike Delp moved, second by Kurt Garner, to appoint Kurt Garner to the Long-Term Recovery Committee for the Flooding of 2018. Motion carried 3-0.

PUBLIC COMMENT

No public input.

ADJOURNMENT

With no further business to come before the board **Mike Delp moved, second by Kurt Garner, to adjourn the meeting at 10:40 am. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST: _____
Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
APRIL 2, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 8:30 a.m., Monday, April 2, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President and Mike Delp; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Jason Peters, Highway Supervisor, presented a revised 2018 Road Plan stating the current priority is working on the gravel roads damaged from the flood and repairing pot holes.

Mr. Peters stated that they met with FEMA last week and we have a few roads that qualify for federal highway funds and will be contacting FEMA again this week. FEMA estimated the road repair costs in the sum of \$636,259.21; bridge repair in the sum of \$298,000; and culvert repair in the sum of \$56,803.99 with a total estimated damage of \$911,063.20. The County does meet the FEMA threshold and are waiting to determine if the State meets the threshold. The reimbursement is based on the structures pre-existing condition and if awarded will be a 25% reimbursement. Mr. Peters provided a road progress update; the county-wide bridge inspections will be presented at the April mid-month meeting for approval. Mr. Peters is still waiting for a response from PAR NIPSCO regarding a scheduled meeting; quarterly tracking for King Road have been submitted to MACOG and we are in the process of wrapping up the annual report. Commissioner Overmyer requested Attorney Clevenger's assistance with PAR NIPSCO if necessary.

Commissioner Overmyer stated that he believes Mr. Peters salary should be increased to \$55,000 - \$57,000 per year due to the additional duties assigned and requested consideration for presentation to Council.

DLZ INDIANA, LLC

Zach Dean, Civil Engineer, provided a Bridge #81 Progress Update as follows: Grand River Construction (GRC) began tree removal Monday, March 26, 2018 and finished downing trees on Friday, March 30, 2018. GRC will continue to remove and clear the debris over the next three to four days. GRC has notified all schools and emergency responders of the closure date for Hickory Road, set for April 2, 2018. Bridge demolition will begin on Monday, April 2, 2018. Span C (North), Pier 3, and Bent 4 will be removed and constructed before continuing demolition of the remainder of the bridge. The project field office is located next to the County Highway Garage and was brought to the site on Thursday, March 29, 2018.

SHERIFF

Matt Pitney, Communication Supervisor, thanked the Commissioners for acknowledging the job the dispatchers do and the lives that are saved due to dispatching efforts and the service by Commissioner Overmyer on the Statewide 911 Board. Mr. Pitney explained that technology has drastically improved the ability to communicate and expressed his desire to have all full-time

dispatchers attend the Denise Amber Lee Foundation training and also training for the National Center for Missing and Exploited Children. Mr. Pitney further explained that dispatchers are experiencing the highest levels of Post-Traumatic Stress Disorder (PTSD) within the law enforcement profession. Mr. Pitney introduced Les Trump, a 21 year employee, and Ryan Schori, a 12 year employee, explaining that they are very active in the community, have an excellent ability to talk individuals through situations with empathy, are fine examples and wishes to recognize them for their work. Les Trump stated that they have an excellent group of employees and invited the Commissioners to come and listen to the dispatch calls. Mr. Pitney further explained that dispatcher Alex Truty volunteered to assist Clyde Avery with the flooding. Commissioner Overmyer stated that State wide the 911 Report indicates that Marshall County receives a lot of 911 emergency calls by text.

On behalf of the Commissioners, Commissioner Garner proclaimed National Public Safety Telecommunicators Week April 8th – April 14th, 2018. Whereas emergencies can occur at any time that require police, fire or emergency medical services; and, Whereas when an emergency occurs the prompt response of police officers, firefighters and emergency medical services is critical to the protection of life and preservation of property; and, Whereas the safety of our police officers, firefighters and emergency medical services is dependent upon the quality and accuracy of information obtained from citizens who telephone the Marshall County Central Dispatch Center; and, Whereas Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and, Whereas Public Safety Telecommunicators are the single vital link for our police officers, firefighters and emergency medical services by monitoring their activities by radio, providing them information and insuring their safety; and, Whereas Public Safety Telecommunicators of the Marshall County Central Dispatch have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and, Whereas each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year; Therefore be it resolved that the County Commissioners of Marshall County declare the week of April 8th through 14th, 2018 to be National Public Safety Telecommunicators Week in Marshall County, in honor of the men and women whose diligence and professionalism keep our county, cities and citizens safe.

ATTORNEY REPORT

Old Business:

David's Courage/Shady Rest: Attorney Clevenger stated that he has not heard from the representative of David's Courage, Inc. concerning the completion of the revised contract for the transfer of the Shady Rest facility and trusts that Commissioner Garner is following up and will notify him if further assistance is needed.

Cumulative Bridge Fund: The public hearing to increase the rate on this fund was held at a previous meeting. The Auditor published a Notice of Adoption. That Notice began a 30-day remonstrance period for the taxpayers. The Auditor, on behalf of the County, must submit the proposed new rate and all the necessary documents to the Department of Local Government Finance on or before April 30, 2018. Please note the earlier deadline date.

New Business:

Rahul Palta Tort Claim Notice: Attorney Clevenger received an untimely tort claim notice from an attorney in Indianapolis on behalf of Mr. Palta. The tort claims an unreasonable excessive force in violation of the rights protected under 42 USC sec. 1983 by three deputies with the Sheriff's department. The same claim was made against the State and at least one Indiana State Trooper. The tort claim notice has been referred to Gibson Insurance and they will forward to GIE.

AUDITOR REPORT

March 19, 2018 minutes: Submitted for approval. **Mike Delp moved, second by Kurt Garner, to approve the Commissioner minutes of March 19, 2018. Motion carried 3-0.**

March 19, 2018 Executive Session minutes: Submitted for approval. **Kurt Garner moved, second by Mike Delp, to approve the Commissioner Executive Session minutes of March 19, 2018. Motion carried 3-0.**

April claims: **Kurt Garner moved, second by Mike Delp, to approve the April claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

No Commissioner items were heard.

PUBLIC COMMENT

Beverly Samons, 2158 8th Road, Bourbon, Indiana, stated that 8th Road is one big patch, there are very few good roads, and the County has the funds to appropriate in order to repair the roads. Commissioner Garner explained that he felt the same as she did in 2015 when he was first elected and since that time, his eyes have been opened. Further stating that in 2015, \$850,000 was allocated to road repairs and since that time funding has doubled. Commissioner Garner explained that there are 911 county miles and can only repair 40-50 miles per year and that Council has allocated funding above and beyond the gas tax. Commissioner Delp stated that candidates are making claims that need to be closely analyzed, they recognize her complaint and wish they could fix all the roads.

ADJOURNMENT

With no further business to come before the board **Kurt Garner moved, second by Mike Delp, to adjourn the meeting at 9:20 am. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST: _____
Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
APRIL 16, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 9:55 a.m., Monday, April 16, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President and Mike Delp; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Jason Peters, Highway Supervisor, presented a road cut from Will Erwin Family Farms on 13th Trail, between State Road 331 and Beech Road, in Bourbon Township, for the purpose of installing drain tile. **Kurt Garner moved, second by Mike Delp, to approve the road cut permit from Will Erwin Family Farms on 13th Trail, between State Road 331 and Beech Road, in Bourbon Township, for the purpose of installing drain tile. Motion carried 3-0.**

Jason Peters, Highway Supervisor, presented four road cuts from Floyd Houin, the first road to be cut is Juniper Road, between 14th Road and 12B Road, in Center Township for the purpose of installing a culvert; the second road to be cut is Maple Road, between 13th Road and 14th Road, in Center Township for the purpose of installing a pipe; the third road to be cut is Juniper Road, between 14th road and 12B Road, in Center Township for the purpose of installing a pipe; and, the fourth road to be cut is Juniper Road, between 14th Road and 12B Road, in Center Township for the purpose of installing a culvert. **Kurt Garner moved, second by Mike Delp, to approve the four road cut permits from Floyd Houin as follows: Juniper Road, between 14th Road and 12B Road to install a culvert; Maple Road, between 13th Road and 14th Road, to install a pipe; Juniper Road, between 14th Road and 12B Road, to install a pipe; and, Juniper Road, between 14th Road and 12B Road, to install a culvert, all road cuts are in Center Township. Motion carried 3-0.**

Mr. Peters presented the LPA-Consulting Contract for County Bridge Inspections between Marshall County and USI Consultants, Inc. for the Marshall Countywide Bridge Inspection and Inventory Program in accordance with National Bridge Inspection Standards for Cycle Years 2018 through 2021, Phase I (2018), Phase IA (2019), Phase II (2020), Phase IIA (2021), DES 1592161. The maximum amount payable under this contract shall not exceed \$309,706.58. **Mike Delp moved, second by Kurt Garner, to approve the LPA-Consulting Contract for County Bridge Inspections between Marshall County and USI Consultants for the Marshall Countywide Bridge Inspection and Inventory Program for a four year term, from October 1, 2018 to September 30, 2022 in an amount not to exceed \$309,706.58. Motion carried 3-0.**

Mr. Peters presented a contract between Marshall County Highway and Wayne Houin for the purpose of leasing two acres per year at \$200 per acre for stone storage. Attorney Clevenger recommended a couple of changes be made to the contract. **Kurt Garner moved, second by Mike Delp, to approve the Agreement between Marshall County Highway Department and Wayne Houin with the changes as recommended by County Attorney for two acres.**
Motion carried 3-0.

Mr. Peters stated that a meeting was held last week with PAR NIPSCO to assess damages and another meeting is scheduled for April 19th to come to an agreement regarding the damages.

Mr. Peters presented the Road Program 2018, revised after the flooding event of March 26, 2018, and Reclaimed Roads 2018 for approval. Mr. Peters requested consideration be made to receive bids for Kenilworth Road and Dogwood Road. Commissioner Delp questioned grinding Underwood Road south of the houses. Commissioner Garner expressed appreciation for the revised Road Plan and agreed with Commissioner Delp in contacting the residents on Underwood Road prior to grinding. Commissioner Delp asked if the Highway Department would be able to accomplish the work on the road plan or does it need to be subcontracted. Discussion was held regarding the funds allocated in the Rainy Day Fund and increased revenues of \$80,000 per month. Commissioner Delp expressed that the repairs need to be based on the condition of the road and the roads in German and Bourbon Townships are really bad.
Kurt Garner moved, second by Mike Delp, to approve the Revised 2018 Road Program along with the Reclaimed Roads 2018 on the condition that homeowners on Underwood Road will be contacted prior to grinding. Motion carried 3-0.

Commissioner Garner expressed need for road signs when grinding the roads.

EMERGENCY MANAGEMENT AGENCY

Director Clyde Avery presented Resolution 2018-08 for Adoption of the Marshall County All-Hazard Mitigation Plan. **Mike Delp moved, second by Kurt Garner, to approve Resolution 2018-08 Adoption of the Marshall County All-Hazard Mitigation Plan. Motion carried 3-0.**

Mr. Avery explained that every dollar spent on mitigation saves the taxpayers \$6. Commissioner Garner stated that there is a meeting scheduled at the Solid Waste Office to discuss mitigation and would like Mr. Avery to attend.

VETERANS SERVICE OFFICER

Pam Schweizer-Betz requested permission to apply for enrollment in the At-Home Professions Healthcare Documentation Program explaining that the course would aid her in filing and explaining benefit claims for veterans and widows. Ms. Schweizer-Betz stated that the total tuition is \$2,995. **Kurt Garner moved, second by Mike Delp, to support the Veterans Service Officer in furthering her education with At-Home Professions Healthcare Documentation Program in the sum of \$2,995 to assist the veterans. Motion carried 3-0.**

CITY OF PLYMOUTH – PLANNING SERVICES

Plymouth City Attorney Sean Surrisi presented an Intergovernmental Agreement between Marshall County and the City of Plymouth for Planning Services, explaining that it is the same

agreement as previously executed but is in effect from April 1, 2018 through June 30, 2018. Mr. Booker provided an update of his work with the City for the first quarter explaining that there were two BZA hearings and one Plan Commission meeting. **Mike Delp moved, second by Kurt Garner, to approve the Intergovernmental Agreement between Marshall County and the City of Plymouth for Planning Services for the period April 1, 2018 through June 30, 2018 in the sum of \$1,997. Motion carried 3-0.**

Mr. Booker explained that following his retirement he will continue working with the City of Plymouth.

BUILDING COMMISSION

Director Chuck DeWitt requested permission to attend the Indiana Code and Education Conference from April 22nd through April 26th in Fort Wayne, Indiana. **Kurt Garner moved, second by Mike Delp, to allow Chuck DeWitt to attend the Indiana Code and Education Conference from April 22nd through April 26th in Fort Wayne, Indiana.**
Motion carried 3-0.

Mr. DeWitt requested permission to attend the International Code Council (ICC) Leadership Conference from June 3rd through June 7th in Denver, Colorado, explaining all expenses would be paid by Indiana Association of Building Officials (IABO), with the exception of his time. **Mike Delp moved, second by Kurt Garner, to allow Chuck DeWitt to attend the ICC Leadership Conference from June 3rd through June 7th in Denver, Colorado.**
Motion carried 3-0.

ATTORNEY REPORT

Old Business:

Cumulative Bridge Fund Rate Increase: Attorney Clevenger stated that the Auditor has received a remonstrance and the paperwork has been referred to the Department of Local Government Finance. Further recommending supplementing paperwork to the Department of Local Government Finance once the remonstrance time has elapsed indicating that no additional remonstrance were received.

AUDITOR REPORT

April 2, 2018 minutes: Submitted for approval. **Mike Delp moved, second by Kurt Garner, to approve the Commissioner minutes of April 2, 2018. Motion carried 3-0.**

April mid-month claims: **Kurt Garner moved, second by Mike Delp, to approve the April mid-month claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

Property - 500 E. LaPorte Street, Plymouth: Commissioner Delp explained that the City has acquired a grant to enhance the footbridge and wanted to know if there was interest in transferring the property commonly known as 500 E. LaPorte Street, Plymouth, to the City of Plymouth. Commissioner Overmyer explained that it was always the intention of the County to transfer ownership to the City of Plymouth. Commissioner Garner explained that he is in favor of transferring the property, but questioned if the City has considered the possibility of utilizing the property as a County match for future grant funding. Auditor Fox questioned if Resolution

2013-09 would prohibit the transfer of title and whether the property is necessary for wetland mitigation. Commissioner Delp asked if the City is willing to accept the maintenance on the property. City Attorney Surrisi stated that he will speak with Mayor Senter and Attorney Clevenger.

7th Road/Veterans Parkway Stop Sign Removal: Commissioner Delp stated that he has spoken with Marshall County Highway employee Marc Bernero, neighbors, farmers, a State Representative and a Council member regarding the stop signs on Veterans Parkway. Commissioner Delp proposed that the two stop signs be removed on Veterans Highway on the condition that two signs are placed “Caution Hidden Drive” and “Cross Traffic Does Not Stop” at Linden Road. Commissioner Delp also stated that Veterans Parkway headed east is 30 mph and questioned if the speed limit should be the same going in the other direction. County Attorney Clevenger will meet with the Highway Department to amend the Speed Limit Ordinance.

Marshall County 2018 Tax Sale: SRI will conduct the Marshall County 2018 Tax Sale on October 11, 2018 at 10:00 a.m.

Remonstrance of County Bridge Fund: Auditor Fox explained that she is working with the Department of Local Government Finance regarding the petition against the County’s Bridge Fund to schedule a hearing in late April, or early May.

PUBLIC COMMENT

No public input was given.

ADJOURNMENT

With no further business to come before the board **Kurt Garner moved, second by Mike Delp, to adjourn the meeting at 10:51 am. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST:

Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
MAY 7, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 8:30 a.m., Monday, May 7, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President and Mike Delp, member; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Jason Peters, Highway Supervisor, presented a road cut from Marshall County REMC on 12B Road, between Elm Road and Fir Road, in Bourbon Township to bore electric line under the road for REMC electric upgrade at the west property line of 4647 12B Road. **Kurt Garner moved, second by Mike Delp, to approve the road cut from Marshall County REMC on 12B Road, between Elm Road and Fir Road, in Bourbon Township to bore electric line under the road for REMC electric upgrade at the west property line of 4647 12B Road.** Motion carried 3-0.

Mr. Peters presented a road cut from Glenn Woodward on Filbert Road, between 6th Road and 7th Road, in German Township, approximately 150 feet north of 6508 Filbert Road to install field tile. **Mike Delp moved, second by Kurt Garner, to approve the road cut from Glenn Woodward on Filbert Road, between 6th Road and 7th Road, in German Township approximately 150 feet north of 6508 Filbert Road to install field tile.** Motion carried 3-0.

Mr. Peters provided a progress report stating that all of the roads listed in the revised 2018 Road Plan have been reclaimed; they are in the process of spraying calcium; followed by the prime coat process; chip and seal should start in June. The Commissioners requested that the highway crew know and communicate the road plan when approached by the public. Mr. Peters provided a USI Consultants Progress Report from Brandon Arnold, PE, USI Project Manager for Bridge #73 – King Road over Yellow River (DES No. 1600931). Discussion was held concerning the meeting with NIPSCO and PAR last week regarding the damage to County roads and the repair costs. NIPSCO offered \$100,000 but the Commissioners did not think that was enough to cover the damages. Commissioner Delp stated that NIPSCO spent \$3 million on 100,000 ton of stone and the \$50,000 bond was not enough to cover the costs. Commissioner Overmyer stated that other counties were also collecting \$50,000 bonds because the project was initially only for an approach not building a road. A Proposal Agreement was presented between USI Consultants, Inc. and Marshall County for a Marshall County Road Asset Management Plan which is a Countywide Road Asset Management Plan in accordance with INDOT and LTAP requirements, in support of long term road planning, in an amount not to exceed \$10,000. Commissioner Garner explained that USI also does our bridge planning and the road plan will be based on data from MACOG, LTAP and Marshall County Highway Department including AADT, PASER Ratings, and different types of treatment costs factors. **Kurt Garner moved, second by Mike Delp, to authorize the President of the Board of Commissioners, after final review by the County Attorney, to endorse the Agreement between USI Consultants, Inc. and Marshall**

County for the Marshall County Road Asset Management Plan in an amount not to exceed \$10,000. Motion carried 3-0.

Aaron Schattl, 18969 Underwood Road, Culver, Indiana stated that he was initially concerned because he had not been contacted concerning the road work on Underwood Road and that a Highway road crew employee stated that Underwood Road was not on the list for repair. Mr. Schattl requested confirmation that Underwood Road was on the list of roads to be repaired. The Commissioners confirmed that Underwood Road would be repaired.

DLZ INDIANA, LLC

Zach Dean, Civil Engineer, and Laurie Johnson, PE, provided a Bridge #81 Progress Update as follows: Grand River Construction (GRC) finished removal of Spans B & C and Pier 3; Production piles for Pier 3 were completed on April 13, 2018; Due to weekend rain events April 14-15, the water levels flooded the cofferdam delaying the concrete pour for Pier 3 by three (3) days; Friday, April 20th a “water boil” was discovered adjacent to Pile #8 (east edge) of Pier 3. To equalize pressure, the cofferdam was flooded to river level. A geotechnical recommendation for repair was given on May 1, 2018. Mr. Peters stated that Hickory Road has been reclaimed to 2B, which may tie into the DLZ contract to pave the rest of the road and wanted to publicly thank Grand River Construction for the use of their pump to drain water and the City of Plymouth for allowing use of a 500' hose.

COMMUNITY CORRECTIONS ADVISORY BOARD

Director Ward Byers explained that Sandy Rivers submitted her resignation from the Community Corrections Advisory Board as the victim advocate last month and is requesting that Sharon Dotta, be appointed to fulfill the unexpired term through December 31, 2019. **Mike Delp moved, second by Kurt Garner, to appoint Sharon Dotta to the Community Corrections Advisory Board to fill the unexpired term of Sandy Rivers through December 31, 2019. Motion carried 3-0.**

Mr. Byers stated that it is National Correctional Officers and Employees Week and wanted to publicly thank his staff and the Jail staff for their hard work.

COMMUNITY CORRECTIONS

The Honorable Judge Dean Colvin submitted a written request for permission to allow Christie Johnson of the Drug & Alcohol Program to travel to Lexington, Kentucky from May 14 – 17, 2018 to attend Prime for Life Certified Training and further requested permission for her to take a County leased vehicle assigned to Community Corrections. Director Ward Byers explained the need for the request in detail. **Kurt Garner moved, second by Mike Delp, to allow Christie Johnson to travel out of state to attend the Prime for Life Certified Training in Lexington, Kentucky from May 14 – 17, 2018 and to allow Ms. Johnson to take a County leased vehicle assigned to Community Corrections. Motion carried 3-0.**

EMERGENCY MANAGEMENT AGENCY

Director Clyde Avery was pleased to announce that Marshall County has been one of three counties awarded for flood damage and are eligible for both individual assistance and public assistance. Mr. Avery is looking for a location to hold public assistance briefing. Mr. Avery explained that it was a group effort to gather the numbers for submission. The Commissioners thanked Mr. Avery for his efforts during the flooding and period of recovery.

RECORDER

Recorder Marlene Mahler stated that the Recorder's Office has been e-filing for the past seven months and last month she, the Auditor, Assessor and staff members traveled to Howard County to view the DocRouter process and how it impacted each office, explaining that everyone in attendance was satisfied that it would work in Marshall County. Ms. Mahler presented the DocRouter contract to allow the electronic filing and transfer of documents between the offices, further explaining that there is no cost to the County and that IT Director Michael Marshall has confirmed that the software is compatible with our current system. Ms. Mahler explained that they would like to begin using the software June 1st but there are some behind the scenes items that need to be completed first. Commissioner Overmyer requested that this be calendared for next year to review the renewal. Auditor Fox expressed her gratitude toward the current Recorder, explaining that Ms. Mahler has put a lot of effort into project which will allow each office to immediately review the documents, explaining that documents may be processed within a day. Ms. Mahler stated that 18 percent of their documents are currently e-recorded. **Kurt Garner moved, second by Mike Delp, to enter into the EPN for DocRouter Software Agreement on behalf of the Recorder allowing the President Overmyer to sign the document. Motion carried 3-0.**

Ms. Mahler presented Bulk User Agreement, explaining that Black Knight has held the Bulk User Agreement for the past two years, the contract is due for renewal and she would like to enter into a new agreement with FIDLAR Technologies who will keep the discs and do the watermarks for three cents per copy. If the Bulk User Agreement is approved, then Ordinance 2018-07 would need to be enacted. In order to watermark our images, Ordinance 2018-08 would need to be enacted. In order to add the watermark, the County would need to purchase a watermarking program from FIDLAR Technologies. Attorney Clevenger explained that only bulk user documents will be watermarked. **Mike Delp moved, second by Kurt Garner, to approve the Bulk User Contract on behalf of the Marshall County Recorder's Office. Motion carried 3-0.**

Kurt Garner moved, second by Mike Delp, to adopt Ordinance 2018-07: An Ordinance of the Marshall County Board of Commissioners Establishing the Manner and Form in which the Recorder May Provide Bulk Form Copies to a Bulk User. Motion carried 3-0.

Kurt Garner moved, second by Mike Delp, to suspend the rules and pass on second and third readings Ordinance 2018-07: An Ordinance of the Marshall County Board of Commissioners Establishing the Manner and Form in which the Recorder May Provide Bulk Form Copies to a Bulk User. Motion carried 3-0.

Mike Delp moved, second by Kurt Garner, to adopt Ordinance 2018-08: An Ordinance of the Marshall County Board of Commissioners Requiring the Recorder of Marshall County, Indiana, to Watermark Bulk Form Copies along with Exhibit A and Schedule G. Motion carried 3-0.

Mike Delp moved, second by Kurt Garner, to suspend the rules and pass on second and third readings Ordinance 2018-08: An Ordinance of the Marshall County Board of Commissioners Requiring the Recorder of Marshall County, Indiana, to Watermark Bulk Form Copies along with Exhibit A and Schedule G. Motion carried 3-0.

Recorder Mahler thanked the Commissioners, Auditor, Attorney Clevenger and media for supporting her during her eight year term as Recorder.

CLERK

Clerk Deb VanDeMark requested permission for unpaid time off for an employee to attend a son's graduation ceremony from Air Force Basic Military Training from June 6 – 8, 2018. **Mike Delp moved, second by Kurt Garner, to allow an employee unpaid time off to attend a son's graduation ceremony from Air Force Basic Military Training from June 6 – 8, 2018. Motion carried 3-0.**

PROSECUTOR

Prosecutor Nelson Chipman explained that employees arriving at the County Building prior to 8:00 a.m. are unable to enter the building from the south entrance and is requesting that the exterior south doors be unlocked to allow employees into the foyer. **Kurt Garner moved, second by Mike Delp, to allow the south exterior door of the County Building be unlocked to allow entrance into the foyer and the interior doors remain locked. Motion carried 3-0.**

SHERIFF

Sheriff Matt Hassel requested a road closure on Saturday, June 16th from 9:00 – 11:00 a.m. for the Bremen Kiwanis Kids Triathlon 2018 explaining the county roads to be closed are Elm, south of the city limits to 3rd Road and 3rd Road between Elm and Woodies Lane. The Bremen Police Department will handle all traffic control. **Kurt Garner moved, second by Mike Delp, to approve the road closure for the Bremen Kiwanis Kids Triathlon 2018 from 9:00 – 11:00 a.m. on Elm Road and 3rd Road. Motion carried 3-0.**

ATTORNEY REPORT

Old Business:

Cumulative Bridge Fund: Attorney Clevenger stated the Auditor received a remonstrance and the Department of Local Government Finance has scheduled a hearing. Auditor Fox explained that the Department of Local Government Finance will hold a hearing on the petition and provide notice to the first ten (10) taxpayers whose names appear on the petition. The public hearing has been scheduled for Wednesday, May 9, 2018 at 11:00 a.m. at the Marshall County Building, Commissioners Room 203. At this hearing, the DLGF will accept written and verbal testimony from interested persons. Following the hearing a determination will be rendered on the petition. Attorney Clevenger recommended that a Commissioner attend the hearing.

IV-D Consulting Services: Marshall County has contracted with Maximus for years for consulting services related to support and administration of Federal and State programs and the recovery of funds due to the County. The current contract ends in 2018 and the proposed contract is for three years at \$5,200 per year or a total of \$15,600. Dossett Consulting was present a few meetings ago and the proposed contract terms are almost identical to Maximus except the fee per year is \$4,500 per year. Both contracts allow for a one (1) year term or a three (3) year term.

Speed Limit Ordinance: Ordinance 2018-09 is ready for consideration.

ORDINANCE 2018-09
AN ORDINANCE AMENDING ORDINANCE NO. 2002-01
CONCERNING SPEED LIMIT ON VETERAN'S PARKWAY
EAST AND WEST OF THE LINDEN ROAD INTERSECTION.

Ordinance 2018-09; An Ordinance Amending Ordinance No. 2002-01 Concerning Speed Limit on Veteran's Parkway East and West of the Linden Road Intersection was presented for approval amending Subsection 3.d. "In which thirty (30) miles per hour is the maximum vehicular speed limits are designated, is hereby amended so as to add a new subsection 3d. (35) which would read as follows: 3. d(35) Veteran's Parkway from 650 feet west of the intersection of Linden Road to 1020 feet east of said intersection." **Mike Delp moved, second by Kurt Garner, to approve Ordinance 2018-09: An Ordinance Amending Ordinance No. 2002-01 Concerning Speed Limit on Veteran's Parkway East and West of the Linden Road Intersection on first reading. Motion carried 3-0.**

David's Courage: Mr. Erickson, on behalf of David's Courage, signed the Contract for the Transfer of Shady Rest. The Auditor has the original signed document.

4-H Fairgrounds Multi-Purpose Building: The County has been awarded an OCRA grant in the amount of \$500,000 to help construct a new community multi-purpose building on the fairgrounds. Attorney Clevenger has been working with the grant administrator and the 4-H Board. The County will own the building for at least seven (7) years the way this was set-up. We are working on revising the sub-recipient agreement and a lease between the 4-H Association and the County. There will be more information to follow.

New Business:

Marshall County Recorder: The Recorder has presented three (3) agreements and two (2) Ordinances, proposing related enhancements and updates in her services for her office. Attorney Clevenger has reviewed and discussed at length with the Recorder. Attorney Clevenger would prefer the agreements provide more protection to the County but the terms are typical for the type of contract proposed. The Recorder's remedy is termination. The Ordinances were drafted by the State Recorder Association and one was based on new legislation that went into effect March 15, 2018.

Council on Aging: Jackie Wright plans to attend the May 21st meeting with her annual request for the County to act as the pass-through governmental unit for her Federal Highway grants for transportation services provided through her agency.

AUDITOR REPORT

April 16, 2018 minutes: Submitted for approval. **Mike Delp moved, second by Kurt Garner, to approve the Commissioner minutes of April 16, 2018. Motion carried 3-0.**

May claims: **Kurt Garner moved, second by Mike Delp, to approve the May claims as presented. Motion carried 3-0.**

Congressional Interest Form 2018: **Kurt Garner moved, second by Mike Delp, to approve the Congressional Interest Form 2018 reflecting the fund balance of \$21,222.93.**
Motion carried 3-0.

COMMISSIONER ITEMS

Commissioner Garner explained that the beginning of 2015 there was an OCRA grant requested by Tippecanoe Township that was not pursued and was recently contacted by Jennifer Vanderburg and Matt Pitney who are interested in pursuing the grant again using Marshall County as the pass through. This is a two-step process, the income survey would first be completed and paid for by Tippecanoe Township, and a ten percent County match of \$3,000 could possibly be paid using a portion of the Economic Development line.

Commissioner Delp stated that 12th Road has been addressed with the property owner and it was determined that the road would not be reclaimed.

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Mike Delp moved, second by Kurt Garner, to adjourn the meeting at 9:52 am. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST: _____
Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
MAY 21, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 9:46 a.m., Monday, May 21, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President and Mike Delp; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Commissioner Overmyer explained that at the prior meeting a road bore was presented and signed, but not formally approved. **Kurt Garner moved, second by Mike Delp, to approve the road bore from NIPSCO on 5th Road, between Elm Road and State Road 331, to install a gas main. Motion carried 3-0.**

Mr. Peters presented a road bore from Century Link on Underwood Road, between 4B Road and Marshall-Starke County Line, in Polk Township, to place buried telephone cable and a right-of-way cut on Olive Trail, between State Road 17 and Glenn Overmyer Drive, to install fiber optic cable for Trinity Health. **Kurt Garner moved, second by Mike Delp, to approve the road bore from Century Link on Underwood Road, between 4B Road and Marshall-Starke County Line, in Polk Township, to place buried telephone cable and a right-of-way cut on Olive Trail, between State Road 17 and Glenn Overmyer Drive, to install fiber optic cable for Trinity Health. Motion carried 3-0.**

Mr. Peters presented a road bore and right-of-way cut from NIPSCO on Elm Road, between 4th Street and Tyler Road, to install a gas main. **Mike Delp moved, second by Kurt Garner, to approve the road bore and right-of-way cut from NIPSCO on Elm Road, between 4th Street and Tyler Road, to install a gas main. Motion carried 3-0.**

Mr. Peters presented the Annual Operational Report for Local Road & Streets, State Form 54400, for the Year Ended 2017. **Mike Delp moved, second by Kurt Garner, to accept the Annual Report for Local Road & Streets, State Form 54400, for the Year Ended 2017 as submitted by Highway Supervisor. Motion carried 3-0.**

Mr. Peters presented the Indiana Department of Transportation – County Bridge Inspection Contract, EDS No. A249-18-L180079, DES No. 1592161, CFDA No. 20.205 between Indiana Department of Transportation and Marshall County for the Countywide Bridge Inspection and Inventory Program for Cycle Years 2018-2021. Attorney Clevenger will review the contract. **Kurt Garner moved, second by Mike Delp, to table the County Bridge Inspection Contract until the June 4th meeting. Motion carried 3-0.**

Mr. Peters provided an update on the road projects.

MARSHALL COUNTY ECONOMIC DEVELOPMENT CORPORATION

Jerry Chavez, President and CEO, presented the 2017 Annual Report stating that MCEDC is celebrating 10 years of business highlighting the Regional Cities Projects, Workforce Development Program, Stellar Designation, and the unveiling of the Argos Manufacturing Center on June 6th at 11:00 a.m.

Discussion was held regarding the need for diversity on the Marshall County Economic Development Corporation Board.

OLDER ADULT SERVICES

Kurt Garner moved, second by Mike Delp, to open the public hearing for capital equipment. Motion carried 3-0.

Jackie Wright, Director of Older Adult Services, explained that Older Adult Services is applying through INDOT for a replacement vehicle requiring a public hearing; further stating the grant requires an 80/20 split and that the match has been secured. The vehicle cost is \$53,000 and they are applying to INDOT for \$42,400.

Kurt Garner moved, second by Mike Delp, to close the public hearing for capital equipment. Motion carried 3-0.

Kurt Garner moved, second by Mike Delp, to grant permission to Jackie Wright, Older Adult Services of Marshall County to apply for the grant. Motion carried 3-0.

OLDER ADULT SERVICES

Jackie Wright, Director of Older Adult Services, presented Resolution 2018-9: Authorizing Filing of an Application for a Grant under Section 5311 of the Federal Transit Act, as Amended, which authorizes the Council on Aging to file an application on behalf of Marshall County with INDOT to aid in the financing of transit assistance projects in the sum of \$182,444; further stating that the match has been secured. Discussion was held concerning the need for Public Transportation and how Older Adult Services meets the requirement under the Comprehensive Plans. It was requested that Ms. Wright appear at the June 4th meeting to provide a 2017 Annual Report. **Kurt Garner moved, second by Mike Delp, to pass Resolution 2018-9: Authorizing Filing of an Application for a Grant under Section 5311 of the Federal Transit Act, as Amended, which authorizes the Council on Aging to file an application on behalf of Marshall County with INDOT to aid in the financing of transit assistance projects in the sum of \$182,444. Motion carried 3-0.**

TELAMON ENERGY CORP.

Bruce Breeden presented a LED & Solar Power Analysis summarizing lighting projects with estimated costs, rebates, and annual energy savings for each County building along with the potential for solar options. Mr. Breeden explained that Telamon Energy Corporation would oversee the bidding and installation process. Discussion was held concerning consideration of the light bulb project in the 2019 budget.

SOLSMART - MACOG

Ralph Booker, Plan Commission Director and Leah Thill, Environmental Planner of MACOG presented a Letter of Support to the International City/County Management Association and The Solar Foundation to be signed by the President of the Board of Commissioners which states Marshall County's commitment to become a SolSmart-designated community with the support from the Michiana Area Council of Governments (MACOG). **Kurt Garner moved, second by Mike Delp, to allow the President of the Board of Commissioners to sign the Letter of Support to the International City/County Management Association and The Solar Foundation stating our commitment to become a SolSmart-designated community with support from MACOG. Motion carried 3-0.**

SHERIFF

Sheriff Matt Hassel explained that the Drug Task Force is in need of confidential funds and requested approval of pre-payment in the sum of \$5,000 to the Marshall County Prosecutor from the DEA Forfeiture Fund. **Kurt Garner moved, second by Mike Delp, to approve the pre-payment request of \$5,000 from the DEA Forfeiture Fund to the Marshall County Prosecutor. Motion carried 3-0.**

Sheriff Hassel stated that the deputies from local departments have served as Seasonal Deputies for Lake Patrol in prior years, but have most recently used Marshall County employees. Sheriff Hassel explained that medical examinations are required for hiring new officers and requested permission to suspend the rule for deputies working marine patrol as they have already met the medical requirement through their employer. **Mike Delp moved, second by Kurt Garner, to waive the medical requirement when hiring Lake Patrol Season Deputies, serving from Memorial Day to Labor Day, because they have already received the medical requirement through their employer. Motion carried 3-0.**

President Overmyer excused himself from the meeting at this time.

IP VIDEO SURVEILLANCE

Sheriff Hassel presented two estimates for the upgrade to IP video surveillance stating there is an add-on for a camera in Superior Court I and II courtrooms. Vermillion Systems, Inc. presented an estimate in the sum of \$36,900.25 and Cottage Watchmen in the sum of \$49,660. Sheriff Hassel explained that \$130,000 has been budgeted for this purpose and offered to use some of the excess funds available for security window film on the Annex Building in the sum of \$3,200 and automatic door locks for the Clerk's office in the sum of \$6,476, if Council will allow. **Kurt Garner moved, second by Mike Delp, to approve the contract with Vermillion Systems, Inc. in the sum of \$36,900.25. Motion carried 2-0.**

ATTORNEY REPORT

Old Business:

Cum Bridge Fund: The Department of Local Government Finance (DLGF) conducted a hearing on May 9, 2018 in the Commissioners Room. Auditor Fox, Commissioner Overmyer, Councilperson Van Vactor and Phil Beer of USI presented on behalf of the proposal. Included with the remarks was the USI near term written report and plan related to reconstruction, rehab, and maintenance of bridges in Marshall County. The remonstrators did not attend and no other

person spoke for or against. The hearing officer explained that a remonstrator may submit a written objection to the hearing officer within seven days of this hearing and that the results of the County cum bridge rate request and the hearing prompted by the remonstrance would be forthcoming soon from the DLGF.

ORDINANCE 2018-09
AN ORDINANCE AMENDING ORDINANCE NO. 2002-01
CONCERNING SPEED LIMIT ON VETERAN'S PARKWAY
EAST AND WEST OF THE LINDEN ROAD INTERSECTION.

Ordinance 2018-09: An Ordinance Amending Ordinance No. 2002-01 Concerning Speed Limit on Veteran's Parkway East and West of the Linden Road Intersection was presented for approval amending Subsection 3.d. "In which thirty (30) miles per hour is the maximum vehicular speed limits are designated, is hereby amended so as to add a new subsection 3.d.(35) which would read as follows: 3.d.(35) Veteran's Parkway from 650 feet west of the intersection of Linden Road to 1020 feet east of said intersection." **Mike Delp moved, second by Kurt Garner, to approve Ordinance 2018-09: An Ordinance Amending Ordinance No. 2002-01 Concerning Speed Limit on Veteran's Parkway East and West of the Linden Road Intersection on second reading.** Motion carried 2-0.

Mike Delp moved, second by Kurt Garner, to approve Ordinance 2018-09: An Ordinance Amending Ordinance No. 2002-01 Concerning Speed Limit on Veteran's Parkway East and West of the Linden Road Intersection on third reading. Motion carried 2-0.

New Business:

OCRA Grant for 4H Multi-Purpose Building: The contract has been signed and the project is progressing.

Jail Building Corporation: The annual meeting will be held on June 5th at 11:30 a.m. in the Commissioners Room 203.

AUDITOR REPORT

May 7, 2018 minutes: Submitted for approval. **Mike Delp moved, second by Kurt Garner, to approve the Commissioner minutes of May 7, 2018.** Motion carried 2-0.

May mid-month claims: **Mike Delp moved, second by Kurt Garner, to approve the May mid-month claims as presented.** Motion carried 2-0.

COMMISSIONER ITEMS

Marshall County Forest: Commissioner Delp stated that he was contacted concerning the condition of the Forest trails due to use of four-wheelers and motocross bikes. Discussion was held concerning the need for signs and/or ordinance limiting use. The Commissioners requested direction from Attorney Clevenger and to include Millpond Woods.

Oak Crest Subdivision: Commissioner Delp stated that he received a petition from concerned property owners of Oak Crest Subdivision requesting that the roads be repaved. The petition has been submitted to Auditor Fox. Commissioner Delp stated that the individual who submitted the

request received notification that repaving would not happen this year, but may be considered next year.

PUBLIC COMMENT

No public input.

ADJOURNMENT

With no further business to come before the board **Mike Delp moved, second by Kurt Garner, to adjourn the meeting at 11:10 am. Motion carried 2-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST:

Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
JUNE 4, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 6:00 p.m., Monday, June 4, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President and Mike Delp, member; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Jason Peters, Highway Supervisor, presented a road cut from Marshall County Fiber LLC, on King Road, between US 30 and 11th Road, and on Del-Lo-Me Lane, between King Road and Lincoln Highway, in Center Township, to install fiber optic cable. **Kurt Garner moved, second by Mike Delp, to approve the road cut from Marshall County Fiber LLC, on King Road, between US 30 and 11th Road, and on Del-Lo-Me Lane, between King Road and Lincoln Highway, in Center Township, to install fiber optic cable. Motion carried 3-0.**

Mr. Peters presented the Indiana Department of Transportation Bridge Inspection Contract, EDS No. A249-18-L180079, DES No. 1592161, CFDA No. 20.205 for the Countywide Bridge Inspection and Inventory Program for Cycle Years 2018-2021 for signature. The maximum Federal share of eligible costs is \$247,765.26, equal to 80% of the eligible Project costs of \$309,706.58.

Mr. Peters stated that a Detailed Damage Inspection Report has been submitted to determine if additional funding is available due to the flooding; project and road updates were also provided.

Auditor Fox informed the Board that no motion was made at the prior meeting to approve the contract between Marshall County and Indiana Department of Transportation. Attorney Clevenger having reviewed the contract and found to be in order. **Kurt Garner moved, second by Mike Delp, to approve the contract between Marshall County and the Indiana Department of Transportation (INDOT) for County Bridge Inspection Contract. Motion carried 3-0.**

Jonathon Leist, Town Manager, and Tracy Fox, on behalf of the Town of Culver, thanked the Commissioners for partnering with Town of Culver on the Culver Stellar Project by providing an in-kind contribution of paving a pathway. Examples of the positive feedback from the community were provided.

Don Fox, 301 North Shore Lane, Culver, stated that the students, family and staff of Culver Academies are pleased with the project as it has exceeded all expectations.

Ginny Monroe, 618 Academy Road, Culver, wanted to thank the Highway crew stating "It was a job well done".

BOYS & GIRLS

Representatives of the Boys & Girls Club of Plymouth and Bremen were unable to attend this meeting and have been rescheduled to attend the July 2, 2018 meeting.

COUNCIL ON AGING

Jackie Wright, Executive Director, provided an overview of the Council on Aging stating that the need for public transportation is growing and explained that they are actively attempting to raise funds.

MARC EADS

Marc Eads, 10448 Pretty Lake Trail, Plymouth, Indiana, explained that he has placed a bioswale in the right-of-way and the vegetation has been mowed by the Highway Department. The bioswale is designed to concentrate or remove debris and pollution out of surface runoff water. Mr. Eads requested that he be treated fairly and have the opportunity to keep the plants in place. Commissioner Delp stated that it is a matter of safety and the height of the plants are a concern.

Michele Holloway, 10377 Pretty Lake Trail, stated that she drives and walks past Mr. Eads home and does not have a problem navigating with the plants alongside the road.

Michelle Martin, 10123 Pretty Lake Trail, stated that having the bioswale has slowed traffic down and serves a purpose.

Larry Holloway, 10733 Pretty Lake Trail, stated that Mr. Eads takes great pride in the plants and has been an improvement on the curve. Mr. Holloway voiced his support for keeping the plants, stating that if the plants weren't there the ditch would be full of leaves and trash.

Commissioner Overmyer stated that they have a similar situation with farmers planting crops to the edge of the road and the crops are also mowed. Commissioner Overmyer stated that the plants should be kept at a height of three feet. Mr. Eads stated that he could stay within the three-foot range.

ATTORNEY REPORT

Old Business:

Highway-County Bridge Inspection Contract: Attorney Clevenger reviewed the INDOT County Bridge Inspection Contract. The version is updated from the last contract but contains all of the typical provisions of this kind of contract when the INDOT funds are federal funds. The County may engage a qualified consultant (USI) to perform the inspections that are required. INDOT will contribute a maximum of \$247,765.26 or 80% of the project costs. The contract runs through October 31, 2022. It sets out the procedure for receiving payment and includes the general provisions that require audits, compliance with all federal and state rules and regulations. Noting that the revised version includes additional language concerning compliance with the State's ethical rules by both County representatives and our consultant as an entity that has a business relationship with the State. The contract requires signature by all three Commissioners and attested by the Auditor.

County Forest and Mill Pond Forest: Attorney Clevenger is preparing an ordinance concerning prohibiting motorized vehicles in the two County owned forests.

New Business:

Sheriff-Ordinance to collect a fee for downloading electronic data: An ordinance has been drafted and provided to the Sheriff for review.

Tax Sale 2017: A tax sale property buyer is now trying to invalidate a tax sale purchase. Attorney Clevenger is working with SRI, our tax sale consultant, concerning a position and response.

David Joseph Nies Roades Tort Claim: An untimely tort claim has been referred to our carrier. The notice was originally sent to Judge Bowen claiming wrongful incarceration.

AUDITOR REPORT

May 21, 2018 minutes: Submitted for approval. **Mike Delp moved, second by Kurt Garner, to approve the Commissioner minutes of May 21, 2018. Motion carried 3-0.**

June claims: **Kurt Garner moved, second by Mike Delp, to approve the June claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

Bremen Public Library Board: Alison Mayer tendered her resignation from the Bremen Library Board effective May 22, 2018 with her term set to expire on July 9, 2021. **Kurt Garner moved, second by Mike Delp, to appoint Kim Meyer to the Bremen Public Library Board for the balance of Alison Mayer's four-year term ending July 9, 2021. Motion carried 3-0.**

DLZ

Zach Dean, DLZ provided an update on Marshall County Bridge 81 as follows: Grand River Construction (GRC) poured Pier 3, Bent 4 and set Span C box beams; GRC graded and placed riprap at Bent 4; GRC mobilized equipment to the south side of the bridge; GRC completed the cofferdam for Pier 2 and excavated material in preparation for piles. The upcoming schedule is as follows: Test Pile for Pier 2 on June 4, 2018 and production piles on June 5, 2018; Pier 2 concrete pour on June 8th or 9th, 2018; Test Pile for Bent 1 on June 11, 2018 and production piles on June 12, 2018; Pier 2 pier cap and Bent 1 concrete pour on June 14th or 15th, 2018; Set Span A and Span B box beams on June 18, 2018.

Commissioner Delp explained that a Conditional Offer of Employment has been extended to Ty Adley for the Plan Commission Director position.

Commissioner Delp explained that they have been negotiating with NIPSCO and PAR and are not happy with their offer of \$130,000. An executive session will be held Monday, June 11th at 8:30 a.m. at Attorney Clevenger's office.

Commissioner Garner explained that a letter of resignation has been received from Dan Voreis from the Drainage Board and Plan Commission Board. Discussion was held concerning naming an appointment in an upcoming meeting.

Attorney Clevenger invited the Commissioners to the Marshall County Holding Corporation Board meeting tomorrow, June 5, 2018 at 11:30 a.m. in the Commissioners Room 203.

Commissioner Overmyer presented the board members with a tally of Jason Peters hours worked year-to-date for their review.

PUBLIC COMMENT

Mike Leda, 1332 Union Road, Walkerton, requested that the Commissioners continue to hold evening meetings allowing those who work the first shift the opportunity to attend.

ADJOURNMENT

With no further business to come before the board **Mike Delp moved, second by Kurt Garner, to adjourn the meeting at 7:04 p.m. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST:

Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
JUNE 18, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 9:30 a.m., Monday, June 18, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President and Mike Delp, member; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HUMANE SOCIETY

Director, Nancy Cox and Vice President, Aldona Martin provided a detailed analysis of the 940 handled animals in 2017 and the 372 animals handled this year to date. Ms. Cox stated that they would like to re-evaluate implementing a barking ordinance as the violation fees would help fund the Humane Society. Ms. Cox further explained that in the year 2021 Indiana law will require that the animals are spayed and neutered prior to leaving the facility. The Humane Society did apply for and has recently been awarded a grant to help with new cages. Ms. Cox expressed her appreciation for the support provided by the County.

HIGHWAY DEPARTMENT

Jason Peters, Highway Supervisor, presented a letter addressed to Indiana Department of Transportation Greenfield District requesting that Purchase Order 0018803902 for DES No. 1382094, Countywide Bridge Inspection and Inventory Program Cycle Years 2014-2017, be closed for signature by the President of the Board of Commissioners. **Kurt Garner moved, second by Mike Delp, to authorize the President of the Board sign the letter addressed to Indiana Department of Transportation Greenfield District regarding DES# 1382094, Countywide Bridge Inspection and Inventory Program Cycle Years 2014-2017.**
Motion carried 3-0.

Mr. Peters provided a financial statement for the buggy plates sold. Mr. Peters explained that they are looking for ways to streamline the process of issuing buggy plates for Lake City Bank.

Mr. Peters presented a road bore from BSM Groups for Mediacom on Michigan Road, between 15th Road and 16th Road in Walnut Township, for the purpose of providing service to 15124 N. Michigan Road. **Mike Delp moved, second by Kurt Garner, to approve the road cut from BSM Groups for Mediacom, on Michigan Road, between 15th Road and 16th Road in Walnut Township, for the purpose of providing service to 15124 N. Michigan Road.**
Motion carried 3-0.

Mr. Peters presented a road bore from Frontier Communications on 8th Road, between Cedar Road and Chestnut Road in Bourbon Township, for the purpose of a Telecom service drop to restore service to customer at 2037 8th Road. **Kurt Garner moved, second by Mike Delp, to approve the road bore from Frontier Communications on 8th Road, between Cedar Road and Chestnut Road in Bourbon Township, for the purpose of a Telecom service drop to restore service to customer at 2037 8th Road.** **Motion carried 3-0.**

Mr. Peters presented a road bore from NIPSCO on King Road, between 7th Road and Plymouth-Goshen Trail in Center Township, to install a gas main extension. **Mike Delp moved, second by Kurt Garner, to approve the road bore from NIPSCO on King Road, between 7th Road and Plymouth-Goshen Trail in Center Township, to install a gas main extension.** Motion carried 3-0.

Mr. Peters presented a progress report on various road projects and FEMA.

MARSHALL-STARKE DEVELOPMENT CENTER

Chief Executive Officer Jodie Smith and Mike Roahrig provided an explanation of the programs offered to the residents, the volunteer hours donated by their residents and an explanation of the funding sources with appreciation expressed for the savings the County has allowed by the use of purchasing fuel for their vehicles.

BOYS & GIRLS CLUB OF CULVER

Board of Directors Member Allen Loehr provided a PowerPoint presentation highlighting the Mission Statement, programming for academic success, good character and citizenship and healthy lifestyles. Mr. Loehr stated that there are 358 members, aged kindergarten through 6th grade, averaging 96 in daily attendance. The program is impacting home school families, hearing impaired and Down syndrome children.

PLAN COMMISSION

Director Ralph Booker provided a PowerPoint presentation detailing the request for vacation of Anderson Plat in Rolling Meadow Subdivision with Findings of Fact and Ordinance 2018-10; An Ordinance Vacating the Easement for Ingress and Egress for the Rolling Meadow Subdivision First Addition, Recorded at 1984-10260, to be now known as Lot 21 of Rolling Meadow Subdivision First Addition by Lloyd and Theresa Anderson. Mr. Booker stated the Marshall County Plan Commission reviewed the petition on May 24, 2018 and gave a favorable recommendation and the Board of County Commissioners did give legal notice and will conduct a public meeting today. **Kurt Garner moved, second by Mike Delp, to open the public hearing for Ordinance 2018-10: An Ordinance Vacating the Easement for Ingress and Egress for the Rolling Meadow Subdivision First Addition, Recorded at 1984-10260, to be now known as Lot 21 of Rolling Meadow Subdivision First Addition.** Motion carried 3-0.

No public input was heard.

Mike Delp moved, second by Kurt Garner, to close the public hearing for Ordinance 2018-10: An Ordinance Vacating the Easement for Ingress and Egress for the Rolling Meadow Subdivision First Addition, Recorded at 1984-10260, to be now known as Lot 21 of Rolling Meadow Subdivision First Addition. Motion carried 3-0.

Kurt Garner moved, second by Mike Delp, to approve Ordinance 2018-10: An Ordinance Vacating the Easement for Ingress and Egress for the Rolling Meadow Subdivision First Addition, Recorded at 1984-10260, to be now known as Lot 21 of Rolling Meadow Subdivision First Addition on first reading. Motion carried 3-0.

Mike Delp moved, second by Kurt Garner, to suspend the rules and pass Ordinance 2018-10: An Ordinance Vacating the Easement for Ingress and Egress for the Rolling Meadow

Subdivision First Addition, Recorded at 1984-10260, to be now known as Lot 21 of Rolling Meadow Subdivision First Addition on second and third reading. Motion carried 3-0.

Commissioner Garner thanked Mr. Booker for his valuable years of service.

BOYS & GIRLS CLUB OF PLYMOUTH AND BREMEN

Vice President Gina Howell was unable to attend today's meeting; however, President Art Jacobs will be present at the July 2nd meeting.

HEALTH DEPARTMENT

Administrator Christine Stinson and Health Educator/Emergency Preparedness Coordinator Theresa Budd requested permission to apply for the Emergency Preparedness Grant from the Indiana State Department of Health explaining this is a federal reimbursable grant fund for a portion of the salary for the Health Educator/Emergency Preparedness Coordinator in the sum of \$16,085, who is responsible to ensure the Marshall County Health Department's emergency response plans are accurate and up to date. **Kurt Garner moved, second by Mike Delp, to allow the Health Department to apply for the Emergency Preparedness Grant in the sum of \$16,085. Motion carried 3-0.**

Commissioner Garner thanked Ms. Stinson and the Health Department for their efforts and help during the flood recovery.

SAFETY COMMITTEE

Chairman of the Safety Committee Mike Delp explained that IPEP, our Workers' Compensation carrier, provides for a safety/training incentive up to 80% of the purchase price for safety equipment or safety programs which will reduce or limit worker's compensation exposure. Further explaining that Surveyor Craig Cultice would like to purchase three high visibility jackets in the total sum of \$296.85. Grant recipients will be announced by August 31, 2018 and funds will be distributed in January, 2019. **Kurt Garner moved, second by Mike Delp, to allow the Safety Committee to apply for the IPEP Grant Program for three high visibility safety jackets in the sum of \$296.85. Motion carried 3-0.**

ATTORNEY REPORT

Old Business:

Ordinance 2018-11: An Ordinance Regulating Off-Road Vehicles in the County Forest and in the Mill Pond Forest: A draft ordinance regulating off-road vehicles in the County Forest and the Mill Pond Forest has been sent to the Commissioners for review.

Sheriff-Ordinance to collect a fee for downloading electronic data: A draft ordinance to establish fees for electronic data provided by the Sheriff's Department. The Sheriff indicated that the draft was what he wanted.

Following discussion, both Ordinances will be heard at the July 2, 2018 meeting.

Tax Sale 2017: A tax sale property buyer is now trying to invalidate a tax sale purchase. With the help of SRI, Attorney Clevenger will file a response on this matter and anticipates the court will schedule a hearing.

Holl V Marshall County: GIE counsel, Lisa Baron, informed Attorney Clevenger that Judge Simon of Federal Court granted the motion to dismiss, which was filed on behalf of Marshall County and the City of Plymouth. Since the Plaintiff is pro se, the Court permitted the Plaintiff 30 days to revise and amend the original complaint. The Plaintiff may revise the complaint to revive the case by stating a proper claim.

New Business:

No new business to report.

AUDITOR REPORT

June 4, 2018 minutes: Submitted for approval. **Mike Delp moved, second by Kurt Garner, to approve the Commissioner minutes of June 4, 2018. Motion carried 3-0.**

June mid-month claims: **Kurt Garner moved, second by Mike Delp, to approve the June mid-month claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

Liberty Street at Lake of the Woods: Commissioner Garner explained that he has received a few telephone calls regarding the piers at the end of Liberty Street in the channel attached to County property and requested guidance on how to proceed. Following discussion it was determined that Attorney Clevenger would review the Ordinance.

Renaming of old US 31 south of US Highway 6: Commissioner Garner received a request to rename Old 31 to County Road 931. All three Commissioners were in agreement that renaming the road was not in the best interest.

PAR NIPSCO: Commissioner Delp spoke with the new representative from NIPSCO who requested information to take to his superiors for consideration of the \$350,000 requested.

National Relief Network: Commissioner Delp expressed his appreciation for the youth that came from Michigan to help clean up our community with the National Relief Network (NRN).

Highway Superintendent: Commissioner Overmyer referred to a Memo dated April 24, 2018 from Kent Irwin, Waggoner, Irwin, Scheele & Associates, regarding an Interim Highway Superintendent and requested consideration of Mr. Peters being compensated for the additional work he has assumed since Laurie Baker retired. The Commissioners agreed to discuss further at the July 2nd meeting.

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Kurt Garner moved, second by Mike Delp, to adjourn the meeting at 10:57 a.m. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST:

Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
JULY 2, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 8:30 a.m., Monday, July 2, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President and Mike Delp, member; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Jason Peters, Highway Supervisor, presented a Right of Way Cut from BSM Groups for Mediacom on 1st Road, between W. County Line Road and N. Ule Trail in Polk Township, for the purpose of providing service at 20953 1st Road. **Kurt Garner moved, second by Mike Delp, to approve the Right of Way Cut from BSM Groups for MediaCom on 1st Road, between W. County Line Road and N. Ule Trail in Polk Township, for the purpose of providing service at 20953 1st Road. Motion carried 3-0.**

Mr. Peters provided updates on Bridge 120 and Bridge 81, chip and seal progress, Carriage Hills Subdivision, Old US 31 crossover and the new mitigation site. Mr. Peters read into the record an email received from Frank Kaylor, FEMA Contractor Support, dated June 26, 2018.

Commissioner Garner requested an Executive Session be held this week to discuss the personnel matter of an Interim Superintendent.

DLZ INDIANA, LLC

Zach Dean, Civil Engineer, presented a progress update to Bridge 81: Grand River Construction (GRC) installed production piles and poured Bent 1 and Pier 2; GRC set Span A & B box beams and installed bridge deck steel; HRP Construction mobilized on site and placed borrow material on Hickory Road, north of bridge. Contract has four (4) open change orders to be processed as follows: Time extension for three (3) days due to river flooding, May 31st – June 2nd; Additional riprap to armor river banks at Pier 2 & 3; Time extension for 11 days due to water boil at Pier 3; and Culvert replacement at Sta. 109+00, north of bridge on Hickory Road. The upcoming schedule is as follows: Bridge deck pour, July 3, 2018; Raise profile of Hickory Road and grade for asphalt, south of bridge, July 3, 2018; Backfill, form, place steel, and pour bridge approach slabs, July 9 through July 12, 2018; HMA paving the week of July 16, 2018; and, Guardrail will be set around July 19, 2018. Mr. Dean explained that the Idle Equipment Rental with Grand Rental request has not been approved, but is under review.

EMERGENCY MANAGEMENT AGENCY

Director Clyde Avery presented the EMA Director's Quarterly Report (March 5, 2018 – July 1, 2018) and requested permission to allow the Blueberry Festival Security to have use of the Emergency Operations Center from August 30th through September 3rd. **Kurt Garner moved, second by Mike Delp, to approve the request to allow the Blueberry Festival Security to have use of the Emergency Operations Center from August 30th through September 3, 2018. Motion carried 3-0.**

Mr. Avery requested permission to attend the Integrated Public Safety Commission Meeting in Kosciusko County on July 11th stating there is no cost. **Mike Delp moved, second by Kurt Garner, to allow Clyde Avery to travel to Kosciusko County to attend the Integrated Public Safety Commission Meeting at no cost on July 11th. Motion carried 3-0.**

Director Avery requested permission to attend the Indiana Department of Homeland Security Regional Mission Ready Package Workshop in South Bend on July 23rd stating there is no cost. **Kurt Garner moved, second by Mike Delp, to allow Clyde Avery to travel to South Bend on July 23, 2018 to attend the Indiana Department of Homeland Security Regional Mission Ready Package Workshop at no cost. Motion carried 3-0.**

Mr. Avery requested permission to apply for the 2018 EMPG Salary Reimbursement Performance Grant through Indiana Department of Homeland Security stating this grant reimburses the County for up to 50% of the EMA Director's salary and benefits for 2018. **Mike Delp Moved, second by Kurt Garner, to allow Clyde Avery to apply for the 2018 EMPG Salary Reimbursement Performance Grant through Indiana Department of Homeland Security for reimbursement of up to 50% of the EMA Director's salary and benefits for 2018. Motion carried 3-0.**

Commissioner Overmyer stated that a contract with AT&T and FirstNet was signed last week for twenty-one (21) new iPhones at a cost of \$0.99 each. This program is designed to build, deploy and maintain a nationwide public safety broadband network for America's first responders in an effort to unify and improve communications across the United States, allowing interoperation with one another. The iPhones will be distributed to patrol officers and EMA Director. **Kurt Garner moved, second by Mike Delp, to approve the FirstNet contract with AT&T that was signed by the President of the Board of Commissioners last week for 21 iPhones for use by patrol officers and EMA Director. Motion carried 3-0.**

PLYMOUTH WESLEYAN CHURCH

Courtney Clay on behalf of the Plymouth Wesleyan Church requested permission to host the Fourth Annual Responder 5K Run on Saturday, September 15th, explaining the race route starts at the church and proceeds down Michigan Road to 12th Road, past the race track to the railroad tracks and back. The Plymouth Police, County Sheriff and Plymouth Fire Department will provide assistance. Ms. Clay stated that last year \$1,000 was donated to each department assisting and the purpose of the race is to support first responders. **Mike Delp moved, second by Kurt Garner, to allow the Plymouth Wesleyan Church to host the Fourth Annual Responder 5K Run on Saturday, September 15th. Motion carried 3-0.**

BOYS & GIRLS CLUB OF PLYMOUTH & BREMEN

President Art Jacobs was unable to attend.

BUILDING COMMISSION

Building Commissioner Chuck DeWitt provided a legislative update on SEA 393 which will require an update to the online permitting system and manual notification to first responders. Mr. DeWitt provided a copy of the ISO Report explaining that the ISO Report is a factor in determining insurance rates for our County. Further explaining that Marshall County does not have a review process for residential properties, but has done very well with Commercial

Properties. Mr. Dewitt explained that an additional full-time and part-time clerical employee will be requested during the budget process.

Mr. Dewitt explained that discussion was held at the ICC Conference regarding teaching high school students about building codes and will be working with local high schools to provide training allowing students to receive training certification in six areas.

ATTORNEY REPORT

Old Business:

Ordinance 2018-11: An Ordinance Regulating Off-Road Vehicles in the County Forest and in the Mill Pond Forest. Commissioner Delp stated that in speaking with residents, the racing activity has subsided and is willing to table the Ordinance. Discussion was held regarding posting no racing signs.

Ordinance 2018-12: An Ordinance to Establish Fees for Electronic Data from the Marshall County Sheriff's Department. **Kurt Garner moved, second by Mike Delp, to approve**

Ordinance 2018-12: An Ordinance to Establish Fees for Electronic Data from the Marshall County Sheriff's Department. Motion carried 3-0.

Kurt Garner moved, second by Mike Delp, to suspend the rules and pass Ordinance 2018-12: An Ordinance to Establish Fees for Electronic Data from the Marshall County Sheriff's Department on second and third reading. Motion carried 3-0.

Tax Sale 2017: A tax sale property buyer is trying to invalidate a tax sale purchase. With the assistance of SRI, a response has been filed to the petition. The court scheduled a hearing for July 20, 2018 at 10:00 a.m. A representative of SRI will be attending the hearing on behalf of the County.

Highway/Nisource(Par): Attorney Clevenger explained that Highway Supervisor, Jason Peters, continues to provide information to the NIPSCO representative concerning the County's claim to repair damaged roads from the electric transmission line project.

New Business:

Indiana Natural Resource Commission: Hearing to add SWLMCD boundary, therefore an email, letter and petition concerning the expansion of the area for the District south of Culver was sent to the Commissioners. The Town of Culver approved the expansion so two parcels can be connected to the SWLMCD sewer line going to the Culver Sewer Plant. The Commissioners stated that they are in support of the petition.

Opioid Litigation: Our Indianapolis counsel sent a long Fact Sheet that needs to be completed by Order of the District Judge that is presiding on the case. The form will be completed with the assistance of various County Department Heads.

AUDITOR REPORT

June 18, 2018 minutes: Submitted for approval. **Mike Delp moved, second by Kurt Garner, to approve the Commissioner minutes of June 18, 2018. Motion carried 3-0.**

July monthly claims: **Kurt Garner moved, second by Mike Delp, to approve the July monthly claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

IPEP Unemployment Claims Tracker: This is a program to assist Marshall County with unemployment claims. **Mike Delp moved, second by Kurt Garner, to approve the IPEP Unemployment Claims Tracker allowing the President of the Board of Commissioners to sign the contract. Motion carried 3-0.**

Marshall County Drainage Board: **Kurt Garner moved, second by Mike Delp, to appoint David Stults to the Marshall County Drainage Board to fulfill the unexpired term of Dan Voreis through December 31, 2018. Motion carried 3-0.**

Anthem and St. Joseph Health Systems: An agreement has been reached between Anthem and St. Joseph Health System allowing St. Joseph Health System to remain in network.

Commissioner Delp informed the Board that our Gibson account representative, Brian Kubicki, has resigned to accept a new position.

Cumulative Bridge Fund: A Final Determination was received from the Department of Local Government Finance (DLGF) in the matter of the petition objecting to the reestablishment of a cumulative bridge fund rate by Marshall County and the DLGF approved the levying of a tax in the amount of (\$0.0524) per one hundred dollars (\$100) of assessed valuation for 2018 and thereafter until the rate is reduced or rescinded.

2019 Budget Work Session: A work session has been scheduled for Monday, July 16th immediately following the Commissioner Meeting.

Commissioner Garner explained that a pipe burst in Shady Rest and our insurance carrier has agreed to a settlement of which three proposals were received for mold remediation. ServPro was the lowest estimate in the sum of \$46,805. The County does have a \$25,000 deductible a portion of which has already been met. **Mike Delp moved, second by Kurt Garner, to approve the ServPro contract in the sum of \$46,805 for mold remediation. Motion carried 3-0.**

Safety Committee/Building Security: Commissioner Mike Delp informed the Board that Sheriff Matt Hassel offered the remaining funds allocated for the upgrade to the video security system to install security window film on all three floors of the County Building and Courthouse Annex Building in the sum of \$30,000, along with automatic door locks in the Clerk and Auditor Offices. The Maintenance Department is finalizing the estimates for presentation to Council.

Highway Department generator: Commissioner Delp requested clarification for the punch list regarding the generator at the Highway Department. Commissioner Garner requested that Commissioner Delp meet with the contractor and Maintenance Department to further develop a list.

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Kurt Garner moved, second by Mike Delp, to adjourn the meeting at 9:58 a.m. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST: _____
Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
JULY 16, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 9:30 a.m., Monday, July 16, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President and Mike Delp, member; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Supervisor Jason Peters presented a road bore and right of way cut from CenturyLink on Plymouth-LaPorte Trail, between 6th Road and Swan Lake Drive in Polk Township, beginning on the northeast corner of 6th and Plymouth-LaPorte Trail boring west under Plymouth-LaPorte Trail, then continue north in the west right-of-way for approximately 500 feet, for the purpose of providing fiber service to Swan Lake. **Kurt Garner moved, second by Mike Delp, to approve the road bore and right of way cut from CenturyLink on Plymouth-LaPorte Trail, between 6th Road and Swan Lake Drive in Polk Township, beginning on the northeast corner of 6th and Plymouth-LaPorte Trail boring west under Plymouth-LaPorte Trail, then continue north in the west right-of-way for approximately 500 feet, for the purpose of providing fiber service to Swan Lake. Motion carried 3-0.**

Supervisor Peters provided the following Highway Department update: A subcontractor may be needed for tree removal at Lake of the Woods and Muckshaw Road at 11B Road; MACOG has provided road counts and information for PAR; Community Crossings Meeting is scheduled for July 25th at 9:00 a.m. in LaPort to discuss future funding projects; FEMA gathered the last of the required information, including longitude and latitude for the County; Rieth-Riley Construction Co., Inc. provided a bridge repair estimate in the sum of \$520,183 for 18 bridges; and 2018 Road Program update. Supervisor Peters stated that in order to complete projects he will be submitting an additional appropriation to Council for consideration in August. Discussion was held concerning uploading a road building video to the County website. A discussion was held regarding damages following the CenturyLink bore into tile on First Road.

MUSEUM

Executive Director Linda Rippy provided the Marshall County Museum Report dated July 9, 2018, explaining that 200 hours of Community Service was provided, upcoming programs, and that there were one hundred in attendance for Brown Bag Luncheon. Ms. Rippy expressed appreciation for allowing the replacement of the restroom floor tile and the Historical Society is working to raise funds to complete the update to the restroom.

ATTORNEY REPORT

Old Business:

Attorney Clevenger stated that there are three non-action items: Tax Sale 2017, NiSource and Holl V. Marshall County.

New Business:

Koontz Lake Conservancy District: **Kurt Garner moved, second by Mike Delp, to appoint Steve Giese to the Koontz Conservancy District. Motion carried 3-0.**

AUDITOR REPORT

July 2, 2018 Commissioner Minutes: Submitted for approval. **Mike Delp moved, second by Kurt Garner, to approve the Commissioner Minutes of July 2, 2018. Motion carried 3-0.**

July mid-month claims: **Kurt Garner moved, second by Mike Delp, to approve the July mid-month claims as presented. Motion carried 3-0.**

Midwest Time Employee Self Service (ESS) & Harris Financial Employee Self Service (ESS): Auditor Fox thanked the Commissioners for their support to move to the Employee Self Service modules with Midwest Time and Harris Financial. The Midwest Time upgrade was required to be able to add additional employees to the timeclock system. Further explaining that the Harris ESS update will require employees to create a login, which will give them access to their check history, earnings summary, detailed pay statements and W-4 withholding allowances. The employees will also be able to initiate changes to their personal information such as name, address, direct deposit and withholding allowances. The Auditor's Office will provide employees with instructions prior to going live on August 10th. Commissioner Overmyer confirmed that the Auditor's Office will continue to print and distribute Form W-2 Wage and Tax Statement.

COMMISSIONER ITEMS

Stone Excavating Invoice: An outstanding invoice is remaining. The Commissioners will be meeting later this week to discuss payment.

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Kurt Garner moved, second by Mike Delp, to adjourn the meeting at 10:18 a.m. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST:

Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
AUGUST 6, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 8:30 a.m., Monday, August 6, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President and Mike Delp, member; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Supervisor Jason Peters presented a right of way cut from American Electric Power (AEP) on Walnut Street, between West Randolph Road and Oak Road in North Township, for the purpose of crossing electrical transfer lines. **Kurt Garner moved, second by Mike Delp, to approve the right of way cut from AEP on Walnut Street, between West Randolph Road and Oak Road in North Township, for the purpose of crossing electrical transfer lines.** Motion carried 3-0.

Mr. Peters presented a road surface cut from Dilling Group, Inc. on Academy Road, between State Road 10 and Academy Road, in Union Township, for the purpose of replacing a faulty underground steam line. **Mike Delp moved, second by Kurt Garner, to approve the road surface cut from Dilling Group, Inc. on Academy Road, between State Road 10 and Academy Road, in Union Township, for the purpose of replacing a faulty underground steam line.** Motion carried 3-0.

Mr. Peters presented a right of way cross from AEP on West 1st Road, between Main Road and Oak Road, and on 2A Road, between Michigan Road and County Road 282, in North Township, for the purpose of installing electrical transfer lines. **Kurt Garner moved, second by Mike Delp, to approve the right of way cross from AEP on West 1st Road, between Main Road and Oak Road, and on 2A Road, between Michigan Road and County Road 282, in North Township, for the purpose of installing electrical transfer lines.** Motion carried 3-0.

Mr. Peters presented the Indiana Department of Transportation – County Bridge Inspection Contract, EDS No. A249-18-L180079, DES No. 1592161, CFDA No. 20.205, between Marshall County and the Indiana Department of Transportation for signature for the federal share of eligible costs in the amount of \$247,765.26, equal to 80% of the eligible project costs.

Mike Delp moved, second by Kurt Garner, to approve the Indiana Department of Transportation – County Bridge Inspection Contract between Marshall County and the Department of Transportation in the amount of \$247,765.26. Motion carried 3-0.

Mr. Peters provided a Highway Department update stating that Mid-City has been contracted to remove trees at Lake of the Woods; Community Crossings Call for Projects opens August 6th; FEMA Inspector will be reviewing incomplete projects and negotiating rates for completed projects; Agreement has been reached with NiSource in the settlement sum of \$300,000. A road program update was provided. Mr. Peters will attend the upcoming Council meeting to request an additional appropriation of \$300,000 in the Local Road & Street Fund. The bridge

inspections will begin in October and work will begin following review of the final report expected in November. Asset management was discussed, along with the October permit expiration for the culvert lining project at Lake of the Woods.

DLZ INDIANA, LLC

Zach Dean, E.I., provided an update on Bridge #81 Hickory Road: Grand River Construction (GRC) poured the bridge deck on 7/3/2018 and the concrete approach slabs on 7/13/2018; E&B Paving completed the HMA pavement on 7/19/2018; Traffic control specialists completed the striping on 8/1/2018; C-Tech started installation of bridge railing on 8/3/2018 and will complete the guardrail 8/6/2018. Project monuments will be installed today. Contract change orders for approval: (1) Time Extension Request: 3 days for river flooding May 31st – June 2nd; (2) Scope Change CO: Additional riprap to armor river banks at Pier 2 and 3 in the sum of \$7,682.33; (3) Time Extension Request: 5 days for river flooding, April 14th and 15th rain events; and, (4) Time Extension Request: 15 days due to water boil at Pier 3. Upcoming schedule: Hickory Road opened up to traffic on 08/07/2018; kick off meeting for mitigation site work is to be determined the beginning of September. Earliest date to begin work (Mitigation Site) 9/24/2018. **Mike Delp moved, second by Kurt Garner, to approve the four change orders, with additional costs to change order number two in the sum of \$7,682.33, with 80% reimbursed by the State of Indiana. Motion carried 3-0.**

BOYS & GIRLS CLUB OF MARSHALL COUNTY

Art Jacobs, President, along with Andy Purviance, Interim Executive Director, and Max Fischer stated that Billie Treber resigned and they are working with the National Boys & Girls Club for assistance in a complete evaluation of the program, including staffing, funding and community outreach. Mr. Purviance thanked the Board of Commissioners for their support explaining the purpose of Boys & Girls Club and how they help children make better choices, create teaching moments and developing character. Further stating that the Plymouth location is a state-of-the-art building and now affords them the opportunity to reach out to younger students. Their goal is to reach 200 children per day and are now at 150 children per day. The Bremen location is at the Bremen Community School which offers licensed math and language arts teachers focusing on kindergarten through third grade and will be expanding next summer to work with Pre-Kindergarten children. The Commissioners thanked the Boys & Girls Club for their efforts.

SHERIFF'S DEPARTMENT

Sheriff Matt Hassel requested approval for a pre-payment to Shade Master in the sum of \$15,670.60 for window security film for the County Building and Annex. Vermillion Security will be installing the automatic door locks in September. **Mike Delp moved, second by Kurt Garner, to approve the pre-payment to Shade Master in the sum of \$15,670.60 for the deposit for window security film for the County Building and Annex. Motion carried 3-0.**

Sheriff Hassel attended the Indiana Sheriff's Association roundtable meeting and provided a list of concerns and topics discussed, which are also concerns of the Marshall County Sheriff's Department: Daily per diem rate for housing an offender; Opioids and methamphetamine are the top two abused drugs; Statewide infrastructure to treat offenders with addiction and mental health issues; Body scanners are a must for all jails; and all Sheriff Departments are experiencing an increase in their jail population. Sheriff Hassel provided a Jail Population Average Daily Report from 2014 – 2017 and Monthly Average for 2018 explaining the reasons for the population increase: Pre-trial detainees that do not post bond; HB 1006 requiring all Level 6

felonies to serve their time in County jails; large increase in arrests for possession and/or dealing of methamphetamine; and the increase in the percentage of female inmates. It was discussed that the current jail was built ten years ago by RQAW and has a 239 bed capacity, adding an additional pod to the jail requires a feasibility study prior to construction. Sheriff Hassel explained a request to purchase a body scanner was placed in the 2019 budget, the State bid for a body scanner is \$135,000.

PLAN COMMISSION

Director Ty Adley requested permission to travel to Cincinnati, Ohio to attend the OKI Regional Conference for Planning, October 3 - 5, 2018, using a County vehicle. Mr. Adley stated that the Plan Commission has approved the travel request. **Kurt Garner moved, second by Mike Delp, to approve the out-of-state travel request by Ty Adley to attend the OKI Conference in Cincinnati, Ohio, October 3- 5, 2018 with use of County vehicle for conference travel.**

Motion carried 3-0.

PROPERTY & CASUALTY RISK MANAGEMENT CONSULTING

Mike Miley presented a Risk Management Consultant proposal, stressing it is not to take the place of the insurance broker, but to work with the insurance broker to assist in identifying potential risk exposures in contracts. The Property and Casualty Insurance and Risk Management Agreement proposes a month-to-month service agreement in the sum of \$833. Mr. Miley recommended the contract begin October 1st as the insurance renews on January 31st. Attorney Clevenger reviewed the contract and suggested modifying paragraph four to add that Mr. Miley is not a county employee and add paragraph "L" to require Mr. Miley to present quarterly updates at the Commissioner Meetings. Mr. Miley stated that his non-compete agreement with Gibson Insurance ends in 2019.

ATTORNEY REPORT

Old Business:

Tax Sale 2017: A tax sale property buyer filed a petition to invalidate a tax sale purchase. A hearing was held on July 20, 2018. The Court ruled to dismiss the petition.

Holl v Marshall County: A new reservation letter has been received since the Plaintiff amended his complaint, but does not have a claim for relief. If the Plaintiff no longer seeks compensatory damages, GIE may withdraw its defense as our carrier is not required to provide defense for actions that do not seek covered damages. Attorney Clevenger believes that our counsel will seek another dismissal. It may succeed since one of the new requests made by the Plaintiff is to refer Federal Judge Simon for emergency detention.

Sheriff / Bacewic: Numerous plaintiff theories for relief were dismissed. The assessment is that our jail staff followed Quality Correctional Control direction, so there should be no Sheriff Staff liability.

New Business:

Transfer Real Estate to City of Plymouth: Resolution 2018-10: A Resolution of the Marshall County Board of Commissioners Authorizing the Transfer of Certain Real Property to the City of Plymouth. The Resolution authorizes the transfer of real estate to the City along the Yellow River where the Drainage Board conducted river bank restoration, more commonly known as 500 E. LaPorte Street, Plymouth, Tax ID # 50-32-93-104-253.000-019. Plymouth is adopting a

like Resolution. If approved, the deed needs to be completed and sent to the City. **Kurt Garner moved, second by Mike Delp to approve Resolution 2018-10: A Resolution of the Marshall County Board of Commissioners Authorizing the Transfer of Certain Real Property to the City of Plymouth, more commonly known as 500 E. LaPorte Street, Plymouth, and to authorize the President of the Board of Commissioners to execute the Quit Claim Deed.** Motion carried 3-0.

AUDITOR REPORT

July 16, 2018 Commissioner Minutes: Submitted for approval. **Kurt Garner moved, second by Mike Delp, to approve the Commissioner Minutes of July 16, 2018. Motion carried 3-0.**

August claims: **Mike Delp moved, second by Kurt Garner, to approve the August claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

The 2019 Holiday Schedule, 2019 Pay Schedule and 2019 Meeting Schedule were presented for review and approval. The Commissioners tabled the matter until the mid-month meeting.

Petition to Reduce Traffic Speed Limit: A Petition to reduce the traffic speed limit in Maxinkuckee Village, starting at State Road 117 and 18B Road, ending at Queen Road south and including approximately half a mile on Queen Road North. The Petition was signed by residents of the village and members of the Antiquarian & Historical Society of Culver requesting the speed limit be reduced from 40 mph to 20 mph. Auditor Fox stated that all of the signatures were found to be property owners. Commissioner Garner explained that due to hills there is low visibility. Discussion was held concerning additional signage and possibly lowering the speed limit to 30 miles per hour.

Shady Rest: Commissioner Garner stated that Servpro will be finalizing the project and suggested a walk through with the new tenant.

Memorial Forest: Commissioner Delp visited the site and informed the Board that he did not see any racing activity and wanted to thank the media for getting the word out. No signage has been placed or appears to be necessary at this time.

Commissioner Room Countertop: Commissioner Delp explained the cost to repair the countertop edging and requested approval of a pre-payment to the Countertop Shoppe, Inc. in the sum of \$750, which is 50 percent of the cost to replace the countertop edging in the Commissioners' Room. **Mike Delp moved, second by Kurt Garner, to approve the pre-payment to the Countertop Shoppe, Inc. in the sum of \$750 for the repair of the countertop edging in the Commissioners' Room. Motion carried 3-0.**

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Kurt Garner moved, second by Mike Delp, to adjourn the meeting at 9:54 a.m. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST:

Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
AUGUST 20, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 9:30 a.m., Monday, August 20, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President and Mike Delp, member; County Attorney, James Clevenger and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Supervisor Jason Peters stated that the Asset Management Plan for Community Crossings has been submitted and approved by LTAP. Further providing scenarios for the Commissioners' review and direction concerning Community Crossings 2018-19 and the 2019 Road Program.

Mr. Peters presented the Indiana Department of Transportation – Local Public Agency Project Coordination Contract and LPA Consulting Contract for Bridge #120: South Upas Road over Yellow River, awarded February 16, 2018 in the sum of \$1,884,080 under DES No. 1702838 and LPA-Consulting Contract for Bridge # 87: 11th Road over Yellow River and the Indiana Department of Transportation – Local Public Agency Project Coordination Contract and LPA Consulting Contract for Bridge #87: 11th Road over Yellow River, awarded February 16, 2018 in the sum of \$1,632,320 under DES No. 1702839 for consideration. The contracts were tabled until September 4th to allow Attorney Clevenger time to review.

PLAN COMMISSION

Director Ty Adley presented a PowerPoint presentation detailing the petition made by Hensley Fabricating & Equipment Co., to amend the zoning map of Marshall County. Presenting for approval Ordinance No. 2018-14: An Ordinance to Amend the Zoning Map (Ordinance 2007-10) of the County of Marshall, Indiana, to Change the Zoning Classification of Parcel Located on the South Side of County Road 17B, Parcel Number 50-23-13-000-021.000-012, Section 13, Township 32 North, Range 3 East, Tippecanoe Township, Marshall County, Indiana from A-1, Agriculture District to I-1, Industrial District, explaining that the Marshall County Plan Commission conducted a public hearing and recommend favorably on said map amendment at its regularly scheduled meeting on July 26, 2018.

Kurt Garner moved, second by Mike Delp, to open the public hearing. Motion carried 3-0.

No comments were presented.

Kurt Garner moved, second by Mike Delp, to close the public hearing. Motion carried 3-0.

Kurt Garner moved, second by Mike Delp, to approve Ordinance 2018-14: An Ordinance to Amend the Zoning Map (Ordinance 2007-10) of the County of Marshall, Indiana, to Change the Zoning Classification of Parcel Located on the South Side of County Road 17B,

Parcel Number 50-23-13-000-021.000-012, Section 13, Township 32 North, Range 3 East, Tippecanoe Township, Marshall County, Indiana, from A-1, Agriculture District to I-1, Industrial District on first reading. Motion carried 3-0.

Mike Delp moved, second by Kurt Garner, to suspend the rules and pass Ordinance 2018-14: An Ordinance to Amend the Zoning Map (Ordinance 2007-10) of the County of Marshall, Indiana, to Change the Zoning Classification of Parcel Located on the South Side of County Road 17B, Parcel Number 50-23-13-000-021-000-012, Section 13, Township 32 North, Range 3 East, Tippecanoe Township, Marshall County, Indiana, from A-1, Agriculture District to I-1, Industrial District on second and third reading.

Motion carried 3-0.

SIGN PLACEMENT REQUEST – WAYNE LAMBERSON

Wayne E. Lamberson, 1518 Lilac Road, Plymouth, stated that he contacted Highway Supervisor Jason Peters two years ago concerning the replacement of a culvert on Lilac Road, between State Road 6 and 1B Road and Mr. Peters indicated that they would take care of the issue, but the Highway Department has not responded. Mr. Lamberson further explains that semis continue to attempt to drive down Lilac Road, which is a dead end road and requested signage be placed at the corner of State Road 6 and Lilac Road. Mr. Lamberson indicated that he also contacted Indiana Department of Transportation (INDOT) concerning the traffic issue. The Commissioners discussed the possibility of placing signs and speaking with Highway Supervisor Peters concerning the culvert.

ATTORNEY REPORT

Old Business:

Transfer of Real Estate: The City of Plymouth did pass a like resolution accepting parcel number 50-32-93-104-253.000-019 at 500 E. LaPorte Street, Plymouth. Marshall County Resolution 2018-10 and deed have been forwarded to Plymouth City Attorney Sean Surissi for completion of the transfer.

Shady Rest/David's Courage: David's Courage, Inc. is ready to take delivery of the real estate and deed for the Shady Rest property which requires a motion and signature by the Commissioners to execute the deed and sales disclosure form. **Kurt Garner moved, second by Mike Delp, to execute the Corporate Warranty Deed by Marshall County to David's Courage, Inc.**

Motion carried 3-0.

Speed Limit Amendment: Ordinance 2018-11: An Ordinance amending 2002-01 Concerning Speed Limit on 18B Road between Highway 117 and Queen Road to lower the speed to 30 mph. **Mike Delp moved, second by Kurt Garner, to approve Ordinance 2018-11: An Ordinance amending 2002-01 Concerning Speed Limit on 18B Road between Highway 117 and Queen Road to lower the speed to 30 mph on first reading. Motion carried 3-0.**

Opioid Litigation: A draft "Damages Fact Sheet" has been completed for our counsel in Indianapolis as required by the Federal Judge presiding over the multi-district litigation in order to obtain an approximate measure of the damages claimed by the cities and counties in Indiana.

New Business:

July 16, 2018 Commissioner Executive Session Minutes: Submitted for approval. **Kurt Garner moved, second by Mike Delp, to approve the Commissioner Executive Session Minutes of July 16, 2018. Motion carried 3-0.**

AUDITOR REPORT

SRI Tax Sale: The SRI Tax Sale is scheduled for October 11, 2018. The 2018 SRI Tax Sale Contract was presented for approval. **Kurt Garner moved, second by Mike Delp, to approve the 2018 SRI Tax Sale Contract. Motion carried 3-0.**

August 6, 2018 Commissioner Minutes: Submitted for approval. **Mike Delp moved, second by Kurt Garner, to approve the Commissioner Minutes of August 6, 2018. Motion carried 3-0.**

August mid-monthly claims: **Kurt Garner moved, second by Mike Delp, to approve the August mid-monthly claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

FEMA: Work performed by Heavy Equipment Response Coalition (HERC) was not considered to be eligible Category A or Category B as the efforts/activities claimed by HERC would not be considered eligible emergency work. **Kurt Garner moved, second by Mike Delp, to allow the President of the Board of Commissioners to sign the acceptance letter for withdrawal of the request for public assistance. Motion carried 3-0.**

Property & Casualty Insurance/Risk Management Agreement: A few minor changes were made to the contract. **Kurt Garner moved, second by Mike Delp, to approve the Property & Casualty Insurance and Risk Management Agreement as presented by the County Attorney. Motion carried 3-0.**

2019 Holiday Schedule: **Kurt Garner moved, second by Mike Delp, to approve the 2019 Marshall County Holiday Schedule. Motion carried 3-0.**

Commissioner Delp requested consideration of Columbus Day, Monday, October 14, 2019 be a working training day in order to accomplish all of the employee annual required training.

2019 Pay Schedule: **Kurt Garner moved, second by Mike Delp, to approve the 2019 Marshall County Pay Schedule. Motion carried 3-0.**

2019 Commissioner Meeting Schedule: **Mike Delp moved, second by Kevin Overmyer, to approve the 2019 Marshall County Commissioner Meeting Schedule. Motion carried 3-0.**

Discussion was held regarding a scheduled joint work session with Council and Commissioners next year to discuss 2020 budgets.

Telemon Corporation: Commissioner Delp indicated that he and Attorney Clevenger met with Bruce Breeding concerning the LED lighting and presented a contract for consideration.

Attorney Clevenger indicated that he did review the contract and had three comments and will confirm the changes.

PUBLIC COMMENT

Surveyor Craig Cultice informed the Commissioners that he has received an email from FEMA that they are stalled until they receive a permit for the 5C Road dump site. Commissioner Overmyer explained that permission was received from IDEM to store millings. Commissioner Garner requested clarification of the request whether it was due to vegetative debris or the need for an environmental impact referencing Section 106. Mr. Peters indicated that it is an approved site for contractors to dump millings on 5C Road under IDEM Permit No. R3849-8A and the studies have been completed. Commissioner Overmyer stated that he would contact IDEM.

The Commissioners requested Highway Supervisor Jason Peters to follow-up with Wayne Lamberson concerning his request earlier in the meeting and John Moore of Sunshine Salvage, Lilac Road, concerning the impact of sign placement on his business.

ADJOURNMENT

With no further business to come before the board **Mike Delp moved, second by Kurt Garner, to adjourn the meeting at 10:45 a.m. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST: _____
Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
SEPTEMBER 4, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 8:30 a.m., Tuesday, September 4, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President; Mike Delp, member; and County Auditor, Julie A. Fox. County Attorney, James Clevenger was not present. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Supervisor Jason Peters presented a road bore from DM Excavating, LLC on 3A Road, between Plymouth-Goshen Trail and East Shore Road, in German Township, for the purpose of connecting to the Lake of the Woods sewer. **Kurt Garner moved, second by Mike Delp, to approve the road bore from DM Excavating, LLC on 3A Road, between Plymouth-Goshen Trail and East Shore Road, in German Township, for the purpose of connecting to the Lake of Woods sewer. Motion carried 3-0.**

Mr. Peters provided an update, stating Community Crossings has been submitted to LTAP and MACOG; presented a paving projects report; and stated that the dam outlet pipe project at Lake of the Woods will be completed soon.

Mr. Peters presented the Indiana Department of Transportation – Local Public Agency Project Coordination Contract for DES No. 1702838, A project for bridge replacement, other construction, for Bridge #120 on South Upas Road over Yellow River, in the sum of \$225,680.80 and Indiana Department of Transportation – Local Public Agency Project Coordination Contract for Des No. 1702839, A signing project for bridge replacement, other construction, for Bridge #87 on 11th Road over Yellow River, in the sum of \$229,960.80; explaining that these are federal awards at an 80% match. Commissioner Overmyer indicated that he spoke to Attorney Clevenger, who has reviewed the contracts and did not see an issue. **Kurt Garner moved, second by Mike Delp, to approve the Local Public Agency Project Coordination Contracts between Marshall County and Indiana Department of Transportation for DES No. 1702838, Bridge #120 on South Upas Road over Yellow River, and DES No. 1702839, Bridge #87 on 11th Road over Yellow River. Motion carried 3-0.**

Ben Beer, USI Consultant, explained that the LPA Consulting Contracts between Marshall County and USI presented for DES No. 1702838, Bridge #120 on South Upas Road over Yellow River, in the sum of \$282,101.00, and DES No. 1702839, Bridge #87 on 11th road over Yellow River, in the sum of \$287,451.00, are to approve the engineering contract and as the projects progress, there will be three different POs issued in contract. **Kurt Garner moved, second by Mike Delp, to approve the LPA Consulting contracts between Marshall County and USI Consultants, Inc. for DES No. 1702838, Bridge #120 on South Upas Road over Yellow River, and DES No. 1702839, Bridge #87 on 11th Road over Yellow River. Motion carried 3-0.**

Jonathan Leist, Culver Town Manager, presented Resolution 2018-11: Resolution Authorizing a Bicycle and Pedestrian Trail on Academy Road for Commissioner approval. The Resolution states that the Board of Commissioners recognize the value of bicycle and pedestrian facilities throughout Marshall County and agree to provide access to the unincorporated road right-of-way of Academy Road to the Town of Culver for the construction of a trail if grant funds are awarded by OCRA under the Stellar Communities Program. **Mike Delp moved, second by Kurt Garner, to approve Resolution 2018-11: Resolution Authorizing a Bicycle and Pedestrian Trail on Academy Road. Motion carried 3-0.**

Commissioner Overmyer reminded Mr. Peters that as part of the agreement with the Community Resource Center, the Marshall County Commissioners and Council approved an in-kind contribution of a parking lot and the project still needs to be completed.

DLZ INDIANA, LLC

Zach Dean, E.I., provided an update on Bridge #81 Hickory Road: Grand River Construction (GRC) has completed work at Bridge #81 on Hickory Road; Hickory Road was opened to traffic on August 7, 2018; and Preliminary walk through at Bridge #81 was held on August 28, 2018. Following is the upcoming schedule: Field Office will be removed on September 6, 2018; Kick off meeting for Mitigation Site is scheduled for September 12, 2018 at 1:00 p.m. with the earliest date to begin work (Mitigation Site) is September 24, 2018, Intermediate Complete Date (Mitigation Site) is November 16, 2018 and Contract Completion Date is September 20, 2019.

STEELE BENEFITS

Tori Stull, 1st Deputy/Human Resources Administrator, presented a request to contract with Steele Benefits to provide a no-cost employee benefits administration platform, explaining that new hires, life events and terminations are all processed within the system allowing eligibility rules to apply automatically and eliminates the need for paper. The program reduces manual entry by connecting our benefits administration system with our internal payroll system and carrier sites to feed information automatically. We will have the ability to upload personalized presentation materials for open enrollment and post important resources securely for employee access. Steele Benefits will provide a one-on-one meeting with every employee at open enrollment to review the benefits, assist in setting up individual login and making enrollment elections. A Client Services Agreement, Business Associate Agreement, Statement of Work and Letter of Authorization were presented for review and approval. **Kurt Garner moved, second by Mike Delp, to approve the contract with Steele Benefits to provide a no-cost employee benefit administration platform. Motion carried 3-0.**

HEALTH DEPARTMENT

Administrator Christine Stinson and Pete Sabo, AK Industries, explained that on August 24, 2018 Governor Eric Holcomb proclaimed September 18th – 22nd, 2018 as SepticSmart Week. Ms. Stinson presented a Proclamation to proclaim the week of September 17-21, 2018 as SepticSmart Week explaining that the Health Department will kick off the SepticSmart initiative at the Farmers Market on September 15th and will be hosting an open house where residents can meet with the Health Department and vendors. **Kurt Garner moved, second by Mike Delp, to adopt the Proclamation declaring the week of September 17-21, 2018 as SepticSmart Week. Motion carried 3-0.**

SHERIFF'S DEPARTMENT

Sheriff Hassel presented three quotes for body scanners from two companies: Command Sourcing in the sum of \$138,000, Romaine Companies for a dual view body security screening system in the sum of \$192,250 and Romaine Companies for a single view full body security screening system in the sum of \$124,500. Sheriff Hassel stated that the Romaine Companies estimate of \$124,500 would require an additional purchase for x-ray protective gear and recommended the B-scan, which includes a door and does not require additional protective gear, with a four-year warranty for \$138,000. Explaining the unit will be placed in the initial intake room and only individuals being housed in the Marshall County Jail would be scanned. Sheriff Hassel will seek an additional appropriation from Council upon approval of the contract by the Commissioners. **Kurt Garner moved, second by Mike Delp, to support the Sheriff in purchasing the Command Sourcing B-scan in the sum of \$138,000 with a four-year warranty in the sum of \$20,000, the total sum in the amount of \$158,000.**

Motion carried 3-0.

AUDITOR REPORT

August 20, 2018 Commissioner Minutes: Submitted for approval. **Mike Delp moved, second by Kurt Garner, to approve the Commissioner Minutes of August 20, 2018.**

Motion carried 3-0.

September claims: **Kurt Garner moved, second by Mike Delp, to approve the September claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

State Board of Accounts: Exit interview will be held at 1:00 p.m. today.

Council Budget Work Session: Council will hold a 2019 Budget Work Session today at 2:00 p.m.

Speed Limit Amendment: Ordinance 2018-11: An Ordinance amending 2002-01 Concerning Speed Limit on 18B Road between Highway 117 and Queen Road to lower the speed to 30 mph. **Kurt Garner moved, second by Mike Delp, to approve Ordinance 2018-11: An Ordinance amending 2002-01 Concerning Speed Limit on 18B Road between Highway 117 and Queen Road to lower the speed to 30 mph on second reading. Motion carried 3-0.**

OCRA County Crossroads Regional Stellar Initiative: **Mike Delp moved, second by Kurt Garner, to execute a letter in support of the Marshall County Crossroads Regional Stellar initiative to the Indiana Office of Community and Rural Affairs, Stellar Communities. Motion carried 3-0.**

Courthouse Tower Restoration: Commissioner Garner explained that a Committee has formed which includes Doug Masterson, Jim Masterson, Linda Rippy, Judge Curt Palmer and himself for the purpose of restoring the Courthouse tower. The Committee would like to apply for a \$50,000 federal grant with a 50/50 match and the deadline to submit is October 5th with awards being made next spring. Construction would be planned for 2020, the 150th anniversary from when construction started on the Courthouse and construction would be completed by 2021/2022, the 150th anniversary of its completion. Commissioner Garner stated that work needs to be completed in order to maintain the Historic Preservation Status.

**Mike Delp moved, second by Kurt Garner, to allow the County to apply for the Historic Preservation Fund federal grant to restore the clock tower at the Courthouse.
Motion carried 3-0.**

Generator Contract: Commissioner Overmyer presented an Amendment to the Service Agreement between All Aspects Electric, LLC and Marshall County to extend the term of the contract by three additional years to include 2018, 2019 and 2020 for four generators located at the Courthouse, County Building, Jail and EMA Building. Discussion was held to include the generator at the Health Department as part of the agreement. Tabled until the September 17, 2018 Commissioner meeting.

LED Lighting - Telemón Corporation: Discussion was held concerning the LED lighting project. A decision will need to be reached by the Commissioners at the October meeting so that Telemón can proceed with applying for the rebate offered by NIPSCO.

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Kurt Garner moved, second by Mike Delp, to adjourn the meeting at 9:32 a.m. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST:

Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
SEPTEMBER 17, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 9:30 a.m., Monday, September 17, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President; Mike Delp, member; County Attorney, James Clevenger and County Auditor 1st Deputy, Tori Stull. County Auditor, Julie A. Fox was not present. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Supervisor Jason Peters presented a road bore from BSM Groups for Mediacom on Airport Road, between Michigan Road and 15th Road, approximately 0.16 miles south of 15th Road on Michigan Road, starting on the west side of Michigan boring under Michigan Road to building at 15124 Michigan Road, in Center Township, for the purpose of providing fiber service at 201 Airport Road. Discussion was held that the location cannot be correct. **Kurt Garner moved, second by Mike Delp, to approve the road bore from BSM Groups for Mediacom following location clarification by Highway Supervisor. Motion carried 3-0.**

Mr. Peters presented a right-of-way cut from United Telephone Co., Inc. dba CenturyLink on Iris Road, between US 30 West and 9B Road, in Center Township, for the purpose of placing fiber optic cable to Greenmark Equipment. **Kurt Garner moved, second by Mike Delp, to approve the right-of-way cut from United Telephone Co., Inc. dba CenturyLink on Iris Road, between US 30 West and 9B Road, in Center Township, for the purpose of placing fiber optic cable to Greenmark Equipment. Motion carried 3-0.**

Mr. Peters presented a road bore and right-of-way cut from Frontier Communications on East County Line Road, between 6th Road and 5B Road, in German Township, for the purpose of providing service to customer at 11594 N 1100 W. **Mike Delp moved, second by Kurt Garner, to approve the road bore and right-of-way cut from Frontier Communications on East County Line Road, between 6th Road and 5B Road, in German Township, for the purpose of providing service to customer at 11594 N 1100 W. Motion carried 3-0.**

Mr. Peters presented a right-of-way cut from Frontier Communications on East County Line Road, between 5B Road and 4B Road, in German Township, for the purpose of providing service to customer at 11594 N 1100 W. **Mike Delp moved, second by Kurt Garner, to approve the right-of-way cut from Frontier Communications on East County Line Road, between 5B Road and 4B Road, in German Township, for the purpose of providing service to customer at 11594 N 1100 W. Motion carried 3-0.**

Mr. Peters provided a traffic count for 18B Road, an update on the dam outlet pipe project at Lake of the Woods and paving projects and stated that the crew will be hauling 7,000 ton of millings off of US 31.

Mr. Peters presented the revised Agreement between Marshall County Highway Department and Wayne Houin to rent three (3) acres at the northwest corner of Wayne Houin farm and along the

PAR right of way, off Jarrah Road, in the sum of \$200 per acre for stone storage. **Mike Delp moved, second by Kurt Garner, to approve the Agreement between Marshall County Highway Department and Wayne Houin to rent three (3) acres in the sum of \$200 per acre. Motion carried 3-0.**

Commissioner Garner requested a meeting be scheduled with Chris Waidner of 2B Road, the Highway Department and Commissioner to discuss the project. Commissioner Garner stated that Surveyor Cultice is not involved with the project and communication should be directed to the Highway Department.

Discussion was held concerning paving the roads within Lake Latonka Association and Attorney Clevenger is drafting a contract and charging the Association for material.

PAT WALTERS

Pat Walters, 10626 N. Fir Road, Bourbon, expressed concern that berthing was not complete on Fir Road as part of the Community Crossings project and requested that the project be completed; requested a dangerous intersection sign be placed at Fir Road and US 30, questioning if there was a standard at the State for the number of people killed in order to have a flashing red stoplight. Mr. Walters also questioned why the approach was paved on the north end of Fir Road, but not the south end and questioned why there is a stop sign at 9th Road and Fir Road. Mr. Peters indicated that the berthing does need to be finished on Fir Road and the approaches were repaved as they were originally. Discussion was also held that the State Highway would be responsible for placing flashing red light at US 30.

EMA

Director Clyde Avery presented the EMA Directors Quarterly Report (July 2, 2018 – September 16, 2018) expressing frustration with FEMA for requesting the same information by three different FEMA individuals from County departments, which said information had previously been provided. Director Avery stated that the individual assistance went well, but the public side has been difficult. Discussion was held that the focus moving forward should be on catastrophic events and not disasters. Discussion was held that it may be time to revisit the not-for-profit. The Long Term Recovery Committee was a very valuable service with the many volunteers using their own resources.

Director Avery requested permission to travel to Fort Wayne, Indiana to attend the Access and Functional Needs Preparedness Planning for Rural Communities Seminar on November 1, 2018, stating there is no cost. **Kurt Garner moved, second by Mike Delp, to allow Director Avery to travel to Fort Wayne, Indiana on November 1, 2018 to attend the Access and Functional Needs Preparedness Planning for Rural Communities Seminar. Motion carried 3-0.**

SAFETY COMMITTEE

Commissioner Delp stated that the Safety Committee has been awarded the 2019 IPEP Safety Grant in the sum of \$237.48 for the purchase of three ANSI Class 3 High Visibility Winter Jackets for the Surveyor's Office personnel and presented the Grant Agreement for execution. **Mike Delp moved, second by Kurt Garner, to allow the President of the Board of Commissioners to execute the Grant Agreement between Indiana Public Employers' Plan, Inc. (IPEP) and Marshall County. Motion carried 3-0.**

ATTORNEY REPORT

Old Business:

Jail Population: Attorney Clevenger reported that he has been in contact with the Judges, the Prosecutor, and Community Corrections concerning some of the ideas that have been discussed to reduce the jail inmate population. Attorney Clevenger is unsure if any of the suggestions will lead to a permanent resolution, but will continue to keep the Board advised of the progress of some of the suggestions.

Highway – Speed Limit Ordinance on 18B Road: The Ordinance is scheduled for final reading later in the meeting.

New Business:

Harry Parker Estate Tort Claim: We have received a tort claim notice claiming a pothole at a bridge caused the fatal accident, which has been referred to GIE and GIE has referred to an investigator. Attorney Clevenger is assisting the investigator in gathering information from the Highway Department and the Sheriff Department which includes an upcoming inspection.

AUDITOR REPORT

September 4, 2018 Commissioner Minutes: Submitted for approval. **Mike Delp moved, second by Kurt Garner, to approve the Commissioner Minutes of September 4, 2018.**
Motion carried 3-0.

September mid-month claims: **Kurt Garner moved, second by Mike Delp, to approve the September mid-month claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

Generator Contract: Discussion was held concerning whether the Health Department's agreement provides for a monthly check and replacement of batteries whereas the All Aspects contract is an annual check. Item tabled, further discussion is needed with the Maintenance Department.

LED Lighting - Telamon Corporation: Project is dependent upon funding. Item tabled until the October 15th meeting.

ORDINANCE 2018-11

ORDINANCE AMENDING ORDINANCE 2002-01 CONCERNING SPEED LIMIT ON 18B ROAD BETWEEN HIGHWAY 117 AND QUEEN ROAD

Based on the traffic count provided earlier in the meeting by Highway Supervisor Jason Peters, **Kurt Garner moved, second by Mike Delp, to pass Ordinance 2018-11: An Ordinance Amending Ordinance No. 2002-01 Concerning Speed Limit on 18B Road between Highway 117 and Queen Road on third reading.** Motion carried 3-0.

ORDINANCE 2018-18

AN ORDINANCE ADOPTING THE MARSHALL COUNTY, INDIANA TITLE VI NONDISCRIMINATION IMPLEMENTATION PLAN & POLICY

It was explained that Marshall County received notification of deficiency in our Title VI Compliance because we were missing an External Complaint Policy form and I-Speak Cards. **Kurt Garner moved, second by Mike Delp, to pass Ordinance 2018-18: An Ordinance**

Adopting the Marshall County, Indiana Title VI Nondiscrimination Implementation Plan & Policy. Motion carried 3-0.

Kurt Garner moved, second by Mike Delp, to suspend the rules and pass Ordinance 2018-18: An Ordinance Adoption the Marshall County, Indiana Title VI Nondiscrimination Implementation Plan & Policy on second and third reading. Motion carried 3-0.

Safety Committee: Commissioner Delp explained that changes to the Marshall County Safety Procedures and Emergency Protective Measures may be forthcoming following the tornado warning issued July 20th.

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Mike Delp moved, second by Kurt Garner, to adjourn the meeting at 10:38 a.m. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST: _____
Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
OCTOBER 1, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 8:30 a.m., Monday, October 1, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President; Mike Delp, member; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Supervisor Jason Peters presented a road bore from CenturyLink on Fir Road, between 3rd Road and 3B Road, in German Township, for the purpose of replacing pedestal in the southwest corner of the intersection of 3rd Road and Fir Road and to place 4" conduit for power. **Kurt Garner moved, second by Mike Delp, to approve the road bore from CenturyLink on Fir Road, between 3rd Road and 3B Road, in German Township, for the purpose of replacing pedestal in the southwest corner of the intersection of 3rd Road and Fir Road and to place 4" conduit for power. Motion carried 3-0.**

Mr. Peters presented the Community Crossings Project List as follows: Dogwood Road, US 6 to County Line, in the sum of \$433,000; 11th Road, US 31 to S. Michigan, in the sum of \$159,000; North Michigan Road, City limits to Veterans Parkway, in the sum of \$273,000; Dogwood Road, SR 331 to US 6, in the sum of \$203,000; and 9B Road, Union to County Line, in the sum of \$262,000. The total project cost is \$1,330,000 with \$997,500 being requested under the Community Crossings Grant and Marshall County's share would total \$332,500 to be appropriated from the Local Road & Street and Motor Vehicle Highway funds. The request has been submitted to INDOT for review.

Mr. Peters provided an USI update on Bridge 81 in the absence of Zach Dean, stating HRP Construction is planning to start the mitigation site on October 8th; A Recap of 2018 Highway Department projects and stated that the lining has been completed at Lake of the Woods and the gates will be reopened this morning.

Commissioner Garner met with Chris Waidner regarding the drainage and inlets on 2B Road stating Mr. Waidner has sent RFPs out to contractors.

Discussion was held concerning semis using Marshall County roads as through roads and hurting the infrastructure. Mr. Peters will contact Elkhart County regarding their policy.

PLAN COMMISSION

Director Ty Adley and Health Department Administrator Christine Stinson, jointly requested permission to form a task force for an estimated 12-18 month period to evaluate the lake water quality as it is affected by smaller lots served by onsite septic systems. The evaluation would lead to a proposal of options for the County to consider to better water quality and address the health concern of smaller lots served by onsite septic systems. The task force would be composed of members of the Commissioners, Council, Health Department Administrator, Plan

Commission, Purdue Extension Agent, Building Commissioner, Soil and Water Conservation District Representative, as well as other community members to look at the feasibility of forming a Marshall County Sewer District. Ms. Stinson explained that there will be a financial obligation and the Task Force will be reviewing feasibility. **Kurt Garner moved, second by Kevin Overmyer, to allow Mike Delp to serve on the Task Force. Motion carried 3-0.**

SHERIFF

Matt Pitney, 911 Supervisor, requested permission to apply for Next Generation 911(NG911) Equipment Grant for the replacement of a \$100,000 recording system. Further explaining this is a Federal grant, passed through the State with a 40% match requiring implementation within four years. **Kurt Garner moved, second by Mike Delp, to support the Sheriff's Department in applying for the NG911 Equipment Grant for the recording system by signing the letter in support. Motion carried 3-0.**

ATTORNEY REPORT

Old Business:

Jail Population: Discussion is continuing concerning the jail inmate population.

Lake Latonka: The draft proposal requested at the last meeting has been held for further review.

Harry Parker Estate Tort Claim: The investigation of the accident continues to be reviewed.

New Business:

Marshall County Crossroads Stellar Communities Initiative Intergovernmental Agreement. Plymouth City Attorney Sean Surrisi drew up the Intergovernmental Agreement to establish a Stellar Board to govern and oversee participation in the event Marshall County Crossroads Stellar would be awarded a Stellar designation. The Board would consist of fourteen members, two from each governmental unit in the County. The agreement is between Marshall County, The Town of Argos, the Town of Bourbon, the Town of Bremen, the Town of Culver, the Town of LaPaz and the City of Plymouth. Jerry Chavez explained that it would be in our best interest to expedite the Intergovernmental Agreement as it is part of the Grant application.

Mike Delp moved, second by Kurt Garner, to approve the Intergovernmental Agreement between Marshall County, the Town of Argos, the Town of Bourbon, the Town of Bremen, the Town of Culver, the Town of LaPaz and the City of Plymouth regarding administration of the Crossroads Stellar Initiative. Motion carried 3-0.

Invalidation of IC 8-6-7.5-1: The Indiana Supreme Court ruled last week that Federal law pre-empted the statute providing that law enforcement officers could ticket rail road trains that blocked crossings for more than ten minutes has been overturned. Indiana officers may not issue citations on the invalid State law and Sheriff Hassel has been advised.

AUDITOR REPORT

September 17, 2018 Commissioner Minutes: Submitted for approval. **Mike Delp moved, second by Kurt Garner, to approve the Commissioner Minutes of September 17, 2018. Motion carried 3-0.**

October claims: **Kurt Garner moved, second by Mike Delp, to approve the October claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

National Farmers Day: The Commissioners acknowledged that Friday, October 12th is National Farmers Day.

All-Aspects Electric: Maintenance Supervisor Gary Masterson stated that there are six generators included in the maintenance contract for the Jail, Court House, County Building, Health Department, Highway Department and EMA Building for the Sheriff's repeater. The batteries are replaced every other year beginning in 2019. **Kurt Garner moved, second by Mike Delp, to approve the three-year agreement between Marshall County and All Aspects Electric for the maintenance of the generators in the County. Motion carried 3-0.**

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Mike Delp moved, second by Kurt Garner, to adjourn the meeting at 9:30 a.m. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST:

Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
OCTOBER 15, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 8:30 a.m., Monday, October 15, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President; Mike Delp, member; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Supervisor Jason Peters presented a road surface cut from Homestead Dairy on Ironwood Road, between 12B Road and 12th/14th Road, in Center Township, for the purpose of culvert work. **Mike Delp moved, second by Kurt Garner, to approve the road cut from Homestead Dairy on Ironwood Road, between 12B Road and 12th/14th Road, in Center Township, for the purpose of culvert work. Motion carried 3-0.**

Mr. Peters provided a stone hauling and painting update. Mr. Peters explained the online auction service available for disposition of County property and future purchases through GovDelivery and has begun the RFP process for the distributor and chipper box. **Kurt Garner moved, second by Mike Delp, to allow Highway Supervisor to proceed with GovDelivery online auction services for the Chipper Box and Distributer. Motion carried 3-0.**

Mr. Peters indicated that Elkhart County stated that they do have "No Thru Truck" signs posted off of State Road 19 leading into Marshall County. The Board requested the Highway Supervisor compile a list of roads with "No thru Truck" signs and Attorney Clevenger to begin the process to create an ordinance with fines.

DOSSETT CONSULTING

Jeff Kemper presented an Agreement to Provide Professional Consulting Services between Dossett Consulting, LLC and Marshall County to assist the Auditor in preparation of the IV-D Cost Allocation Plan, which identifies the various costs incurred by the County to support and administer Federal and State IV-D Programs. The Agreement is in a sum not to exceed \$13,500 for three cost allocation plans at a cost of \$4,500 each year for year-end financial data for 2018 for use in 2020; year-end financial data for 2019 for use in 2021; year-end financial data for 2020 for use in 2022 and associated services required therein. Commissioner Overmyer explained that there was an issue with State Board of Accounts and the report prepared by our current vendor, Maximus. **Kurt Garner moved, second by Mike Delp, to approve the Agreement to Provide Professional Consulting Services between Dossett Consulting, LLC and Marshall County for a three year period effective January 1, 2019 in the total sum of \$13,500. Motion carried 3-0.**

BUSINESS INFORMATION SYSTEMS, INC.

Michael Morin provided a proposal for a software solution for the audio recording in the Commissioners Room. Mr. Morin explained that there is annual upgrade at a cost of \$350 per

year to maintain software capabilities. Discussion was held concerning adding video recording and the funding sources. Item is tabled.

PLAN COMMISSION

Director Ty Adley and Leah Thill of MACOG presented Resolution 2018-12: Resolution of the County Commissioners of Marshall County, Indiana, to Support the Submission of the MACOG Coalition Application for EPA Brownfield Assessment Grant. Ms. Thill explained that we were not awarded last year and are looking for additional project sites. **Kurt Garner moved, second by Mike Delp, to approve Resolution 2018-12: Resolution of the County Commissioners of Marshall County, Indiana, to Support the Submission of the MACOG Coalition Application for EPA Brownfield Assessment Grant. Motion carried 3-0.**

UNITED WAY

Deputy Auditor Brenda Harper requested permission to approach County employees to request contributions to United Way through payroll deduction. **Kurt Garner moved, second by Mike Delp, to allow Brenda Harper to solicit United Way contributions through payroll deduction. Motion carried 3-0.**

OLDER ADULT SERVICES

Jackie Wright presented two contracts for signature between INDOT, Marshall County Commissioners and Marshall County Council on Aging Transit: Section 5311/5339 Grant Agreements EDS #A249-19-G180394, Project #1803770C, CFDA Number 20.509 and 20.526 for a one year period, January 1, 2019 through December 31, 2019 in the total sum of \$36,000, requiring a local twenty percent match in the sum of \$2,700 for the purchase of a Low Floor Mini Van and EDS# A249-19-G180497, Project # 1803770O, CFDA # 20.509 and 20.526 for the 2019 Operating Budget with the total expenses of \$458,000 and a County local match of \$112,626. Commissioner Overmyer noted that both grants were approved earlier in the year.

Janette Surrisi and Building Commission Director Chuck DeWitt requested Dedication of Plat for Charann Thornburg. **Kurt Garner moved, second by Mike Delp, to accept the Dedication of Right-of-Way for West Shore Drive upon confirmation by the Culver Plan Commission. Motion carried 3-0.**

SHERIFF DEPARTMENT

Sheriff Matt Hassel requested permission to apply for two grants through the Drug Free Community for Dare funding and teaching materials to combat drugs. Community Corrections will use the materials to teach inmates, if awarded funding for workbooks and instructional material. **Mike Delp moved, second by Kurt Garner, to allow the Sheriff to apply for two grants through the Drug Free Community. Motion carried 3-0.**

CLERK

Clerk Deb VanDeMark requested permission to apply for the 2018 Election Security Grant, which has been approved by the Election Board and Council. Funding will be used to install four cameras and recording equipment in order to secure voting machines. Vermillion Systems provided an estimate in the sum of \$3,886.25. **Kurt Garner moved, second by Mike Delp, to approve the Clerk's request for the 2018 Election grant in the sum of \$3,886.25. Motion carried 3-0.**

ATTORNEY REPORT

Old Business:

Jail Population: The inmate population at the jail remains high. The Judges, Prosecutor, and Community Corrections have agreed to a plan that may reduce the number of pre-trial detainees and non-violent offenders sentenced to low level crimes being held in the jail.

New Business:

Harinder and Asha Palta on behalf of Rahul Palta v Marshall County Sheriff, et al: The Plaintiffs have file a complaint in federal court against several Sheriff Deputies and an Indiana State Police Officer alleging the officers used excessive force in violation of constitutional rights of their son when arresting their son on September 14, 2017 on Highway US 30. The complaint has been referred to our insurance carrier, along with a copy of a March 28, 2018 plea agreement in which the son plead guilty to Resisting Law Enforcement as a Level 6 felony.

AUDITOR REPORT

October 1, 2018 Commissioner Minutes: Submitted for approval. **Mike Delp moved, second by Kurt Garner, to approve the Commissioner Minutes of October 1, 2018.**
Motion carried 3-0.

October mid-month claims: **Kurt Garner moved, second by Mike Delp, to approve the October mid-month claims as presented. Motion carried 3-0.**

2018 Tax Sale: Auditor Fox reported the 2018 Tax Sale Results: Certified properties of 146; 62 properties offered; 33 sold properties; and 29 unsold properties. The Master Services Agreement was presented for review and approval. **Kurt Garner moved, second by Mike Delp, to approve the SRI Master Services Agreement for the Year 2018.**
Motion carried 3-0.

COMMISSIONER ITEMS

Telamon Corp.: Commissioner Delp explained that there are 2,911 bulbs that could be changed. If any bulbs have been replaced in the last ninety-days and meet the specification they may be applied for the rebate. Master Services Agreement and The Lighting Statement of Work No. 1 were presented with a total cost of \$73,502.57, estimated rebate of \$9,237 for a net cost of \$64,265.57 and an estimated annual savings of \$31,856.75. Discussion was held that funding is available this calendar year. Attorney Clevenger indicated that changes were made to the contract and Commissioner Overmyer will need to initial by those changes, if approved. **Kurt Garner moved, second by Mike Delp, to approve the Master Services Agreement between Marshall County and Telamon Enterprise Ventures, LLC with the Commissioner President to sign the contract. Motion carried 3-0.**

Culver Union Township Public Library Board of Trustees: Anton Zurbrugg submitted his resignation from the Board of Trustees of the Culver Union Township Public Library, effective October 1, 2018.

Safety Committee: Commissioner Delp reminded the Board that the courthouse will be closed tomorrow from 2:00 p.m. – 4:00 p.m. for Active Shooter Training and Stop the Bleed Presentation. Commissioner Delp explained that the Safety Committee will be reviewing the

tornado procedures for the County Building and Annex. An Amendment to the Marshall County Safety Procedures and Emergency Protective Measures will be presented at the next meeting.

Highway Department: Commissioner Garner explained that the Council removed the Highway Engineer/Director position from the 2019 Budget leaving a Supervisor role, but does not address Administration at the Highway Department. No job description describes the Administrative structure, leaving us with only half of the original structure. Council raised the Highway Supervisor's pay to reflect an Interim Superintendent's pay; however, the job description title does not align with the pay and needs to be cleaned up to reflect the structure. Commissioners will review the job description prior to the next meeting.

PUBLIC COMMENT

LAKE LATONKA

Michael Maddox, Vice President of the Lake Latonka Property Owners Association requested a list of concerns from Attorney Clevenger regarding the County work on private property of Lake Latonka. Mr. Maddox explained that the County has worked with the Association in the past, all materials and tree removal were paid by the Lake Latonka Association and have the funding in place for the current project. Attorney Clevenger explained the concern is that it is not County property and the Association is requesting a public entity to provide equipment and labor to a private entity. Mr. Maddox explained that they are willing to pay for equipment fees and labor costs and stated that he understands the Courts and the Boards concerns and does not believe they are in violation of the request as they are tax paying citizens.

Ed McDermott, Lake Latonka resident, questioned what would have to happen to allow the paving project. Attorney Clevenger indicated that the roads would have to be dedicated to the County and would no longer be a private road and the County would have to be willing to accept the dedication. Commissioner Garner explained that road repair funding is not based on property taxes, but is based on road mileage and the four miles in the Lake Latonka Association are not part of the Motor Vehicle Highway distribution as they are privately owned.

MARSHALL COUNTY ECONOMIC DEVELOPMENT CORPORATION

President Jerry Chavez presented the Marshall County Crossroads Stellar Initiative Regional Development Plan.

ADJOURNMENT

With no further business to come before the board **Kurt Garner moved, second by Mike Delp, to adjourn the meeting at 11:08 a.m. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST: _____
Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
NOVEMBER 5, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 8:30 a.m., Monday, November 5, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President; Mike Delp, member; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Supervisor Jason Peters presented a right of way cut from BSM Groups for Mediacom on Dogwood Road, between U.S. Highway 6 and State Road 331, in German Township, for the purpose of installing new pedestals in order to provide service at 1820 Dogwood Road. **Kurt Garner moved, second by Mike Delp, to approve the right of way cut from BSM Groups for Mediacom on Dogwood Road, between U.S. Highway 6 and State Road 331, in German Township, for the purpose of installing new pedestals in order to provide service at 1820 Dogwood Road. Motion carried 3-0.**

Mr. Peters presented the LPA Consulting Contract between Marshall County and USI Consultants, Inc. for Des. No. 1600931; Marshall County Right of Way Acquisition Services for Bridge #73: King Road over the Yellow River in LaPorte District. The total fee shall not exceed \$25,325 unless a modification of the Agreement is approved in writing. Discussion was held concerning whether the contract needed to be reviewed by Mike Miley as it is a State contract. **Kurt Garner moved, second by Mike Delp, to approve the LPA Consulting Contract between Marshall County and USI Consultants, Inc. for Des No. 1600931; Marshall County Right of Way Acquisition Services for Bridge #73: King Road over the Yellow River in LaPorte District in a sum not to exceed \$25,325. Motion carried 3-0.**

Highway Supervisor Mr. Peters provided the following updates: No bids were received for the 2B Road Project; the staff has completed the 2018 required training for Internal Controls, Title VI and Safety Procedures & Emergency Protective Measures; and Call for Projects will need to be submitted for Veterans Parkway by November 23rd.

Discussion was held concerning guard rail replacement and the importance of obtaining an accident report for insurance claim purposes and the use of reflective material and LED lighting on road signs.

DLZ, LLC.

Zac Dean, E.I., provided a progress update on Bridge #81 Hickory Road: Grand River Construction (GRC) completed the remaining punch list items on September 20, 2018; Partial acceptance of Bridge #91 (Des. No. 1383474) was given to GRC on October 4, 2018, except for the NOT; Wetland Mitigation (Des. No. 1700389) grading began October 15, 2018 and finished on October 26, 2018; and Seeding of the mitigation area was completed on October 27, 2018.

Following is the upcoming schedule: Slusser's is waiting for mitigation site to dry out more before plantings can be done. They are aware of the contract completion date, November 16, 2018.

MUSEUM

Director Linda Rippy presented a Museum Report stating that there have been 9,600 visitors and event attendees as of September 30th; The Museum will be highlighted in *Serving up Christmas Time* magazine again; Evolution of Technology Exhibit placed in Plymouth High School; and funds have been raised to complete updates to the facility. Ms. Rippy recognized all of the volunteers for their hard work.

ATTORNEY REPORT

Old Business:

Jail Population: The inmate population at the jail remains high, but has dropped some according to Sheriff Hassel. It is doubtful that the reduction is due to the changes initiated by the Courts and Prosecutor just a few weeks ago. The jail population should continue to be monitored.

Telamon Contract: The contract was signed at the prior meeting.

Highway Department: Working on a draft ordinance for No Thru Trucks; A list of County roads that will be covered by the ordinance will need to be provided. Discussion was held to set the fine at \$100 for the first offense.

Joseph v Sheriff: This is a case pending in federal court since 2016. The Plaintiff claimed the arresting officer injured his hand during the arrest as he was being handcuffed. The incident was recorded on the officer's video camera. The video contradicted the Plaintiff's claims. There was no evidence of a hand injury at booking or during the Plaintiff's stay at the Marshall County Jail. The Judge recently granted a Motion for Summary Judgment in favor of the officer and the Department except for one count against the Department as to whether reasonable force was used when removing the Plaintiff from his vehicle. The Judge ruled this is a question of fact to be determined by the jury. The remaining count is not one based upon federal law, but the federal judge is retaining control of the case rather than sending it back to state courts.

New Business:

BIS Digital: The submitted paperwork is more of a work order than an agreement for the purchase and installation of new audio and video equipment. The concerns stated are the requirement to pay a 50% deposit before shipment and installation of equipment with the balance to be paid upon completion of installation; Only offers a 90-day warranty; A continuing yearly license fee of \$350 is required; and, the prior approval of the company and equipment by our I.T. Department, who should also be included in the training.

Contracts Reviewed: Jail phone system with Matt Pitney and Michael Marshall; Cash management accounts of TCU for the Treasurer and Various items for the Highway Department.

BIS DIGITAL

Discussion was held regarding the upgrade of the audio system in the Commissioners Room 203. **Kurt Garner moved, second by Mike Delp, to approve the agreement with BIS Digital for**

equipment and technical upgrades to the recording system in the Commissioners Room 203 in the total sum of \$64,997.99, contingent upon contract review by Mike Miley.

Motion carried 3-0.

AUDITOR REPORT

October 15, 2018 Commissioner Minutes: Submitted for approval. **Mike Delp moved, second by Kurt Garner, to approve the Commissioner Minutes of October 15, 2018. Motion carried 3-0.**

November claims: **Kurt Garner moved, second by Mike Delp, to approve the November monthly claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

Culver-Union Township Library Board: Tabled.

Safety Procedures & Emergency Protective Measures: **Kurt Garner moved, second by Mike Delp, to approve the Amendment to Marshall County Safety Procedures and Emergency Protective Measures Appendix J: Tornado Emergency Protective Measures for the Marshall County Building, Marshall County Court House and Annex. Motion carried 3-0.**

2019 Employee Benefits Insurance Monthly Costs: **Kurt Garner moved, second by Mike Delp, to approve the 2019 Employee Benefits Insurance Monthly Costs.**
Motion carried 3-0.

Ray Reed Memorial Drive: Hershel Hunter, 9410 E 9A Road, Plymouth, stated that in 1995 a tragic accident occurred on US 30, between Oak Road and Pioneer Road, that claimed the life of Master Motor Carrier Inspector, Ralph R. Reed, Jr. Mr. Hunter explained that a number of individuals have been working on renaming that section of road to "Ray Reed Memorial Drive". Mr. Hunter thanked all of those involved in making this happen for the family. David Lattimer spoke of the respect that Ray Reed earned from the motoring public. **Mike Delp moved, second by Kurt Garner, to have Attorney Clevenger draft a letter of support designating that portion of the US 30 as Ray Reed Memorial Drive for signature. Motion carried 3-0.**

Highway Superintendent Position: Commissioner Garner referenced a letter from Kent Irwin dated June, 2018. Further stating that Council has made it clear that the County will not have a Highway Engineer, suggesting reinstatement of the Highway Superintendent position. Attorney Clevenger stated that Council was in the wrong lane and the last administrative action the Commissioners made was to have an Administrative Manager and Highway Supervisor; because there was not an Administrative Assistant, the Highway Supervisor was compensated for serving the dual role.

Stan Klotz, 1800 Dogwood Road, Bremen, requested that the Commissioners wait two months until the newly elected official is in place prior to making a determination.

Council member Lukenbill explained that Council has been discussing the process to review the job descriptions.

Commissioner Garner stated that in 2017 they attempted to move forward to advertise for an Administrative Assistant but have been thwarted and sabotaged all along the way, by virtue of pay and options. **Kurt Garner moved, second by Mike Delp, to reinstate the Highway Superintendent position using the existing job description. Motion carried 2-1, with Kevin Overmyer voting no.**

Culver Plan Commission: **Kurt Garner moved, second by Mike Delp, to appoint Daniel L. Osborn to fulfill the unexpired term of Bill Harris, ending December 31, 2021. Motion carried 3-0.**

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Kurt Garner moved, second by Mike Delp, to adjourn the meeting at 9:30 a.m. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST:

Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
NOVEMBER 19, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 9:30 a.m., Monday, November 19, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. Mike Delp, member was not present. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Supervisor Jason Peters presented a road cut from MM Drainage, Inc. on Birch Road, between 2B Road and 3rd Road, in German Township, for the purpose of replacing an existing drainage tile. **Kurt Garner moved, second by Kevin Overmyer, to approve the road cut from MM Drainage, Inc. on Birch Road, between 2B Road and 3rd Road, in German Township, for the purpose of replacing an existing drainage tile. Motion carried 2-0.**

Mr. Peters presented Indiana Department of Transportation – Local Public Agency Project Coordination Contract Supplement Number 1, EDS No. A249-18-L170116, CFDA No. 20.205, between INDOT and Marshall County. Marshall County and INDOT entered into a contract on November 13, 2017, Designation Number 1600931 for bridge replacement, other construction, for Bridge #73, carrying King Road over Yellow River. Supplement Number 1 provides for preliminary engineering and right-of-way. Federal-aid funds will be made available by INDOT to pay 80% of the eligible project costs amending the maximum amount of federal funds allocated to the project is \$265,440. **Kurt Garner moved, second by Kevin Overmyer, to approve Supplement Number 1, EDS No. A249-18-L170116, CFDA No. 20.205, between Indiana Department of Transportation and Marshall County for preliminary engineering and right-of-way for Bridge #73, King Road over the Yellow River. Motion carried 2-0.**

Mr. Peters provided an Indiana Stream and Wetland Mitigation Program (IN-SWMP) In-Lieu Fee Workflow from INDOT.

RFPs were requested for hydrostatically driven four-wheel drive self-propelled chip spreader and distributor tank. Due to the specialized nature of the equipment, only one bid was received from Southeastern Equipment Co., Inc; the only submission that was in compliance. Auditor Fox stated that Bramco responded stating they could not meet the requirements. Mr. Peters explained that an allowance was made for trade-in of the 1999 Etnyre chip spreader, but believes a greater value would be obtained by selling outright and suggested using Indiana online auction service, INGOV. Delivery of the equipment could be made by the end of April, 2019. Discussion was held that funding is budgeted within the Cumulative Capital Development Fund. **Kurt Garner moved, second by Kevin Overmyer, to approve the purchase of a new Etnyre 4WD, 11'22' variable chip box in the sum of \$313,500 and new 3,500 gallon Etnyre tank mounted on a new 2020 Peterbilt 348 manual transmission (Distributor) in the sum of \$227,800 from Southeastern Equipment Co., Inc. of Fort Wayne; the only submission that was able to meet the specifications. Motion carried 2-0.**

Mr. Peters provided the following Highway Department update: Mitigation Site update for review on Bridge #89, 13th Road over Yellow River will be presented at the next meeting; FEMA is expected to refund \$13,177.15 for debris removal, which will reimburse the Rainy Day Fund, and will begin the process on culverts; Guard rails on Michigan Road have been repaired and restitution will be sought.

SHERIFF

Sheriff Matt Hassel requested permission to apply for the Marine Patrol Assistance Grant which provides funding for Lake Maxinkuckee Marine Patrol. **Kurt Garner moved, second by Kevin Overmyer, to allow the Sheriff to apply for the Marine Patrol Assistance Grant.**

Motion carried 2-0.

Sheriff Hassel stated that he has been exploring funding options to help assist with jail costs, an Ordinance is on file which allows the collection of the booking fee as part of the fines and costs. The Ordinance is not currently utilized because if a defendant is not found guilty, we cannot charge the booking fee. The Commissioners requested that the Sheriff email the existing Ordinance to Attorney Clevenger for revision so that enforcement and collection of the booking fee may begin.

PLAN COMMISSION

Director Ty Adley and Joshua Troyer, 2022 Beech Road, Nappanee, presented a PowerPoint presentation requesting a change in the zoning classification for parcel number 50-54-33-000-001.000-005 from C-2, Highway Commercial District to A-1, Agricultural District. TRC has reviewed. Plan Commission unanimously approved the rezoning request. It was clarified that the parcel would not be split with two separate zoning areas within the same parcel. Mr. Adley presented Ordinance 2018-21 to Amend the Zoning Map (Ordinance 2007-10) of the County of Marshall, Indiana, to Change the Zoning Classification of Parcel Located on the East Side of Beech Road, Parcel Number 50-54-33-000-001.000-005, Section 33, Township 35 North, Range 4 East, German Township, Marshall County, Indiana from C-2, Highway Commercial District to A-1, Agricultural District.

Kurt Garner moved, second by Kevin Overmyer, to open the public hearing.
Motion carried 2-0.

No public comments were presented.

Kurt Garner moved, second by Kevin Overmyer, to close the public hearing.
Motion carried 2-0.

Kurt Garner moved, second by Kevin Overmyer, to approve Ordinance 2018-21 to Amend the Zoning Map (Ordinance 2007-10) of the County of Marshall, Indiana, to Change the Zoning Classification of Parcel Located on the East Side of Beech Road, Parcel Number 50-54-33-000-001.000-005, Section 33, Township 35 North, Range 4 East, German Township, Marshall County, Indiana from C-2, Highway Commercial District to A-1, Agricultural District on first reading. Motion carried 2-0.

HEALTH DEPARTMENT

Registrar Cathy Hamann requested permission to apply for the Local Health Maintenance Grant, which reimburses wages and vehicle lease in the sum of \$33,139 and to apply for the Local Health Department Trust Account Grant, which reimburses wages for nursing and the health educator in the sum of \$25,093.93. **Kurt Garner moved, second by Kevin Overmyer, to approve the request to apply for the Local Health Department Trust Account Grant and Local Health Maintenance Grant. Motion carried 2-0.**

ATTORNEY REPORT

Old Business:

No Thru Trucks Ordinance: A draft for review and comment has been sent to the Commissioners and Highway Department.

Bridge #89 (13th Road) Wetland Mitigation Monitoring Report: The report has been reviewed and there are no revisions, but would encourage Cardno to request a release from the Corps for further monitoring.

Holl v Marshall County: The Plaintiff did not file a Notice of Appeal so the case is closed based upon the Federal Courts earlier order of dismissal.

Bacewic V Sheriff / Quality Correctional Care: Our insurance carrier counsel demonstrated to a different federal court that Sheriff Personnel followed proper medical protocol and a ruling has been entered in the Sheriff Department's favor. The attorneys for Quality Correctional Care, based on the indemnification provisions of our contract, have taken defense of the case. Our Counsel's assessment is that Quality Correctional Care may eventually be successful in defending the case in favor of Quality Correctional Care. Discussion was held concerning the renewal date of the contract with Quality Correctional Care.

New Business:

No new business.

AUDITOR REPORT

November 5, 2018 Commissioner Minutes: Submitted for approval with the noted changes. **Kurt Garner moved, second by Kevin Overmyer, to approve the Commissioner Minutes of November 5, 2018 with the noted changes. Motion carried 2-0.**

Mid-month claims: **Kurt Garner moved, second by Kevin Overmyer, to approve the November mid-month claims as presented. Motion carried 2-0.**

COMMISSIONER ITEMS

Culver-Union Township Library Board: **Kurt Garner moved, second by Kevin Overmyer, to appoint Valerie Cultice to the Culver-Union Township Library Board to fill the unexpired term of Anton Zurburgg through December 31, 2020.**

AssetWorks Appraisal Proposal: The Commissioners requested Mike Miley to obtain appraisals for the County buildings.

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT

With no further business to come before the board **Kurt Garner moved, second by Kevin Overmyer, to adjourn the meeting at 10:17 a.m. Motion carried 2-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST: _____
Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
DECEMBER 3, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 8:30 a.m., Monday, December 3, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President; Mike Delp, member; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Supervisor Jason Peters presented a road bore from Marshall County REMC on West Shore Drive, from REMC pole at 4368 W. Shore Drive across to 4381 W. Shore Drive and across to 4397 W. Shore Drive, in German Township, for the purposes of installing 3" conduit to provide electric to a new home and to refeed electric to the house at 4397 W. Shore Drive.

Kurt Garner moved, second by Mike Delp, to approve the road bore from Marshall County REMC on West Shore Drive, from REMC pole at 4368 W. Shore Drive across to 4381 W. Shore Drive and across to 4397 W. Shore Drive, in German Township, for the purpose of installing 3" conduit to provide electric to a new home and to refeed electric to the house at 4397 W. Shore Drive. Motion carried 3-0.

Mr. Peters presented a Sales Order from Southeastern Equipment Co., Inc. for the purchase of a new Etnyre 4WD, 11-22" Variable Chip Box in the sum of \$313,500 and for the purchase of a new 3,500 Gallon Etnyre Distributor Tank mounted on a new 2020 Peterbilt 348 Manual Transmission in the sum of \$227,800 for signature. **Kurt Garner moved, second by Mike Delp, to allow the President of the Board of Commissioners to sign both Sales Orders from Southeastern Equipment Co., Inc. for purchase of a Chip Box and Distributor. Motion carried 3-0.**

Mr. Peters received an offer of \$60,000 from Starke County for the purchase of the current Chip Box and Distributor. Mr. Peters explained that Southeastern offered \$38,000 for both as trade-in. Attorney Clevenger indicated that a Resolution and Purchase Order will need to be prepared for signature. **Mike Delp moved, second by Kurt Garner, to allow the sale of the Chip Box and Distributor to Starke County in the total sum of \$60,000 and for a Resolution to be drawn by the County Attorney. Motion carried 3-0.**

Mr. Peters provided a road status report stating berming on Fir Road is complete, have removed water from roadway on Queen Road and are preparing for winter.

Robert Pawell, 663 N. Queen Road, Walkerton, requested that additional drainage work be done in the spring by installing a swale.

CHA

Summer Elmore, PWS Senior Environmental Scientist, CHA, provided a Project Status Report and Year Three Monitoring Report for 7th Road Extension Project, 7th Road Stream and Wetland Mitigation Site. CHA has completed the third year (of ten) of monitoring and invasive species

control for the wetland mitigation site for the 7th Road Extension project. The site is performing well, meeting all required permit success criteria except for tree survival. Unfortunately, tree survival is a common issue for mitigation site success and can be attributed to a variety of factors, including prolonged flooding, drought, predation by insects/animals, soil compaction, nutrient deficiency, timing of planting, storage, planting methodology, and plant competition. A supplemental planting should be conducted in spring 2019 to bring the site into compliance. It is proposed to have a subcontractor of CHA plant 390 trees for \$8,700 in the Spring of 2019.

DLZ INDIANA, LLC

Zach Dean, E.I., DLZ Indiana, LLC, provided a Progress Update on Bridge 81, since the last update on November 5, 2018: Slusser's completed plantings, tree protection, and mulching at the Mitigation Site on November 14, 2018; Meeting the Intermediate Completion Date (Milestone 3); Held a Pre-Final Inspection on Wednesday, November 28, 2018; Minor punch list items were noted; cut tree stumps, haul off logs still on site, and reset any fallen tree protection tubes. The upcoming schedule is as follows: Meet on site with Ryan Cassidy, US Army Corp of Engineers; Send Punch List (after meeting with USACE); Tree inspections – 75% of trees must survive two (2) growing seasons, the first around May 1, 2019 and second around September 15, 2019; Apply for N.O.T. (Notice of Termination) which requires 70% uniform vegetation growth, for both DES 138474 and DES 1700389.

EMA

Director Clyde Avery presented the EMA Director's Quarterly Report (September 17, 2018 – December 2, 2018) stating to date, FEMA has provided approximately \$350,000 in Individual Assistance directly to flood survivors in Marshall County. The Marshall County Long Term Recovery Committee is still very active and continues to provide support to flood survivors with unmet needs. There are still a number of open cases, including several residences that the construction team volunteers have been working to restore. Regarding the Public Assistance declaration, FEMA has agreed to reimburse the County \$13,177.15 for debris removal. They have not made a final determination regarding the reimbursements for other projects.

Mr. Avery requested permission to attend FEMA Individual Assistance and Public Assistance training on December 10-11, 2018 in Fulton County (no cost). **Mike Delp moved, second by Kurt Garner, to allow Clyde Avery attend the FEMA Individual Assistance and Public Assistance training in Fulton County on December 10–11, 2018. Motion carried 3-0.**

PLAN COMMISSION

Director Ty Adley presented Ordinance 2018-21 to Amend the Zoning Map (Ordinance 2007-10) of the County of Marshall, Indiana, to Change the Zoning Classification of Parcel Located on the East Side of Beech Road, Parcel Number 50-54-33-000-001.000-005, Section 33, Township 35 North, Range 4 East, German Township, Marshall County, Indiana from C-2, Highway Commercial District to A-1, Agricultural District.

Kurt Garner moved, second by Mike Delp, to approve Ordinance 2018-21 to Amend the Zoning Map (Ordinance 2007-10) of the County of Marshall, Indiana, to Change the Zoning Classification of Parcel Located on the East Side of Beech Road, Parcel Number 50-54-33-000-001.000-005, Section 33, Township 35 North, Range 4 East, German Township, Marshall County, Indiana from C-2, Highway Commercial District to A-1, Agricultural District on second reading. Motion carried 3-0.

Kurt Garner moved, second by Mike Delp, to approve Ordinance 2018-21 to Amend the Zoning Map (Ordinance 2007-10) of the County of Marshall, Indiana, to Change the Zoning Classification of Parcel Located on the East Side of Beech Road, Parcel Number 50-54-33-000-001.000-005, Section 33, Township 35 North, Range 4 East, German Township, Marshall County, Indiana from C-2, Highway Commercial District to A-1, Agricultural District on third reading. Motion carried 3-0.

JIM GRIEWANK

Jim Griewank, 16537 9th Road, Plymouth, Indiana, addressed concerns as a prospective bidder and taxpayer relating to the Telamon Energy Request for Proposal Installation of LED Lights for Marshall County Court House, County Building and Highway Building. Four electrical providers were solicited for bids and two attended a pre-bid meeting last week. Mr. Griewank does not feel that he could provide an adequate bid because of the inaccurate fixture count and dimming system; thereby anticipating multiple changes. Bids are due tomorrow at noon and contracts are to be signed on December 17th with the project to start after the first of the year. Mr. Griewank stated that there were no County representatives at the meeting last week. Maintenance Supervisor Doug Masterson stated that Telamon Energy was provided access to the buildings and he was not personally involved in any of the meetings. The Commissioners stated that any necessary change orders will be submitted to the Auditor for approval by the Board of Commissioners.

ATTORNEY REPORT

Old Business:

Highway Department: Ordinance for No Through Trucks presented. It was noted that upon approval of the Ordinance, signs will need to be posted.

ORDINANCE 2018-23; AN ORDINANCE RESTRICTING THROUGH TRUCK TRAFFIC ON COUNTY ROADS

Kurt Garner moved, second by Mike Delp, to approve Ordinance 2018-23, An Ordinance Restricting Through Truck Traffic on County Roads on first reading and to advertise for a public hearing on December 17, 2018. Motion carried 3-0.

Jail - Quality Corrections Care: The Sheriff has been in talks with Quality Correctional Care regarding a new contract for medical services at the jail. The contract terms are basically the same, but renews at a higher monthly fee. The Sheriff seemed comfortable with the increase that he is expecting. It was noted that the current contract term is from January 1, 2015 through December 31, 2018.

New Business:

Highway Bids: 2019 Material and supply bids will be opened this afternoon at 1:30 p.m.

AUDITOR REPORT

November 19, 2018 Commissioner Minutes: Submitted for approval. **Kurt Garner moved, second by Kevin Overmyer, to approve the Commissioner Minutes of November 19, 2018. Motion carried 2-0-1, with Mike Delp abstaining.**

December claims: Kurt Garner moved, second by Mike Delp, to approve the December monthly claims as presented. Motion carried 3-0.

Nepotism Policy and Contracting Disclosure Policy: Auditor Fox reported that all required forms have been returned by Elected Officials.

COMMISSIONER ITEMS

Safety Committee - 2019 Training Schedule: Commissioner Delp suggested a day be set aside for training in 2019.

Enterprise Fleet: Derek Willard, Account Manager, recommended the replacement of eight current lease vehicles with 2019 models, which would increase the annual lease payments by \$2,300, with a \$2,900 fuel savings. Further recommending the replacement of six owned vehicles with leases, which would increase the annual lease cost by \$29,418, with a \$3,200 fuel savings. The total annual lease cost would be \$74,550, with the annual fuel savings of \$6,100.

Sick Bank Board: The Sick Bank Board, Matt Hassel, Rhonda Ferguson and Mindy Relos-Penrose, have submitted the 2019 Sick Bank recommendations of each employee to donate one day to remain a member of the Sick Bank and all newly joining employees follow the established guidelines. It was noted that in 2018, 167 sick bank days were used, 22 days were collected and the year-end balance is 1,158 days.

Kurt Garner moved, second by Mike Delp, to approve the recommendation from the Marshall County Sick Bank Board, the donation of one day to remain a member of the Sick Bank and all newly joining employees follow the established guidelines.
Motion carried 3-0.

PUBLIC COMMENT

No public comment was heard.

ADJOURNMENT – MORNING SESSION

With no further business to come before the board **Kurt Garner moved, second by Mike Delp, to adjourn the meeting at 9:50 a.m. Motion carried 3-0.**

RECONVENE

Commissioner Overmyer reconvened the meeting at 1:30 p.m.

2019 HIGHWAY BIDS

The bids for 2019 materials and supplies for the Marshall County Highway Department were received and opened. The Highway Department will maintain, review and prepare a bid book which will be provided at the next Commissioner meeting. **Kurt Garner moved, second by Mike Delp, to take all bids under advisement to allow the Highway Department to review and make recommendations at the December 17th meeting. Motion carried 3-0.**

ADJOURNMENT

With no further business to come before the board **Mike Delp moved, second by Kurt Garner, to adjourn the meeting at 2:07 p.m. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST: _____
Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
DECEMBER 17, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 9:30 a.m., Monday, December 17, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President; Mike Delp, member; County Attorney, James Clevenger; and County Auditor, Julie A. Fox. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

HIGHWAY DEPARTMENT

Highway Supervisor Jason Peters presented Extra Work Authorization No. 1 from CHA for Project Number 31835, 7th Road/Marshall County Mitigation Site Monitoring, supplemental tree planting, which will be completed in early spring 2019 at a cost not to exceed \$8,700.

Kurt Garner moved, second by Mike Delp, to approve the Extra Work Authorization No. 1 between CHA Consulting, Inc. and Marshall County for Project Number 31835, 7th Road/Marshall County Mitigation Site Monitoring, supplemental tree planting at a cost not to exceed \$8,700. Motion carried 3-0.

Mr. Peters explained that the drug screen vendor, Midwest Toxicology Services, has moved to Texas from Indianapolis and twice when opening an email have obtained a computer virus from the Company; therefore, he is considering changing vendors. Mr. Peters further explained that they are not under contract and can terminate services at any time.

Mr. Peters provided the following Highway Department update: All of the 2019 bids have been received and reviewed; Information has been received regarding the second call for Community Crossings; and, The PAR material has been removed from Wayne Houin's property.

Mike Delp moved, second by Kurt Garner, to accept the Highway Department Bids with the exception of Hoosier Equipment, who did not submit a check, certified check or bid bond. Motion carried 3-0.

MIKE MILEY

Mike Miley stated that four proposals were received through Gibson Insurance to perform a full appraisal of County owned properties. Mr. Miley recommended two of the companies, American Appraisal and Industrial Appraisal Company. Four buildings located at the Highway Department were added and three memorial monuments including Chief Menomonee. An agreement with Industrial Appraisal Company was submitted in the sum of \$4,990 and includes the optional service to expand the scope of the assignment and include equipment utilizing the modeling approach in the sum of \$1,845 for a total cost of \$6,835, explaining that 60% of payment is due when the initial measurements have been completed and the balance is due upon completion of the report. Mr. Miley also recommended conducting an annual re-evaluation and maintenance service in the sum of \$300 per year, for three years. The last appraisal was completed in 2001. Attorney Clevenger will be provided a copy of the agreement for review and approval after the first of the year.

SHERIFF

Sheriff Matt Hassel and Communications Supervisor Matt Pitney explained that the jail telephone system main line has been down since December 7th with the initial problem being the power supply. Mr. Pitney has been working with IT Director Michael Marshall and County Attorney Clevenger on a new phone system with Indiana Electronics & Communications, which will be installed this week and is a one-year contract effective January 1, 2019 and the monthly cost of \$994 is lower than what is currently being paid to CenturyLink. Mr. Pitney explained that the system failure did not affect the 911 system. **Kurt Garner moved, second by Mike Delp, to approve the one-year contract with Indiana Electronics & Communications effective January 1, 2019 for providing telephone service at the Marshall County Jail. Motion carried 3-0.**

MARSHALL COUNTY BOARD OF HEALTH

Health Department Administrator Christine Stinson requested the reappointment of Craig Miller, M.D. to the Marshall County Board of Health for a four-year term effective January 1, 2019 through December 31, 2022. **Mike Delp moved, second by Kurt Garner, to reappoint Craig Miller, M. D. to the Marshall County Board of Health to a four-year term ending December 31, 2022. Motion carried 3-0.**

ATTORNEY REPORT

Old Business:

Ordinance 2018-23; An Ordinance Restricting through Truck Traffic on County Roads: The public hearing is scheduled for January 7, 2019 at 9:00 a.m.

Resolution 2018-14 - A Resolution Authorizing Commissioner to Approve the Sale of Disposed County Property: A chipper and distributor box to be sold to Starke County Highway Department in the sum of \$60,000. **Kurt Garner moved, second by Mike Delp, to approve Resolution 2018-14 - A Resolution Authorizing Commissioner to Approve the Sale of Disposed County Property. Motion carried 3-0.**

Quality Correctional Care: Will discuss the contract further with the Sheriff and have Mike Miley review.

Convicted Inmate Processing Fee Ordinance: An Ordinance to establish a convicted inmate processing fee is being reviewed by the Community Corrections Board.

Sheriff - Annual Salary Contract: **Kurt Garner moved, second by Mike Delp, to approve the Sheriff's 2019 Salary Contract in the sum of \$89,071.10 and allow the President of the Board of Commissioners to sign the contract. Motion carried 3-0.**

Township Board Matter: Several Township Board Members did not refile for their positions and have not resigned.

New Business:

No new business.

AUDITOR REPORT

December 3, 2018 Commissioner Minutes: Submitted for approval. **Mike Delp moved, second by Kurt Garner, to approve the Commissioner Minutes of December 3, 2018. Motion carried 3-0.**

December mid-month claims: **Kurt Garner moved, second by Mike Delp, to approve the December mid-month claims as presented. Motion carried 3-0.**

December Settlement: Auditor Fox reported that Settlement has been completed and distributions will be sent tomorrow.

COMMISSIONER ITEMS

Enterprise: **Kurt Garner moved, second by Mike Delp, to authorize the President of the Board of Commissioners to sign the Addendum to the Enterprise Rentals upon final review by Commissioner Delp. Motion carried 3-0.**

PUBLIC COMMENT

Telamon: Bruce Breeden provided an LED lighting project update: Two formal bids were received and rejected due to the cost; however, negotiation is in process with two independent installers. The courtroom dimmer system will continue, an electrical engineer has been contacted to determine how the dimmer lights can be replaced with LED. Mr. Breeden stated that the specifications for the project have not changed and bulb counts were based on information provided by Buildings and Grounds. Upon completion of the project, a balance bill will be provided to account for any overages or reductions. The contractor will be responsible for proper disposal.

Commissioner Overmyer and Commissioner Delp publicly thanked Commissioner Kurt Garner for his work with the Board of Commissioners and assistance on many projects.

ADJOURNMENT

With no further business to come before the board **Kurt Garner moved, second by Mike Delp, to adjourn the meeting at 10:28 a.m. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST: _____
Julie A. Fox, Auditor

**MARSHALL COUNTY
BOARD OF COMMISSIONERS
MINUTES
DECEMBER 31, 2018**

The Board of Commissioners of Marshall County, Indiana, met for a regular meeting in the Commissioner's Meeting Room 203, 112 W. Jefferson Street, Plymouth, Indiana at 8:30 a.m., Monday, December 31, 2018. Present were Commissioners, Kevin Overmyer, President; Kurt Garner, Vice President; Mike Delp, member; and, County Auditor, Julie A. Fox. County Attorney, James Clevenger was not present. The meeting was opened, the Pledge of Allegiance was given and the business at hand was heard.

AUDITOR REPORT

December 17, 2018 Commissioner Minutes: Submitted for approval. **Mike Delp moved, second by Kurt Garner, to approve the Commissioner Minutes of December 17, 2018. Motion carried 3-0.**

December year-end claims: **Kurt Garner moved, second by Mike Delp, to approve the December year-end claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

Petition for Road Improvements at Lake of the Woods: A petition was received from Lake of the Woods residents with 67 signatures; 59 are verified and eight could not be verified. The residents are requesting major work on the roads in 2019.

PUBLIC COMMENT

No public was heard.

ADJOURNMENT

With no further business to come before the board **Kurt Garner moved, second by Mike Delp, to adjourn the meeting at 8:31 a.m. Motion carried 3-0.**

Kevin Overmyer, President

Kurt Garner, Vice President

Mike Delp, Member

ATTEST: _____
Julie A. Fox, Auditor